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The Code of Federal Regulations is sold by the Superintendent of Documents.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1690

RIN 3222-AA00

Roth In-Plan Conversion; Correction

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Final rule; correction.

SUMMARY: The Federal Retirement Thrift Investment Board (FRTIB) published a final rule in the **Federal Register** on January 15, 2026, amending its regulation to permit participants in the Thrift Savings Plan (TSP) to convert amounts in their traditional TSP balances to their Roth TSP balances (91 FR 1669). This document corrects a minor, non-substantive issue in the published version, where one instance of the term “Roth initiation date” appeared rather than the term “Roth begin date.”

DATES: Effective January 28, 2026.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Jim Kaplan at (202) 864-7150. For information about how to comment on this proposed rule: Charles Stone at (202) 253-9006.

SUPPLEMENTARY INFORMATION: In FR Doc. 2026-00765 appearing on page 1669 in the **Federal Register** of Thursday, January 15, 2026, the following correction is made:

■ 1. On page 1672, in the second column, in part 1690, in amendment 8, in the definition “Roth begin date”, paragraph (2) is corrected as follows:

§ 1690.1 [Corrected]

* * * * *

Roth begin date * * *

(2) If a participant has a civilian account and a uniformed services account, the Roth begin date for both accounts will be the same.

* * * * *

Dated: January 22, 2026.

Ravindra Deo,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 2026-01450 Filed 1-23-26; 8:45 am]

BILLING CODE 6760-01-P

FARM CREDIT ADMINISTRATION

12 CFR Parts 611, 614, 620, 626, 628, and 630

RIN 3052-ZA01

Organization, Loan Policies and Operations, Disclosure to Shareholders, Nondiscrimination in Lending, Capital Adequacy of System Institutions, Disclosure to Investors

AGENCY: Farm Credit Administration

ACTION: Final rule; Technical Amendments.

SUMMARY: The Farm Credit Administration (FCA, Agency, or we) is issuing a final rule correcting citations and making other technical updates and corrections throughout its regulations.

DATES: The regulation will become effective 30 days after publication in the **Federal Register** during which either or both houses of Congress are in session. Pursuant to 12 U.S.C. 2252(c)(1), FCA will publish notification of the effective date in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Technical information: Darius Hale, Senior Policy Analyst, Office of Regulatory Policy, (703) 883-4165, TTY (703) 883-4056.

Legal information: Heather LoPresti, Senior Counsel, Office of General Counsel, (703) 883-4318, TTY (703) 883-4056.

SUPPLEMENTARY INFORMATION:

I. Background

FCA is amending 12 CFR parts 611, 614, 620, 626, 628, and 630 to update regulatory references that have been removed, revised, or are otherwise no longer valid, and to correct other technical errors. These technical corrections are non-substantive.

II. Regulation Changes

The technical updates in this final rule are outlined below:

1. Technical updates to regulations governing loan policies and operations at § 614.4200 and to

nondiscrimination in lending at §§ 626.6010, 626.6020, and 626.6025.

FCA is updating references and citations in §§ 614.4200(a)(3), 626.6010(a)(1), and 626.6020(a) to regulations issued by the Consumer Financial Protection Bureau (CFPB) that were previously issued by the Federal Reserve Board (FRB), including regulations B,¹ M,² and Z.³ Effective July 21, 2011, Section 1061 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act)⁴ transferred these regulations from the FRB to the CFPB, and the CFPB subsequently relocated these regulations in the Code of Federal Regulations.⁵ Accordingly, FCA is replacing references to the FRB with references to the CFPB and updating the regulation citations.

In addition, we are updating § 626.6010(a)(1) to reflect Regulation B's current prohibited bases for discrimination as defined in 12 CFR 1002.2(z).

In § 614.4200(c) we are making a correction to a typographical error in a citation. Section 614.4200(c) requires loan amortizations. It contains a reference to § 614.41040(a), which does not exist and should have been § 614.4040(a).

In §§ 626.6010(a)(1) and 626.6020(a), we are making grammatical corrections.

In §§ 626.6010(a)(1), 626.6020(a), and 626.6025(b), we are updating the citations to the Equal Credit Opportunity Act (ECOA) to ensure all amendments to the ECOA are encompassed. The update to § 626.6025(b) will require a minor change to the ECOA citation specified in the text of the Equal Housing Lender poster. Institutions making loans for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling or any loan secured by a dwelling must post and maintain this poster in their lobbies. To avoid the expense and effort institutions would have to expend to reprint and repost new posters to update the citation, FCA's revised regulation will allow

¹ 12 CFR part 1002, Equal Credit Opportunity Act (Regulation B).

² 12 CFR part 1013—Consumer Leasing (Regulation M).

³ 12 CFR part 1026—Truth in Lending (Regulation Z).

⁴ Dodd-Frank Act, Public Law 111-203, July 21, 2010.

⁵ See 76 FR 43569, 43570 (July 21, 2011).

System institutions to continue to use and display posters printed before March 1, 2026.

In § 626.6020(a), we are also removing the reference to 24 CFR part 109 because that part was repealed by the Department of Housing and Urban Development and was not replaced.⁶ We are leaving the reference to 24 CFR part 100 because that part was not repealed. Additionally, we are updating the reference from the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601–3631), to 42 U.S.C. 3601 *et seq.*, to be consistent with how the citation appears in other sections in part 626.

2. Technical updates to regulations governing organization at Section 611.1157(a).

FCA is correcting a mistake to a citation in 611.1157(a). Section 611.1157(a) requires a System institution to provide, in its annual report to shareholders, information on its unincorporated business entity (UBE) investment and business activity. Section 611.1157(a) references § 620.5(a)(12), which does not exist. The correct reference is § 620.5(a)(11) because that section requires banks and associations to explain their business relationships with UBEs in their annual report to shareholders.

3. Technical updates to regulations governing disclosure to shareholders at § 620.5(a)(11)(i).

FCA is correcting a mistake to a citation in § 620.5(a)(11)(i). That section requires banks and associations to disclose, in their annual reports to shareholders, their business relationships with UBEs. This paragraph contains an incorrect reference to paragraph (a)(12)(ii) of this section, which does not exist. This reference is corrected to paragraph (a)(11)(ii).

4. Technical updates to Appendix A to Part 628-Loan-to-Value Limits for High Volatility Commercial Real Estate Exposures.

FCA is correcting a mistake in the printing of part 628, Appendix A, Table A. The table, under the “Construction” category, incorrectly aligns the line items of “Improved property,” and “Owner-occupied 1- to 4-family and home equity,” as subsets. These line items are loan categories, not subsets of the “Construction” category, and they should be left justified in Table A. Additionally, in the loan-to-value limit column for category, “Owner-occupied 1- to 4-family and home equity,” footnote number two appears before the number “85.” The position of footnote

number two is incorrect and is changed to appear after the number “85.”

5. Technical updates to regulations governing disclosure to investors at § 630.4.

FCA is correcting a mistake to citations in § 630.4(a)(7) and (9). Those provisions require the Farm Credit Banks Funding Corporation to request certain information from FCA if such information is not forthcoming from a bank in accordance with paragraph “(c)” of § 630.4. However, § 630.4(c) imposes requirements on associations, not banks. Section 630.4(b) is the provision that requires banks to provide information to the Funding Corporation. We are correcting this error by replacing the references to paragraph “(c)” in § 630.4(a)(7) and (9) with references to paragraph “(b).”

III. Rulemaking Procedures

A. Notice and Comment

Public notice and comment are not required. Section 553(b)(B) of the Administrative Procedure Act⁷ provides that when an agency for good cause finds that public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. FCA has determined that good cause exists to finalize these amendments, which implement non-substantive technical corrections, updates to citation references, and updates to references to other agencies consistent with statutory changes, without public notice and comment.

B. Determinations Under Executive Order 12866 and Executive Order 14192

The Office of Management and Budget’s Office of Information and Regulatory Affairs has determined that this final rule is not a “significant regulatory action” as defined by Section 3(f) of Executive Order 12866, made applicable to FCA by Executive Order 14215. This action is an Executive Order 14192 deregulatory action.

C. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), FCA hereby certifies this final rule will not have a significant economic impact on a substantial number of small entities. Each of the banks in the System, considered together with its affiliated associations, has assets and annual income in excess of the amounts that would qualify them

as small entities. Therefore, System institutions are not “small entities” as defined in the Regulatory Flexibility Act.

D. Congressional Review Act (CRA)

Under the provisions of the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Management and Budget’s Office of Information and Regulatory Affairs has determined that this final rule is not a “major rule” as the term is defined at 5 U.S.C. 804(2).

List of Subjects

12 CFR Part 611

Agriculture, Banks, banking, Rural areas.

12 CFR Part 614

Agriculture, Banks, banking, Foreign trade, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 620

Accounting, Agriculture, Banks, banking, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 626

Advertising, Aged, Agriculture, Banks, banking, Civil rights, Credit, Fair housing, Marital status discrimination, Sex discrimination, Signs and symbols.

12 CFR 628

Accounting, Agriculture, Banks, banking, Capital, Government securities, Investments, Rural areas.

12 CFR Part 630

Accounting, Agriculture, Banks, banking, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Rural areas.

For the reasons stated in the preamble, the Farm Credit Administration amends parts 611, 614, 620, 626, 628, and 630 of chapter VI, title 12 of the Code of Federal Regulations as follows:

PART 611—ORGANIZATION

■ 1. The authority citation for part 611 is revised to read as follows:

Authority: Secs. 1.2, 1.3, 1.4, 1.5, 1.12, 1.13, 2.0, 2.1, 2.2, 2.10, 2.11, 2.12, 3.0, 3.1, 3.2, 3.3, 3.7, 3.8, 3.9, 4.3A, 4.12, 4.12A, 4.15, 4.20, 4.25, 4.26, 4.27, 4.28A, 5.9, 5.17, 5.25, 7.0–7.3, 7.6–7.13, 8.5(e) of the Farm Credit Act (12 U.S.C. 2002, 2011, 2012, 2013, 2020, 2021, 2071, 2072, 2073, 2091, 2092, 2093, 2121, 2122, 2123, 2124, 2128, 2129, 2130, 2154a, 2183, 2184, 2203, 2208, 2211, 2212, 2213, 2214, 2243, 2252, 2261, 2279a–2279a–3, 2279b–2279f–1, 2279aa–5(e)); secs. 411 and 412, Pub. L. 100–233, 101 Stat. 1568, 1638, as amended by secs. 403 and 404, Pub.

⁶ 61 FR 14378 (April 1, 1996).

⁷ 5 U.S.C. 553(b)(B).

L. 100–399, 102 Stat. 989, 999 (12 U.S.C. 2071 note and 2202 note).

§ 611.1157 [Amended]

■ 2. In § 611.1157, amend paragraph (a) by removing the reference to “§ 620.5(a)(12)” and adding in its place the reference “§ 620.5(a)(11)”.

PART 614—LOAN POLICIES AND OPERATIONS

■ 3. The authority citation for part 614 continues to read as follows:

Authority: Secs. 1.3, 1.5, 1.6, 1.7, 1.9, 1.10, 1.11, 2.0, 2.2, 2.3, 2.4, 2.10, 2.12, 2.13, 2.15, 3.0, 3.1, 3.3, 3.7, 3.8, 3.10, 3.20, 3.28, 4.12, 4.12A, 4.13B, 4.14, 4.14A, 4.14D, 4.14E, 4.18, 4.18A, 4.19, 4.25, 4.26, 4.27, 4.28, 4.36, 4.37, 5.9, 5.10, 5.17, 7.0, 7.2, 7.6, 7.8, 7.12, 7.13, 8.0, 8.5 of the Farm Credit Act (12 U.S.C. 2011, 2013, 2014, 2015, 2017, 2018, 2019, 2071, 2073, 2074, 2075, 2091, 2093, 2094, 2097, 2121, 2122, 2124, 2128, 2129, 2131, 2141, 2149, 2183, 2184, 2201, 2202, 2202a, 2202d, 2202e, 2206, 2206a, 2207, 2211, 2212, 2213, 2214, 2219a, 2219b, 2243, 2244, 2252, 2279a, 2279a–2, 2279b, 2279c–1, 2279f, 2279f–1, 2279aa, 2279aa–5); 12 U.S.C. 2121 note; 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

§ 614.4200 [Amended]

■ 4. In § 614.4200, amend paragraph (a)(3) by removing the reference to “12 CFR 202.9” and adding in its place the reference “12 CFR 1002.9”, and paragraph (c) by removing the reference to “§ 614.4104(a)” and adding in its place the reference “§ 614.4040(a)”.

PART 620—DISCLOSURE TO SHAREHOLDERS

■ 5. The authority citation for part 620 continues to read as follows:

Authority: Secs. 4.3, 4.3A, 4.19, 5.9, 5.17, 5.19 of the Farm Credit Act (12 U.S.C. 2154, 2154a, 2207, 2243, 2252, 2254); sec. 424, Pub. L. 100–233, 101 Stat. 1568, 1656 (12 U.S.C. 2252 note); sec. 514, Pub. L. 102–552, 106 Stat. 4102, 4134.

§ 620.5 [Amended]

■ 6. In § 620.5, amend paragraph (a)(11)(i) by removing the reference to “(a)(12)(ii)” and adding in its place “(a)(11)(ii)”.

PART 626—NONDISCRIMINATION IN LENDING

■ 7. The authority citation for part 626 is revised to read as follows:

Authority: Secs. 1.5, 2.2, 2.12, 3.1, 5.9, 5.17 of the Farm Credit Act (12 U.S.C. 2013, 2073, 2093, 2122, 2243, 2252); 42 U.S.C. 3601 *et seq.*; 15 U.S.C. 1691 *et seq.*; 12 CFR 1002, 24 CFR 100, 110.

■ 8. Amend § 626.6010 by revising paragraph (a)(1) to read as follows:

§ 626.6010 Nondiscrimination in applications.

(a) * * *

(1) Race, color, religion, national origin, sex, marital status, or age (provided that the applicant has the capacity to enter into a binding contract); the fact that all or part of the applicant’s income derives from any public assistance program; or the fact that the applicant has in good faith exercised any right under the Consumer Credit Protection Act or any state law upon which the Consumer Financial Protection Bureau has granted an exception, as prescribed under title VII (Equal Credit Opportunity Act) of the Consumer Credit Protection Act, as amended (15 U.S.C. 1601 *et seq.*), and the Consumer Financial Protection Bureau’s implementing regulation (12 CFR part 1002); and

* * * * *

■ 9. Amend § 626.6020 by revising paragraph (a) to read as follows:

§ 626.6020 Nondiscriminatory advertising.

(a) A Farm Credit institution that directly or through third parties engages in any form of advertising shall not use words, phrases, symbols, directions, forms, or models in such advertising which express, imply, or suggest a policy of discrimination or exclusion in violation of the provisions of title VIII (the Fair Housing Act) of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 *et seq.*); the Department of Housing and Urban Development’s implementing regulations (24 CFR part 100), and title VII (Equal Credit Opportunity Act) of the Consumer

Credit Protection Act, as amended (15 U.S.C. 1601 *et seq.*); and the Consumer Financial Protection Bureau’s implementing regulation (12 CFR part 1002), or this subpart.

* * * * *

■ 10. Amend § 626.6025 by:

■ a. Redesignating paragraph (b) as paragraph (c);

■ b. Adding new paragraph (b); and

■ c. In newly redesignated paragraph (c), removing the words “The Consumer Credit Protection Act, as amended by the Equal Credit Opportunity Act Amendments of 1976”, in the parenthetical under the undesignated heading titled “UNDER THE EQUAL CREDIT OPPORTUNITY ACT”, and adding in its place the words “Consumer Credit Protection Act, as amended (15 U.S.C. 1601 *et seq.*)”.

The addition reads as follows:

§ 626.6025 Equal housing lender poster.

* * * * *

(b) System institutions may continue to use and display posters printed before March 1, 2026.

* * * * *

PART 628—CAPITAL ADEQUACY OF SYSTEM INSTITUTIONS

■ 11. The authority citation for part 628 is revised to read as follows:

Authority: Secs. 1.5, 1.7, 1.10, 1.11, 1.12, 2.2, 2.3, 2.4, 2.5, 2.12, 3.1, 3.7, 3.11, 3.25, 4.3, 4.3A, 4.9, 4.14B, 4.25, 5.9, 5.17, 8.0, 8.3, 8.4, 8.6, 8.8, 8.10, 8.12 of the Farm Credit Act (12 U.S.C. 2013, 2015, 2018, 2019, 2020, 2073, 2074, 2075, 2076, 2093, 2122, 2128, 2132, 2146, 2154, 2154a, 2160, 2202b, 2211, 2243, 2252, 2279aa, 2279aa–3, 2279aa–4, 2279aa–6, 2279aa–8, 2279aa–10, 2279aa–12); sec. 301(a), Pub. L. 100–233, 101 Stat. 1568, 1608 as amended by sec. 301(a), Pub. L. 103–399, 102 Stat. 989, 993 (12 U.S.C. 2154 note); sec. 939A, Pub. L. 111–203, 124 Stat. 1326, 1887 (15 U.S.C. 78o–7 note).

■ 12. Amend Appendix A to part 628 by revising table A to read as follows:

Appendix A to Part 628—Loan-to-Value Limits for High Volatility Commercial Real Estate Exposures

* * * * *

TABLE A: LOAN-TO-VALUE LIMITS FOR HIGH VOLATILITY COMMERCIAL REAL ESTATE EXPOSURES

Loan category	Loan-to-value limit (percent)
Raw Land	65
Land development	75
Construction:	
Commercial, multifamily, ¹ and other non-residential	80
1- to 4-family residential	85
Improved property	85

TABLE A: LOAN-TO-VALUE LIMITS FOR HIGH VOLATILITY COMMERCIAL REAL ESTATE EXPOSURES—Continued

Loan category	Loan-to-value limit (percent)
Owner-occupied 1- to 4-family and home equity	² 85

¹ Multifamily construction includes condominiums and cooperatives.

² If a loan is covered by private mortgage insurance, the loan-to-value (LTV) may exceed 85 percent to the extent that the loan amount in excess of 85 percent is covered by the insurance. If a loan is guaranteed by Federal, State, or other governmental agencies, the LTV limit is 97 percent.

PART 630—DISCLOSURE TO INVESTORS IN SYSTEMWIDE AND CONSOLIDATED BANK DEBT OBLIGATIONS OF THE FARM CREDIT SYSTEM

■ 13. The authority citation for part 630 continues to read as follows:

Authority: Secs. 4.2, 4.9, 5.9, 5.17, 5.19 of the Farm Credit Act (12 U.S.C. 2153, 2160, 2243, 2252, 2254); sec. 424, Pub. L. 100–233, 101 Stat. 1568, 1656 (12 U.S.C. 2252 note); sec. 514, Pub. L. 102–552, 106 Stat. 4102, 4134.

§ 630.4 [Amended]

■ 14. In § 630.4, amend paragraphs (a)(7) and (9) by removing the reference to “paragraph (c)” and adding in its place a reference to “paragraph (b)”.

Dated: January 21, 2026.

Ashley Waldron,

Secretary to the Board, Farm Credit Administration.

[FR Doc. 2026–01368 Filed 1–23–26; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2025–0312]

RIN 1625–AA09

Drawbridge Operation Regulation; Inside Thorofare, Ventnor City, New Jersey

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating schedule that governs the Dorset Avenue Bridge across Inside Thorofare, mile 72.1, at Ventnor City, NJ. The final rule will allow the drawbridge to only open between the hours of 11 p.m. to 7 a.m., if at least four hours’ notice is given.

DATES: This rule is effective February 25, 2026.

ADDRESSES: To view documents mentioned in this preamble as being

available in the docket, go to <https://www.regulations.gov>. Type the docket number USCG–2025–3012 in the “SEARCH” box and click “SEARCH”. In the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Jack H. Williams, Bridge Management Specialist, USCG East District; telephone 206–815–5085, email Jack.H.Williams2@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On June 9, 2025, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) entitled “Drawbridge Operation Regulation; Inside Thorofare, Ventnor City, New Jersey” in the **Federal Register** (90 FR 24256). There we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this regulatory change. During the comment period that ended July 9, 2025, we received no comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499. The Dorset Avenue Bridge across Inside Thorofare, mile 72.1, at Ventnor City, NJ, has a vertical clearance of 9 feet at mean high water in the closed to navigation position (unlimited in the open to navigation position) and a horizontal clearance of 50 feet between the bridge protective system. Waterway users include pleasure craft, commercial and sport fishing vessels.

The existing drawbridge operating regulation for the Dorset Avenue Bridge is listed in 33 CFR 117.733(i) and requires that the Bridge open on signal except that from June 1 through

September 30, from 9:15 a.m. to 9:15 p.m., the draw need only open at 15 and 45 minutes after the hour. A review of the drawbridge logs provided by Atlantic County, the Bridge Owner, has revealed that requests for opening of the bridge have decreased thus indicating minimal use. For the years 2022, 2023, and 2024, from 11 p.m. to 7 a.m., the Dorset Avenue Bridge has opened for vessels 42, 51, and 29 times, respectively. Because of minimal demand for bridge opening, between the hours of 11 p.m. to 7 a.m., the bridge owner has requested that during these hours, year-round, the bridge need only open when a four-hour advance notice is given.

IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard received no comments on the NPRM and provided a comment period of 30 days. The Coast Guard is amending Section 117.733 by revising paragraph (i) to include a new 4 hour notice requirement for openings between the hours of 11 p.m. and 7 a.m. The final rule will require a four-hour advance notice for openings, between the hours of 11 p.m. and 7 a.m., for the Dorset Avenue Bridge. Vessels that can pass under the restricted vertical clearance and without requesting a bridge opening may do so. The existing operating schedule for the June 1 through September 30 time period will remain. The existing regulations states from June 1 through September 30, from 9:15 a.m. to 9:15 p.m., the draw need open only on the 15 and 45 minutes after the hour. At all other times not mentioned, the bridge will open on signal.

V. 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 Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the

potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received 0 comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities for the following reasons. Small entities can continue to pass under the drawbridge with a four-hour advance notice for openings, between the hours of 11 p.m. and 7 a.m., for the Dorset Avenue Bridge. Vessels that can pass under the restricted vertical clearance and without requesting a bridge opening may do so.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

E. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has 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 promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and DHS Delegation No. 00170.1, Revision No. 01.4.

■ 2. Amend § 117.733 by revising paragraph (i) to read as follows:

§ 117.733 New Jersey Intracoastal Waterway.

* * * * *

(i) The draw of the Dorset Avenue Bridge across Inside Thorofare, mile 72.1, at Ventnor City, shall open on signal except that:

(1) Year-round, from 11 p.m. to 7 a.m., the draw need only open if at least four-hour notice is given.

(2) From June 1 through September 30, from 9:15 a.m. to 9:15 p.m., the draw need open only on the 15 and 45 minutes after the hour.

* * * * *

J.C. Vann,

Rear Admiral (upper half), U.S. Coast Guard, Commander, East District.

[FR Doc. 2026–01398 Filed 1–23–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2025–1113]

RIN 1625–AA09

Drawbridge Operation Regulation; Technical Amendment; Removal of Obsolete Drawbridge Operating Regulations

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing 81 special drawbridge operating regulations that previously operated over various waterways throughout the United States. In some cases, these 81 drawbridge regulations have either been replaced with a fixed bridge, removed from the waterway, or altered in such a manner that the drawspan is no longer moveable. Alternatively, the rail lines or roadways are no longer in service, leaving the drawspan inoperable, abandoned, and open to navigation. The drawbridges are, in some form, no longer operational and the regulations are no longer applicable or necessary.

DATES: This rule is effective January 26, 2026.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>. Type the docket number (USCG–2025–1113) in the

“SEARCH” box and click “SEARCH”. In the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. James Rousseau, Office of Bridge Programs; United States Coast Guard Headquarters; telephone 206–815–2101, email *James.L.Rousseau2@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

Generally, rulemaking requires notice and comment under 5 U.S.C. 553. However, an agency can bypass the notice and comment process if the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the drawbridges identified in the 81 effected citations either do not exist or no longer function as a drawbridge. Therefore, their regulations are no longer applicable and need to be removed. It is unnecessary to publish an NPRM because these bridges are no longer operational and the removal of these drawbridge regulations will have no impact on the public. Removing the obsolete drawbridge regulations ensures that our regulations only list drawbridge regulations that have an operational span intended to be opened for the passage of waterway traffic.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. For the same reasons stated in the preceding paragraph, the bridges removed by this rule no longer have an operational drawspan and therefore have no need for any operating regulation. The modification or abandonment of these bridges has already taken place and the removal of the regulation will not affect any mariners that may currently transit on these waterways. Therefore, a delayed effective date is unnecessary.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499. This

authority authorizes the Secretary of the department in which the Coast Guard is operating to issue regulations that govern the opening of drawbridges for the passage of vessels and other water crafts. This authority is delegated to the Coast Guard by DHS Delegation No. 00170.1(II)(65), Rev. 01.4.

This rule removes operating schedules of several bridges listed in 33 CFR part 117, subpart B that no longer function as drawbridges.

IV. Discussion of Final Rule

This final rule will update 33 CFR part 117, subpart B by removing language that governs the operating schedule of the aforementioned bridges, which in fact, in their current state, are no longer drawbridges. The removal of these obsolete regulations will not affect waterway or land traffic. This rule conforms our regulations to reflect the current use of these bridges. In the preamble and regulatory sections of this final rule, the bridges are presented numerically based on their section number and, if applicable, paragraph lettering under 33 CFR part 117, subpart B.

The following bridges remain across their respective waterways and remain in use in their transportation function, however; have been converted to or replaced with a fixed bridge:

- § 117.115(a) Three Mile Creek; Mobile, AL; US43 bridge, mile 1.0; Heartland District.
- § 117.115(b) Three Mile Creek; Mobile, AL; Norfolk Southern railroad bridge, mile 1.1; Heartland District.
- § 117.137 St. Francis River; Madison, AR; Chicago, Rock Island and Pacific railroad bridge, mile 59.7; Heartland District.
- § 117.139(b) White River; Batesville, AR; Arkansas highway bridge, mile 300.1; Heartland District.
- § 117.253(a) Anacostia River; Frederick Douglass Memorial (South Capitol Street) bridge, mile 1.2; East District.
- § 117.317(b) Okeechobee Waterway; Stuart, FL; Evans Crary (SR A1A) bridge, mile 3.4; Southeast District.
- § 117.333 Suwannee River; Old Town, FL; Suwannee River bridge, mile 35; Southeast District.
- § 117.353 Atlantic Intracoastal Waterway, Savannah River to St. Marys River; Savannah, GA; Skidaway Bridge, SR 204, mile 592.9; Southeast District.
- § 117.365 Oconee River; Soperton, GA; SR46 bridge, mile 44.3; Southeast District.
- § 117.389 Calumet River; Chicago, IL; Norfolk Southern railroad bridges, miles 1.36.

- § 117.447 Grand Cabhanosse Bayou; Painscourtville, LA; S70 bridge, mile 7.6; Heartland District.
- § 117.479 Macon Bayou; Winnsboro, LA; S4 bridge, mile 44.8; Heartland District.
- § 117.482 Nezpique Bayou; Jennings, LA; S97 bridge, mile 7.0; Heartland District.
- § 117.485 Patout Bayou; Weeks, LA; S83 bridge, mile 0.4; Heartland District.
- § 117.493(b) Sabine River; Starks, LA; S12 Bridge, mile 40.8; Heartland District.
- § 117.495 Superior Oil Canal; Cameron Parish, LA; S82 bridge, mile 6.3; Heartland District.
- § 117.555 College Creek; Annapolis, MD; Naval Academy highway bridge, mile 0.3 and the Maryland highway bridge, mile 0.4; East District.
- § 117.677 Big Sunflower River; Baird, MS; Columbus and Greenville railroad bridge, mile 96.1; Heartland District.
- § 117.689 Osage River; Osage City, MO; Missouri Pacific Railroad bridge, mile 5.6; Heartland District.
- § 117.701(b) Alloway Creek; Quinton, NJ; S49 bridge, mile 9.5; East District.
- § 117.703 Bass River; New Gretna, NJ; U.S. 9 bridge, mile 2.6; East District.
- § 117.711 Cohansey River; Bridgeton, NJ; Broad Street bridge, mile 18.2; East District.
- § 117.713(a) Cooper River; Camden, NJ; State Street Drawbridge, mile 0.3; Conrail Drawbridge at North River Avenue, mile 0.9; East District.
- § 117.713(b) Cooper River; Camden, NJ; Admiral Wilson Boulevard bridge, mile 1.1; East District.
- § 117.722 Great Egg Harbor Bay; U.S. Route 9/Beesleys Point Bridge, mile 3.5; East District.
- § 117.725 Manantico Creek; Milleville, NJ; highway bridge, mile 0.5; East District.
- § 117.730 Maurice River; Mauricetown, NJ; Cumberland County bridge, mile 12.1; East District.
- § 117.732(a) Nacote Creek; Route 9 bridge, mile 1.5; East District.
- § 117.732(b) Nacote Creek Port Republic, NJ; Atlantic County (Rte. 575) bridge, mile 3.5; East District.
- § 117.739(m) Passaic River; Garfield, NJ; West Eighth Street Bridge, mile 15.3; East District.
- § 117.741(a) Raccoon Creek; Bridgeport, NJ; Route 130 highway bridge, mile 1.8; East District.
- § 117.749 Salem River; Salem, NJ; S49 bridge, mile 3.5; East District.
- § 117.758 Tuckahoe River; Tuckahoe, NJ; State highway bridge, mile 8.0; East District.
- § 117.791(d) Hudson River; between Troy and Menands, NY; Troy-

- Menands Bridge, mile 150.2; Northeast District.
- § 117.797(d) Lake Champlain; East Alburg, NY; SR78 bridge, mile 105.9; Northeast District.
- § 117.821(a)(2) Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach; Surf City, NC; S.R. 50 Bridge, mile 260.7; East District.
- § 117.821(a)(5) Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach; Sunset Beach, NC; S.R. 1172 Bridge, mile 337.9
- § 117.823 Gallants Channel; Beaufort, NC; US 70 bridge, mile 0.1; East District.
- § 117.824 Neuse River; Kinston, NC; Atlantic and East Carolina Railway Bridge, mile 80.0; East District.
- § 117.831 Pamlico and Tar Rivers; Grimesland, NC; Boyds Ferry bridge, mile 44.8; East District.
- § 117.841 Smith Creek; Wilmington, NC; S117–S133 Bridge, mile 1.5; East District,
- § 117.843(b) Trent River; Pollocksville, NC; Seaboard System Railroad bridge, mile 18.0. East District.
- § 117.911(e) Atlantic Intracoastal Waterway, Little River to Savannah River; Johns Island, SC; John Limehouse Bridge, mile 479.3; Southeast District.
- § 117.917 Battery Creek; between Beaufort and Parris Island, SC; State highway bridge, mile 2.1; Southeast District.
- § 117.921(a) Broad River; Beaufort, SC; S170 bridge, mile 14.0; Southeast District.
- § 117.927 Coosaw River (Whale Branch); Beaufort, SC; US21 bridge, mile 7.0; Southeast District.
- § 117.933 Pee Dee River; Poston, SC; Seaboard System Railroad bridges, mile 72.6 and mile 107.2 near Pee Dee, SC; Southeast District.
- § 117.935 Rantowles Creek; Rantowles, SC; Seaboard System Railroad bridge, 1.1; Southeast District.
- § 117.939 Wando River; Cainhoy, SC; S41 bridge, mile 10.0; Southeast District.
- § 117.945 Hatchie River; Covington, TN; Illinois Central Gulf railroad bridge, mile 35.0; Brownsville, TN; Seaboard System railroad bridge, mile 71.0; Heartland District.
- § 117.947 Obion River; draws of all bridges on the Obion River; Heartland District.
- § 117.963 Colorado River; Wadsworth, TX; highway bridge, mile 10.7; Heartland District.
- § 117.969 Lavaca River; Vanderbilt, TX; highway bridge, mile 11.2; Heartland District.
- § 117.979 Sabine Lake; Port Arthur, TX; S82 bridge, mile 10.0; Southeast District.
- § 117.987 Taylor Bayou: West Port Arthur, TX, Union Pacific railroad bridge, mile 2.0, and the S73 bridge, mile 10.2; Heartland District.
- § 117.989 Trinity River; Union Pacific Railroad bridges, mile 41.4 in Liberty, TX, mile 54.8 at Kenefick, TX, mile 117.3 at Goodrich, TX, mile 181.8 at Riverside, TX, and the Burlington Northern Santa Fe railroad bridge, mile 96.2 at Romayor, TX; Heartland District.
- § 117.999 Blackwater River; South Quay, VA; S189 bridge, mile 9.2; East District.
- § 117.1001 Cat Point Creek; Naylor, VA; S634 bridge, mile 0.3; East District.
- § 117.1003 Chickahominy River; Barrets Ferry, VA; the highway bridge, mile 1.5; East District.
- § 117.1011 Great Wicomico River; Tippers, VA; S200 bridge, mile 8.0; East District.
- § 117.1013 Kinsale Creek; Kinsale, VA; the state highway bridge, mile 4.0; East District.
- § 117.1015 Mattaponi River; West Point, VA; Lord Delaware (S33) bridge, mile 0.8 and Walkerton, VA S629 bridge, mile 28.5. East District.
- § 117.1037(b) Cowlitz River; Allen Street Bridge, mile 5.5; Northwest District.
- § 117.1057 Skamokawa Creek; Skamokawa, WA; Washington State highway bridge; Northwest District.
- § 117.1059(d) Snohomish River, Steamboat Slough, and Ebey Slough; Snohomish, WA; Burlington Northern Santa Fe railroad bridge; mile 15.5; Northwest District.
- The following bridges are no longer functional drawbridges. These bridges have either had their operable drawspan removed or the bridge was removed in whole from the waterway:
- § 117.369 Satilla River; Woodbine, GA; Seaboard System Railroad bridge, mile 25.7; Southeast District.
- § 117.371(a) Savannah River; Port Wentworth, GA; Houlihan (US 17) Bridge, mile 21.6; Southeast District.
- § 117.471 Little Black Bayou; Southdown, LA; Southern Pacific railroad bridge, mile 1.3; Heartland District.
- § 117.473 Little River; Archie, LA; Louisiana and Arkansas railroad bridge, mile 12.1; Heartland District.
- § 117.491(d) Red River; draws of the bridges above mile 234.4 to mile 276; Heartland District.
- § 117.499 Tante Phine Pass; Venice, LA; Tidewater Associated Oil Company bridge, mile 7.6; Heartland District.
- § 117.501(c) Teche Bayou; Union Pacific railroad bridge at Breaux Bridge, mile 91.0; Heartland District.
- § 117.503 Tensas River; New Light, LA; S128 bridge, mile 61.0; Heartland District.
- § 117.663 Minnesota River; draws of bridges above LeSueur; Heartland District.
- § 117.665 Red River of the North; draws of the bridges; Great Lakes District.
- § 117.745(c) Rancocas Creek; Mt. Laurel, NJ; Centerton County Route 635 Bridge, mile 7.8; East District.
- § 117.837 Roanoke River; Palmyra, NC; Seaboard System Railroad bridge, mile 94.0; East District.
- § 117.921(b) Broad River; Whale Branch; Seaboard System Railroad bridge, mile 17.0; Southeast District.
- § 117.927 Coosaw River (Whale Branch); Seabrook, SC; Seaboard System Railroad bridge, mile 5.3. Southeast District.
- § 117.955(b) Buffalo Bayou; Union Pacific Railroad Bridge, mile 3.1; Heartland District.
- § 117.957 Cedar Bayou; Baytown, TX, Union Pacific railroad automated bridge, mile 7.0; Heartland District.
- § 117.1105 Wisconsin River; each drawbridge across the Wisconsin River; Great Lakes District.
- The following bridges remain in the waterway and are open to navigation or abandoned in the open to navigation position.
- § 117.121 Arkansas River; Yancopin, AR; Missouri Pacific Railroad bridge, mile 23.1; Heartland District.
- § 117.139(b) White River; Cotter, AR; Missouri Pacific railroad bridge, mile 401.9; Heartland District.
- § 117.389 Calumet River; Chicago, IL; Norfolk Southern railroad bridges, miles 1.32. Great Lakes District.
- § 117.686(a) Yazoo River; Redwood, MS; Canadian National/Illinois Central railroad bridge, mile 16.7; Heartland District.
- § 117.809 Tonawanda Creek; Tonawanda, NY; Penn Central Corporation railroad bridge, mile 0.1; Great Lakes District.
- § 117.811 Tonawanda Harbor; Tonawanda, NY; Tonawanda Island Railroad bridge, mile 0.2; Great Lakes District.
- 35§ 117.903(b) Darby Creek; Essington, PA; Reading Railroad Bridge, mile 0.3; East District.

V. 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 good cause to bypass 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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

E. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has 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 conforming amendment and removes the operating regulations or procedures for drawbridges. Both actions are categorically excluded from further review, under paragraph A3 and L49, of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and DHS Delegation No. 00170.1. Revision No. 01.4.

§ 117.115 [Removed]

■ 2. Remove § 117.115.

§ 117.121 [Removed]

■ 3. Remove § 117.121.

§ 117.137 [Removed]

■ 4. Remove § 117.137.

■ 5. Revise § 117.139 to read as follows:

§ 117.139 White River.

The draws of the St. Louis Southwestern railroad bridge, mile 98.9

at Clarendon, the Missouri Pacific railroad bridge, mile 196.3 at Augusta and the Missouri Pacific railroad bridge, mile 254.8 at Newport, shall open on signal if at least eight hours' notice is given. The draws of any of these bridges need not be opened for a vessel that arrives later than two hours after the time specified in the notice, unless a second notice of at least eight hours is given.

■ 6. Revise § 117.253 to read as follows:

§ 117.253 Anacostia River.

The CSX Railroad Bridge, mile 3.4.

(a) The draw of the bridge to be operated by the controller at the Benning Yard office shall open on signal:

(1) At all times for public vessels of the United States, state and local government vessels, commercial vessels and any vessels in an emergency involving danger to life or property.

(2) Between 9 a.m. and 12 p.m. and between 1 p.m. and 6 p.m. from May 15 through September 30.

(3) Between 6 p.m. and 7 p.m. from May 15 through September 30 if notice is given to the controller at the Benning Yard office not later than 6 p.m. on the day for which the opening is requested.

(4) At all other times, if at least 48 hours of notice is given to the controller at the Benning Yard Office.

(b) The CSX Railroad Bridge shall not be operated by the controller at the Benning Yard office in the event of failure or obstruction of the motion sensors, laser scanners, video cameras or marine-radio communications. In these situations, a bridge tender must be called to operate the bridge on-site.

(c) Except as provided in § 117.31(b), opening of the draw shall not exceed ten minutes after clearance of rail traffic.

(d) A horn will sound one prolonged blast followed by one short blast to indicate that the CSX Railroad Bridge is moving to the full open position for vessel traffic. During open span movement, the channel traffic lights will flash red until the bridge is in the full open position to vessels. In the full open position to vessels, the bridge channel traffic lights will flash green.

(e) A horn will sound five short blasts, the channel traffic lights will flash red, and an audio voice-warning device will announce bridge movement during closing span movement. Five short blasts of the horn will continue until the bridge is seated in and locked down. When the bridge is seated and in locked down position to vessels, the channel traffic lights will continue to flash red.

(f) The owners of the bridge shall provide and keep in good legible condition two board gauges painted

white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gauges shall be placed on the bridge so that they are plainly visible to the operator of any vessel approaching the bridge from either upstream or downstream.

§ 117.317 [Amended]

■ 7. Amend § 117.317 by removing paragraph (b) and redesignating paragraphs (c) through (j) as paragraphs (b) through (i).

§ 117.333 [Removed]

■ 8. Remove § 117.333.

§ 117.353 [Removed]

■ 9. Remove § 117.353.

§ 117.365 [Removed]

■ 10. Remove § 117.365.

§ 117.369 [Removed]

■ 11. Remove § 117.369.

§ 117.371 [Amended]

■ 12. Amend § 117.371 by removing paragraph (a) and redesignating paragraphs (b) through (d) as paragraphs (a) through (c).

§ 117.389 [Removed]

■ 13. Remove § 117.389.

§ 117.447 [Removed]

■ 14. Remove § 117.447.

§ 117.471 [Removed]

■ 15. Remove § 117.471.

§ 117.473 [Removed]

■ 16. Remove § 117.473.

§ 117.479 [Removed]

■ 17. Remove § 117.479.

§ 117.482 [Removed]

■ 18. Remove § 117.482.

§ 117.485 [Removed]

■ 19. Remove § 117.485.

§ 117.491 [Amended]

■ 20. Amend § 117.491 by removing paragraph (d) and redesignating paragraph (e) as paragraph (d).
■ 21. Revise § 117.493 to read as follows:

§ 117.493 Sabine River.

The draw of the Union Pacific railroad bridge, mile 19.3 near Echo shall open on signal if at least 14 days' notice is given.

§ 117.495 [Removed]

■ 22. Remove § 117.495.

§ 117.499 [Removed]

■ 23. Remove § 117.499.

■ 24. Revise paragraph (c) of § 117.501 to read as follows:

§ 117.501 Teche Bayou.

* * * * *

(c) The draw of the S31 bridge, mile 90.5, at Breaux Bridge shall open on signal if at least 48 hours notice is given.

* * * * *

■ 25. Revise § 117.503 to read as follows:

§ 117.503 Tensas River.

The draw of the S15 bridge, mile 27.3 at Clayton shall open on signal if at least 48 hours notice is given.

§ 117.555 [Removed]

■ 26. Remove § 117.555.

§ 117.663 [Removed]

■ 27. Remove § 117.663.

§ 117.677 [Removed]

■ 28. Remove § 117.677.

■ 29. Revise paragraph (a) of § 117.686 to read as follows:

§ 117.686 Yazoo River.

(a) The Satartia highway (S433) bridge, mile 53.3 at Satartia, shall open on signal if at least two hours notice is given. When a vessel has given notice and fails to arrive within the two hour period specified, the drawtender shall remain on duty for two additional hours and open the draw if the requesting vessel appears. After this time, an additional two hour notice is required.

* * * * *

§ 117.689 [Removed]

■ 30. Remove § 117.689.

■ 31. Revise § 117.701 to read as follows:

§ 117.701 Alloway Creek.

The draws of the Salem County bridges, miles 5.1 at Hancocks Bridge, and 6.5 at New Bridge, shall open on signal if at least 24 hours notice is given.

§ 117.703 [Removed]

■ 32. Remove § 117.703.

§ 117.711 [Removed]

■ 33. Remove § 117.711.

§ 117.713 [Removed]

■ 34. Remove § 117.713.

§ 117.722 [Removed]

■ 35. Remove § 117.722.

§ 117.725 [Removed]

■ 36. Remove § 117.725.

§ 117.730 [Removed]

■ 37. Remove § 117.730.

§ 117.732 [Removed]

■ 38. Remove § 117.732.

§ 117.739 [Amended]

■ 39. Amend § 117.739 by removing paragraph (m).

■ 40. Revise § 117.741 to read as follows:

§ 117.741 Raccoon Creek.

The draw of the CONRAIL Railroad Bridge, mile 2.0 at Bridgeport, shall operate as follows:

(a) From March 1 through November 30, the draw shall be left in the open position at all times and will only be closed for the passage of trains and to perform periodic maintenance authorized in accordance with subpart A of this part.

(1) Trains shall be controlled so that any delay in opening of the draw shall not exceed ten minutes except as provided in § 117.31(b).

(2) Before the bridge closes for any reason, a train crewmember will observe the waterway for approaching craft, which will be allowed to pass. A train crewmember will then operate the bridge by radiophone. The bridge shall only be closed if a train crewmember's visual inspection shows that the channel is clear and there are no vessels transiting in the area.

(3) While the CONRAIL Railroad Bridge is moving from the full open to the full closed position, a train crewmember will maintain constant surveillance of the navigational channel to ensure no conflict with maritime traffic exists. In the event of failure or obstruction, the train crewmember will stop the bridge and return the bridge to the open position.

(4) The CONRAIL Railroad channel traffic lights will change from flashing green to flashing red anytime the bridge is not in the full open position.

(5) During closing of the span, the channel traffic lights will change from flashing green to flashing red, the horn will sound four times, followed by a pause, then the four blasts will be repeated and the bridge will close. When the rail traffic has cleared the swing span, the horn will automatically sound five times to signal the draw of the CONRAIL Railroad Bridge is about to return to its full open position.

(6) During open span movement, the channel traffic lights will be flashing red, the horn will sound four times, followed by a pause, then four blasts will be repeated until the bridge is in the full open position. In the full open

position, the channel traffic lights will then turn from flashing red to flashing green.

(b) At all other times, the draw may be left in the closed position and opened on signal if at least four hours notice is given by telephone at (856) 231-2393.

§ 117.745 [Amended]

■ 41. Amend § 117.745 by removing paragraph (c).

§ 117.749 [Removed]

■ 42. Remove § 117.749.

§ 117.758 [Removed]

■ 43. Remove § 117.758.

§ 117.791 [Amended]

■ 44. Amend § 117.791 by removing paragraph (d) and redesignating paragraph (e) as paragraph (d).

§ 117.797 [Amended]

■ 45. Amend § 117.797 by removing paragraph (d).

§ 117.809 [Removed]

■ 46. Remove § 117.809.

§ 117.811 [Removed]

■ 47. Remove § 117.811.

§ 117.821 [Amended]

■ 48. Amend § 117.821 by removing paragraphs (a)(2) and (a)(5) and redesignating paragraphs (a)(3) and (a)(4) as paragraphs (a)(2) and (a)(3), respectively.

§ 117.823 [Removed]

■ 49. Remove § 117.823.

§ 117.824 [Removed]

■ 50. Remove § 117.824.

■ 51. Revise § 117.831 to read as follows:

§ 117.831 Pamlico and Tar Rivers.

The draw of the US17-264 bridge, mile 37.2 at Washington, shall open on signal if at least 24 hours notice is given. The bridge owners shall restore constant attendance when so directed by the District Commander.

§ 117.837 [Removed]

■ 52. Remove § 117.837.

§ 117.841 [Removed]

■ 53. Remove § 117.841.

■ 54. Revise § 117.843 to read as follows:

§ 117.843 Trent River.

The draw of the U.S. 70 Bridge, mile 0.0, at New Bern:

(a) Shall open on the hour and the half hour from 6 a.m. to 10 p.m., except

during the times authorized in accordance with (a) (2) of this section.

(b) Shall remain closed from 7:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 6 p.m., Monday through Friday; except holidays.

(c) Shall open on signal from 10 p.m. to 6 a.m.

(d) Shall open upon request at all times for vessels as defined in § 117.31.

■ 55. Revise § 117.903 to read as follows:

§ 117.903 Darby Creek.

The draw of the Conrail railroad bridge, mile 0.25, at Essington, shall operate as follows:

(a) The bridge will be operated remotely by the South Jersey Train Dispatcher located in Mt. Laurel, NJ. Operational information will be provided 24 hours a day by telephone at (856) 231-2282.

(b) From April 1 through October 31, the draw shall be left in the open position and will only be lowered for the passage of trains and to perform periodic maintenance authorized in accordance with subpart A of this part.

(c) From November 1 through March 31, the draw shall open on signal if at least 24 hours notice is given by telephone at (856) 231-2282. Operational information will be provided 24 hours a day by telephone at (856) 231-2282.

(d) The timeframe to initiate the bridge closure will be not more than 10 minutes before a train will arrive at the bridge location. If a train, moving toward the bridge has crossed the home signal for the bridge, the train may continue across the bridge and must clear the bridge prior to stopping for any reason. Trains shall be controlled so that any delay in opening of the draw shall not exceed fifteen minutes except as provided in § 117.31(b).

(e) The bridge will be equipped with cameras and channel sensors to visually and electronically ensure the waterway is clear before the bridge closes. The video and sensors are located and monitored at the remote operating location in Mt. Laurel, NJ. The channel sensors signal will be a direct input to the bridge control system. In the event of failure or obstruction of the infrared channel sensors, the bridge will automatically stop closing and the South Jersey Train Dispatcher will return the bridge to the open position. In the event of video failure the bridge will remain in the full open position.

(f) The Conrail Railroad center span light will change from fixed green to flashing red anytime the bridge is not in the full open position.

(g) Prior to downward movement of the span, the horn will sound two prolonged blasts, followed by a pause, and then two short blasts until the bridge is seated and locked down. At the time of movement, the center span light will change from fixed green to flashing red and remain flashing until the bridge has returned to its full open position.

(h) When the train controller at Mt. Laurel has verified that rail traffic has cleared, they will sound the horn five times to signal the draw is about to return to its full open position.

(i) During upward movement of the span, the horn will sound two prolonged blasts, followed by a pause, and then sound two short blasts until the bridge is in the full open position. The center span light will continue to flash red until the bridge is in the fully open position.

(j) When the draw cannot be operated from the remote site, a bridge tender must be called to operate the bridge in the traditional manner. Personnel shall be dispatched to arrive at the bridge as soon as possible, but not more than one hour after malfunction or disability of the remote system.

§ 117.911 [Amended]

■ 56. Amend § 117.911 by removing paragraph (e) and redesignating paragraph (f) as paragraph (e).

§ 117.917 [Removed]

■ 57. Remove § 117.917.

§ 117.921 [Removed]

■ 58. Remove § 117.921.

§ 117.927 [Removed]

■ 59. Remove § 117.927.

§ 117.933 [Removed]

■ 60. Remove § 117.933.

§ 117.935 [Removed]

■ 61. Remove § 117.935.

§ 117.939 [Removed]

■ 62. Remove § 117.939.

§ 117.945 [Removed]

■ 63. Remove § 117.945.

§ 117.947 [Removed]

■ 64. Remove § 117.947.

■ 65. Revise § 117.955 to read as follows:

§ 117.955 Buffalo Bayou.

The draw of the Houston Belt and Terminal railroad bridge, mile 1.2 at Houston, and all drawbridges downstream of it, shall open on signal if at least 24 hours' notice is given.

§ 117.957 [Removed]

- 66. Remove § 117.957.

§ 117.963 [Removed]

- 67. Remove § 117.963.

§ 117.969 [Removed]

- 68. Remove § 117.969.

§ 117.979 [Removed]

- 69. Remove § 117.979.

§ 117.987 [Removed]

- 70. Remove § 117.987.
- 71. Revise § 117.989 to read as follows:

§ 117.989 Trinity River.

The draws of the Union Pacific Railroad bridges, mile 117.3 at Goodrich, mile 181.8 at Riverside, and the Burlington Northern Santa Fe railroad bridge, mile 96.2 at Romayor, need not be opened for the passage of vessels.

§ 117.999 [Removed]

- 72. Remove § 117.999.

§ 117.1001 [Removed]

- 73. Remove § 117.1001.

§ 117.1003 [Removed]

- 74. Remove § 117.1003.

§ 117.1011 [Removed]

- 75. Remove § 117.1011.

§ 117.1013 [Removed]

- 76. Remove § 117.1013.

§ 117.1015 [Removed]

- 77. Remove § 117.1015.
- 78. Revise § 117.1037 to read as follows:

§ 117.1037 Cowlitz River.

The draw of the Burlington Northern Santa Fe railroad bridge, mile 1.5, shall operate as follows:

- (a) The draw shall open on signal if at least 24 hours notice is given.
- (b) In the event of an emergency declared by the Cowlitz County Department of Emergency Services, the bridge shall be capable of opening upon two hours notice. Notification of emergencies and requests for openings during emergencies are initiated through the Cowlitz County Department of Emergency Services.
- (c) The operating machinery of the draw shall be maintained in a serviceable condition and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(d) During periods of fog or similar periods of reduced visibility, the drawtender, after acknowledging the signal to open, shall toll a bell continuously during the approach and passage of the vessel.

§ 117.1057 [Removed]

- 79. Remove § 117.1057.

§ 117.1059 [Amended]

- 80. Amend § 117.1059 by removing paragraph (d) and redesignating paragraphs (e), (f), and (g) as paragraphs (d), (e), and (f).

§ 117.1105 [Removed]

- 81. Remove § 117.1105.

Michael T. Cunningham,

Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.

[FR Doc. 2026–01400 Filed 1–23–26; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2025–0015; FRL–12949–02–R6]

Air Plan Approval; Arkansas; Codification of the State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving revisions to the Arkansas State Implementation Plan (SIP) submitted by the Arkansas Department of Energy and Environment (ADEE) to the EPA on February 4, 2025. The revisions address the codification of the Arkansas Pollution Control and Ecology Commission (APC & EC) Rule 19 and Regulations 9, 26, and 31 into the Code of Arkansas Rules (CAR). The revisions are non-substantive formatting edits and do not relax or introduce new rules to the approved SIP.

DATES: This rule is effective on February 25, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2025–0015. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Alethea Tsui-Bowen, EPA Region 6 Office, Infrastructure and Ozone Section, 214–665–7555, tsui-bowen.alethea@epa.gov. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

The background for this action is discussed in detail in our August 28, 2025, proposal (90 FR 41930) and the accompanying Technical Support Document (TSD), available in the docket for this rule. In our August 2025 proposal we proposed to approve the revisions to the Arkansas State Implementation Plan (SIP) submitted by ADEE to the EPA on February 4, 2025, for the codification of the APC & EC Rule 19 and Regulations 9, 26, and 31 into the CAR.

The comment period on our August 2025 proposal closed on September 29, 2025. We received one anonymous comment on our proposal. The submitted comment is available for review in the docket for this rulemaking. Our response to the comment is provided in Section II of this rulemaking.

II. Response to Comments

Comment: The commenter asks that the EPA should not approve the Arkansas SIP and should require the state to adopt the more stringent emissions control such as those adopted in the state of California.

Response: The EPA disagrees with the commenter. The EPA must adhere to its obligation under section 110(k) to approve, disapprove, conditionally approve, in whole or in part, the codification of SIP in the state submittal at issue. The requirement of adopting more stringent emissions controls is not relevant nor relates to the subject matter raised in this rulemaking action and is thus outside the scope for this current action for EPA to address.

III. Final Action

We are approving the revisions to Arkansas SIP submitted to EPA on February 4, 2025. The revisions codify the corresponding rules and regulations in the Arkansas SIP. We are approving this SIP submission in accordance with

the requirements of section 110 of the Act and EPA’s regulations.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference the revisions to the Arkansas regulations as described in Section III of this preamble, Final Action. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.

V. Statutory and Executive Order Reviews

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

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

- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
 - Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
 - Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
 - Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
 - Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
 - Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
 - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
 - Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.
- In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).
- This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 27, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: January 14, 2026.

Walter Mason,
Regional Administrator, Region 6.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart E—Arkansas

■ 2. Amend § 52.170 by revising the table titled “EPA-Approved Regulations in the Arkansas SIP” in paragraph (c) to read as follows:

§ 52.170 Identification of plan.

* * * * *
(c) * * *

EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP

State citation	Title/subject	State submittal/ effective date	EPA approval date	Explanation
Title 8. Environmental Law				
Chapter I. Arkansas Pollution Control and Ecology Commission, Department of Energy and Environment				
Subchapter B. Administration				
Part 12. Permit Fee Rules				
Subpart 1. General Provisions				
8 CAR Section 12–101	Title	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/ effective date	EPA approval date	Explanation
8 CAR Section 12–102	Purpose	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	The Arkansas SIP does NOT include the definitions of “Category”, “Certificate”, “Confined Animal Operation”, “Discretionary Major Facility”, “Evaluation”, “Laboratory”, “Major Municipal Facility”, “Non-Municipal Major Facility”, “Parameter”, and “Program”.
8 CAR Section 12–103	Definitions	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 12–104	Applicability	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 12–105	Severability	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

Subpart 2. Permit Fee Payment

8 CAR Section 12–201	Permit fee payment	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 12–202	Refunds	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

Subpart 4. Air Permit Fees

8 CAR Section 12–401	Applicability	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 12–402	Terms used in fee formulas	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 12–403	Initial fees	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 12–404	Annual fees	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 12–405	Modification fees	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 12–406	Administrative permit amendments and renewal permits.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 12–407	General permits	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 12–408	Permit fees for certain small business subject to part 70 permitting requirements.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

Subpart 8. Administrative Procedures

8 CAR Section 12–801	Division review of fees	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 12–802	Appeals	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 12–803	Effective date	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

Subchapter D. Air Quality

Part 41: Rules of the Arkansas Plan of Implementation for Air Pollution Control

Subpart 1: Title, Intent and Purpose Definitions

8 CAR Section 41–101	Title	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/ effective date	EPA approval date	Explanation
8 CAR Section 41–102	Applicability	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–103	Intent and construction	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–104	Severability	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–105	Incorporation by reference	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–106	Definitions	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 2. Protection of the National Ambient Air Quality Standards				
8 CAR Section 41–201	Purpose	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–202	Division responsibilities	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–203	Regulated sources responsibilities.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–204	Delegated federal programs	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 3. Minor Source Review				
8 CAR Section 41–301	General applicability	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–302	Approval criteria	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–303	Owner/operator's responsibilities.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–304	Required information	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–305	Action on application	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–306	Public participation	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–307	Permit amendments	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–308	Exemption from permitting	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–309	[Reserved]	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–310	Permit revocation and cancellation.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–311	General permits	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–312	Dispersion modeling	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–313	Confidentiality	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–314	Operational flexibility—Applicant's duty to apply for alternative scenarios.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–315	Changes resulting in no emissions increases.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/ effective date	EPA approval date	Explanation
8 CAR Section 41–316	Permit flexibility	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–317	Registration	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 4. General Emissions Limitations Applicable to Equipment				
8 CAR Section 41–401	Purpose	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–402	General rules	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–403	Visible emission rules	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–404	Stack height/dispersion rules	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–405	Revised emissions limitation	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 5. Upset and Emergency Conditions				
8 CAR Section 41–501	Upset conditions	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 6. Sampling, Monitoring, and Reporting Requirements				
8 CAR Section 41–601	Purpose	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–602	Air emissions sampling	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–603	Continuous emissions monitoring.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–604	Notice of completion	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–605	Recordkeeping and reporting requirements.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–606	Public availability of emissions data.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 8. Prevention of Significant Deterioration Rules of the Arkansas Plan of Implementation for Air Pollution Control				
8 CAR Section 41–801	Title	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–802	Purposes	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–803	Definitions	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–804	Adoption of rules	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 9. Rules for the Control of Volatile Organic Compounds in Pulaski County				
8 CAR Section 41–901	Title	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–902	Purpose	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–903	Definitions	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/ effective date	EPA approval date	Explanation
8 CAR Section 41–904	[Reserved]	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–905	Provisions for specific processes.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 10. Major Source Permitting Procedures				
8 CAR Section 41–1001	Permitting procedure for part 70 source.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 12. Stage 1 Vapor Recovery				
8 CAR Section 41–1201	Purpose	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–1202	Applicability	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–1203	Definitions	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–1204	Exemptions	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–1205	Prohibited activities	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–1206	Recordkeeping	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–1207	Inspections	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–1208	Vapor recovery systems	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–1209	Gasoline delivery vessels	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–1210	Owner/operator responsibility ...	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–1211	Test methods	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 41–1212	Effective date	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 13. [Reserved]				
Subpart 14. Best Available Retrofit Technology				
CAR Section 41–1401	Purpose	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
CAR Section 41–1402	Definitions	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
CAR Section 41–1403	[Reserved]	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
CAR Section 41–1404	[Reserved]	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
CAR Section 41–1405	Best available retrofit technology requirements.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
CAR Section 41–1406	Compliance provisions	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/ effective date	EPA approval date	Explanation
Subpart 15. [Reserved]				
Subpart 17. Effective Date				
8 CAR Section 41–1701	Effective Date	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Appendix A: Insignificant Activities List				
8 CAR Section 41, Appendix A	Insignificant Activities List	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Appendix B: National Ambient Air Quality Standards List				
8 CAR Section 41, Appendix B	National Ambient Air Quality Standards List.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Part 42. Rules of the Arkansas Operating Air Permit Program				
Subpart 2. Requirement for a Permit—Applicability				
8 CAR Section 42–201	Requirement for a permit	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 42–202	Sources subject to permitting ...	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 3. Applications for Permits				
8 CAR Section 42–301	Duty to apply	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 42–302	Standard application form and required information.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 42–307	Complete application	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 42–309	Applicant's duty to supplement or correct application.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 42–310	Certification by responsible official.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 4. Action on Applications				
8 CAR Section 42–401	Action on part 70 permit applications.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 42–402	Final action on permit application.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 5. Permit Review by the Public, Affected States, and the Environmental Protection Agency				
8 CAR Section 42–501	Applicability	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 42–502	Public participation	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 42–503	Transmission of permit information to the Administrator of the Environmental Protection Agency.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 42–504	Review of draft permit by affected states.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/ effective date	EPA approval date	Explanation
Part 43. Nonattainment New Source Review Requirements				
Subpart 1. General Provisions				
8 CAR Section 43–101	Title	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–102	Applicability	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–103	Severability	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–104	Definitions	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 2. Preconstruction Review				
8 CAR Section 43–201	Requirement for a permit	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–202	Required information	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–203	Approval criteria	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–204	Offsets	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–205	Zones targeted for economic development.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–206	Control technology information	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–207	Approval to construct	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–208	Applicability to attainment or unclassifiable areas.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–209	Applicability of other rules	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 3. Applicability Tests				
8 CAR Section 43–301	Actual-to-projected-actual applicability test.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–302	Actual-to-potential test	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–303	[Reserved]	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–304	[Reserved]	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–305	Emission baseline credits	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–306	Relaxation of limitations	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–307	Modification to existing units	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–308	Public availability of information	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–309	Applicability to nitrogen oxides	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–310	Offset requirements	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/ effective date	EPA approval date	Explanation
8 CAR Section 43–311	PM ₁₀ precursors	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 4. [Reserved]				
Subpart 5. [Reserved]				
Subpart 6. [Reserved]				
Subpart 7. Actual PALs				
8 CAR Section 43–701	Applicability	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–702	Definitions	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–703	Permit application requirements	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–704	General requirements for estab- lishing PALs.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–705	Public participation requirement for PALs.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–706	Setting the ten-year actuals PAL level.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–707	Contents of the PAL permit	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–708	Reopening of the PAL permit ...	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–709	PAL effective period	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–710	Expiration of a PAL	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–711	Renewal of a PAL	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–712	Increasing a PAL during the PAL effective period.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–713	Monitoring requirements for PALs.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–714	Recordkeeping requirements	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–715	Reporting and notification re- quirements.	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
8 CAR Section 43–716	Transition requirements	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	
Subpart 8. Effective Date				
8 CAR Section 43–801	Effective date	2/4/2025	1/26/2026, 91 FR [INSERT FEDERAL REG- ISTER PAGE WHERE THE DOCUMENT BEGINS].	

* * * * *

[FR Doc. 2026–01410 Filed 1–23–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2025–0012; FRL–11140–02–R6]

Air Plan Approval; Oklahoma; Revisions to Air Pollution Control Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving revisions to the State Implementation Plan (SIP) for Oklahoma, submitted to the EPA by the State of Oklahoma designee (“the State”) on November 22, 2024. The SIP revisions being finalized address amendments to Subchapter 13, Open Burning.

DATES: This rule is effective on February 25, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. R06–OAR–2025–0012. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Mr. Emad Shahin, EPA Region 6 Office, Infrastructure and Ozone Section, 214–665–6717, shahin.emad@epa.gov. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

The background for this action is discussed in detail in our July 7, 2025, proposal (90 FR 29818).¹ In that document we proposed to approve a portion of the revisions to the Oklahoma SIP submitted on November 22, 2024. Our July 2025 proposal addressed only the portion of the submittal that referred to the Oklahoma Administrative Code

(OAC) Title 252, Chapter 100 (denoted OAC 252:100), Subchapter 13.

The revisions addressed in our July 2025 proposal concerned the removal of the requirement for using an Air Curtain Incinerator (ACI) for certain open burning operations in the Oklahoma City and Tulsa Metropolitan Statistical Areas (MSAs), to limit the use of an ACI to Oklahoma and Tulsa counties. The revisions also make administrative type changes to add clarity and consistency to the Oklahoma SIP. The revisions do not relax the current SIP rules and are consistent with Federal regulations at 40 CFR part 60, 40 CFR part 61, 40 CFR part 63. Therefore, and consistent with CAA section 110(l), we do not expect these revisions to interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Act. More details on these revisions are provided in the docket for this action.

Our July 2025 proposal provided a detailed description of the revisions and the rationale for the EPA’s proposed actions, together with a discussion of the opportunity to comment. The public comment period for our July 2025 proposal closed on August 6, 2025. We received one anonymous public comment. The entirety of the public comment may be found in the docket to this action. We offered consultation on our proposed rulemaking to tribal governments that may be affected by this action.² We did not receive any requests for tribal consultation. Below is a summary of the anonymous comment received and our response to the comment.

II. Response to Comments

Comment: The EPA’s review does not adequately address the potential for increased carbon dioxide (CO₂) and other greenhouse gas (GHG) emissions, the Oklahoma analysis provided does not appear to include an evaluation of the potential GHG impacts, particularly from the change in ACI requirements, and an overall environmental impact must also consider the economic costs associated with increased CO₂ emissions.

Response: EPA acknowledges receipt of the anonymous comment. While we have reviewed and appreciate the commenter’s comment, EPA is required to review the state’s SIP revision for compliance with National Ambient Air Quality Standards (the NAAQS) and as explained in the proposal, the state is currently attaining those NAAQS. CO₂

is not an air quality standard covered, therefore the comments pertaining to CO₂ are outside the scope of the rulemaking.

III. Impact on Areas of Indian Country

Following the U.S. Supreme Court decision in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), the Governor of the State of Oklahoma requested approval under Section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users, Public Law 109–59, 119 Stat. 1144, 1937 (August 10, 2005) (“SAFETEA”), to administer in certain areas of Indian country (as defined at 18 U.S.C. 1151) the State’s environmental regulatory programs that were previously approved by the EPA outside of Indian country. The State’s request excluded certain areas of Indian country further described below. In addition, the State only sought approval to the extent that such approval is necessary for the State to administer a program in light of *Oklahoma Dept. of Environmental Quality v. EPA*, 740 F.3d 185 (D.C. Cir. 2014).³

The EPA has approved Oklahoma’s SAFETEA request to administer all of the State’s EPA-approved environmental regulatory programs in the requested areas of Indian country. As requested by Oklahoma, the EPA’s approval under SAFETEA does not include Indian country lands, including rights-of-way running through the same, that: (1) qualify as Indian allotments, the Indian titles to which have not been extinguished, under 18 U.S.C. 1151(c); (2) are held in trust by the United States on behalf of an individual Indian or Tribe; or (3) are owned in fee by a Tribe, if the Tribe (a) acquired that fee title to such land, or an area that included such land, in accordance with a treaty with the United States to which such Tribe was a party, and (b) never allotted the land to a member or citizen of the Tribe (collectively “excluded Indian country lands”).

The EPA’s approval under SAFETEA expressly provided that to the extent the EPA’s prior approvals of Oklahoma’s environmental programs excluded Indian country, any such exclusions are

¹ Henceforth referred to as our “July 2025” proposal.

² See invitation for consultation, dated June 26, 2025, in the docket for this action.

³ In *ODEQ v. EPA*, the D.C. Circuit held that under the CAA, states have the authority to implement a SIP in non-reservation areas of Indian country in the state, unless there has been a demonstration of tribal jurisdiction. Under the D.C. Circuit’s decision, the CAA does not provide authority to states to implement SIPs in Indian reservations.

superseded for the geographic areas of Indian country covered by the EPA's approval of Oklahoma's SAFETEA request.⁴ The approval also provided that future revisions or amendments to Oklahoma's approved environmental regulatory programs would extend to the covered areas of Indian country (without any further need for additional requests under SAFETEA).

As explained above, the EPA is approving revisions to the State Implementation Plan (SIP) for Oklahoma, submitted to the EPA by the State of Oklahoma designee ("the State") on November 22, 2024. The SIP revisions being approved address amendments to Subchapter 13, Open Burning, which will apply statewide in Oklahoma. Consistent with the D.C. Circuit's decision in *ODEQ v. EPA* and with the EPA's SAFETEA approval, these SIP revisions will apply to areas of Indian country as follows: (1) pursuant to the SAFETEA approval the SIP revisions will apply to all Indian country in the State of Oklahoma other than the excluded Indian country lands as described above; and (2) pursuant to the D.C. Circuit's decision in *ODEQ v. EPA*, the SIP revisions will also apply to any Indian allotments or dependent Indian communities that are located outside of any Indian reservation over which there has been no demonstration of tribal authority.

IV. Final Action

We are approving portions of a SIP revision submitted to the EPA by the State of Oklahoma on November 22, 2024. Specifically, we are approving the revisions to OAC 252:100, Subchapters 13 (Open Burning). These revisions were made to clarify the State's open burning rules and comply with Oklahoma Senate Bill 246 (2021) which revised the rules and requirements for the use of ACI for open burn operations. We find that the revisions do not change the types of activities that are allowed under the State's current open burning rules and only revise certain provisions pertaining to when an ACI can be required for land clearing operations and the burning of clean wood waste and yard brush. We are approving these revisions in accordance with section 110 of the Act.

⁴ The EPA's prior approvals relating to Oklahoma's SIP frequently noted that the SIP was not approved to apply in areas of Indian country (except as explained in the D.C. Circuit's decision in *ODEQ v. EPA*) located in the State. See, e.g., 85 FR 20178, 20180 (April 10, 2020). Such prior expressed limitations are superseded by the EPA's approval of Oklahoma's SAFETEA request.

V. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference the revisions to the Oklahoma regulations as described in Section IV of this preamble, Final Action. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive

Order 13132 (64 FR 43255, August 10, 1999);

- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

This approval of revisions to the Oklahoma SIP that require using an Air Curtain Incinerator (ACI) for certain open burning operations in counties or areas within a county that are or have been designated as non-attainment or where an ambient air quality monitor has documented a violation of the NAAQS, or those counties with a population of greater than 500,000 for land clearing operations or the burning of clean wood waste or yard brush will apply to certain areas of Indian country throughout Oklahoma as discussed in the preamble, and therefore has tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). However, this action will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. This action will not impose substantial direct compliance costs on federally recognized tribal governments because no actions will be required of tribal governments. This action will also not preempt tribal law as no Oklahoma tribe implements a regulatory program under the CAA, and thus does not have applicable or related tribal laws. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes (December 7, 2023), the EPA offered consultation to tribal governments that may be affected by this action in a letter dated June 26, 2025. The EPA did not receive any requests for consultation.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 27, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a

petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Dated: January 14, 2026.
Walter Mason,
Regional Administrator, Region 6.
For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart LL—Oklahoma

■ 2. In § 52.1920, in the table in paragraph (c) titled “EPA Approved Oklahoma Regulations”, revise the entries for “252:100–13–7” and “252:100–13–8” under “Subchapter 13” to read as follows:

§ 52.1920 Identification of plan.
* * * * *
(c) * * *

EPA APPROVED OKLAHOMA REGULATIONS

State citation	Title/ subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Chapter 100 (OAC 252:100). Air Pollution Control				
*	*	*	*	*
Subchapter 13. Open Burning				
*	*	*	*	*
252:100–13–7 ...	Allowed open burning	9/15/2022	1/26/2026, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
252:100–13–8 ...	Use of air curtain incinerators.	9/15/2022	1/26/2026, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
*	*	*	*	*

[FR Doc. 2026–01408 Filed 1–23–26; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2024–0607; FRL–12598–02–R8]

Air Plan Disapproval; Colorado; Regional Haze Plan for the Second Implementation Period

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is disapproving a regional haze state implementation plan (SIP) revision submitted in 2022 by the State of Colorado under the Clean Air Act (CAA or Act) and the EPA’s Regional Haze Rule (RHR) for the program’s second implementation period. Colorado’s 2022 regional haze SIP revision addresses the requirement that states revise their long-term strategies every implementation period to make

reasonable progress towards the national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility, including regional haze, in mandatory Class I Federal areas (Class I areas). We are disapproving Colorado’s 2022 regional haze SIP revision pursuant to the CAA and regulatory regional haze requirements. The EPA is not taking final action at this time on a separate revision to Colorado’s SIP that consolidates existing, previously approved regional haze provisions into the same regulation where Colorado’s new, second planning period provisions are located.

DATES: This rule is effective on February 25, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2024–0607. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as

copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Jaslyn Dobrahner, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129, telephone number: (303) 312–6252; email address: dobrahner.jaslyn@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” means the EPA.

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- II. Background
- III. Summary and Analysis of Major Issues Raised by Commenters
- IV. Final Action
- V. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is disapproving a SIP revision submitted by the State of Colorado to the EPA on May 20, 2022, and supplemented on August 2, 2022, and June 23, 2023 (Colorado's 2022 regional haze SIP revision), addressing the requirements of the second implementation period of the RHR.¹ The EPA is disapproving Colorado's 2022 regional haze SIP revision pursuant to CAA section 169A and regulatory regional haze requirements. Under CAA section 110(k)(3), the EPA can only approve a SIP revision if it meets all applicable requirements of the Act.² If the EPA concludes that a SIP revision does not meet all applicable CAA requirements, then the EPA has the authority to fully disapprove that revision.³ The analysis in this notice explains the flaws with the unconsented source closure of Nixon Unit 1 at the Ray D. Nixon Power Plant and why it requires a full disapproval. We find that Colorado's 2022 regional haze SIP revision does not meet the requirements of CAA section 110(a)(2)(E)(i)⁴ because Colorado did not provide necessary assurances that the unconsented source closure of Nixon Unit 1 at the Ray D. Nixon Power Plant would not result in a taking pursuant to the U.S. Constitution.⁵ After Colorado submitted its 2022 regional haze SIP revision to EPA, Nixon Unit 1 informed the State that it would not consent to closure and raised concerns about the lawfulness of forcing a closure and the impacts of such a closure on electricity supply in the State. Whenever a state learns that a source no longer intends to close as contemplated by the submitted SIP, it is incumbent on that state to take appropriate steps which could include revising or supplementing the SIP, withdrawal, or providing EPA with necessary assurances that the closure would not violate federal or state law.

Under these circumstances and for the additional reasons set out below, the EPA need not and cannot simply defer to the State's position in their comment letter that "no action before EPA results in a taking" and therefore the 2022 regional haze SIP revision would not violate federal or state law, including the U.S. Constitution, the Colorado Constitution, and applicable provisions of the Act.⁶

The EPA also finds that Colorado's 2022 regional haze SIP revision does not meet the requirements of CAA section 169A(b)(2)⁷ and the RHR at 40 CFR 51.308(f) because the unconsented source closure of Nixon Unit 1 was included in Colorado's long-term strategy, rendering the long-term strategy similarly unapprovable. Without Colorado addressing the inclusion of an unconsented closure without the necessary assurances, the EPA cannot approve Colorado's long-term strategy. Therefore, consistent with CAA section 110(k)(3), the EPA is fully disapproving Colorado's 2022 regional haze SIP revision.

We note that Colorado did not provide flexibility in its long-term strategy to take into account the possibility of changing circumstances that may impact whether a source consents to closure, including changes in electricity demand and supply. For example, Colorado's recent decision (after the State's public comment process and after the EPA issued the proposed rule) to withdraw source closure provisions⁸ from the list of enforceable closure deadlines demonstrates not only the possibility, but the reality, that changing circumstances necessitated a more flexible strategy.⁹ Colorado did not address this issue in withdrawing the additional unit and did not revise and resubmit an updated long-term strategy.

Because the EPA is fully disapproving Colorado's 2022 regional haze SIP

revision, a federal implementation plan (FIP) or an approved SIP revision will be required to satisfy CAA and regional haze rule requirements.¹⁰ The FIP or SIP revision will need to fully address the second implementation period regulatory requirements, including revisions to Colorado's long-term strategy and reasonable progress goals. The EPA further observes that upon Colorado's withdrawal of Comanche Unit 2's closure from Colorado's 2022 regional haze SIP revision, Colorado did not address the impact of the withdrawal on Colorado's previously submitted analysis of its reasonable progress goals as they relate to the Uniform Rate of Progress (URP). This will also need to be addressed in the FIP or SIP revision.

In this final rule, the EPA is not acting on a separate revision to Colorado's SIP that consolidates existing, previously approved regional haze provisions in Regulation Number 3 to the newly adopted Regulation Number 23 where Colorado's new, second planning period provisions are located. We will finalize action on that separate revision as appropriate in the future.

As required by CAA section 169A, the RHR implements a program to manage visibility impairment from man-made air pollution affecting 156 mandatory Class I areas. The RHR requires the states, in coordination with the EPA, the National Park Service, the Fish and Wildlife Service, the Forest Service, and certain other interested parties, to develop and implement a periodic SIP revision addressing the requirements of the CAA and the RHR. Visibility impairing pollutants include fine and coarse particulate matter (PM) (e.g., sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (e.g., sulfur dioxide (SO₂), oxides of nitrogen (NO_x), and, in some cases, volatile organic compounds (VOC) and ammonia (NH₃)). As discussed in further detail in our proposed rule, this preamble, and the accompanying Response to Comments (RTC) document, the EPA finds that Colorado's 2022 regional haze SIP revision fails to meet applicable requirements as is required to exercise our authority to approve the revision—and thereby make the elements included in the revision federally enforceable—under CAA section 110(a)(2). Colorado's 2022 regional haze SIP revision and the RTC document can be found in the docket for this rulemaking.

¹ On November 20, 2025, Colorado withdrew the SIP measures associated with the closure of Comanche Unit 2 that were initially included as part of Colorado's long-term strategy and found in Regulation Number 23, Part A, Section IV.F.1.d. Therefore, the SIP measures associated with the closure of Comanche Unit 2 are no longer part of Colorado's 2022 regional haze SIP revision. The post-proposal withdrawal of the enforceable closure deadline for Comanche Unit 2 is discussed where appropriate in this preamble and could not, under the circumstances, have been taken into account when the EPA issued the proposed rule on July 16, 2025.

² 42 U.S.C. 7410(k)(3).

³ *Id.*

⁴ 42 U.S.C. 7410(a)(2)(E).

⁵ Throughout this document and the response to comment (RTC) document, we extend "Nixon Unit 1" to also include the associated Nixon coal handling facility.

⁶ See Docket ID No. EPA-R08-OAR-2024-0607-0059 at 29–35.

⁷ 42 U.S.C. 7410(a)(2)(E).

⁸ On November 20, 2025, Colorado withdrew the SIP measures associated with the closure of Comanche Unit 2 that were initially included as part of Colorado's long-term strategy and found in Regulation Number 23, Part A, Section IV.F.1.d.

⁹ Further, although not included as a required closure in this rulemaking, the Department of Energy (DOE) issued an order under section 202(c) of the Federal Power Act on December 30, 2025, to take all measures necessary to ensure that Unit 1 of Craig Station in Craig, Colorado is available to operate. See <https://www.energy.gov/documents/federal-power-act-section-202c-craig-order-no-2025-14>. This authority requires DOE to find that an emergency exists related to heightened demand for, or a shortage in supply of, electricity and that the order will best meet the emergency and service the public interest. See 16 U.S.C. 824a(c).

¹⁰ See 42 U.S.C. 7410(c).

II. Background

On May 20, 2022, Colorado submitted a revision to its SIP to address its regional haze obligations for the second implementation period (2018–2028). Colorado supplemented the SIP revision on August 2, 2022, and June 23, 2023. Colorado submitted this SIP revision to satisfy the requirements of the CAA's regional haze program pursuant to CAA sections 169A and 169B and 40 CFR 51.308.

On July 16, 2025, the EPA proposed to partially approve and partially disapprove Colorado's 2022 regional haze SIP revision.¹¹ The July 16, 2025 proposed rule provided background on the requirements of the CAA and RHR, a summary of Colorado's regional haze SIP revisions and related EPA actions, and our rationale for the proposed rule. Specifically, we proposed approval for the portions of Colorado's 2022 regional haze SIP revision relating to: 40 CFR 51.308(f)(1): calculations of baseline, current, and natural visibility conditions, progress to date, and the uniform rate of progress; 40 CFR 51.308(f)(2)(ii)–(iv): long-term strategy; 40 CFR 51.308(f)(3): reasonable progress goals; 40 CFR 51.308(f)(4): reasonably attributable visibility impairment; 40 CFR 51.308(f)(5) and 40 CFR 51.308(g): progress report requirements; 40 CFR 51.308(f)(6): monitoring strategy and other implementation plan requirements; and 40 CFR 51.308(i): FLM consultation. For the reasons described in the proposed rule, we also proposed to disapprove portions of Colorado's 2022 regional haze SIP revision relating to 40 CFR 51.308(f)(2)(i). As relevant here, we proposed that Colorado's 2022 regional haze SIP revision does not meet the requirements of CAA section 110(a)(2)(E)(i) because the State included an unconsented source closure deadline for a currently operating unit without providing necessary assurances that the enforceable closure deadlines are consistent with federal and state law. We specifically proposed that Colorado failed to provide necessary assurances that unconsented source closures, including that of Nixon Unit 1, would not result in a taking in violation of the U.S. Constitution and/or comparable provisions of the Colorado Constitution or otherwise violate the CAA. Concurrently, we also proposed to approve a separate revision to Colorado's SIP that consolidates existing, previously approved, regional haze provisions into Regulation Number 23, the same regulation where

Colorado's new, second planning period provisions are located. The public comment period closed on September 15, 2025.

More than two months after the comment period closed, on November 20, 2025, Colorado withdrew the SIP measures associated with the closure of Comanche Unit 2 that were initially included as part of Colorado's long-term strategy and found in Regulation Number 23, Part A, Section IV.F.1.d. These measures would have required the closure of Comanche Unit 2 by a date certain, and approval of the SIP measures by the EPA would have made the closure deadline federally enforceable for purposes of the Act. Because of Colorado's withdrawal of this portion of the SIP revision, the SIP measures associated with the closure of Comanche Unit 2 are no longer part of Colorado's 2022 regional haze SIP revision.

III. Summary and Analysis of Major Issues Raised by Commenters

During the public comment period, the EPA received 29 comment submissions on the proposed rule; eight sets of comments in support and 20 sets in opposition.¹² The full text of comments received is included in the publicly posted docket associated with this rulemaking at <https://www.regulations.gov>. Below we provide brief summaries of some of the significant comments received and our responses. Our RTC document, which is also included in the docket for this rulemaking, provides detailed responses to all significant comments received and is a part of the administrative record for this action.

A. Unconsented Source Closures

During the public comment period, the EPA received comments supporting and opposing the proposal that Colorado failed to provide necessary assurances that unconsented enforceable source closures would not be prohibited by state or federal law, as required by CAA section 110(a)(2)(E). The EPA posited that the forced and unconsented closure of operating sources, without just compensation, could violate the Takings Clause of the U.S. Constitution and possibly comparable provisions of state law, and that Colorado has not provided necessary assurances that such violations would not occur.

Commenters in support of our proposed disapproval agreed with our finding that enforceable unconsented

source closure provisions, without just compensation, could violate the Takings Clause of the U.S. Constitution and possibly comparable provisions of state law, and that Colorado has not provided the necessary assurances to the contrary. A commenter in support of the proposal stated that forcing a municipality-owned utility to close against its will may constitute an unlawful taking and deprives the municipal owner and its ratepayers of investment-backed expectations. According to another commenter in support, disapproval of enforceable closure provisions avoids potential Takings Clause challenges. During Colorado's public hearing process, Colorado also received similar comments from utilities when Colorado contemplated accelerating "voluntary" source closure provisions such that the closures would no longer be consensual.¹³ The utilities stated that forced early closures confiscate "economical value and strips the units' owners of the productive use of their property" resulting in a taking of the utilities' rights and property interests under the federal and Colorado constitutions.¹⁴ Although the State did not accelerate the "voluntary" source closure provisions at the time, Colorado was on notice that unconsented source closures constitute a "takings". Therefore, Colorado appeared to have dismissed the takings concern for unconsented closures in the State's comments to our proposed rule.¹⁵

We agree with these comments in support of disapproving the SIP revision for containing unconsented source closure provisions. For Nixon Unit 1, approving the SIP revision that requires its unconsented closure could harm the municipality-owned public utility and its citizen ratepayers by destroying the value of the Unit and investments made in the Unit. Notably, both the municipality (directly) and citizen ratepayers (through rates that include contributions to long-term capital costs) continue to invest in the ongoing operation of the Unit that would, if the SIP revision were approved in this respect, be forced to close under federal law. Without the necessary contrary assurances from Colorado, the commenters correctly note the State's 2022 regional haze SIP revision does not meet the requirements of CAA section

¹³ See Docket ID No. EPA–R08–OAR–2024–0607–0004; 14. Public Service Company of Colorado dba Xcel Energy at 23; 14. Platte River Power Authority at 24; 14. Tri-State Generation & Transmission Association Inc at 41; and 14. City of Colorado Springs & Colorado Springs Utilities at 33.

¹⁴ *Id.*

¹⁵ See Docket ID No. EPA–R08–OAR–2024–0607–0059 at 29–35.

¹¹ 90 FR 31926 (July 16, 2025).

¹² One comment was not considered due to the presence of profanity.

110(a)(2)(E)(i), and thus the EPA cannot approve the SIP.

Commenters opposing our proposed disapproval of Colorado's 2022 regional haze SIP revision asserted that disapproving a SIP based on lack of necessary assurances under CAA 110(a)(2)(E) would be unlawful, speculative, arbitrary, and capricious. Commenters stated that a disapproval based on CAA section 110(a)(2)(E)(i) would be arbitrary and capricious because, among other reasons, Colorado has a reliance interest in the RHR and guidance that commenters understood as supporting the ability of a state to include enforceable source closure deadlines as part of its long-term strategy for regional haze SIPs. Additionally, commenters emphasized that when a state includes "voluntary" requirements in a SIP, it is unreasonable for states to consider a potential violation of the Takings Clause. Commenters represented that the necessary assurances argument mischaracterizes closure deadlines as forced or unconsented, and thus that the EPA failed to provide a legal rationale for requiring Colorado to provide necessary assurances that a "voluntary" closure deadline would not violate the Takings Clause.

On the takings argument, specifically, commenters argued that "voluntary" closure deadlines do not conform with the Supreme Court's analysis in *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978) or *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992). Further, commenters stated that without specific facts about each of the closures, our analysis is speculative, arbitrary, and capricious. Commenters asserted that our reliance at proposal on *per se* takings case law is misplaced because the closures are not permanent physical intrusions and do not deprive owners of their properties' complete economic value. As for regulatory takings, commenters stated that we failed in the proposed rule to consider the *Penn Central* factors.¹⁶

Commenters also challenged the EPA's authority to decide constitutional questions, stating that the analysis of the Takings Clause is a matter of judicial review. Finally, commenters questioned the EPA's disapproval of a closure

requirement that already exists and will continue to exist under state law, *i.e.*, before and separately from whether the EPA's approval makes the closure deadlines federally effective and enforceable.

We disagree with the comments questioning the EPA's authority to consider issues involving the Takings Clause under CAA section 110(a)(2)(E)(i). CAA section 110(a)(2)(E)(i) provides that state plans must provide "necessary assurances" that the state "is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof." The best reading of this provision is that the EPA lacks authority to approve a SIP revision that risks implementation of a SIP in a way that is prohibited by federal or state law, and for which the state has not provided necessary assurances that a prohibited action will not occur. The Takings Clause of the Fifth Amendment, applicable to the states via the Fourteenth Amendment, provides that the government shall not take private property, including a municipality-owned public utility property such as Nixon Unit 1,¹⁷ for public use without just compensation. Under the CAA's cooperative-federalism framework, states can determine what emission limits and other measures to include in their SIPs as long as they meet the requirements of the Act.¹⁸ However, those state-selected measures must observe statutory and constitutional limits, as contemplated by the text of CAA section 110(a)(2)(E). Thus, in this case, while a constitutional issue is implicated, the fundamental issue is that the SIP revision record lacks necessary assurances under CAA Section 110(a)(2)(E)(i). In this context, the EPA disagrees with comments stating that ensuring the requirements of the CAA are satisfied, including the requirement that state plans are supported by necessary assurances regarding compliance with the law, is not within or relevant to the EPA's authority. We are not adjudicating constitutional claims in this final rule. Rather, we are ensuring that our exercise of authority to approve or disapprove the SIP revision before us, thereby making it enforceable as a

matter of federal law, is consistent with applicable requirements and limitations on the EPA's authority.

The EPA disagrees with comments alleging that we improperly characterize Nixon Unit 1 as an unconsented closure and thus that we failed to provide a proper legal rationale requiring Colorado to provide necessary assurances that a "voluntary" closure deadline, such as Nixon Unit 1, could violate the Takings Clause. At proposal, we stated "that Colorado has not provided the assurances required by CAA section 110 that implementing the SIP's forced closure provisions (Nixon Unit 1) is not prohibited by state or Federal law. . . . There is a risk that enforceable source closure provisions, without just compensation, would violate the Takings Clause and possibly comparable provisions of state law."¹⁹ We defined a "forced closure" as a "source closure opposed by the source in question that would be made federally enforceable as a result of a SIP approval."²⁰ Further, we defined Nixon Unit 1 as a "forced" or unconsented closure given the documentation²¹ provided to the EPA and Colorado by the municipal owner of Nixon Unit 1 withdrawing their consent to the closure provisions contained in Colorado's 2022 regional haze SIP revision. In addition, we invited comment on whether there were any prior state SIP revisions under CAA section 110 that sought to force the closure of a currently operating source without that source's consent.²² We did not receive any comments providing any such examples. Thus, after considering the comments received, and as explained further in this section and the RTC document, we disagree with commenters' position that Nixon Unit 1 is a "voluntary" closure. Therefore, Colorado is required to provide the necessary assurances that the unconsented Nixon Unit 1 closure provision, without just compensation, would not violate the Takings Clause and comparable provisions of state law as required by CAA section 110(a)(2)(E)(i). We note that the facts presented in this case, where the SIP revision would force a closure clearly opposed by the source, are novel. For that reason, it is understandable that Colorado's submission has generated novel concerns.

The EPA also disagrees with commenters' position that a disapproval

¹⁶ See *Penn Cent.*, 438 U.S. at 124–5. The Court enumerated three factors to consider based on the specific facts of the case in determining if a government regulation goes too far and amounts to an unconstitutional "taking" of private property, requiring compensation under the Fifth Amendment. These factors are (1) economic impact on the owner; (2) owner's investment-backed expectation; and (3) character of the government action.

¹⁷ Municipally owned public utilities are not-for-profit power providers run by local governments, serving their communities directly. While municipality-owned public utilities hold physical property for public purposes, they still possess property rights. If a higher government authority deprives the use of that property through regulatory action, the Fifth Amendment still requires just compensation to the community-owned utility.

¹⁸ *Train v. Natural Resources Defense Council*, 421 U.S. 60, 79 (1975).

¹⁹ 90 FR 31926, 31938 (July 16, 2025).

²⁰ *Id.*

²¹ *Id.* Please see docket for correspondence from Colorado Springs Utilities, owner of Nixon Unit and our proposal discussing Colorado Springs Utilities' correspondence.

²² *Id.*

based on CAA section 110(a)(2)(E)(i) would be unlawful or arbitrary and capricious. Commenters emphasized that when Colorado adopted its SIP, the utilities had already planned to close the sources in question on the schedule included in the SIP. According to these commenters, the SIP reflects that the utilities voluntarily decided to close specific units and Colorado relied on the utilities' decisions when it codified the closures as state regulations. Therefore, commenters opine that, at the time, Colorado would not have known to provide necessary assurances that an unconsented source closure would not amount to a taking without just compensation. However, after Colorado submitted its SIP revision to the EPA and prior to us acting on Colorado's SIP revision, Colorado Spring Utilities (CSU), a municipality-owned public utility, retracted its decision to voluntarily close Nixon Unit 1 via a letter to Colorado dated March 11, 2025. CSU explained that it was facing challenges "to secure adequate replacement energy to offset the loss of 208 megawatts of generating capacity resulting from the voluntary planned retirement of [Nixon Unit 1] as well as putting the Colorado Department of Public Health and Environment (CDPHE) on notice of Colorado Springs Utilities' urgent need to defer the closure of Nixon Unit 1 due to these unforeseen challenges."²³ In addition, CSU met with Colorado on April 23, 2025, and asked Colorado to remove the December 29, 2029 closure of Nixon Unit 1 from its SIP revision amid concerns regarding grid reliability.²⁴

On April 2, 2025, CSU submitted similar documentation to the EPA, asking us not to act on Colorado's 2022 regional haze SIP revision December 29, 2029 closure provision for Nixon Unit 1.²⁵ Once the EPA and Colorado obtained documentation that the owner of Nixon Unit 1 withdrew their consent for their respective enforceable closure provisions contained in Colorado's 2022 regional haze SIP revision, the EPA and Colorado were on notice that approving Colorado's 2022 regional haze SIP revision with the inclusion of an unconsented closure date into the SIP could result in violation of a federal requirement. In addition, with CSU's

withdrawal of its consent to close Nixon Unit 1 set out in Colorado's 2022 regional haze SIP revision, the closure provision for Nixon Unit 1 in Colorado's 2022 regional haze SIP revision became an unconsented closure provision and it was incumbent upon Colorado to provide the necessary assurances that the unconsented source closure would not amount to a taking without just compensation upon implementation of Colorado's 2022 regional haze SIP revision.²⁶ Without any representations from Colorado to the contrary, it is not possible for the EPA to determine that it may approve Colorado's 2022 regional haze SIP revision as meeting all applicable requirements of the Act because the submission does not contain necessary assurances that Colorado "is not prohibited by any provision of Federal . . . law" from executing an unconsented source closure with the imprimatur of federal approval. Colorado's 2022 regional haze SIP revision is not compliant with all applicable requirements of the CAA and, because of that defect, also does not meet the requirements of 40 CFR 51.308(f). As a result, the EPA is disapproving Colorado's 2022 regional haze SIP revision.

Moreover, the EPA disagrees with commenters' representations that the lack of the necessary assurances required by the CAA is not a lawful basis to disapprove the unconsented source closure on the ground that the disapproval would conflict with the RHR and a 2019 guidance document.²⁷ Nor would it be unreasonable to expect that Colorado consider potential takings clause violations at the time the State included the source closures in the SIP. Specifically, commenters state that the RHR provides for the consideration of additional factors, including source retirement and replacement schedules.²⁸ Similarly, according to commenters, the 2019 guidance document describes that a state can shorten the remaining useful life of a source for purposes of a control analysis to account for an announced retirement but only if the state makes the retirement federally enforceable. But source retirement and replacement is much different from enforceable, unconsented closures, which neither the

RHR nor the CAA's regional haze provisions reference or contemplate in any manner. Moreover, the guidance document referenced by commenters does not address the situation here or contain statements that reasonably could be understood to endorse Colorado's novel assertions that the EPA must allow states to use the CAA's regional haze provisions to force source closures. Rather, the guidance states that "[i]f a source is expected to close by December 31, 2028, under an enforceable requirement, a state may consider that to be sufficient reason" not to select the source for developing emission controls for the remaining useful life of the source.²⁹ Nothing in the guidance suggests that states may force unconsented closures as part of a regional haze SIP itself. As noted previously, commenters did not identify any instance where a state has attempted this use of the CAA's regional haze provisions or an instance where the EPA has approved a SIP revision under similar circumstances. Circumstances change, and insisting on unconsented plant closures under these circumstances threatens violations of federal and state law, including additional CAA provisions instructing states and the EPA to account for the consequences of requirements adopted to promote regional haze goals.

Even if Colorado had a legitimate reliance interest in the RHR and the 2019 guidance document and shortened the remaining useful life of a source in its control analysis accordingly, the commenters fail to address that a SIP containing an *unconsented* shortened remaining useful life for a source does not meet all the requirements of the CAA, including ensuring that a SIP or SIP revision includes necessary assurances consistent with CAA section 110(a)(2)(E)(i). The EPA can only approve a SIP revision if it meets all the requirements of the CAA.³⁰ This includes ensuring that the SIP contains the necessary assurances under CAA 110(a)(2)(E)(i) that the implementation of the SIP is not prohibited by federal or state law, including here, prohibitions on uncompensated takings of property interests without consent. Without these assurances, the EPA lacks authority to approve Colorado's 2022

²³ Letter from Travas Deal, CEO, Colorado Spring Utilities, to Jill Hunsaker Ryan, Executive Director, Colorado Department of Public Health and Environment. (March 11, 2025). Available in the docket for this rulemaking at Docket ID No. EPA-R08-OAR-2024-0607-0026.

²⁴ See 90 FR 31926, 31938 (citing "Overview of Colorado Springs Utilities meeting with CDPHE April 23, 2025").

²⁵ See *id.* (citing "Colorado Springs Utilities meeting with EPA April 2, 2025").

²⁶ See 42 U.S.C. 7410(a)(2)(E)(i).

²⁷ Guidance on Regional Haze State Implementation Plans for the Second Implementation Period. <https://www.epa.gov/visibility/guidance-regional-haze-state-implementation-plans-second-implementation-period>. The EPA Office of Air Quality Planning and Standards, Research Triangle Park (August 20, 2019).

²⁸ 40 CFR 51.308(f)(2)(iv)(C).

²⁹ Guidance on Regional Haze State Implementation Plans for the Second Implementation Period at 20 (emphasis added); see also *id.* at 42 n.74 (providing further that this discussion applies "if a source is *certain* to close . . . under an enforceable requirement, a state can reasonably consider that to be sufficient reason to remove the source from further analysis and reasonable progress consideration") (emphasis added).

³⁰ 42 U.S.C. 7410(k)(3).

regional haze SIP revision containing unconsented closure provisions.

Additionally, some commenters stated that the EPA cannot disapprove a closure that exists pursuant to state law because the closure would still be legally required as a matter of state law, and an EPA disapproval does not change this fundamental fact. The EPA disagrees with these commenters' conclusion. Commenters' statements are unsupported and do not acknowledge that when the EPA approves a provision into a SIP, it becomes federally enforceable, including here with respect to the unconsented closure provisions. The EPA does not have the authority to approve and make federally enforceable an unconsented closure provision contained in a SIP without the necessary assurances that the unconsented closure provision does not violate federal law or state law.

Commenters asserted that when further changes to the SIP are appropriate, the correct mechanism for the SIP to reflect the new changes is for the state to submit a SIP revision, after the SIP is approved by the EPA. In addition to the reasons stated above, the EPA disagrees with commenters' statements that the appropriate way to address Nixon Unit's 1 unconsented closure is for EPA to approve the SIP containing an unconsented closure followed by a SIP revision to remove the unconsented closure. It is correct that states can subsequently revise provisions that are already approved as part of a SIP. However, because the EPA has not acted on Colorado's 2022 regional haze SIP revision and the EPA cannot approve a SIP or SIP revision containing an unconsented closure because it does not meet the CAA requirements, revising an approved SIP is not an option. Based on the facts of this action, Colorado would have the following options: supplement the existing 2022 regional haze SIP revision, or withdraw its 2022 regional haze SIP revision and submit an amended regional haze SIP revision.³¹ Once Colorado was notified by the owner of Nixon Unit 1 that they no longer consented to their respective closure provisions in Colorado's 2022 regional haze SIP revision, it was incumbent upon Colorado to supplement the SIP revision either by removing the closures or by providing the necessary assurances required by CAA section 110(a)(2)(E). As Colorado did neither, as previously explained, the EPA must disapprove Colorado's 2022 regional haze SIP revision. We note that the same options would apply with respect to

other sources that notify Colorado that they no longer consent to closure.

Finally, commenters pointed to the EPA's "inappropriate" reliance on *Cedar Point Nursery v. Hassid*, 594 U.S. 139 (2021) and *Horne v. Department of Agriculture*, 576 U.S. 351 (2015)—involving physical per se takings—to argue that a taking cannot occur when a source voluntarily agrees to a closure and that the cases are inapplicable to the circumstances in Colorado, positing that there is not a physical or per se taking. But commenters mischaracterized the EPA's mention of these cases in the proposal. The EPA stated that approval of Colorado's 2022 regional haze SIP revision "could amount to a per se taking," as established by the U.S. Supreme Court precedent.³² Moreover, commenters misunderstand these cases. *Cedar Point Nursery*, for example, established that a per se taking may occur when the government deprives property owners of exclusive rights to even a portion of their property, in that case, by forcing owners to allow union organizers onto the property for relatively brief periods. Commenters do not explain or point to necessary assurances provided by Colorado in the SIP revision record that enforcing an unconsented closure of a power plant would not similarly involve or amount to any form of per se taking.

Some commenters cited to *Lucas v. South Carolina Coastal Council* in support of their assessment that because the closure deadline that would become federally enforceable via an approval does not deprive the utility of "all economically beneficial or productive use of land," compensation would not be required under the federal Takings Clause.³³ But *Lucas* applies only to instances of total deprivation of use, and it relied on "background principles of State's law of property and nuisance," which are not the issues in this action.³⁴ The commenters shed no light on the type of taking at issue in the Colorado action and instead concluded that the forced closure does not give rise to a takings claim. We disagree with their position. An unconsented deadline to close Nixon Unit 1 is the equivalent to a per se taking, permanently restricting CSU's right over its property. It is also possible that a regulatory taking could occur if Nixon Unit 1 is considered a segment of its respective facility and the analysis of the forced closure is limited to each independent unit.

We recognize the U.S. Supreme Court's determination that there are

only two categories of action that can result in a per se taking: (1) where the government requires an owner to suffer a permanent physical invasion of property, and (2) when regulations completely deprive an owner of "all economically beneficial use" of property.³⁵ In this case, we disagree with commenters that because *Horne* and *Cedar Point* involve physical takings, they are inapplicable. Under the Court's jurisprudence, a physical taking occurs when the government physically appropriates or occupies private property for public use. As explained below, the Court in *Horne* and *Cedar Point* addressed questions that are pertinent to the facts at issue in the Colorado action.

According to commenters, closure deadlines are not a physical appropriation of property for various reasons, including the fact that the closure deadline applies to Nixon Unit 1 and not the facility as a whole. In *Cedar Point*, a government regulation restricted an owner's "right to exclude" from the owner's property.³⁶ The Court emphasized the importance of this right, and how the appropriation of the right to physically invade private property requires compensation.³⁷ Because incorporating the unconsented closure for Nixon Unit 1 into the SIP would make the unconsented closure federally enforceable, this would cause the regulation to appropriate CSU's right to control the operation of its facility. The CAA and RHR do not require sources to close to meet reasonable progress. Forcing CSU to close Nixon Unit 1 would deprive CSU of the control and use of its property in order to meet Colorado's purpose. The forced closure of Nixon Unit 1 would lead to its decommissioning, causing a permanent restriction on CSU's property and causing economic harm to the municipality-owned public utility and its citizen ratepayers.

In *Horne*, the Court determined that whenever there is a physical appropriation, it is not right to question whether the appropriation deprives the owner, whether private entity or local government, of all economically valuable use of the item taken.³⁸ This question was also addressed in *Tahoe*, where the Court determined that if the government takes possession of an interest in property for public purpose, "it has a categorical duty to compensate

³⁵ See *Horne*, 576 U.S. 351; *Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 535 U.S. 302, 330 (2002) (citing *Lucas*, 505 U.S. at 1019–20).

³⁶ *Cedar Point Nursery*, 594 U.S. 139.

³⁷ *Id.* at 158.

³⁸ *Horne*, 576 U.S. at 363.

³¹ See generally 42 U.S.C. 7410.

³² 70 FR 31926, 31939 (July 16, 2025).

³³ 505 U.S. 1003 (1992).

³⁴ *Id.* at 1029.

the former owner, regardless of whether the interest that is taken constitutes an entire parcel or merely a part thereof.”³⁹ Similarly, the unconsented closure of Nixon Unit 1 would force the utility to change operating conditions by forcibly decommissioning Nixon Unit 1—which would be comparable to the government deciding how to dispose of the goods set aside in *Horne*—even though a source closure is not a statutory or regulatory requirement under CAA section 169A and 40 CFR 51.308(f). Thus, the EPA disagrees with commenters’ proposition that *Cedar Point* and *Horne* are inapplicable to the unconsented closure of Nixon Unit 1 in Colorado’s 2022 regional haze SIP revision.

As already discussed, it is reasonable to conclude that the facts at issue involve a *per se* taking. Therefore, the framework of *Penn Central*,⁴⁰ which governs regulatory takings, is likely not directly relevant to this final action, as “[i]t is ‘inappropriate to treat cases involving physical takings as controlling precedents for the evaluation of a claim that there has been a “regulatory taking,” and vice versa.’”⁴¹ Nonetheless, for completeness, we also consider whether the unconsented closure of Nixon Unit 1, absent necessary assurances under CAA Section 110(a)(2)(E)(i), could constitute a regulatory taking.

Without necessary assurances under CAA Section 110(a)(2)(E)(i), there is no demonstration that neither a total nor partial regulatory taking will occur from implementation of the unconsented closure provision for Nixon Unit 1 contained in Colorado’s 2022 regional haze SIP revision. Commenters point to the closure date only affecting a segment of Nixon and allowing for the operation of the rest of the facility and argue that therefore there is no total or partial regulatory taking. However, commenters misconstrue CSU’s ownership of other sources (Front Range Power Plant, Solids and Handling Disposal Facility) as being part of the Ray D. Nixon Power Plant when in fact they are separate sources located on adjacent or contiguous property. The Ray D. Nixon Power Plant only consists of Unit 1 and associated coal handling and thus when evaluating whether there is a regulatory taking, the regulatory taking evaluation is limited to Nixon Unit 1 and should not include evaluation of Front Range Power Plant and Solids and Handling Disposal Facility as part of that as commenters do.

A total regulatory taking would occur if the closure would fully deprive the source owner of all economic use of the land under the standard described in *Lucas*.⁴² “The general rule at least is, that while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking.”⁴³ The U.S. Supreme Court has defined “a regulation which ‘denies all economically beneficial or productive use of land’ will require compensation under the Takings Clause” and is a “regulation that goes too far.”⁴⁴ Without necessary assurances under CAA Section 110(a)(2)(E)(i), it is not possible for the EPA to ensure that approval of Colorado’s 2022 regional haze SIP revision will not constitute a regulatory taking under the U.S. Constitution, given the administrative record. For this reason, the EPA is authorized under the CAA to fully disapprove this SIP submission to avoid a takings situation. The effect of such a taking would result in permanent deprivation of property and would be a textbook example of a “regulation going too far.”⁴⁵

A partial regulatory taking results when a regulation hinders the use of property but does not deprive the owner of all economically beneficial use. Here, the analysis involves considering whether the Nixon Unit 1 closure provision codified in federal regulation results in (1) a significant economic impact on the claimants; (2) interference with distinct investment-backed expectations; and (3) shares characteristics with similar governmental actions considered takings.⁴⁶ Based on Colorado’s action as further described in section III.A and in the RTC document, without necessary assurances to the contrary, it is not possible for the EPA to ensure that approval of Colorado’s 2022 regional haze SIP revision containing an unconsented closure provision will not constitute a partial regulatory taking under the U.S. Constitution, given the administrative record.

Additionally, building on the analysis earlier in this section, the EPA disagrees with commenters’ conclusion that the *Penn Central* test does not support a determination that a partial regulatory taking would result if the EPA codified Colorado’s unconsented closure provision for Nixon Unit 1. A use restriction may constitute a taking if not

reasonably necessary to the effectuation of a substantial public purpose or if it has an unduly harsh impact upon the owner’s use of the property.⁴⁷ First, contrary to commenters’ statements, the purpose of the CAA’s regional haze provisions is to address visibility impairment in Class I areas, not to address public health. Colorado determined that the closure of Nixon Unit 1 “will satisfy and exceed [reasonable progress] requirements for this implementation period.”⁴⁸ Therefore, even if the purpose of the closure is to promote “general health, safety, and welfare,” as stated by one commenter,⁴⁹ an unconsented closure falls outside the statutory and regulatory requirements of the regional haze program. Moreover, an unconsented closure of Nixon Unit 1 would negatively impact a municipality-owned public utility and its citizen shareholders/ratepayers from producing electricity on its property and could threaten grid reliability for CSU’s customer base and negatively impact people, businesses, military installations, hospitals, and other services in CSU’s service territory.⁵⁰

Second, the economic impact of the government regulation “is determined by comparing the total value of the affected property before and after the government action.”⁵¹ Here, if the EPA approves the Nixon Unit 1 unconsented closure deadline into the SIP, the closure would be federally enforceable, and the decommissioning of the Unit would diminish its economically beneficial use and value. Further, according to CSU, the moment CSU determined that a December 29, 2029 closure was no longer viable, the municipality’s investment-backed expectations changed and the closure was no longer part of its business plan.⁵² As this action demonstrates, many of the coal-fired electricity generating units in Colorado are closing.⁵³ If CSU is forced to close Nixon Unit 1 by December 29, 2029,

⁴⁷ *Id.* at 127 (internal citation omitted).

⁴⁸ Colorado 2022 regional haze SIP revision at 53.

⁴⁹ See Docket ID No. EPA–R08–OAR–2024–0607–0062 at 5.

⁵⁰ Letter from Travas Deal, CEO, Colorado Spring Utilities, to Jill Hunsaker Ryan, Executive Director of Colorado Department of Public Health and Environment. (March 11, 2025). Available in the docket for this rulemaking at Docket ID No. EPA–R08–OAR–2024–0607–0026.

⁵¹ *Colony Cove Props., LLC v. City of Carson*, 888 F.3d 445, 451 (9th Cir. 2018).

⁵² Letter from Travas Deal, CEO, Colorado Spring Utilities, to Jill Hunsaker Ryan, Executive Director of Colorado Department of Public Health and Environment. (March 11, 2025). Available in the docket for this rulemaking at Docket ID No. EPA–R08–OAR–2024–0607–0026.

⁵³ Colorado 2022 regional haze SIP revision at 75.

³⁹ *Tahoe-Sierra Pres. Council*, 535 U.S. at 323.

⁴⁰ *Penn Central*, 438 U.S. 104.

⁴¹ *Tahoe-Sierra Pres. Council*, 535 U.S. at 323.

⁴² *Lucas*, 505 U.S. at 1116.

⁴³ *Pa. Coal Co. v. Mahon*, 260 U.S. 393, 415 (1922).

⁴⁴ *Id.*; see also *Lucas*, 505 U.S. 1003; *Palazzolo v. Rhode Island*, 533 U.S. 606, 617 (2001).

⁴⁵ *Id.*

⁴⁶ *Penn Central*, 438 U.S. at 124.

CSU anticipates capacity deficits of 173 MW in 2030, increasing to 257 MW in 2034.⁵⁴ Thus, after considering the *Penn Central* factors in relation to the unconsented closure of Nixon Unit 1, it is not possible for the EPA to ensure that approval of Colorado's 2022 regional haze SIP revision will not constitute a partial regulatory taking under the U.S. Constitution. A partial regulatory taking violates Federal law and without the CAA Section 110(a)(2)(E)(i) necessary assurances to the contrary, the EPA does not have the authority to approve a SIP with an unconsented closure.

The EPA shall approve a SIP revision only if it meets all CAA requirements.⁵⁵ Given the necessary assurances requirement in CAA section 110(a)(2)(E)(i) and the withdrawal of consent from the municipal owner for closure of Nixon Unit 1, Colorado is required to provide necessary assurances to the EPA to ensure that implementation of Colorado's 2022 regional haze SIP revision containing an unconsented closure provision is not prohibited by Federal law including the Takings Clause of the U.S. Constitution. However, Colorado failed to provide the necessary assurances required by CAA section 110(a)(2)(E)(i) that approval of Colorado's 2022 regional haze SIP revision containing the unconsented closure provision for Nixon Unit 1 will not violate Federal law including an uncompensated taking *per se* or a partial or full regulatory taking. Because the Nixon Unit 1 closure is not approvable under CAA section 110(a)(2)(E)(i), we cannot approve Colorado's long-term strategy and are disapproving the SIP revision in its entirety.

The EPA further observes that upon Colorado's withdrawal of the closure of Comanche Unit 2 from the SIP submittal, Colorado did not address the withdrawal's impact on Colorado's previously submitted analysis of its reasonable progress goals as they relate to the URP. Furthermore, Colorado withdrew the closure without engaging in the State processes associated with the development of SIP revisions for submittal to the EPA for approval. These processes include providing for State-level notice and comment prior to the submission of a SIP revision to the EPA. As a result of this full disapproval, Colorado may now engage in those processes.

B. Other Source Closures

The EPA's final action disapproving Colorado's 2022 regional haze SIP revision is not based on Colorado's consideration of the energy impacts associated with the source closures. Nonetheless, we maintain that Colorado did not independently assess the source closures under the "energy and non-air quality environmental impacts of compliance" statutory factor including impacts on maintaining grid reliability and the utilities' ability to meet energy demand, particularly given the number of imminent source closures, as detailed in our proposed rule and in the RTC document.

Commenters point to information such as grid analyses performed by the Colorado Public Utilities Commission (PUC) or other utility boards, utility resource planning processes, statements from the utilities themselves, as well as the entities that have oversight and jurisdiction to review and approve electric utilities' plans as evidence that Colorado considered the "energy and non-air quality environmental impacts of compliance" statutory factor. The mere citation of analyses, reports, approvals, and associated materials from the Colorado PUC and other utility boards is not evidence that Colorado independently assessed the impact on grid reliability in Colorado from the totality of the retirements included in the SIP revision or that Colorado considered that information, with respect to the source closures, within the context of the "energy and non-air quality environmental impacts of compliance" statutory factor. Notwithstanding the reliance interests identified in this document, it is not reasonable for Colorado to ignore evaluating the energy impacts associated with the source closures for this SIP revision.

Contrary to some commenters' claims, instead of using the information from the Colorado PUC and individual utilities to evaluate the energy impacts of the source closures, Colorado only used that information to shorten the remaining useful life of the sources. In its November 2020 prehearing statement, Colorado states that "[t]he closure dates in this proposal are used within the four-factor analysis with regard to remaining useful life adjustments, not for any additional pollutant reductions that would be necessary to demonstrate reasonable progress in 2028 for this round."⁵⁶ In Colorado's comments on the EPA's proposed rule, Colorado further

reiterated that it "used shortened remaining useful life for certain stationary sources for its reasonable progress determination based on information from utilities regarding voluntary, announced source retirements," and that "[t]he Closure Dates are incorporated into Colorado's 2022 SIP Submission as a means of limiting the sources' remaining useful life as required for the four-factor analyses."⁵⁷ As Colorado also stated in its comments on the EPA's proposed rule, Colorado's analysis with respect to the source closures "focused on source-specific issues" and "did not attempt an independent evaluation of broader grid reliability issues" associated with the thirteen source closures contained in Colorado's 2022 regional haze SIP revision.⁵⁸

Despite the shortcomings in Colorado's analysis of grid reliability concerns, the EPA recognizes that our prior statements may have generated a reliance interest that led to how Colorado developed its SIP revision.⁵⁹ For example, the EPA's 2019 guidance document provided a limited scope of considerations generally involved under the "energy and non-air quality factor" and it was reasonable for Colorado to rely on the interpretation provided in that guidance—although the EPA's 2019 guidance document did not prohibit the consideration of grid reliability. Further, during the state-level public comment process, the EPA included in its public comments that, generally speaking, Colorado's rationale for the control determination should be based on the four-factor analysis and should "not rely on other factors such as grid reliability, future demand, etc. . . ." ⁶⁰ While the EPA no longer believes that public comment was correct, it was also reasonable for Colorado to rely on the EPA's representation in that public comment letter. However, for any additional revisions to Colorado's SIP, the reliance issue would no longer apply as we no longer believe it is appropriate for Colorado to ignore grid reliability issues when meeting regional haze obligations.

Thus, recognizing Colorado's reliance interest in the EPA's prior representations, the EPA is not determining that Colorado's cursory grid reliability analysis is a reason to disapprove Colorado's 2022 regional haze SIP revision.

⁵⁴ Letter from Travas Deal, CEO, Colorado Spring Utilities, to Jill Hunsaker Ryan, Executive Director of Colorado Department of Public Health and Environment. (March 11, 2025). Available in the docket for this rulemaking at Docket ID No. EPA-R08-OAR-2024-0607-0026.

⁵⁵ 42 U.S.C. 7410(k)(3).

⁵⁶ See Docket ID No. EPA-R08-OAR-2024-0607-0004; 14_Air Pollution Control Division at 8.

⁵⁷ See Docket ID No. EPA-R08-OAR-2024-0607-0059 at 17 and 18.

⁵⁸ *Id.* at 24.

⁵⁹ See, e.g., *Kentucky v. EPA*, 123 F.4th 447, 467–71 (4th Cir. 2025).

⁶⁰ See Docket ID No. EPA-R08-OAR-2024-0607-0011; 16_EPA Comments at 4.

Although the EPA is not disapproving Colorado's 2022 regional haze SIP revision on the basis of Colorado's lack of independent assessment of the source closures under the "energy and non-air quality environmental impacts of compliance" statutory factor, including impacts on maintaining grid reliability and the utilities' ability to meet energy demand, the concerns regarding grid reliability included in the proposal still hold true. The EPA recognizes that any source that previously decided to close could determine in the future that closure is no longer appropriate. As explained in the proposal, the demand for electricity is rising due to the resurgence of domestic manufacturing and the construction of artificial intelligence data processing centers. As noted in Executive Order 14241, power generated from coal resources is critical to addressing this surging demand and a matter of national interest, national security, and energy policy. The EPA does not encourage electric generating facilities to close in the face of this energy demand. Moreover, the EPA does not expect any state to encourage or force an electric generating facility to close in order to comply with the CAA's regional haze second planning period requirements.

If a source that previously consented to close changes its plans, the EPA expects Colorado to work collaboratively with the source and ensure that any future SIP revision accurately reflects the source's expected operations, in addition to the analyses required by the RHR.

IV. Final Action

For the reasons stated in the RTC document and in this document, we are disapproving Colorado's 2022 regional haze SIP revision. A FIP or an approved SIP revision will be required to satisfy CAA and regional haze rule requirements.⁶¹ In this action, the EPA is not taking final action on a separate revision to Colorado's SIP that moves the regional haze provisions in Regulation Number 3 to the newly adopted Regulation Number 23.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 because it applies to only certain facilities in the State of Colorado.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not expected to be an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

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

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This action will not impose any requirements on small entities. This action is disapproving SIP provisions that do not meet the requirements of CAA sections 110(a)(2)(E)(i) and 169A(b)(2) and the Regional Haze Rule at 40 CFR 51.308(f).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This rule does not have Tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on Tribal governments. Thus, Executive Order 13175 does not apply to this rule.

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

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

revisions to a State program that are inconsistent with statutory and regulatory requirements for the CAA and Regional Haze Rule.

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

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866. This action will not have a significant adverse effect on the supply, distribution or use of energy.

J. National Technology Transfer Advancement Act

This rulemaking does not involve technical standards.

K. Congressional Review Act

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

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 27, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See CAA section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: January 9, 2026.

Cyrus M. Western,

Regional Administrator, Region 8.

[FR Doc. 2026–01413 Filed 1–23–26; 8:45 am]

BILLING CODE 6560–50–P

⁶¹ 42 U.S.C. 7410(c).

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[EPA–R05–OAR–2021–0963; FRL–12589–02–R5]****Air Plan Approval; Indiana; Regional Haze Plan for the Second Implementation Period****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the Regional Haze State Implementation Plan (SIP) revision for Indiana submitted by the Indiana Department of Environmental Management (IDEM or Indiana) on December 29, 2021, as satisfying applicable requirements under the Clean Air Act (CAA) and EPA's Regional Haze Rule (RHR) for the program's second implementation period. Indiana's SIP submission addresses the requirement that States must periodically revise their long-term strategies for making reasonable progress towards the national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility, including regional haze, in mandatory Class I Federal areas. Indiana's SIP submission also addresses other applicable requirements for the second implementation period of the regional haze program. EPA is taking this action pursuant to sections 110 and 169A of the CAA.

DATES: This final rule is effective on February 25, 2026.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2021–0963. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through <https://www.regulations.gov> or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Charles Hatten, Environmental Engineer, at

(312) 886–6031 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT:

Charles Hatten, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, hatten.charles@epa.gov.

SUPPLEMENTARY INFORMATION:

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

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I. Background

On December 29, 2021, IDEM submitted a revision to its SIP to address regional haze requirements for the second implementation period. IDEM made this SIP submission to satisfy the requirements of the CAA's regional haze program pursuant to CAA sections 169A and 169B and 40 CFR 51.308.

On June 18, 2025 (90 FR 25944), EPA proposed to approve the Indiana regional haze SIP revision. In the notice of proposed rulemaking (NPRM), EPA proposed to find that Indiana's Regional Haze SIP submission satisfied the regional haze requirements for the second implementation period contained in 40 CFR 51.308(f). As described further in EPA's proposed approval, IDEM utilized technical analyses and its source selection methodology to target the sources with the highest potential to impair visibility at mandatory Class I areas.¹ IDEM's initial list of twenty candidate sources for a four-factor analysis represented the majority of Indiana's emissions that may influence visibility impacts on out-of-state Class I areas. IDEM further refined that list by excluding eleven electric generating units (EGUs) that either had existing effective controls or that were not expected to continue operating beyond 2028. IDEM then proceeded with site-specific four-factor analyses

¹ There are no Class I areas in Indiana. However, the RHR requires SIPs to address Class I areas located outside the state that may be affected by emissions from within the state.

for the remaining nine non-EGU facilities identified through this process. A detailed analysis of Indiana's plan and EPA's evaluation are contained in the NPRM, dated June 18, 2025 (90 FR 25944), as well as the Technical Support Document (TSD), dated April 22, 2025, and will not be restated here.

II. Public Comment Process

The public review and comment period on EPA's NPRM opened June 18, 2025, and was originally scheduled to close on July 18, 2025. On June 26, 2025, EPA received a comment letter from the National Parks Conservation Association, the Coalition to Protect America's National Parks, and the Sierra Club (Comment 1) requesting that EPA provide an additional 30 days for public comment on the NPRM. On July 16, 2025 (90 FR 31923), EPA published a NPRM extending the public review and comment period to August 18, 2025.

During the review and comment period, EPA received relevant comments from the following individuals, businesses, agencies, and organizations: an individual identified as Kurtis K. (Comment 2); three anonymous commenters (Comments 3, 4, and 5); IDEM (Comment 6); Power Generators Air Coalition (Comment 7); Ameren Missouri, American Electric Power Company, Inc. on behalf of its operating companies, and Nebraska Public Power District (collectively referred as the “Utilities for Reasonable Progress”) (Comment 8); Ohio Valley Electric Corporation (OVEC) and Indiana-Kentucky Electric Corporation (IKEC) (Comment 9); Abrams Environmental Law Clinic, Artists for Environmental Restoration, Inc., Citizens Climate Lobby–Evansville Chapter, Conservation Law Center, Environmental Advocacy Center at the Northwestern Pritzker School of Law, Faith in Place, Hessville Dune Dusters, Izaak Walton League–Indiana Division, Izaak Walton League–Porter County Chapter, Just Transition Northwest Indiana, National Parks Conservation Association, Owen-Putnam Friends of the Forest, Save the Dunes, Sierra Club–Hoosier Chapter, and Tri-State Creation Care (collectively referred to as “Community Organizations”) (Comment 10); Mid-Atlantic/Northeast Visibility Union (MANEVU) regional planning organization (Comment 11); and National Parks Conservation Association, Sierra Club, Environmental Law & Policy Center, Coalition to Protect America's National Parks, Conservation Law Center, Save the Dunes, and the Indiana Division of the Izaak Walton League of America (collectively referred to as the

“Conservation Groups”) (Comments 12 through 23).

III. Summary of Public Comments and EPA’s Responses

A. Comments Received

All comments received are included in the rulemaking docket for this action. In the December 19, 2025, Response to Comments document (RTC), which is included in the docket for this rulemaking, EPA provides summaries of and detailed responses to all significant comments that further explain the basis for our final action.

In addition to the request to extend the public comment period, EPA received comments on the NPRM addressing several topics including, but not limited to, additional emissions monitoring, increased public engagement, climate resilience, visibility trends, public health, economic benefits, enforceability of retirements, existing effective controls, four-factor analyses,² cost considerations, Best Available Retrofit Technology (BART), and impacts on local communities. Additionally, EPA received several comments regarding EPA’s URP policy.³

EPA acknowledges the seven comments that were generally supportive of the proposed action and EPA’s URP policy from Kurtis K. (Comment 2), two anonymous commenters (Comments 3–4), IDEM (Comment 6); PGen (Comment 7), Utilities for Reasonable Progress (Comment 8), as well as OVEC and IKEC (Comment 9). Comments received from the Community Organizations, MANEVU, and the Conservation Groups were generally opposed to EPA’s proposed action: Comments 10–23. The comments, while summarized below, are available in full in the docket for this rulemaking and are addressed in EPA’s December 19, 2025, RTC. The comments and EPA’s responses summarized here are divided into two sections for those that are and are not specific to EPA’s URP policy.

B. Comments and Responses That Are Not Specific to EPA’s URP Policy

Comment and Response 2: Comments from Kurtis K., while supportive of EPA’s proposed action, suggested additional emissions monitoring at three facilities and increased public engagement.

As addressed in the RTC, EPA notes that the type of emissions monitoring suggested is already provided for in the federally enforceable title V permits and considered in the visibility modeling efforts for the three facilities mentioned in the comment. As to providing for public engagement after SIP implementation, EPA notes that the RHR provides for public comment on SIP revisions and the progress of the SIP, generally every five years.

Comments and Responses 3, 4, 6, 7, 8, and 9: Comments received from two anonymous commenters, IDEM, PGen, Utilities for Reasonable Progress, as well as OVEC and IKEC supported EPA’s proposed action. EPA acknowledges their support for EPA’s proposed approval.

Comment and Response 10: The Community Organizations asserted that EPA’s proposed approval will allow pollution to continue harming the air quality, public health, and economy of local and national parks and communities.

As addressed in the RTC, Indiana has taken appropriate steps to reduce pollution that affects air quality in the affected Class I areas, including meaningful sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emission reductions since the beginning of the second implementation period in 2019. Most of these emissions reductions have already occurred during the second implementation period and will continue to improve visibility in all Class I areas affected by emissions from Indiana. EPA notes that the visibility program prescribed by CAA sections 169A and 169B and implemented in 40 CFR 51.308 is not a public health-based program, and impacts on park tourism and local economies are not considerations within the Regional Haze statute or rule.

Comment and Response 11: MANEVU raised several items for EPA’s consideration relating to changing circumstances since the time that MANEVU sent its “Asks” to Indiana on November 5, 2021, during the State’s regional haze planning efforts. MANEVU observed that the Lake Michigan Air Directors Consortium (LADCO) has documented that modeled levels of nitrate in the winter have apparently been underestimated, and

that declining trends in visibility impairment appear to have “flattened” in recent years. As a result, MANEVU asserted that additional measures will be needed in the future “to reinvigorate robust visibility improvements.”

As discussed in the RTC, EPA provides further explanation of LADCO’s modeling and notes that MANEVU did not address a specific regulation or provision in question or recommend a different action on Indiana’s 2021 SIP submission from what EPA proposed.

Comment and Response 12: The Conservation Groups assert that reducing haze pollution from Indiana facilities will improve visibility in Class I areas⁴ and result in economic, public health, and environmental benefits.

As addressed in the RTC, concerns regarding public health, park visitation, and local economies are not considerations within the Regional Haze statute or rule.

Comment and Response 13: The Conservation Groups argue that EPA’s proposal to approve the Indiana SIP Revision violates the CAA and RHR. In this regard, the Conservation Groups assert: (a) that EPA’s reliance on permit limits and consent decrees, past emission reductions, and ongoing emission reductions to approve Indiana’s 2021 SIP Revision is arbitrary and capricious; and (b) that Indiana failed to include federally enforceable measures in the 2021 SIP Revision for source retirements.

As detailed in the RTC, EPA disagrees with the Conservation Groups’ assertions. Indiana did not rely on any planned EGU retirements, past emission reductions, reductions in utilization, or ongoing emission reductions that are not already federally enforceable as necessary to make reasonable progress in the second implementation period. As such, Indiana did not request any additional measures for the second implementation period be incorporated into the regulatory portion of Indiana’s SIP at 40 CFR 52.770.

Comment and Response 14: The Conservation Groups assert that Indiana unreasonably refused to conduct four-factor analyses for sources that the State claimed are effectively controlled. The Conservation Groups argue that neither the CAA nor the RHR allows States to

² Under CAA 169A(g)(1), the four statutory factors are the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any potentially affected sources. See also 40 CFR 51.308(f)(2)(i). An evaluation of potential control options for sources of visibility impairing pollutants based on applying the four statutory factors in CAA section 169A(g)(1) is referred to as a “four-factor” analysis.

³ A change in Agency policy was introduced in the approval of West Virginia’s regional haze plan. See the April 18, 2025, (90 FR 16478) proposed rule and the July 7, 2025, (90 FR 29737) final rule.

⁴ Areas statutorily designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. CAA 162(a). There are 156 mandatory Class I areas. The list of areas to which the requirements of the visibility protection program apply is in 40 CFR part 81, subpart D. Class I Federal areas are hereinafter referred to as “Class I areas”.

eliminate sources from the four-factor statutory analysis on the basis that they are effectively controlled. The Conservation Groups contend that Indiana's demonstrations of existing effective controls are flawed and that reasonable controls or upgrades are available for these facilities at some of the State's largest sources of regional haze-causing emissions, including Duke–Gibson, Alcoa–Warrick Power Plant, AEP–Rockport, IKEC–Clifty Creek, and Duke–Cayuga.

As further discussed in the RTC, EPA addresses this comment as well as comments regarding each of these five facilities below under Comments and Responses 14a to 14f, respectively.

Comment and Response 14a: Existing Effective Control Demonstrations. As described in more detail in the RTC, EPA disagrees with the notion that CAA sections 169A(b)(2) and (g)(1) and the RHR prohibit States from foregoing a four-factor analysis based on a State determination that a source is effectively controlled. As outlined in the 2017 RHR preamble, “the EPA has consistently interpreted the CAA to provide States with the flexibility to conduct four-factor analyses for specific sources, groups of sources or even entire source categories, depending on State policy preferences and the specific circumstances of each State.”⁵ However, within the bounds of the flexibility afforded to States, EPA also stated that States must “exercise reasoned judgment when choosing which sources, groups of sources or source categories to analyze.”⁶ In the 2019 Guidance, section 3(f), EPA explained when it may be appropriate to forgo a four-factor analysis for sources with existing effective control measures and provided examples where a full four-factor analysis would likely result in the conclusion that no further controls are necessary.⁷ EPA evaluated Indiana's Regional Haze SIP submission and concludes that IDEM's source selection methodology, thresholds, and justification for not conducting a four-factor analysis on all sources for this second implementation period are reasonable. EPA also concludes that IDEM sufficiently demonstrated that the sources selected for further evaluation at the facilities listed under this comment

below are effectively controlled for the second implementation period.

Comment and Response 14b: Duke–Gibson. The Conservation Groups assert that excluding Duke–Gibson Unit 5 from LADCO's emissions projections in the 2028 visibility modeling was arbitrary and unlawful since there is no legal requirement preventing the unit from continuing to operate beyond 2028. The Conservation Groups further state that the existing NO_x and SO₂ emission controls on Duke–Gibson Units 1, 2, 3, 4, and 5 are underperforming and that upgrades to the existing controls would likely be feasible and cost-effective.

As described in further detail in the RTC, EPA disagrees with this comment and notes that the assumptions used in modeling future projections were based on the best available information at the time. Although there is no current legal obligation for Unit 5 to retire, EPA continues to find that IDEM has sufficiently demonstrated that Units 1, 2, 3, 4, and 5 are effectively controlled for the second implementation period and that a four-factor analysis would not likely result in the conclusion that further controls are necessary for reasonable progress. In this regard, consistent with the 2019 Guidance, IDEM showed that the SO₂ emission rates for all units are below the 2012 Mercury and Air Toxics Standards (MATS) for coal-fired EGUs. Additionally, NO_x emission rates are below the 0.08 pounds per million metric British thermal units (lbs/MMBtu) level for EGUs with optimized selective catalytic reduction (SCR) under the Revised Cross-State Air Pollution Rule (CSAPR) Update,⁸ flue gas desulfurization (FGD) control efficiencies are greater than 90 percent, and SCR control efficiencies are greater than 80 percent.

Comment and Response 14c: Alcoa–Warrick Power Plant. The Conservation Groups argue that Indiana should conduct a four-factor analysis on Alcoa–Warrick Power Plant's Units 1, 2, 3, and 4.

As described in further detail in the RTC, EPA disagrees with this comment and notes that IDEM has sufficiently demonstrated that Alcoa–Warrick Power Plant Units 1, 2, 3 and 4 are effectively controlled for the second implementation period. All four units are subject to BART emission limitations from the first implementation period on a pollutant-specific basis and continue to operate BART controls. Thus, as described in the 2019 Guidance, although BART-eligible sources should not be

categorically excluded from further analysis in each planning period, the source is currently operating controls to meet BART emission limits, and it is unlikely that there will be further available reasonable controls. Based on the information provided in Indiana's SIP submission and the BART analysis, IDEM appropriately demonstrated that a full four-factor analysis would likely result in the conclusion that no further controls are necessary.

Comment and Response 14d: AEP–Rockport. The Conservation Groups state that the existing NO_x and SO₂ emission controls on AEP–Rockport Units 1 and 2 are underperforming and that a four-factor analysis should have been performed.

As further explained in the RTC, EPA disagrees with this comment and maintains that IDEM has sufficiently demonstrated that AEP–Rockport MB1 and MB2 are effectively controlled for the second implementation period. In this regard, as described in the 2019 Guidance, IDEM showed that with the recent installation of enhanced dry sorbent injection (DSI) and SCR on MB2, the SO₂ emission rates for both boilers are below the 0.2 lbs/MMBtu level for coal-fired EGUs in the 2012 MATS, and NO_x emission rates are below the 0.08 lbs/MMBtu level for units with SCR under the Revised CSAPR Update.

Comment and Response 14e: IKEC–Clifty Creek. The Conservation Groups argue that additional cost-effective NO_x and SO₂ emission controls are likely to exist for IKEC–Clifty Creek's six EGUs and that a four-factor analysis should have been performed.

As described in greater detail in the RTC, EPA disagrees with this comment and maintains that IDEM has sufficiently demonstrated that IKEC–Clifty Creek Units 1–6 are effectively controlled for the second implementation period as described in the 2019 Guidance, with FGDs achieving 98 percent SO₂ control efficiency, SCRs and overfire air achieving 70–90 percent NO_x control on an annual basis, and actual SO₂ emission rates for all six units below the 2012 MATS level for coal-fired EGUs. Additionally, IDEM has thoroughly documented NO_x emissions that are progressively constrained on an annual basis under the Revised CSAPR Update Rule and the lack of potential controls for NO_x that IDEM considers cost-effective.

Comment and Response 14f: Duke–Cayuga. The Conservation Groups argue that Indiana should be required to conduct a four-factor analysis on Duke–Cayuga's two coal-fired EGUs Units 2

⁵ 82 FR 3088, January 10, 2017.

⁶ 82 FR 3088, January 10, 2017.

⁷ See section 3(f) of EPA's “Guidance on Regional Haze State Implementation Plans for the Second Implementation Period,” EPA Office of Air Quality Planning and Standards, Research Triangle Park, August 20, 2019 (2019 Guidance) which is publicly available at https://www.epa.gov/sites/default/files/2019-08/documents/8-20-2019_-_regional_haze_guidance_final_guidance.pdf.

⁸ See 86 FR 23054, 23088, April 30, 2021.

and 3 and that cost-effective options for additional NO_x emission controls would likely be cost-effective.

As explained in greater detail in the RTC, EPA disagrees with this comment and maintains that IDEM has sufficiently demonstrated that Duke–Cayuga Units 2 and 3 are effectively controlled for the second implementation period. In this regard, as described in the 2019 Guidance, IDEM documented FGD systems achieving 95 percent control efficiency, SO₂ rates that are below MATS for coal fired units, and NO_x emissions that are controlled by low-NO_x burners with separated over fire air and SCR achieving 88 percent control efficiency.

Comment and Response 15: The Conservation Groups contend that EPA neglected its duty to review Indiana's source-specific four-factor analyses. The Conservation Groups also argue that IDEM did not rigorously analyze controls that the Conservation Groups maintain are likely cost effective and, in so doing, did not appropriately require additional control measures for any of the nine sources IDEM evaluated to reduce emissions to make reasonable progress. The nine sources include: (a) Lone Star Industries, Inc.–Greencastle dba Buzzi Unicem USA; (b) Cleveland-Cliffs Steel, LLC–Indiana Harbor East and Indiana Harbor West; (c) Cleveland-Cliffs Steel, LLC–Burns Harbor; (d) U.S. Steel–Gary Works; (e) SABIC Innovative Plastics–Mt. Vernon, LLC; (f) Warrick Newco LLC, formerly Alcoa Warrick Operations, LLC; (g) Cokenergy, LLC; and (h) Heidleberg Materials US Cement LLC–Mitchell Plant, formerly Lehigh Cement Company, LLC–Mitchell Plant.

As further explained in the RTC and as outlined in our NPRM and April 22, 2025, TSD, EPA carefully evaluated Indiana's 2021 SIP submission along with the comments from the Federal Land Managers (FLMs) consultation and the State's public notice period, as well as the State's responses to those comments. Based on the complete record, EPA explained its decision to approve the SIP and took comment on the proposed approval in the NPRM. EPA recognizes that IDEM worked directly with the sources to conduct extensive site-specific technical work and provide full documentation in support of its 2021 SIP to submit complete four-factor analyses evaluating potential feasible and reasonable control measures. In the NPRM and April 22, 2025, TSD, EPA documented the existing controls, permit limitations, control options, potential reductions, and potential costs for new controls that the State relied upon in its four-factor analyses. In making its determinations,

IDEM properly considered the four statutory factors along with projected 2028 visibility conditions for Class I areas influenced by emissions from Indiana sources, emission reductions that have occurred, and current control technologies in concluding no additional controls were necessary to make reasonable progress.

Comment and Response 15a: Lone Star Industries, Inc.–Greencastle dba Buzzi Unicem USA. The Conservation Groups state that IDEM's four-factor analysis should have also evaluated SCR and lacked documentation with the consideration of selective non-catalytic reduction for the remaining useful life and interest rate in the cost calculations. The Conservation Groups also contend that Indiana reached its conclusions before the FLM consultation period and the public comment period.

As explained in detail in the RTC, EPA disagrees and notes that IDEM did consider SCR in determining feasible control options. For each control option evaluated, IDEM also provided extensive site-specific documentation, including an explanation of the control technologies, applicability, the limitations, expected removal efficiencies and performance, as well as considerations for cost analyses for both capital and operating costs and the relationship with reduction efficiency.

Further, EPA disagrees with the Conservation Groups' allegations that IDEM failed to incorporate FLM comments in its planning. EPA believes IDEM genuinely and consistently portrayed its intentions by clearly stating, "it is important to address the FLMs comments as thoroughly as possible to show that Indiana has seriously evaluated the selected sources . . ." ⁹ EPA finds in this final rulemaking that Indiana has satisfied the consultation and public notice requirements of 40 CFR 51.102 and 51.308(i).

Comment and Response 15b: Cleveland-Cliffs Steel, LLC–Indiana Harbor East and Indiana Harbor West. In addition to the potential controls examined in the four-factor analyses, the Conservation Groups assert that IDEM should have evaluated additional emission controls for the No. 5 Boiler House, Blast Furnace Stoves, Lime Kilns, and Walking Beam Furnaces.

As described in further detail in the RTC, EPA disagrees with this comment and notes that IDEM explained that Indiana Harbor East and Indiana Harbor West identified control measures that were commercially demonstrated on

similar applications by searching air permits for other iron and steel mills and other similar sources, the Nucor 2010 Best Available Control Technology (BACT) analysis,¹⁰ as well as EPA's Reasonably Available Control Technology (RACT), BACT, and Lowest Achievable Emission Rate (LAER) Clearinghouse (RBLC).¹¹ The RBLC contains case-specific information on the "best available" air pollution technologies that have been required to reduce the emission of air pollutants from stationary sources. EPA maintains that IDEM's approach produced an extensive list of control measures relevant to the industry that had proven effective for certain applications and identified a thorough set of control measures for evaluation.

Regarding the cost analyses, IDEM and Cleveland-Cliffs Steel, LLC provided a thorough explanation, justification, and documentation of the cost parameters used in four-factor analyses as well as in its responses to the comments from the FLMs that appropriately considered site-specific factors. The Conservation Groups provided their own cost calculations, but their estimates did not include site-specific factors.

Comment and Response 15c: Cleveland-Cliffs Steel, LLC–Burns Harbor. In addition to the emission control options examined in the four-factor analysis, the Conservation Groups assert that IDEM should have evaluated additional options for the Coke Batteries, Coke Ovens, and Coke Oven Gas Export Line as well as provided better documentation for parameters such as the remaining useful life and interest rate in the cost calculations.

As discussed further in the RTC, EPA disagrees with this comment and notes that IDEM provided sufficient documentation and identified control measures that were commercially demonstrated on similar applications by searching air permits for other iron and steel mills and other similar sources, the Nucor 2010 BACT analysis, as well as EPA's RBLC. EPA notes that IDEM's approach produced an extensive list of control measures relevant to the industry that had proven effective for certain applications and identified a thorough set of control measures for evaluation. For the Coke Batteries, Coke Ovens, and Coke Oven Gas Export Line,

¹⁰ Nucor Steel Louisiana "Consolidated Environmental Management Inc.–Nucor Steel Louisiana, Best Available Control Technology Analyses," March 1, 2010 (Nucor 2010 BACT).

¹¹ EPA's RBLC is available through <https://cfpub.epa.gov/rblc/index.cfm?action=Home.Home> and <https://www.epa.gov/catc/ractbactlaer-clearinghouse-rblc-basic-information>.

⁹ Appendix P, p.3 of Indiana's 2021 SIP submission.

the four-factor analysis search found no examples where SCR or wet scrubbers had been installed and successfully operated to control NO_x and SO₂ emissions under similar physical and operating conditions to those at Burns Harbor.¹²

Although the Conservations Groups assert that the cost analyses lacked documentation, IDEM and Cleveland-Cliffs Steel, LLC provided a thorough explanation, justification, and documentation of the cost parameters used in the four-factor analysis and in its responses to the comments from the FLMs.

Comment and Response 15d: U.S. Steel–Gary Works. In addition to the emission control options examined in the four-factor analysis, the Conservation Groups assert that IDEM should have evaluated SCR for the 84" Strip Mill Reheat Furnace and used different values in the cost analysis for low-NO_x burners on the Waste Heat Boilers 1 and 2.

As described in more detail in the RTC, EPA disagrees with this comment. EPA notes that IDEM identified control measures that were commercially demonstrated on similar applications by searching air permits for other iron and steel mills and other similar sources, the Nucor 2010 BACT analysis, and EPA's RBLC. However, IDEM's search did not find a SCR that had been installed and successfully operated on a similar source and under similar operating conditions as Gary Works.

Regarding the cost analyses for low-NO_x burners for Waste Heat Boiler 1, although the Conservations Groups provided their own cost calculations using different parameters, EPA notes that IDEM and U.S. Steel–Gary Works provided a thorough explanation, justification, and documentation of the cost parameters used in the four-factor analysis¹³ and in its responses to the comments from the FLMs¹⁴ that appropriately considered site-specific factors that the Conservation Groups' estimates did not.

Comment and Response 15e: SABIC Innovative Plastics–Mt. Vernon, LLC. The Conservation Groups assert that IDEM's four-factor analysis lacked consideration of all emission sources besides the Co-generation Unit and COS Vent Oxidizer as well as appropriate

assumptions for costs and remaining useful life.

As detailed further in the RTC, EPA disagrees with this comment and notes that of the emission sources listed in the facility's title V permit,¹⁵ the Co-generation Unit accounted for the largest portion of the facility's total potential to emit NO_x at 39 percent. Based on this, EPA agrees that IDEM appropriately focused its evaluation of potential emission reduction for NO_x on the Co-generation Unit rather than the emissions from the other boilers and units. Although the Conservation Groups assert that IDEM did not provide underlying calculations and supporting information, EPA notes that the four-factor analysis provided a solid basis for calculating the total capital investment and cost effectiveness and documentation was provided in Section 15 and appendices I and J of Indiana's 2021 SIP submission.

Comment and Response 15f: Warrick Newco LLC, formerly Alcoa Warrick Operations, LLC. The Conservation Groups assert that the four-factor analysis should have evaluated NO_x emissions as well as SO₂ emissions and provided better documentation for figures used in the cost calculations.

As discussed in further detail in the RTC, EPA disagrees with this comment and notes that NO_x emissions from Alcoa Warrick Operations, LLC represented the lowest levels of all the sources that IDEM evaluated for a four-factor analysis. As such, IDEM's decision at the time to focus resources on addressing potential controls in the second implementation period for only SO₂ was well reasoned. EPA also determined that IDEM provided sufficient relevant documentation for the economic and emissions information used in the four-factor analysis.

Comment and Response 15g: Cokenergy, LLC. The Conservation Groups claim that the four-factor analysis was not a four-factor analysis, but rather a recitation of studies and projects, and should have also evaluated DSI and upgrades to other existing systems.

As further addressed in the RTC, EPA disagrees with this comment and notes that the summaries of the previous studies and projects served to develop a set of technically feasible control options for evaluation and that the four-factor analysis then addressed each of the statutory four factors in turn.

Although the Conservation Groups assert that several other specific options should have been addressed, many of those suggested by the Conservation Groups were considered during the course of the studies mentioned above, including evaluations of installing or upgrading DSI, spray dryer absorbers, and atomizers. EPA notes that these options, along with the other options evaluated, represented a reasonable selection of control options.

Comment and Response 15h: Heidleberg Materials US Cement LLC–Mitchell Plant, formerly Lehigh Cement Company, LLC–Mitchell Plant. The Conservation Groups note that IDEM selected this source for a four-factor analysis but did not complete one.

As described in additional detail in the RTC, EPA notes that, pursuant to an amended Federal consent decree,¹⁶ Lehigh will be permanently ending operations of Kilns 1, 2, and 3 by the end of 2025. In the future, Lehigh will be installing and operating SCR and meeting the NSPS for Portland Cement Plants (40 CFR 60, subpart F) for any new kilns.

Comment and Response 16: The Conservation Groups argue that source-specific BART determinations in the first implementation period need to be reassessed. Under 42 U.S.C. 7491(b)(2)(A), the Conservation Groups state that the CAA established BART as a mandatory part of "each applicable implementation plan" for "each" BART-eligible source that emits "any" air pollutant which may cause or contribute to "any" impairment of visibility in "any" Class I area.

As explained further in the RTC, EPA disagrees that States are required to conduct BART analyses anew in the second regional haze implementation period and onward. Specifically, EPA disagrees that its second implementation period regulations require a BART analysis for second implementation period SIPs. Pursuant to 40 CFR 51.308(e)(5), once Indiana satisfied the BART requirements in the first implementation period, Indiana's BART-eligible sources were then subject to the long-term strategy requirements in 40 CFR 51.308(f) for the second

¹² For lists obtained during the search of EPA's RBLC and air permits, see appendices A and B of appendix B of Indiana's 2021 SIP submission.

¹³ See section 13.10, 13.11, 13.12 and appendices I and J of Indiana's 2021 SIP submission.

¹⁴ See appendix S to Indiana's 2021 SIP submission.

¹⁵ Title V Permit 129–45722–00002 for SABIC Innovative Plastics–Mt. Vernon, LLC issued June 16, 2023, is publicly available at <https://permits.air.idem.in.gov/45722f.pdf>.

¹⁶ See *USA, State of Indiana, State of Iowa, State of Maryland, State of New York, Pennsylvania Department of Environmental Protection, Jefferson County Board of Health, and Bay Area Air Quality Management District v. Lehigh Cement Company, LLC and Lehigh White Cement Company, LLC*, Civil Action No. 5:19–cv–05688–JFL in United States District Court, Eastern District of Pennsylvania. The initial and amended consent decrees are available in the docket and at <https://www.justice.gov/enrd/consent-decree/file/1223121/dl>; <https://www.justice.gov/enrd/consent-decree/file/1352971/dl>.

implementation period. As stated throughout our proposal and this final action, EPA finds that Indiana properly met the long-term strategy requirements of 40 CFR 51.308(f) in the second implementation period.

Comment and Response 17: The Conservation Groups assert that EPA should analyze the impact of Indiana regional haze pollution on local communities since the same pollutants contributing to regional haze also contribute disparately to public health impacts on people residing closest to the sources. The Conservation Groups state that people living in these communities tend to be exposed to higher levels of particulate matter and NO_x and tend to have less access to quality health care to treat the impacts of environmental pollution.

As discussed in more detail in the RTC, with respect to public health concerns, the primary national ambient air quality standards provide public health protection. In contrast, the visibility program, prescribed by CAA sections 169A and 169B and implemented in 40 CFR 51.308, is not a health-based program. EPA is acting upon Indiana's 2021 Regional Haze SIP submission as required by regional haze regulations at 40 CFR 51.308.

Comment and Response 23: The Conservation Groups commented that EPA must withdraw its proposal to approve Indiana's 2021 SIP Revision and disapprove it.

For the reasons stated in the NPRM, EPA's April 22, 2025, TSD, EPA's December 19, 2025, RTC, this notice of final rulemaking, and the foregoing summary of responses to comments in this docket, EPA disagrees that Indiana failed to satisfy the requirements of the CAA and RHR. EPA also disagrees that EPA's proposed approval of Indiana's 2021 SIP Revision was fundamentally flawed in such a way as to make it ineffective at achieving reasonable progress in the second implementation period. Thus, as proposed in the NPRM, EPA is finalizing its approval of Indiana's 2021 SIP Revision as satisfying the applicable requirements under the CAA and RHR for the program's second implementation period.

C. Comments and Responses That Are Specific to EPA's URP Policy

EPA received several comments regarding EPA's URP policy. Comments from IDEM (Comment 6), PGen (Comment 7), Utilities for Reasonable Progress (Comment 8), and OVEC and IKEC (Comment 9) were supportive of EPA's URP policy. Comments from the Community Organizations (Comment

10b), MANEVU (Comment 11a) and the Conservation Groups (Comments 18–22) were opposed to EPA's URP policy.

In this final action, EPA is affirming that it is now the Agency's policy that, where visibility conditions for a Class I Federal area impacted by a State are below the URP and the State has considered the four statutory factors, the State will have presumptively demonstrated reasonable progress for the second implementation period for that area. EPA acknowledges that this final action reflects a change in policy as to how the URP should be used in the evaluation of regional haze second implementation period SIPs but believes that this policy better aligns with the purpose of the statute and RHR: achieving "reasonable" progress towards natural visibility.

As described in the approval of West Virginia's regional haze plan (90 FR 29737, July 7, 2025), EPA has discretion and authority to change its policy. In *FCC v. Fox Television Stations, Inc.*, the U.S. Supreme Court plainly stated that an agency is free to change a prior policy and "need not demonstrate . . . that the reasons for the new policy are better than the reasons for the old one; it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency believes it to be better." 556 U.S. 502, 515 (2009) (referencing *Motor Vehicle Mfrs. Ass'n of United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29 (1983)). See also *Perez v. Mortgage Bankers Assn.*, 135 S. Ct. 1199 (2015).

The Class I areas impacted by emissions from Indiana sources are all below the 2028 URP, and IDEM's SIP submission demonstrated that the State took into consideration the four reasonable progress factors listed in CAA 169A(g)(1)¹⁷ with respect to an adequate number of emissions sources. Thus, EPA determines that Indiana's SIP revision is fully approvable under the Agency's new URP policy. Indeed, we think this policy better aligns with the statutory goal because it recognizes the considerable improvements in visibility impairment that have been made by a wide variety of State and Federal programs in recent decades.

In developing the regulations required by CAA section 169A(b), EPA established the concept of the URP for

¹⁷ The four statutory factors required to be taken into consideration in determining reasonable progress are: the costs of compliance, the time necessary for compliance, and the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements. CAA section 169(g)(1).

each Class I area. The URP is determined by drawing a straight line from the measured 2000 to 2004 baseline conditions (in deciviews) for the 20 percent most impaired days at each Class I area to the estimated natural conditions (in deciviews) for the 20 percent most impaired days in 2064. From this calculation, a URP value can be calculated for each year between 2004 and 2064. EPA developed the URP to address the diverse concerns of Eastern and Western States and account for the varying levels of visibility impairment in Class I areas around the country while ensuring an equitable approach nationwide. For each Class I area, States must calculate the URP for the end of each planning period (e.g., in 2028 for the second implementation period).¹⁸ 40 CFR 51.308(f)(1)(vi)(A). States may also adjust the URP to account for impacts from anthropogenic sources outside the United States and/or impacts from certain wildland prescribed fires. 40 CFR 51.308(f)(1)(vi)(B). Then, for each Class I area, States must compare the reasonable progress goal (RPG) for the 20 percent most impaired days to the URP for the end of the planning period. If the RPG is above the URP, then an additional "robust demonstration" requirement is triggered for each State that contributes to that Class I area. 40 CFR 51.308(f)(3)(ii)(B).

In the 2017 RHR Revisions, EPA addressed the role of the URP as it relates to a State's development of its second implementation period SIP. 82 FR 3078 (January 10, 2017). Specifically, in response to comments suggesting that the URP should be considered a "safe harbor" that relieves States of any obligation to consider the four statutory factors, EPA explained that the URP was not intended to be such a safe harbor. *Id.* at 3099. "Some commenters stated a desire for corresponding rule text dealing with situations where RPGs are equal to ('on') or better than ('below') the URP or glidepath. Several commenters stated that the URP or glidepath should be a 'safe harbor,' opining that States should be permitted to analyze whether projected visibility

¹⁸ We note that RPGs are a regulatory construct that we developed to address the statutory mandate in CAA section 169B(e)(1), which required our regulations to include "criteria for measuring 'reasonable progress' toward the national goal." Under 40 CFR 51.308(f)(3)(ii), RPGs measure the progress that is projected to be achieved by the control measures a State has determined are necessary to make reasonable progress. Consistent with the 1999 RHR, the RPGs are unenforceable, though they create a benchmark that allows for analytical comparisons to the URP and mid-implementation-period course corrections if necessary. 82 FR 3091–3092 (January 10, 2017).

conditions for the end of the implementation period will be on or below the glidepath based on on-the-books or on-the-way control measures, and that in such cases a four-factor analysis should not be required.” *Id.*

Other comments indicated a similar approach, such as “a somewhat narrower entrance to a ‘safe harbor,’ by suggesting that if current visibility conditions are already below the end-of-planning-period point on the URP line, a four-factor analysis should not be required.” *Id.* EPA stated in its response that we did not agree with either of these recommendations. “The CAA requires that each SIP revision contain long-term strategies for making reasonable progress, and that in determining reasonable progress States must consider the four statutory factors. Treating the URP as a safe harbor would be inconsistent with the statutory requirement that States assess the potential to make further reasonable progress towards natural visibility goal in every implementation period.” *Id.*

Importantly, EPA’s recently adopted policy does not make the URP a safe harbor. The policy merely creates a presumption that the State’s second implementation period SIP is making reasonable progress for a Class I Federal Area if the State has taken into consideration the four statutory factors of 169A(g)(1) and that area is below the URP. This is consistent with the CAA and RHR.

Comment and Response 11a: Instead of relying on the RPGs, MANEVU asserts EPA’s URP policy is not permissible and that EPA is now using the URP as the determinative metric, to ignore the extensive work of the States, the FLMs, and the public in developing the RPGs.

As discussed further in the RTC, EPA disagrees with MANEVU’s comment. EPA’s URP policy does not ignore the results of a State’s four-factor analysis if a Class I area is below the URP. Consistent with EPA’s discussion under the preamble of the 2017 RHR, the URP continues to serve as a regulatory planning metric to inform States’ decision making when considering the four statutory factors. EPA’s URP policy recognizes the considerable improvements in visibility impairment that have been made by State and Federal programs resulting from decades of work and interaction between members of State and Federal agencies and the public.

Comment and Response 18: The Conservation Groups argue that EPA’s URP Policy violates the CAA’s visibility provisions. The Conservation Groups raise several issues pertaining to EPA’s

URP policy: (a) EPA’s URP policy violates the plain language of the CAA, (b) EPA’s contemporaneous understanding of the CAA reflects the best reading of the statute, (c) the context of the CAA’s visibility provisions confirms the best reading of the statute, and (d) the purpose of the CAA’s visibility provisions confirms the best reading of the statute.

EPA disagrees with each of these comments, including the Conservation Groups’ position that the URP policy articulated in our proposed approval of Indiana’s regional haze SIP submission is inconsistent with the CAA. The Conservation Groups’ reading of the statute is not the best, and they misconstrue the recently adopted policy in several ways. EPA notes that the comments and responses on each above point are presented in detail in the RTC document.

EPA’s new URP policy is consistent with the CAA. Pursuant to CAA 169A(a)(4), Congress explicitly delegated to EPA the authority to promulgate regulations regarding reasonable progress towards meeting the national goal. In determining the measures necessary to make reasonable progress, Congress mandated “tak[ing] into consideration the cost of compliance, the time necessary for compliance, and the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirement.” CAA 169A(g)(1).

EPA emphasizes that just because a Class I area is below the URP does not mean that a State is relieved of its obligations under the CAA and the RHR to make reasonable progress. In other words, the URP is not a “safe harbor,” as that phrase has sometimes been used, because EPA still must review a State’s determination whether additional control measures are necessary to make reasonable progress, determine whether the State submitted those measures for incorporation into the SIP, and evaluate whether the measures are consistent with other provisions in the CAA.

As required by the statute, Indiana took into consideration the four statutory factors in CAA section 169A(g)(1) and determined that no additional controls were necessary to make reasonable progress at the sources selected. CAA section 169A(b)(2) only requires SIPs to include “such emission limits, schedules of compliance and other measures *as may be necessary* to make reasonable progress” (emphasis added). IDEM concluded that it was not necessary to incorporate any new emission limits, schedules of compliance, or other measures into its

SIP in light of the progress already made.

Comments and Responses 10 and 19: Both the Community Organizations and Conservation Groups argued that EPA’s URP policy is inconsistent with the RHR.

As discussed in the RTC, EPA disagrees with the commenters’ position that the URP policy is inconsistent with the RHR. This comment tracks many of the issues commenters raised with respect to their allegations that EPA’s recently adopted URP policy is inconsistent with the CAA. Under the URP policy, and consistent with 40 CFR 51.308(f)(2), States are still required to identify measures necessary for reasonable progress by considering the four statutory factors set forth in CAA 169A(g)(1) and to submit measures necessary for reasonable progress to EPA to be reviewed for approvability into the SIP. The URP policy does not create an exemption to either of these provisions.

Comment and Response 20: The Conservation Groups comment that EPA’s articulation and application of its new URP policy is unclear and incoherent. In this regard, the Conservation Groups argue: (a) Mere consideration of the four factors is inconsistent with the CAA and the RHR and is fundamentally irrational, (b) EPA fails to explain why a four-factor analysis must be rational when, under the URP policy, its result does not matter and EPA does not substantively review it, and (c) EPA further muddies the waters by considering other factors in an arbitrary and capricious way.

As discussed in detail in the RTC for Responses 20a, 20b, and 20c, EPA disagrees with the Conservation Groups’ arguments mentioned above regarding EPA’s application of the URP policy being unclear and incoherent. EPA’s recently adopted policy is consistent with the CAA and is not arbitrary or capricious. The Conservation Groups incorrectly assert that the URP policy ignores the results of a State’s four-factor analysis if a Class I area is below the URP. Just because a Class I area is below the URP does not mean that a State is relieved of its obligations under the CAA and the RHR to make reasonable progress. EPA must still review a State’s determination whether additional control measures are necessary to make reasonable progress, determine whether the State submitted those measures for incorporation into the SIP, and evaluate whether the measures are consistent with other provisions in the CAA.

Comment and Response 21: The Conservation Groups assert that

announcing and applying EPA's new URP policy in state-specific regional actions violates the procedural requirements of the CAA under 306(a)(2) regarding consistency among Regional Offices in implementing the CAA. The Conservation Groups argue that EPA's URP policy unlawfully departs from national policy and is inconsistent with actions across EPA regions.

EPA disagrees with the Conservation Groups' position here as further explained in the RTC. EPA's change in policy is consistent with *FCC v. Fox Television*, 556 U.S. 502 (2009). Under *FCC v. Fox*, an agency's change in policy is permissible if the agency acknowledges the change, believes it to be better, and "show[s] that there are good reasons for the new policy." 556 U.S. at 515. We stated our reasons for implementing the recently adopted URP policy in the final action approving the West Virginia SIP for the second implementation period. 90 FR 29737 (Jul. 7, 2025). The reasons for the recently adopted policy were more fully articulated in section V, *The EPA's Rationale for Proposing Approval*, of that proposal. 90 FR 16478 (Apr. 18, 2025). Therefore, EPA has sufficiently justified the change in policy under *FCC v. Fox*.

The decision in *FCC v. Fox* turned primarily on whether the FCC's change in policy would lead to the FCC "arbitrarily punishing parties without notice of the potential consequences of their action." 556 U.S. at 517. The changed policy is prospective, which addresses the primary concern in *FCC v. Fox*. Additionally, the recently adopted URP policy "aligns with the purpose of the statute and RHR, which is achieving 'reasonable' progress, not maximal progress, toward Congress' natural visibility goal." 90 FR 16478, at 16483. Furthermore, we note that the legislative history of CAA section 169A is consistent with our change in policy. The reconciliation report for the 1977 CAA amendments indicates that the term "maximum feasible progress" in section 169A was changed to "reasonable progress" in the final version of the legislation passed by both chambers. See Legislative History of the CAA Amendments of 1977 Public Law 95–95 (1977), *H.R. Rep. No. 95–564*, at 535.

EPA notes that EPA's Regional Consistency regulations at 40 CFR part 56, and in particular 40 CFR 56.5(b), are not relevant to this action. 40 CFR 56.5(b) requires that a "responsible official in a Regional office shall seek concurrence from the appropriate EPA Headquarters office on any

interpretation of the Act, or rule, regulation, or program directive when such interpretation may result in application of the act or rule, regulation, or program directive that is *inconsistent* with Agency policy" (emphasis added). As we expressly indicated in the proposal for this action, the approval is *consistent* with the change in agency policy, first announced in *Air Plan Approval; West Virginia; Regional Haze State Implementation Plan for the Second Implementation Period*. 90 FR 16478 (Apr. 18, 2025). Therefore, there is no obligation under the EPA's Regional Consistency regulations for anyone in the region to seek concurrence from EPA Headquarters to take action consistent with EPA policy. The lack of relevance of these regulations to this action accounts for the lack of materials related to compliance with the Regional Consistency process in the docket for this rulemaking.

The Conservation Groups also argue that EPA's URP policy effectively revises the RHR and raises the question of whether it has nationwide scope and effect.

EPA disagrees with the Conservation Groups' comment here as further explained in the RTC. EPA notes that this action is "locally or regionally applicable" under CAA section 307(b)(1) because it applies only to a SIP submission from a single State, Indiana. See *Oklahoma v. EPA*, 605 U.S. 609, 620 (2025) (a SIP is "a state-specific plan" and "the CAA recognizes this limited scope in enumerating a SIP approval as a locally or regionally applicable action"); see also, *Am. Rd. & Transp. Builders Ass'n*, 705 F.3d 453, 455 (D.C. Cir. 2013) (describing EPA action to approve a single SIP under CAA section 110 as the "[p]rototypical" locally or regionally applicable action).

Whether our proposal to approve Indiana's second implementation period SIP relies on a new national policy has no bearing on the applicability of EPA's final action. To determine whether an action is "nationally applicable" or "locally or regionally applicable," "court[s] need look only to the face of the agency action, not its practical effects" *EPA v. Calumet Shreveport Refining, L.L.C.*, 605 U.S. 627, 642 (2025) ("[W]e determine an action's range of applicability by 'look[ing] only to the face of the [action], rather than to its practical effects.'") (quoting *Am. Rd. & Transp. Builders Ass'n*, 705 F.3d at 456) and *Oklahoma*, 605 U.S. at 621–622 (basis for EPA action is not relevant to determining its applicability); see also *Sierra Club v. EPA*, 926 F.3d 844, 849 (D.C. Cir. 2019)

and *RMS of Georgia, LLC v. EPA*, 64 F.4th 1368, 1372 (11th Cir. 2023) ("our sister circuits have established a consensus that we should begin our analysis by analyzing the nature of the EPA's action, not the specifics of the petitioner's grievance").

Furthermore, the comments that claim the recently adopted URP policy "amend[s] the nationally applicable RHR" are unsupported and incorrect. This action simply applies our recently adopted policy related to the URP in the context of EPA's evaluation of Indiana's regional haze SIP submission. Because this action applies a recently adopted policy to a SIP submission from Indiana alone, it is locally or regionally, not nationally, applicable.

Comments that claim that EPA "must" publish a finding that this action is "based on a determination of nationwide scope [or] effect" are also unsupported and incorrect. The Supreme Court has recognized that "[b]ecause the 'nationwide scope or effect' exception can apply only when 'EPA so finds and publishes' that it does, EPA can decide whether the exception is even potentially relevant." *Calumet Shreveport Refining, L.L.C.*, 605 U.S. at 646, citing *Sierra Club v. EPA*, 47 F.4th 738, 746 (D.C. Cir. 2022). As the D.C. Circuit has also stated, the "EPA's decision whether to make and publish a finding of nationwide scope or effect is committed to the agency's discretion and thus is unreviewable." *Sierra Club v. EPA*, 47 F.4th at 745; see also *Texas v. EPA*, 983 F.3d 826, 835 (5th Cir. 2020) ("when a locally applicable action is based on a determination of nationwide scope or effect, the EPA has discretion to select the venue for judicial review").

The Administrator has not made and published a finding that this action is based on a determination of nationwide scope or effect. Accordingly, any petition for review of this action must be filed in the United States Court of Appeals for the appropriate regional circuit.

Comment and Response 22: The Conservation Groups comment that Indiana's 2021 SIP submission does not meet EPA's URP policy for presumptive approval. As such, the Conservation Groups argue that Indiana: (a) would not be able to meet the RHR monitoring requirements without the IMPROVE network if its continued operation were threatened, (b) relies on adjusted URP glidepaths that do not comply with the RHR, and (c) ignores additional out-of-state Class I areas affected by visibility impairing emissions from Indiana.

EPA disagrees with these comments as further discussed in the RTC. Indiana

met the requirements of the recently adopted policy. First, the RHR requires States to submit a long-term strategy that addresses regional haze visibility impairment for each mandatory Class I Federal area within the State and for each mandatory Class I Federal area located outside the state that may be affected by emissions from the State. 40 CFR 51.308(f)(2); *see also* CAA 169A(b)(2). However, there is no specific statutory or regulatory requirement to identify the precise set of Class I areas that are affected by emissions from Indiana, and there is no requirement to establish a source contribution threshold in identifying those areas. In this case, Indiana identified affected out-of-state Class I areas, none of which are above the 2028 URP.

EPA believes Indiana has reasonably documented its impacts to in-state and out-of-state Class I areas, and they are not reasonably anticipated to cause or contribute to any impairment in any area that is above the URP.

In conclusion, IDEM took into consideration the four statutory factors in CAA section 169A(g)(1) and determined that no additional controls were necessary to make reasonable progress for the specific sources selected for four-factor analyses. CAA section 169A(b)(2) only requires SIPs to include “such emission limits, schedules of compliance and other measures *as may be necessary* to make reasonable progress” (emphasis added). IDEM concluded that it was not necessary to incorporate any new emission limitations, schedules of compliance, or other measures into its SIP for these sources. Thus, IDEM did not ignore the results of its consideration of the four statutory factors; rather, as supported by the recently adopted URP policy, the State properly used the URP to inform its final decision making as to the measures necessary to make reasonable progress in the second implementation period.

D. EPA’s Final Approval

EPA determines that Indiana reasonably considered the statutory and regulatory requirements and appropriately determined what measures are necessary for reasonable progress for the second implementation period. As such, EPA finds that Indiana submitted a Regional Haze SIP revision that meets all the regional haze requirements for the second implementation period.

EPA concludes that Indiana’s determinations of the measures necessary for reasonable progress were based on a reasonable consideration of

the four statutory factors. IDEM thoroughly evaluated and determined the emission reduction measures that are necessary to make reasonable progress by considering the four statutory factors. IDEM also documented large statewide emissions reductions achieved during the second implementation period.

EPA is finalizing its approval of Indiana’s December 29, 2021, Regional Haze SIP submission for the second implementation period as proposed.

IV. Final Action

For the reasons set forth in the June 18, 2025, NPRM, the April 22, 2025, TSD, the December 19, 2025, RTC document, and in this final rule, EPA is approving the Regional Haze SIP revision for Indiana submitted by IDEM on December 29, 2021, as satisfying the regional haze requirements for the second implementation period contained in 40 CFR 51.308(f).

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 27, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: January 6, 2026.

Anne Vogel,
Regional Administrator, Region 5.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.770, amend the table in paragraph (e) by adding a new entry for “Regional Haze Plan for the Second Implementation Period” after the entry for “Regional Haze Plan” to read as follows:

\$ 52.770 Identification of plan.
* * * * *
(e) * * *

EPA-APPROVED INDIANA NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Indiana date	EPA approval	Explanation
* * * * *			
Regional Haze Plan for the Second Implementation Period.	12/29/2021	1/26/2026, 91 FR [insert Federal Register page where the document begins].	Full approval.
* * * * *			

* * * * *
[FR Doc. 2026–01406 Filed 1–23–26; 8:45 am]
BILLING CODE 6560–50–P

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Income Level for Individuals Eligible for Assistance

AGENCY: Legal Services Corporation.
ACTION: Final rule.

SUMMARY: The Legal Services Corporation (LSC) is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the Federal Poverty Guidelines issued by the U.S. Department of Health and Human Services (HHS).

DATES: Effective January 26, 2026.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Deputy General Counsel and Ethics Officer, Legal Services Corporation, 1825 I St. NW,

Washington, DC 20006; (202) 295–1563; sdavis@lsc.gov.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act (Act), 42 U.S.C. 2996f(a)(2), requires LSC to establish maximum income levels for individuals eligible for legal assistance. Section 1611.3(c) of LSC’s regulations establishes a maximum income level equivalent to 125% of the Federal Poverty Guidelines (Guidelines), which HHS is responsible for updating and issuing. 45 CFR 1611.3(c).

Each year, LSC updates appendix A to 45 CFR part 1611 to provide client income eligibility standards based on the most recent Guidelines. The figures for 2026, set out below, are equivalent to 125% of the Guidelines published by HHS on January 15, 2026.

In addition, LSC is publishing a chart listing income levels that are 200% of the Guidelines. This chart is for reference purposes only as an aid to recipients in assessing the financial eligibility of an applicant whose income is greater than 125% of the applicable Guidelines amount, but less than 200%

of the applicable Guidelines amount (and who may be found to be financially eligible under duly adopted exceptions to the annual income ceiling in accordance with 45 CFR 1611.3, 1611.4, and 1611.5).

Except where there are minor variances due to rounding, the amount by which the guideline increases for each additional member of the household is a consistent amount.

List of Subjects in 45 CFR Part 1611

Grant programs—law, Legal services.

For reasons set forth in the preamble, the Legal Services Corporation amends 45 CFR part 1611 as follows:

PART 1611—ELIGIBILITY

■ 1. The authority citation for part 1611 continues to read as follows:

Authority: 42 U.S.C. 2996g(e).

■ 2. Revise appendix A to part 1611 to read as follows:

Appendix A to Part 1611—Income Level for Individuals Eligible for Assistance

LEGAL SERVICES CORPORATION 2026 INCOME GUIDELINES *

Size of household	48 Contiguous States and the District of Columbia	Alaska	Hawaii
1	\$19,950	\$24,938	\$22,950
2	27,050	33,813	31,113
3	34,150	42,688	39,275
4	41,250	51,563	47,438
5	48,350	60,438	55,600
6	55,450	69,313	63,763
7	62,550	78,188	71,925
8	69,650	87,063	80,088
For each additional member of the household in excess of 8, add	7,100	8,875	8,163

* The figures in this table represent 125% of the Federal Poverty Guidelines by household size as determined by HHS.

REFERENCE CHART—200% OF FEDERAL POVERTY GUIDELINES *

Size of household	48 Contiguous States and the District of Columbia	Alaska	Hawaii
1	\$31,920	\$39,900	\$36,720
2	43,280	54,100	49,780
3	54,640	68,300	62,840
4	66,000	82,500	75,900
5	77,360	96,700	88,960
6	88,720	110,900	102,020
7	100,080	125,100	115,080
8	111,440	139,300	128,140
For each additional member of the household in excess of 8, add	11,360	14,200	13,060

* The figures in this table represent 200% of the Federal Poverty Guidelines by household size as determined by HHS.

(Authority: 42 U.S.C. 2996g(e).)

Dated: January 22, 2026.

Stefanie Davis,

*Deputy General Counsel and Ethics Officer,
Legal Services Corporation.*

[FR Doc. 2026–01431 Filed 1–23–26; 8:45 am]

BILLING CODE 7050–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15 and 18

[ET Docket No. 25–133; FCC 25–85; FR ID 326738]

Delete, Delete, Delete

AGENCY: Federal Communications Commission.

ACTION: Direct final rule; request for comments.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) continues its efforts to modernize regulatory framework by rescinding facially obsolete provisions of its rules. The Commission has undertaken a sweeping review aimed at eliminating outdated rules, reducing unnecessary regulatory burdens, accelerating infrastructure deployment, promoting network modernization, and spurring innovation. The Commission's objective is to streamline, simplify, and smartly deregulate across multiple fronts simultaneously to better serve the public and support technological progress.

DATES: Effective March 27, 2026, unless significant adverse comments are received on or before February 17, 2026. In the event the Commission receives significant adverse comments, the Commission will publish a timely withdrawal in the **Federal Register** informing the public the provisions of the rule(s) for which significant adverse

comments were received and elimination will not take effect.

ADDRESSES: You may submit comments, identified by ET Docket No. 25–133, electronically or on paper. For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Kathleen Burke of the Office of Engineering and Technology, at Kathleen.Burke@fcc.gov or 202–418–7225.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Direct Final Rule, in ET Docket No. 25–133, FCC 25–85, adopted on December 18, 2025, and released on December 19, 2025. The full text of this document is available for public inspection and can be downloaded at <https://www.fcc.gov/document/fcc-deletes-outdated-rules-long-forgotten-technologies-0>. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to fcc504@fcc.gov or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Comment Period and Filing Procedures. Interested parties may file comments on or before the dates provided in the **DATES** section of this document. Comments must be filed in GN Docket No. 25–133. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- **Electronic Filers:** Comments may be filed electronically using the internet by

accessing the ECFS: <https://www.fcc.gov/ecfs/>.

- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

Procedural Matters

Paperwork Reduction Act. This document does not contain new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3521. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. 3506(c)(4).

Congressional Review Act. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is “non-major” under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this Direct Final Rule to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Synopsis

Introduction

In initiating this proceeding, the Commission generally sought to identify rules that are obsolete, outdated,

unlawful, anticompetitive, or otherwise no longer in the public interest. The Commission specifically focuses on the repeal of certain rules managed by the Office of Engineering and Technology (OET) in parts 2, 15, and 18 for which prior notice and comment are unnecessary, but for which the Commission elects to provide an opportunity for input on that assessment. Absent any significant adverse comments in response to this document, these rules will be repealed.

Background

Good Cause to Forgo Notice and Comment. Under the Administrative Procedure Act (APA), when an agency for good cause finds that notice and public comment “are impracticable, unnecessary, or contrary to the public interest,” it need not follow notice and comment procedures before modifying or repealing rules. Prior notice and comment are “unnecessary” when “the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.”

The Commission has identified 36 rule provisions, totaling 12,008 words and covering more than 25 pages in the Code of Federal Regulations, that no longer serve the public interest because they regulate obsolete technology, are no longer used in practice by the FCC, industry, or the public, or are otherwise outdated or unnecessary. Applying the “good cause” standard discussed above, the Commission concludes that prior notice and comment are unnecessary before repealing the rules identified in the Appendix.

Direct Final Rule Process. In this document, the Commission follows the processes previously outlined by the Commission regarding direct final rules, which it briefly summarizes here. When the Commission has found that prior notice and comment is unnecessary before modifying or repealing rules, it has adopted the relevant rule change without any additional process.

Although the Commission reserves the right to proceed in this manner, it elects in this decision to proceed using what is known as a “direct final rule” process. By proceeding through a direct final rule, the Commission chooses to provide expanded opportunities for public comment even though the “good cause” standard does not legally require it to do so. Under a direct final rule process, rule changes are adopted without prior notice and comment, but are accompanied by an opportunity for the public to file comments—and if the Commission concludes that significant adverse comments have been filed, the

relevant rule changes would not take effect until after a full notice and comment process.

In particular, the Commission will publish this item adopting direct final rules in the **Federal Register**, and allow for comment from interested parties within 20 days of **Federal Register** publication. Until 20 days after **Federal Register** publication, this shall be a “permit-but-disclose” proceeding for purposes of the Commission’s *ex parte* rules. Because this comment process is directed toward the discrete objective of the direct final rule process, and to avoid unwarranted delay in that process, the Commission prohibits filings addressing the rule changes contemplated in this document more than 20 days after **Federal Register** publication, absent further direction from the Commission published in the **Federal Register**. This both accords with the purpose of the comment process for direct final rules, and is similar (though not identical) to actions the Commission has taken in other contexts to provide a defined end-point for public filings to enable the Commission to focus its attention on the submissions already before it.

The rule revisions in this document will go into effect 60 days after **Federal Register** publication. If the Commission receives comments on these rule revisions, it will evaluate whether there are significant adverse comments that warrant further procedures before changing the rules. In its assessment, the Commission plans to be guided by the recommendation of the Administrative Conference of the United States (“ACUS”) that “[a]n agency should consider any comment received during direct final rulemaking to be a significant adverse comment if the comment explains why: a. The [direct final] rule would be inappropriate, including challenges to the rule’s underlying premise or approach; or b. The [direct final] rule would be ineffective or unacceptable without a change.”

If the Commission concludes that a significant adverse comment has been filed, the Office of Engineering and Technology will publish a timely withdrawal in the **Federal Register** to prevent the rule revisions from going into effect until any appropriate additional procedures have been followed. If a significant adverse comment is filed only with respect to a subset of the rule revisions addressed by this document, the Office of Engineering and Technology will withdraw the portions of the *Direct Final Rule* that were subject to the significant adverse comment. For example, if a significant

adverse comment is filed regarding a single rule within this document, which contains multiple rule revisions, the Commission will publish a withdrawal of only the rule addressed by the significant adverse comment.

In the event that no comments are filed in response to this document, the Commission does not anticipate publishing a confirmation of the effective date in the **Federal Register** but will simply allow the rule changes to take effect as originally specified. If comments are filed but none are deemed significant adverse comments, where warranted by the record the Office of Engineering and Technology will issue a Public Notice (PN) that briefly explains why the comments filed were not determined to be significant adverse comments.

Ordering Clauses

Accordingly, *it is ordered* that, pursuant to sections 4(i), 4(j), and 303(r) of the Communications Act, 47 U.S.C. 154(i), 154(j), and 303(r), the Direct Final Rule *is adopted*. Except as specified in paragraph 8, this Direct Final Rule shall be effective upon **Federal Register** publication of the rule changes set forth in the Appendix, which shall also serve as the date of public notice of that action.

It is further ordered that the amendments of the Commission’s rules as set forth in Appendix A shall be effective 60 days after **Federal Register** publication. In the event that significant adverse comments are filed, the Office of Engineering and Technology shall publish a timely document in the **Federal Register** withdrawing the rule so that the rule change does not become effective until any additional procedures have been followed. In the event that significant adverse comments are filed with respect to only a subset of the rule revisions, the Commission directs the Office of Engineering and Technology to publish a timely document in the **Federal Register** withdrawing only such rule(s) so that the rule change does not become effective until any additional procedures have been followed.

It is further ordered that the Office of the Managing Director, Performance Program Management, *shall send* a copy of this document in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

List of Subjects**47 CFR Part 2**

Administrative practice and procedures, Common carriers, Communications, Communications common carriers, Communications equipment, Imports, Reporting and recordkeeping requirements, Telecommunications.

47 CFR Part 15

Communications equipment, Computer technology, Labeling, Radio, Reporting and recordkeeping requirements, Security measures, Telephone, Wiretapping and electronic surveillance.

47 CFR Part 18

Business and industry, Household appliances, Medical devices, Radio, Reporting and recordkeeping requirements, Scientific equipment.

Federal Communications Commission.

Marlene Dortch,
Secretary.

Direct Final Rules

For the reasons set forth above, the Federal Communications Commission amends parts 2, 15, and 18 of title 47 of

the Code of Federal Regulations as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

Subpart I—Marketing of Radio-Frequency Devices

§ 2.813 [Removed and Reserved]

■ 2. Remove and reserve § 2.813.

§ 2.1033 [Amended]

■ 3. Amend § 2.1033 by removing and reserving paragraph (b)(13).

PART 15—RADIO FREQUENCY DEVICES

■ 4. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, and 549.

Subpart A—General

§ 15.25 [Removed and Reserved]

■ 5. Remove and reserve § 15.25.

§ 15.37 [Amended]

■ 6. Amend § 15.37 by removing and reserving paragraphs (a), (e), (f), and (j) through (r).

Subpart B—Unintentional Radiators

§ 15.117 [Amended]

■ 7. Amend § 15.117 by removing and reserving paragraphs (f) and (g).

§ 15.118 [Removed and Reserved]

■ 8. Remove and reserve § 15.118.

§ 15.120 [Amended]

■ 9. Amend § 15.120 by removing and reserving paragraphs (c)(1) and (d)(1).

§ 15.121 [Removed and Reserved]

■ 10. Remove and reserve § 15.121.

Subpart C—Intentional Radiators

■ 11. Amend § 15.205 by revising the table in paragraph (a) to read as follows:

§ 15.205 Restricted bands of operation.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

MHz	MHz	MHz	GHz
0.090–0.110	16.42–16.423	399.9–410	4.5–5.15.
0.495–0.505	16.69475–16.69525	608–614	5.35–5.46.
2.1735–2.1905	16.80425–16.80475	960–1240	7.25–7.75.
4.125–4.128	25.5–25.67	1300–1427	8.025–8.5.
4.17725–4.17775	37.5–38.25	1435–1626.5	9.0–9.2.
4.20725–4.20775	73–74.6	1645.5–1646.5	9.3–9.5.
6.215–6.218	74.8–75.2	1660–1710	10.6–12.7.
6.26775–6.26825	108–121.94	1718.8–1722.2	13.25–13.4.
6.31175–6.31225	123–138	2200–2300	14.47–14.5.
8.291–8.294	149.9–150.05	2310–2390	15.35–16.2.
8.362–8.366	156.52475–156.52525	2483.5–2500	17.7–21.4.
8.37625–8.38675	156.7–156.9	2690–2900	22.01–23.12.
8.41425–8.41475	162.0125–167.17	3260–3267	23.6–24.0.
12.29–12.293	167.72–173.2	3332–3339	31.2–31.8.
12.51975–12.52025	240–285	3345.8–3358	36.43–36.5.
12.57675–12.57725	322–335.4	3600–4400	Above 38.6.
13.36–13.41.			

* * * * *

§ 15.233 [Removed and Reserved]

■ 12. Remove and reserve § 15.233.

§ 15.252 [Amended]

■ 13. Amend § 15.252 by removing and reserving paragraphs (a)(1) through (3) and (b) through (d).

Subpart E—Unlicensed National Information Infrastructure Devices

§ 15.407 [Amended]

■ 14. Amend § 15.407 by removing and reserving paragraph (b)(4)(ii).

Subpart F—Ultra-Wideband Operation

§ 15.515 [Removed and Reserved]

■ 15. Remove and reserve § 15.515.

Subpart G—[Removed and Reserved]

■ 16. Remove and reserve subpart G, consisting of §§ 15.601 through 15.615.

Subpart H—White Space Devices

§ 15.703 [Amended]

■ 17. Amend § 15.703 by removing the definitions of “Sensing only device” and “Spectrum sensing”.

§ 15.709 [Amended]

■ 18. Amend § 15.709 by removing and reserving paragraphs (b)(3) and (g).

§ 15.717 [Removed and Reserved]

■ 19. Remove and reserve § 15.717.

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

■ 20. The authority citation for part 18 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 304, 307.

Subpart B—Applications and Authorizations**§ 18.203 [Amended]**

■ 21. Amend § 18.203 by removing and reserving paragraph (c).

[FR Doc. 2026–01442 Filed 1–23–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 20**

[WT Docket No. 23–388; FCC 24–112; FR ID 327224]

Achieving 100% Wireless Handset Model Hearing Aid Compatibility

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date; correction.

SUMMARY: The Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, information collections associated with the certain rules adopted in the Achieving 100% Wireless Handset Model Hearing Aid Compatibility Report and Order, FCC 24–112. This announcement also corrects a typographical error in the final rules.

DATES: The rule amendments contained in 47 CFR 20.19(b)(3)(iii), (f), (h), and (i), published at 89 FR 89832, November 13, 2024, with a Correction published at 89 FR 105473, December 27, 2024, are effective on January 26, 2026.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Cathy Williams, at (202) 418–2918 or via email: Cathy.Williams@fcc.gov.

SUPPLEMENTARY INFORMATION: This document announces that on May 7, 2025, OMB approved, for a period of three years, the information collection requirements contained in the Commission's Report and Order, FCC

24–112, published at 89 FR 89832, November 13, 2024, with a Correction published at 89 FR 105473, December 27, 2024. The OMB Control Number for this information collection is 3060–0999. The Commission publishes this document as an announcement of the effective dates of the information collection requirements and to correct a typographic error in the final rules.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received OMB approval on May 7, 2025, for the information collection requirements contained in the revisions at 47 CFR 20.19(b)(3)(iii), (f), (h), and (i) under OMB Control Number 3060–0999. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control No.: 3060–0999.

Title: Hearing Loss Compatible Wireless Handsets Section 20.19 and Hearing Aid Compatibility Act.

Form Numbers: FCC Form 655 and 855.

Type of Review: Revision to the currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 934 respondents; 934 responses.

Estimated Time per Response: 13.92 hours per response (average).

Frequency of Response: On occasion and annual reporting requirements, recordkeeping requirements, and third-party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 157, 160, 201, 202, 214, 301, 303, 308, 309(j), 310 and 610 of the Communications Act of 1934, as amended.

Total Annual Burden: 12,998 hours.

Total Annual Cost: No cost.

Needs and Uses: This information collection relates to the Commission's Hearing Loss Compatible Wireless Handsets rules at section 20.19 of the Commission's rules. This revision is

necessary to implement the final rules that the Commission adopted on October 17, 2024, in a Report and Order, WT Docket No. 23–388, FCC 24–112, and that the Commission released on October 18, 2024. This Report and Order delayed until OMB approval the following amendments to section 20.19: (1) adding paragraph (b)(3)(iii); (2) revising the heading of paragraph (f); (3) adding paragraph (f)(3); (4) revising paragraph (h); (5) redesignating paragraph (i)(4) as paragraph (i)(6); and (6) adding new paragraph (i)(4) and paragraph (i)(5). The revisions that the Commission adopted to these sections contain new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. This document is consistent with the Report and Order, which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the information collection requirements contained in these sections.

The final rules that the Commission adopted require all future wireless handset models to be hearing aid compatible. These revised rules ensure that consumers with hearing loss will have equal access to the same handset models as consumers without hearing loss. In order to ensure compliance with the 100% hearing aid compatibility requirement, the Commission adopted a Bluetooth equipment certification requirement and updated labeling, website posting, and annual handset manufacturers and service provider certification requirements. In addition, the Commission eliminated outdated information collection requirements, including labeling, website posting, and certification requirements, as well as eliminating all record retention requirements. The elimination of these requirements significantly reduces regulatory burden and cost for handset manufacturers and service providers and results in an information collection that is based on minimally necessary requirements and tied to specific statutory provisions.

The revised hearing aid compatibility rules include a requirement that a certain number of handset models that handset manufacturers and service providers offer for sale or use in the United States meet Bluetooth coupling requirements. This Bluetooth coupling requirement will benefit consumers by ensuring more universal connectivity between handset models and hearing aids, including over-the-counter hearing aids, and reduces the issue of certain handset models only being able to pair with certain hearing aids. In order to

ensure compliance with this new Bluetooth coupling requirement, the Commission adopted the recommendation of the Hearing Aid Compatibility Task Force (HAC Task Force) and Samsung that handset manufacturers be required to submit a sworn declaration attesting to a new handset model's compliance with this pairing requirement. This attestation requirement is contained in section 20.19(b)(3)(iii) of the rules the Commission adopted and requires handset manufacturers to provide: (1) the specific Bluetooth coupling standard included in each handset model; (2) that the relevant handset model has been tested to ensure compliance with the designated Bluetooth coupling standard; and (3) after the transition to a non-proprietary Bluetooth coupling requirement, that the included Bluetooth coupling technology is consistent with certain Bluetooth functionality requirements. This attestation requirement was adopted pursuant to section 710(c) of the Communications Act which requires the Commission to establish or approve such technical standards as are required to ensure the compatibility of handsets models with hearing aids.

With respect to package labeling requirements, the Commission decided to maintain the requirement that the external packaging of a handset model indicate that the handset model is hearing aid compatible, and provide the handset model's conversational gain with and without hearing aids, if the handset model is certified as hearing aid-compatible under a standard that includes volume control requirements. The Commission also required a handset model's external packaging to indicate whether the handset model meets telecoil or Bluetooth coupling requirements or both, and in the case of Bluetooth coupling, which Bluetooth coupling technology the handset model includes. The Commission continued to allow handset manufacturers and service providers to design their own printed package labels as long as the labels include the required information. These external package label requirements ensure that the most pertinent information appears on the outside of the package and allows consumers to compare handset models by comparing package labels.

The Commission updated its internal package labeling requirements and removed outdated requirements. A handset model's internal packaging must include information on the hearing aid compatibility settings of the handset model and how consumers can turn these settings on and off. In addition,

the Commission eliminated the requirement that package inserts and user manuals must provide the M/T ratings of handset models certified under the 2011 ANSI Standard or older ANSI standards or provide an explanation of the ANSI M/T rating system. The Commission recognized that the new ANSI technical standard used for certifying handset models as hearing aid-compatible no longer utilizes the M/T rating system. The revised internal packaging requirements allow consumers who are interested in more detailed information about a handset model's hearing aid compatibility then is provide on the external label to find this additional information in a handset model's package insert or user manual.

The revised labeling requirements are in section 20.19(f)(1) and (2) of the rules the Commission adopted. These rules are consistent with section 710(d) of the Communications Act, which requires the Commission to establish requirements for labeling "as are needed to provide adequate information to consumers on the compatibility between telephones and hearing aids." The information that the Commission is requiring handset manufacturers and service providers to provide to consumers allows consumers to be fully informed about a handset model's functions and capabilities and to make informed purchasing decisions.

In addition to these revised labeling rules, the Commission decided to allow handset manufacturers and service providers to use digital labeling technology as an alternative to including a printed insert or printed handset manual in a handset model's packaging. Handset manufacturers and service providers choosing this option must maintain publicly accessible websites where consumers can find the required hearing aid compatibility information, and they must provide consumers with a Quick-Response (QR) code and the related website address where the required hearing aid compatibility information can be found. The Commission decided to allow the use of digital labeling technology at the request of handset manufacturers and service providers who argued that the use of digital labeling would reduce regulatory burden and cost. The use of digital labeling will also ensure that consumers have access to the most up-to-date handset model information. The Commission's new digital labeling rules are in section 20.19(f)(3) of the rules the Commission adopted.

The Commission updated and streamlined its publicly accessible website posting requirements to be consistent with the 100% hearing aid

compatibility requirement. The Commission requires handset manufacturers and service providers to indicate the type of coupling technologies that their handset models include and whether the handset models meet volume control requirements. The Commission also adopted point-of-contact requirements that consumers can use to ask knowledgeable company employees handset model compatibility questions. These website posting requirements can be found in section 20.19(h) of the rules the Commission adopted, and these rules are consistent with section 610(a) of the Communications Act which requires the Commission to establish regulations that are necessary to ensure reasonable access to telephone service by persons with impaired hearing and section 610(d) which requires the Commission to establish labeling requirements that provide adequate information to consumers on the compatibility between mobile handset models and hearing aids.

The Commission also eliminated certain website posting requirements which it determined are no longer relevant with the adoption of a 100% hearing aid compatibility requirement. These provisions include posting requirements concerning a handset model's M/T ratings and providing an explanation of the M/T rating system. In addition, service providers will no longer be required to post: (1) a list of all the non-hearing aid-compatible handset models that they offer, including the marketing model name/number(s) and FCC ID number, or a list of all hearing aid-compatible handset models that they offered in the past 24 months but no longer offer, and (2) a link to a third-party website as designated by the Commission or the Wireless Telecommunications Bureau, with information regarding hearing aid-compatible and non-hearing aid-compatible handset models.

In addition, the Commission eliminated all record retention requirements. These provisions required service providers to retain certain information about handset models they no longer offer for sale or use in the United States. Specifically, service providers will no longer be required to retain internal records for discontinued handset models, and the associated information that they presently have to make available to the Commission upon request. This handset model information includes: (1) the month/year each hearing aid-compatible and non-hearing aid-compatible handset model was first offered; and (2) the month/year each hearing aid-compatible

and non-hearing aid-compatible handset model was last offered for all discontinued handset models until a period of 24 months has passed from that date.

The elimination of outdated website and record retention requirements significantly reduces regulatory burden and cost for handset manufacturers and service providers. The revised website posting requirements are in section 20.19(h) of the rules the Commission adopted.

Further, the Commission revised its annual certification requirements for handset manufacturers and service providers. After the 100% hearing aid compatibility transition period ends for handset manufacturers, these companies will no longer file FCC Form 655. Instead, handset manufacturers will start filing FCC Form 855 and service providers will continue to file this form.

FCC Form 855 is a streamlined certification form that does not require the detail handset model information that FCC Form 655 collects. This change will significantly reduce regulatory burden and cost for handset manufacturers and was fully supported by commenters.

Finally, the Commission is updating FCC Form 855 to ensure it collects only the minimal amount of relevant information needed to ensure compliance with the 100% hearing aid compatibility requirement. These updates include removing outdated questions related to the current 85% handset model deployment benchmark. The Commission will require handset manufacturers to file FCC Form 855 by January 31 each year rather than the June 30 deadline for FCC Form 655. This change aligns the filing deadline for handset manufacturers with the

filing deadline for service providers and allows the reporting period to cover the entire previous calendar year rather than parts of two calendar years. The revised annual certification requirements are in section 20.19 (i)(4) and (5) of the rules the Commission adopted.

In addition, in FR Doc. 2024–25088 appearing at 89 FR 89832 in the **Federal Register** on Wednesday, November 13, 2024, the following correction is made:

§ 20.19 [Corrected]

On page 89868, in the second column, in § 20.19, in amendment 4, redesignate the second paragraph (f)(1)(ii) as paragraph (f)(1)(iii).

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–01441 Filed 1–23–26; 8:45 am]

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Proposed Rules

Federal Register

Vol. 91, No. 16

Monday, January 26, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

RIN 3133-AF64

Dependent Care and Board Member Expense Reimbursement

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board proposes to amend its regulations concerning the reimbursement of reasonable expenses for federal credit union (FCU) officials. The proposed rule would enable FCU boards to establish policies that allow for the payment of reasonable dependent care costs incurred by volunteer officials while attending board meetings and performing their official duties. This proposed amendment would include dependent care costs as a reimbursable expense. The proposed changes aim to provide FCUs with greater flexibility to create family-friendly policies, thereby alleviating dependent care costs for volunteer officials, which may otherwise hinder their ability to volunteer.

DATES: Comments must be received by on or before March 27, 2026.

ADDRESSES: You may submit written comments by any of the following methods identified by RIN (Please send comments by one method only):

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for Docket Number NCUA–2026–0067.

- *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 mail address.

Mailed and hand-delivered comments must be received by the close of the comment period.

Public Inspection: All public comments are available on the Federal eRulemaking Portal at <https://www.regulations.gov> as submitted, except when impossible for technical reasons. Public comments will not be edited to remove any identifying or contact information. 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:

Keisha L. Brooks, Attorney-Advisor, Office of General Counsel at (703) 518–1156 or by mail at the address above. Office of Examination and Insurance (E&I): Lauren G. Kamin, Risk Officer, by telephone at (703) 664–3868 or by mail at the address above.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

Since 1934, the Federal Credit Union Act (the FCU Act) has restricted FCU board compensation.¹ The FCU Act provides that only one FCU board member may be compensated as such. No other FCU official may receive compensation for serving as a board or committee member. In 1975, the NCUA added 12 CFR 701.33 (§ 701.33). This section clarified that compensation excludes payments for reasonable and proper costs incurred by FCU officials in carrying out their responsibilities.² Section 520 of the Garn-St. Germain Depository Institutions Act of 1982 amended section 111 of the FCU Act (section 111) to codify that such expenses are not considered compensation.³

Under the NCUA regulation, reasonable and proper costs incurred by an official in carrying out their responsibilities may be paid directly or reimbursed by an FCU. This is contingent on the payment being determined by the FCU board of directors to be necessary or appropriate to carry out official credit union business. And, the payment must be in accordance with written policies and procedures established by the board of

directors. The NCUA Board considers the “necessary or appropriate” requirement to mean that the reimbursement is appropriate for the official to fulfill their responsibilities to the members in the effective management of the FCU. Such policies should also ensure that such payments are reasonable in amount in relation to the FCU’s resources and financial condition. This means that the reimbursement should be limited to an amount that the FCU can afford while maintaining financial stability and capital adequacy.⁴

Although the NCUA is not bound by Internal Revenue Service (IRS) rulings in this area, the NCUA has previously followed IRS interpretations when construing the word “compensation” as used in section 111 and § 701.33.⁵ The NCUA has consistently viewed reimbursable payments, which do not count as compensation, as limited to out-of-pocket costs. However, indirect costs such as lost wages or paid leave used while attending credit union activities have been considered compensation under § 701.33. In 1988, the NCUA proposed eliminating this distinction for FCU officials’ attendance at board and committee meetings.⁶ In the past, some credit unions expressed a need to reimburse their board members for lost wages or leave to attract and keep qualified volunteers.⁷ The NCUA suggested reimbursing lost wages for credit union board members to attract qualified volunteers.⁸

The comments received on the 1988 proposal, however, signaled that the vast majority of FCUs felt such reimbursement was unnecessary and may be harmful to the credit union volunteer spirit. Noted concerns included that voluntarism distinguishes credit unions from other financial institutions and that easing the reimbursement restrictions could

⁴ Proposed Rule, 57 FR 18837, 18838–39 (May 1, 1992).

⁵ OGC Legal Op. 92–0626 (June 1992), <https://ncua.gov/regulation-supervision/legal-opinions/1992/compensation-officials-0>; OGC Legal Op. 93–0233 (Mar. 12, 1993) (holiday gifts of nominal value given to volunteer board members are not considered compensation), <https://ncua.gov/regulation-supervision/legal-opinions/1993/gifts-committee-members>.

⁶ Proposed Rule, 53 FR 4992 (Feb. 19, 1988).

⁷ OGC Legal Op. 95–1218 (Jan. 1996), <https://ncua.gov/regulation-supervision/legal-opinions/1996/reimbursement-expenses>.

⁸ Proposed Rule, 53 FR 4992 (Feb. 19, 1988).

¹ Federal Credit Union Act, 12 U.S.C. 1761(a), 1761(c), 1761a.

² 40 FR 30261 (July 18, 1975) (adding 12 CFR 701.33).

³ Garn-St. Germain Depository Institutions Act of 1982, Public Law 97–320, title V, sec. 520, 96 Stat. 1531 (1982) (adding 12 U.S.C. 1761(c)).

endanger the tax-exempt status of credit unions. Many credit unions opposed the proposal, citing concerns about harming the volunteer spirit, potential tax issues, uneven reimbursements among board members, additional IRS reporting, and verification challenges.⁹ Given the credit union community's overwhelming opposition to reimbursing volunteer officials for lost pay or leave, the NCUA Board decided not to go forward with the 1988 proposal.¹⁰ As discussed further in this preamble, other amendments to § 701.33 have provided FCUs with clarity as to what types of expenses the NCUA has found to be consistent with the law.

1. Reasonable and Proper Costs

With certain exceptions discussed in this section of the preamble, the NCUA has generally granted each FCU's board flexibility in determining which costs are necessary or appropriate to carry out official credit union business, including official travel costs. This flexibility is consistent with the general powers granted to FCU boards under the FCU Act. Section 113 of the FCU Act provides that an FCU's board of directors shall have the general direction and control of the affairs of the FCU.¹¹ The FCU board of directors must oversee the credit union's operations to ensure the credit union operates in a safe and sound manner. For example, the FCU board must be kept informed about the credit union's operating environment, as well as hire and keep competent management. FCU boards must also ensure that the credit union has a risk management structure and process suitable for the credit union's size and activities. The NCUA Board also clarified that this flexibility was based in part on public comments received in rulemaking.¹²

Specifically, in 1992, the NCUA Board solicited public comments on whether to include a reasonableness test or common business practice test in the regulation, or leave the determination to the FCU's management under NCUA oversight.¹³ Based on the comments, the NCUA Board left these matters to each FCU's board of directors, within the boundaries of reasonableness and safety and soundness.¹⁴ Further, the NCUA may take exception or object to policies and procedures that are unreasonable,

unsafe and unsound, or present an undue risk to the National Credit Union Share Insurance Fund. NCUA staff interpretations help clarify ambiguities in § 701.33 when necessary.¹⁵ The NCUA Board believes this framework provides sufficient boundaries while keeping flexibility for FCUs.

2. Dependent Care Costs

In 2024, the NCUA received feedback about past staff interpretations deeming childcare costs as not reasonable and proper under § 701.33. These opinions cited the considerations leading the NCUA Board to reject lost wages in 1988 as applicable to childcare costs.¹⁶ In a letter, a national trade organization for credit unions requested the NCUA Board explicitly permit reimbursement of childcare and dependent care costs for FCU board members attending official board meetings.¹⁷ The organization cited several factors supporting an amendment.

First, dependent care costs are inextricably tied to the time and travel required for board meetings and, therefore, should be reimbursable.¹⁸

¹⁵ Legal Opinions, NCUA, <https://ncua.gov/regulation-supervision/legal-opinions> (last visited Dec. 10, 2025). These legal opinions provided helpful guidance based on the specific facts stated in the letters. The legal opinions were not intended to present an exhaustive list of reimbursable expenses and do not necessarily apply to circumstances involving different or additional facts.

¹⁶ OGC Legal Op. 89-0414F (Apr. 14, 1989); OGC Legal Op. 92-0507 (Jun. 10, 1992), <https://ncua.gov/regulation-supervision/legal-opinions/1992-compensation-officials>; OGC Legal Op. 98-1215 (Mar. 1999) ("Our view is that payment of childcare expenses, like reimbursement for lost leave or pay for volunteers who take time away from their jobs to attend to credit union business, would violate NCUA's regulation."), <https://ncua.gov/regulation-supervision/legal-opinions/1999/reimbursement-credit-union-volunteers-child-care>.

¹⁷ Letter from Luke Martone, Senior Director of Advocacy & Counsel, America's Credit Unions to the NCUA (May 7, 2024) (Permitting Childcare Expenses as Reimbursable Under 12 CFR 701.33), https://americascus.widen.net/view/pdf/a3086514-002b-4638-858e-afc1a9d78a2d/ACU-Letter-to-NCUA-re-Childcare-Expense_final.pdf. See also CU Today, "It's 'Outdated': Effort Underway to Get Change Made in NCUA Rule Prohibiting Reimbursing Childcare Expenses for Board Members" (May 7, 2024), <https://www.cutoday.info/Fresh-Today/Its-Outdated-Effort-Underway-to-Get-Change-Made-in-NCUA-Rule-Prohibiting-Reimbursing-Childcare-Expenses-for-Board-Members>.

¹⁸ The NCUA has long recognized reasonable costs associated with a director's attendance at board meetings, training events, and conferences on behalf of the FCU as permissible under the FCU Act. Such costs typically include transportation, meals, and lodging. See OGC Legal Op. 91-0215 (May 1, 1991), <https://ncua.gov/regulation-supervision/legal-opinions/1991/meal-reimbursement-directors>. Currently, § 701.33 also permits reimbursement for one guest's travel costs if the payment meets the "necessary or appropriate" and written board policy requirements. 12 CFR 701.33(b)(2)(i). This policy evolved over several

Second, it believed family structures and childcare responsibilities are significantly different now than in the past. Last, the organization suggested that allowing reimbursement would attract and retain FCU board members with dependent care responsibilities. The organization noted that, without this support, volunteer officials might be unable to attend board meetings or promote credit union activities. The organization also noted that this expense can be amplified for a single parent or head of household with a dependent.

The NCUA Board recognizes the tension between attracting skilled volunteers and the prohibition against compensation. The NCUA Board acknowledges that credit union directors face more complex duties in delivering financial services. Directors also have a fiduciary responsibility to credit union members to maintain high standards of professional conduct, including ensuring appropriate compensation policies, avoiding misuse of the credit union for unauthorized or inappropriate personal gain, and acting ethically and impartially in carrying out appropriate credit union policies and procedures.¹⁹ The FCU system's success depends on dedicated volunteers who accept these responsibilities.

In its letter, the organization noted that the only option for a FCU board member to attend a board meeting is to ensure their dependent has proper care. In many situations, this requires a paid caregiver. The standard FCU bylaws require one in-person board of directors meeting per year.²⁰ All other meetings may be conducted virtually. In its letter, the organization noted that holding

years in response to feedback from the credit union community. See Proposed Rule, 57 FR 18837, 18838 (May 1, 1992); Final Rule, 66 FR 65628, 65629 (Dec. 20, 2001). Initially, NCUA staff reasoned that travel costs for an accompanying spouse did not qualify for reimbursement because there was no direct benefit to the FCU. As such, NCUA staff considered these costs to be prohibited compensation. This reasoning was based, in part, on past IRS interpretations regarding business expense tax deductions taken for spousal travel expenses. See for example, OGC Legal Op. 88-0927 (Oct. 20, 1989), OGC Legal Op. 90-0117 (Jan. 10, 1991) and OGC Legal Op. 98-0619 (Aug. 1998) (reimbursement of travel expenses for a director's companion), <https://ncua.gov/regulation-supervision/legal-opinions/1998/reimbursement-travel-expenses-directors-companion>.

¹⁹ See 12 CFR 701.4; NCUA, Letter to Credit Unions 22-CU-05, CAMELS Rating System (March 2022), <https://ncua.gov/regulation-supervision/letters-credit-unions-other-guidance/camels-rating-system>. The CAMELS rating system is based upon an evaluation of six critical elements of a credit union's operations: Capital adequacy, Asset quality, Management, Earnings, Liquidity and Sensitivity to Market Risk.

²⁰ Standard FCU Bylaws, 12 CFR part 701, App. A.

⁹ Final Rule, 53 FR 29640 (Aug. 8, 1988).

¹⁰ Final Rule, 53 FR 29640 (Aug. 8, 1988).

¹¹ 12 U.S.C. 1761b.

¹² Final Rule, 57 FR 54499, 54501-02 (Nov. 19, 1992).

¹³ Proposed Rule, 57 FR 18837, 18838-39 (May 1, 1992).

¹⁴ Final Rule, 57 FR 54499, 54501-02 (Nov. 19, 1992).

virtual or after-hours meetings does not resolve dependent care concerns, as such care is still required outside of standard work hours. According to the organization, FCU board members attending in-person meetings may face not only travel expenses but also childcare costs to ensure proper care for their dependents.

Several bodies of research point to increasing childcare costs in America and the rising share of family income they take up, especially in single-parent, low-income, and multiple-child families. In 2023, 22.4 million children ages five and younger lived in the U.S.²¹ According to the Federal Reserve Bank of St. Louis, in 2021, about 53 percent of working adults were parents, and 37 percent of those parents had young children.²² Between 1991 and 2024, daycare and preschool costs rose at nearly twice the pace of overall inflation.²³ The cost of childcare has increased by over 220 percent since 1990.²⁴ Median full-day childcare price for one child in 2022 ranged from \$6,552 (\$7,266 in 2024 dollars) to \$15,600 (\$17,300) per year, depending on provider type, the child's age, and geographic location, representing 8.9 to 16.0 percent of median family income.²⁵ Part-time care for school-aged children comprised 8.1% to 9.4% of median family income, ranging from \$5,943 (\$6,591) to \$9,211 (\$10,215) per child annually. Families that pay for the care of multiple children experience a compounded effect. About 30 percent of families with children under age six have two or more children in this age group.²⁶ In 2024, the average price of

center-based childcare for two children (an infant and a 4-year-old) was above the median rent in every state and DC and was higher than the median mortgage in DC and all but four states.²⁷

The burden of childcare costs is even higher for single-parent and low-income families. Low-income families are more likely to reduce work outside the home to care for young children while high-income families are more likely to pay for care, with differing financial consequences.²⁸

Other families may have added responsibilities caring for aging parents or adult children with physical or mental impairments. Adult dependent care costs (for example, care for persons who are permanently and totally disabled, or eldercare) vary widely by an individual's needs, facility type, and location.²⁹ Adult homemaker services include homemaker services—assistance with “hands off” everyday tasks and general companionship—and home health aides, who provide “hands on” assistance. In 2024, the median hourly rates for adult homemaker services and home health aides nationally were \$33 and \$34, respectively.³⁰ Compared with 2023, the median hourly rate increased 10 percent (from \$30) for homemaker services and 3 percent (from \$33) for home health aide services. The national median price of adult day health care services was \$100 per day (up to 8 hours) in 2024, 5 percent above the 2023 level of \$95 per day.

3. Declines in Volunteering

As dependent care costs increased, many communities experienced

declines in volunteering.³¹ The 2021 Current Population Survey Civic Engagement and Volunteering Supplement released by AmeriCorps and the Census Bureau showed that formal volunteering declined from 30 percent to 23.2 percent between 2019 and 2021.³² A 2024 AmeriCorps report indicates that formal volunteering rates remain over 5 percentage points below pre-pandemic figures in 11 states and the District of Columbia metro area.³³

Voluntarism remains one of the cornerstones of the credit union philosophy.³⁴ Securing new talent requires credit unions to intentionally engage in recruitment strategies that include enlisting people of borrowing age and broadening their talent pool to attract volunteer officials that use a variety of credit union services like electronic banking, credit cards, and loans. According to the national trade organization, reimbursing reasonable expenses may lessen the financial burden and, in turn, may encourage volunteering to serve as credit union officials. The NCUA Board invites comments on how the NCUA permitting dependent care reimbursement for volunteer officials can better support credit unions in attracting new talent to the credit union system.

4. Other Federal Agency Guidance on Dependent Care Costs

The NCUA has found IRS guidelines to be persuasive in determining the reasonableness of expenses under § 701.33.³⁵ Current IRS guidelines exclude childcare expenses from deductible volunteer costs (even if a taxpayer would be unable to volunteer

²¹ Federal Interagency Forum on Child and Family Statistics. Table POP1. “Child population: Number of children (in millions) ages 0–17 in the United States by age, 1950–2023 and projected 2024–2050.” Retrieved Dec. 15, 2025 from <https://www.childstats.gov/americaschildren/tables.asp>.

²² Gascon et al. “The Economic Impact of Child Care by State.” The Federal Reserve Bank of St. Louis. Retrieved Aug. 29, 2024 from <https://www.stlouisfed.org/community-development/child-care-economic-impact>.

²³ “Crisis in childcare and the state of work in America.” KPMG, 28 May 2024. Retrieved Dec. 15, 2025 from <https://kpmg.com/us/en/articles/2024/may-2024-childcare-crisis-state-work-america.html>.

²⁴ The Annie E. Casey Foundation. “2023 Kids Count Data Book.” Retrieved Dec. 15, 2025 from <https://assets.aecf.org/m/resource/doc/aecf-2023kidscountdatabook-2023.pdf>.

²⁵ Poyatzis and Livingston. “NEW DATA: Childcare Costs Remain an Almost Prohibitive Expense.” U.S. Department of Labor. DOL Blog, 19 Nov. 2024. Retrieved Dec. 15, 2025 from <https://blog.dol.gov/2024/11/19/new-data-childcare-costs-remain-an-almost-prohibitive-expense>.

²⁶ Landivar et al. “Childcare Prices in Local Areas: Initial Findings from the National Database of Childcare Prices.” Women’s Bureau, U.S. Department of Labor. January 2023. Retrieved Dec. 15, 2025 from https://www.dol.gov/sites/dolgov/files/WB/NDGP/508_WB_IssueBrief-NDGP-20230213.pdf?qls=QMM_12345678.0123456789.

²⁷ Child Care Aware of America. “2024 Price of Care: Child Care Affordability Analysis” Table XI: “2024 Average Prices for Two Children in Center-Based Child Care Versus Median Housing Costs by State.” Retrieved Dec. 15, 2025 from https://info.childcareaware.org/hubfs/Affordability_Analysis_2024.pdf. Note: information for New Mexico was not available.

²⁸ “Childcare Costs, Reduced Work, and Financial Strain: New Estimates for Low-Income Families, U.S. Department of Commerce.” June 27, 2024. Retrieved Dec. 15, 2025 from <https://www.commerce.gov/news/blog/2024/06/childcare-costs-reduced-work-and-financial-strain-new-estimates-low-income>. Note that the definition of “low-income families” can vary according to source and may differ from the term “low-income member” as defined in the NCUA regulation at 12 CFR 701.34.

²⁹ Adult day care falls into two broad groups: social care and health care. Both generally include providing meals and activities, but health care involves additional medical services, such as medication dispensing and therapy. Goldy Brown and Clem. “Adult Day Care Costs: 2025 Data and Price Guide.” Dec. 6, 2025. Retrieved Dec. 15, 2025 from www.seniorliving.org/adult-day-care/costs/.

³⁰ Genworth. “Cost of Care Survey 2024.” March 4, 2025. Retrieved Dec. 15, 2025 from <https://pro.genworth.com/riproweb/productinfo/pdf/131168.pdf>.

³¹ See Rebecca Nesbit, Laurie E. Paarlberg & Suyeon Jo, *The Decline of Volunteering in the United States: Is it the Economy?*, CES Working Paper No. 25–41, U.S. Census Bureau (June 23, 2025), <https://www2.census.gov/library/working-papers/2025/adrm/ces/CES-WP-25-41.pdf>, Putnam, Robert D. (2000). *Bowling Alone: The Collapse and Revival of American Community*.

³² Spinney, S., & Clinton, Y. (2024). *Engaging Volunteers: A Comprehensive Literature Review*. ICF, https://www.americorps.gov/sites/default/files/document/Literature%20Review%20for%20Volunteer%20Management_0.pdf.

³³ Schlachter, Laura Hanson. (2024). *Renewed Engagement in American Civic Life*. Washington, DC: AmeriCorps.

³⁴ See NCUA, *The Future Role of Voluntarism in Credit Unions* (June 1976) reprinted in 9 *Volunteer Administration* 13 (Winter 1976), <https://ellisarchive.org/sites/default/files/2021-11/VOLUNTEER-ADMINISTRATION-9-4.pdf> (defining voluntarism as the principle that overall policy decisions, operational controls, audit supervision and, for some credit unions, part or all the operations themselves, are the direct responsibility of volunteer members).

³⁵ See supra note 5. I.R.S. Info. Ltr. 2000–0145 (June 26, 2000), <https://www.irs.gov/pub/irs-wd/00-0145.pdf>.

without childcare).³⁶ Historically, courts have not viewed childcare as a business-related expense.³⁷ Instead, these expenses are treated as personal or family expenses.³⁸

Other tax code provisions allow different income exclusions for the dependent care tax credit for unreimbursed dependent care expenses necessary for gainful employment and dependent care assistance programs.³⁹ However, volunteer work is not considered gainful employment.⁴⁰ In this regard, these guidelines may not align with the unique characteristics of FCUs, which are inherently volunteer based. By law, all but one FCU board member must serve without compensation. For these volunteers, section 111 allows FCUs to pay their reasonable expenses incurred in conducting credit union business.

Guidance from the Office of Management and Budget (OMB) allows temporary dependent care costs as travel costs for federal awards.⁴¹ In 2013, OMB introduced this flexibility to ease the financial burden of dependent care costs.⁴² To prevent waste, fraud, and abuse, the guidance requires such costs be reasonable, temporary, above and beyond regular dependent care costs, and consistent with documented travel policies.⁴³

The FCU Act and the NCUA regulations incorporate similar guardrails. Section 111 requires that the cost must be reasonable and incurred in the execution of official credit union duties. Additionally, under § 701.33, the FCU board must determine whether the cost is necessary or appropriate to carry out official credit union business and is in accordance with its written policies

and procedures, including documentation requirements. Further, the NCUA may take exception or object to FCU policies and procedures that are unreasonable, unsafe and unsound, or present an undue risk to the National Credit Union Share Insurance Fund. The NCUA Board believes the existing regulation provides sufficient boundaries while keeping flexibility for FCUs. However, the NCUA Board invites comments on whether other federal agency guidance on dependent care costs provide fitting parallels in the credit union context.

B. Legal Authority

The NCUA Board is issuing this proposed rule under its plenary rulemaking authority under the FCU Act.⁴⁴ Under the FCU Act, the NCUA is the chartering and supervisory authority for FCUs and the federal supervisory authority for federally insured credit unions (FICUs).⁴⁵ The FCU Act grants the NCUA a broad mandate to issue regulations governing both FCUs and all federally insured, state-chartered credit unions (FISCUs). Section 120 of the FCU Act is a general grant of regulatory authority and authorizes the NCUA Board to prescribe rules and regulations for the administration of the FCU Act.⁴⁶ Section 207 of the FCU Act is a specific grant of authority over share insurance coverage, conservatorships, and liquidations.⁴⁷ Section 209 of the FCU Act is a plenary grant of regulatory authority to the NCUA Board to issue rules and regulations necessary or appropriate to carry out its role as share insurer for all FICUs.⁴⁸ Accordingly, the FCU Act grants the NCUA Board broad rulemaking authority to ensure that the credit union industry and the National Credit Union Share Insurance Fund remain safe and sound.

Under the FCU Act, only one FCU board member may be compensated as a board officer. By statute, such compensation excludes the reimbursement of reasonable expenses incurred in executing their official duties. The 1982 amendment allowing such reasonable expenses provides no further definition. Further, while the legislative history on section 520 is limited, the 1982 amendment was among several changes designed to facilitate FCU management and operating flexibility.⁴⁹ Under the rules

of statutory construction, words of a statute are interpreted according to their ordinary, contemporary, common meaning unless Congress clearly expressed a different intent.⁵⁰ “Reasonable” is generally understood to mean “possessing sound judgement” and “not extreme or excessive.” Reasonable reflects good judgment that is “fair and proper under the circumstances” or “rational, sound, and sensible.”⁵¹ The Supreme Court has also recognized that statutes using terms such as “appropriate” or “reasonable” leaves agencies with flexibility and authority to exercise a “degree of discretion” in interpreting statutes.⁵² The NCUA regulation, § 701.33, implements section 111 and thus interprets these terms. Given this framework, the NCUA Board has used its discretion under the FCU Act to give FCU boards latitude in fashioning reimbursement policies and making individualized determinations.⁵³

II. Proposed Rule

The NCUA Board has historically been, and continues to be, circumspect about expanding the exclusions from compensation under § 701.33(b)(2)(i). This NCUA regulation has not changed since adding the travel costs for one guest per official in 2001.⁵⁴ The NCUA’s objective of ensuring a safe and sound credit union system that protects credit union members can be fulfilled only when the agency adapts to the ever-changing economic and technological landscape.⁵⁵

As noted previously in this preamble, past NCUA staff interpretations advised that childcare costs were not reasonable and proper under § 701.33. Based on public feedback and other factors described in this preamble, the NCUA Board recognizes the current treatment

³⁶ Internal Revenue Serv., U.S. Dep’t of the Treasury, Pub. No. 526, Charitable Contributions: For Use in Preparing 2023 Returns (Feb. 29, 2024), <https://www.irs.gov/pub/irs-pdf/p526.pdf>.

³⁷ See Shannon W. McCormack, America’s (D)evolving Childcare Tax Laws, 53 Georgia Law Review 1094, 1111 (2019) (citing *Smith v. Commissioner*, 40 B.T.A. 1038, 1039–1040 (1939) *aff’d*, 113 F.2d 114 (2d Cir. 1940)).

³⁸ 26 U.S.C. 262. See also Limor Riza, In Retrospect of 40 Years, Another Look at Andrews’ Personal Deductions Argument: A Comparison of Charitable Contributions and Child-Care Expenses 15 DePaul Bus. & Com. L.J. 55 (2017); *Kuntz v. Comm.*, T.C. Memo 2011–52101, T.C.M. (CCH) 1239 T.C.M. (RIA) 2011–52 (March 1, 2011) (applying *Smith* to caregiver expenses for a spouse).

³⁹ See 26 U.S.C. 21; 26 U.S.C. 129.

⁴⁰ 26 CFR 1.21–1(c)(1) (“Work as a volunteer or for a nominal consideration is not gainful employment”).

⁴¹ See 2 CFR 200.475(c)(1)(2024) (formerly 2 CFR 200.474).

⁴² See 2 CFR 200.404; Final Guidance, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 78 FR 78590, 78602 (Dec. 26, 2013).

⁴³ 2 CFR 200.475(c).

⁴⁴ 12 U.S.C. 1751 *et seq.*

⁴⁵ 12 U.S.C. 1752–1775.

⁴⁶ 12 U.S.C. 1766(a).

⁴⁷ 12 U.S.C. 1787(b)(1).

⁴⁸ 12 U.S.C. 1789(a)(11).

⁴⁹ S. Conf. Rep. No. 97–641 (1982), reprinted in 1982 U.S.C.A.N. 3128, 3133. See also NCUA,

1982 Annual Report 42 (Apr. 1983), <https://ncua.gov/files/annual-reports/AR1982.pdf>.

⁵⁰ *Pioneer Investment Service Co. v. Brunswick Associates Ltd Partnership*, 507 U.S. 380, 388 (1993) (quoting *Perrin v. United States*, 444 U.S. 37, 42 (1979)).

⁵¹ *Reasonable*, Webster’s New Collegiate Dictionary 955 (1981), https://archive.org/details/webstersnewcolle0000unse_l2m2/Reasonable,Merriam-Webster-On-line-Dictionary,https://www.merriam-webster.com/dictionary/reasonable (last visited Nov. 21, 2024); *Reasonable*, Black’s Law Dictionary (12th ed. 2024).

⁵² *Loper Bright Enterprises v. Raimondo Relentless, Inc. v. Department of Commerce*, 603 U.S. 369, 144 S. Ct. 2244 (2024) (collectively *Loper Bright*).

⁵³ See Final Rule, 57 FR 54499, 54501–02 (Nov. 19, 1992).

⁵⁴ See Final Rule, 66 FR 65629 (Dec. 20, 2001).

⁵⁵ NCUA, Letter to Credit Unions 24–CU–01, NCUA’s 2025 Supervisory Priorities (Jan. 2025), <https://ncua.gov/regulation-supervision/letters-credit-unions-other-guidance/ncuas-2025-supervisory-priorities>.

of childcare costs may be outdated. The following sections detail the proposed regulatory amendments.

A. Applicability of Proposed Rule

1. Federal Credit Unions

The proposed amendments would apply solely to FCUs, including corporate FCUs. In addition to granting broad rulemaking authority, section 120(a) of the FCU Act provides that, except as otherwise specifically provided in the NCUA rules, regulations, or orders, federally chartered corporate credit unions are subject to the same rights, privileges, duties, restrictions, penalties, liabilities, conditions, and limitations that would apply to all FCUs under the law.⁵⁶ Because the NCUA Board has not created any exceptions for corporate credit unions, sections 111 and 112 of the FCU Act apply to all FCUs. This uniformity is further reflected in the current Corporate FCU Standard Bylaws. These bylaws allow one board officer to be compensated as such and prohibit other board members from receiving any compensation or benefit solely as a result or by virtue of their service as an FCU board member, except for reimbursement for reasonable expenses incurred in the performance of official duties.⁵⁷

This proposed rule would not amend 12 CFR part 704. This part establishes specific requirements applicable to federally insured corporate credit unions. The NCUA Board welcomes public comment on whether the regulatory treatment for corporate FCUs should differ in this area and whether specific changes to 12 CFR part 704 or the Corporate FCU Standard Bylaws are necessary to achieve the purposes of the proposed regulatory amendments.

2. FISCUs

The NCUA Board recognizes the importance of state law in regulating FISCUs and that FISCUs may be subject

to state-specific board reimbursement policies.⁵⁸ The state supervisory authority is the primary regulator for FISCUs. The NCUA is primarily responsible for managing risk to the National Credit Union Share Insurance Fund through effective regulation and supervision. FISCUs are not subject to § 701.33 and must comply with applicable state laws pertaining to board member compensation.⁵⁹ The NCUA Board also recognizes that, under its statutory authorities relating to unsafe or unsound practices, the NCUA may act to address such practices in all FICUs.⁶⁰ In such instances, the NCUA intends to work collaboratively with the relevant state supervisory authority.

3. Associate Directors and Directors Emeriti

In its letter, the national trade organization requested dependent care reimbursement for volunteer board members but did not specifically address other credit union officials that may perform board designated duties. In 2011, NCUA staff interpretations clarified an FCU's authority to reimburse training and travel costs for associate directors or similar FCU officials who occupy volunteer positions established by the FCU board.⁶¹ Section 701.33(a) defines "official" to include a member of the board of directors, credit committee or supervisory committee, or other volunteer committee established by the board of directors. Section 701.33(b), however, only allows expense reimbursement when an official carries out the responsibilities of their credit union position. Accordingly, if the official in question provides board designated services that go beyond merely serving in an honorary capacity, the usual requirements governing payments apply. Directors emeriti that simply act in an honorary capacity are not given any responsibilities and therefore would not meet the criteria for reimbursement. However, the NCUA Board invites public comments on the inclusion of associate directors, directors emeriti and other volunteer officials in FCU reimbursement policies that include dependent care costs.

B. Proposed Regulatory Amendments

The NCUA Board proposes to amend § 701.33(b)(2)(i) to clarify that dependent care may be a reasonable and proper cost for a volunteer official. The proposed rule defines "volunteer official" based on 12 CFR 701.21(c)(8)(ii). Under that section, "volunteer official" means an official of a credit union who does not receive compensation from the credit union solely for his or her service as an official.

As discussed earlier in the preamble, the NCUA has considered IRS guidelines in assessing the reasonableness of expenses under § 701.33. As defined in the Internal Revenue Code, a qualifying individual is generally a dependent under the age of 13 or a spouse or dependent of any age who is incapable of self-care and shares the same residence for more than half of the year.⁶² Given this standard, the NCUA Board proposes to define "dependent care costs" as expenses for the care of a qualifying individual (as defined in 26 U.S.C. 21(b)). All other sections of the regulation would remain unchanged.

This proposed rule would provide FCUs with greater flexibility to accommodate the needs of volunteer officials whose duties include credit union business. With this proposed amendment, the FCU board would have discretion to adopt policies that provide for the reimbursement or direct payment of dependent care costs. Under the proposed rule, such payments would continue to be discretionary rather than mandatory. An FCU board of directors may adopt a more stringent policy or prohibit such payments entirely. Such decisions would be left to the FCU board of directors, within the boundaries of the rule.

The NCUA also cautions FCUs that this proposal has no effect on IRS regulations governing the reporting and taxing of any payments or reimbursements.⁶³ The term "compensation" in § 701.33 is only intended to describe the kind and amount of payment or reimbursement an FCU is permitted to provide to its

⁵⁶ 12 U.S.C. 1766(a). This section was also added by the Garn-St Germain Depository Institutions Act of 1982. Public Law 97–320, title V, sec. 526 (Oct. 15, 1982). As noted in the legislative history, "[t]his section gives the [NCUA] more flexibility to design regulations for central credit unions which are otherwise consistent as opposed to credit unions whose members are natural persons. The separate regulations which the [NCUA] may establish for central credit unions must be consistent with the other provisions of the Federal Credit Union Act." S. Rep. No. 97–536, at 70 (1982).

⁵⁷ See Article VIII, section 1 and Article VII, section 9 of the FCU corporate bylaws, 68 FR 32127 (May 29, 2003) as amended by 75 FR 81378 (Dec. 28, 2010). Article VIII, section 5 of the FCU corporate bylaws also permits the financial officer to be the compensated board officer only if the financial officer is actually managing the corporate credit union. Id.

⁵⁸ The NCUA Board recognizes that state law also plays a role in FCU governance, as the model FCU bylaws reflect in several instances; however, the NCUA Board performs a significant role in this process in preparing the form of the bylaws under 12 U.S.C. 1758.

⁵⁹ 12 CFR 741.3(c).

⁶⁰ See 12 U.S.C. 1786(e), (k). See also 12 CFR 741.3(g).

⁶¹ OGC Legal Op. 11–0152 (Mar. 2011), <https://ncua.gov/regulation-supervision/legal-opinions/2011/training-reimbursement-credit-union-officials>.

⁶² 26 U.S.C. 21(b)(2). Section 21 of the Internal Revenue Code allows a nonrefundable tax credit for a percentage of expenses for household and dependent care services necessary for gainful employment. A similar standard applies to dependent care assistance programs. 26 U.S.C. 129(e)(1).

⁶³ See also NCUA, Letter to Federal Credit Unions 05–FCU–02, Tax Consequences of Payment of Travel Expenses for FCU Volunteer Officials and Their Guests (July 2005), <https://ncua.gov/regulation-supervision/letters-credit-unions-other-guidance/tax-consequences-payment-travel-expenses-fcu-volunteer-officials-and-their-guests>.

volunteer officials. FCUs and their officials should consult with tax advisors or attorneys about IRS requirements.

C. Request for Comments

The NCUA Board welcomes comments, data, views, and arguments on this proposed rule. The proposal allows FCUs to adopt written policies that permit the payment of a volunteer official's dependent care costs if the payment meets all other requirements. In addition, the NCUA Board specifically requests comments addressing the following areas:

1. Other Federal Agency Guidance

As discussed earlier in the preamble, the proposed rule defines dependent care costs using the Internal Revenue Code's definition of a qualifying individual. This term applies to the dependent care tax credit and dependent care assistance programs.⁶⁴ Conversely, OMB used the Internal Revenue Code's definition of dependent in allowing temporary dependent care costs.⁶⁵ OMB also added regulatory constraints to address concerns of waste, fraud, and abuse.⁶⁶

Questions

(1) Should the NCUA adopt additional conditions on paying dependent care costs, such as limiting reimbursement to temporary costs that are above and beyond regular day care expenses that a volunteer official would ordinarily incur outside of carrying out official credit union business?

(2) Should the terms "dependent" or "dependent care" be defined by the NCUA regulations, the required FCU written reimbursement policy, or in some other governing document? If so, how should they be defined?

(3) Are there any other terms, definitions, or standards that the NCUA Board should consider in updating the regulation? Specifically, are there terms that could be clarified?

(4) What documentation requirements could ensure the direct application of funds to reasonable dependent care costs and that the FCU is not compensating its volunteer officials?

2. Lost Wages and Indirect Costs

In 1988, the NCUA proposed adding lost wages as a reimbursable expense.⁶⁷ Given the credit union community's

overwhelming opposition to reimbursing volunteer officials for lost pay or leave, the NCUA Board decided not to go forward with the 1988 proposal.⁶⁸ In its letter, the national trade organization maintained that lost wages to attend a meeting are not similar to childcare expenses. The letter noted that dependent care reimbursement may be necessary or appropriate when attending in-person board meetings as part of the official's credit union duties.

Questions

(5) Are similar considerations for prohibiting the payment of lost wages (for example, dissension among FCU board members, additional IRS reporting requirements, and difficulty substantiating officials' claims) relevant to dependent care costs?

(6) How many FCU board meetings are in the evenings or at other times when dependent care for volunteer officials would be necessary or appropriate (for example, virtual meetings)?

(7) What are other situations where dependent care cost reimbursement for volunteer officials would be necessary or appropriate (for example, trainings)?

(8) What industry data or estimates provide insight into the number of volunteer officials affected by this proposal, both presently and in the future?

3. FCU Board of Directors' Responsibilities

The NCUA Board invites comments on the FCU board's responsibilities in amending payment policies to include dependent care costs for volunteer officials. A board of directors should consider budgetary impacts in developing its written reimbursement policies. Decisions about board member reimbursement, including dependent care costs, may affect the FCU's ability to budget for other staffing needs. Expanding FCU assets may also open the FCU board to shareholder/member suits for corporate waste depending on state law.

Questions

(9) What impediments, including estimated costs and logistics, does your credit union anticipate in developing and applying reimbursement policies that include dependent care costs?

(10) Should an FCU get an attorney's opinion about state laws related to corporate waste before it adopts and applies such a policy?

(11) If reimbursing dependent care costs would result in possible increases in costs to members, are there less costly alternatives?

4. FISCUs

Several states permit state-chartered credit unions to compensate all board members or reimburse board members for reasonable expenses. The NCUA Board specifically invites public comment on state requirements and FISCO policies governing reimbursing credit union officials for dependent care expenses.

Question

(12) Are there best practices from FISCUs or other suggested boundaries for dependent care cost reimbursement that the NCUA Board should consider?

Depending on the comments and its continued consideration of the issues discussed in this section, in finalizing the proposed rule, the NCUA Board may adopt changes or additions to meet the proposal's articulated goals.

III. Regulatory Procedures

A. 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 under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*).

In summary, the NCUA Board proposes to amend its regulations concerning the reimbursement of reasonable expenses for FCU officials. The proposed rule would enable FCU boards to establish policies that allow for the payment of reasonable dependent care costs incurred by volunteer officials while attending board meetings and performing their official duties. This proposed amendment would include dependent care costs as a reimbursable expense. The proposed changes aim to provide FCUs with greater flexibility to create family-friendly policies, thereby alleviating dependent care costs for volunteer officials, which may otherwise hinder their ability to volunteer.

The proposal and the required summary can be found at <https://www.regulations.gov>.

⁶⁴ 26 U.S.C. 21(b)(2), 26 U.S.C. 129(e)(1).

⁶⁵ See 2 CFR 200.475(c) (citing 26 U.S.C. 152).

⁶⁶ See 2 CFR 200.404; Final Guidance, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Award, 78 FR 78590, 78602 (Dec. 26, 2013).

⁶⁷ Proposed Rule, 53 FR 4992 (Feb. 19, 1988).

⁶⁸ Final Rule, 53 FR at 29641.

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 (“Regulatory Planning and Review”), as amended by Executive Order 14215, 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.⁶⁹ Executive Order 13563 (“Improving Regulation and Regulatory Review”) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866.⁷⁰ This proposed rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. OMB has determined that this proposed rule is not a “significant regulatory action” as defined in section 3(f) of Executive Order 12866. This proposed rule will increase flexibility for FCU boards to develop family friendly reimbursement policies and is consistent with Executive Order 13563.

Executive Order 14192 (“Unleashing Prosperity Through Deregulation”) 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.⁷¹ This rule is not an E.O. 14192 regulatory action because this rule is not significant under E.O. 12866.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act⁷² generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the agency makes such a certification, it must publish the certification at the time of publication of either the proposed rule or the final rule, along

with a statement providing the factual basis for such certification.⁷³ For purposes of this analysis, the NCUA considers small credit unions to be those having under \$100 million in assets.⁷⁴ The Board fully considered the potential economic impacts of the proposed regulatory amendments on small credit unions.

The proposed rule would permit FCU boards of directors to adopt family friendly policies that directly pay or reimburse volunteer officials for reasonable dependent care costs incurred in carrying out their official board duties. Consistent with long-standing practices, the NCUA Board expects that FCU payment policies including dependent care costs will continue to be reasonable in relation to the resources and financial condition of the credit union while maintaining financial stability and capital adequacy.⁷⁵ As proposed, small FCU boards would have discretion to set cost limits or decline to adopt such payment policies entirely. Small FCUs electing to adopt such policies may experience higher reimbursement costs. The NCUA offers small credit unions technical assistance in a variety of areas, including developing written reimbursement policies.

Accordingly, the NCUA certifies the proposed rule would not have a significant economic impact on a substantial number of small credit unions. The NCUA Board invites comment from small credit unions on the proposed rule, as well as other suggestions, to improve board recruitment and reduce any burden associated with the proposal.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency creates a 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 may not conduct or sponsor, and the respondent is not required to respond to an information collection unless it displays a valid OMB control number.

The proposed rule changes will require revision of an existing information collection to be submitted to the Office of Information and Regulatory Affairs at OMB for approval under the PRA. The NCUA is proposing to extend for three years, with revision, this information collection.

Title of Information Collection:

Written Reimbursement Policy, 12 CFR 701.33.

OMB Control Number: 3133–0130.

Respondents: All FCUs.

Estimated Annual Burden: 2,263.

The proposed rule contains information collection recordkeeping requirements that would impose PRA burden governing reimbursement of dependent care costs. This burden is associated with modifying the written reimbursement policy to incorporate dependent care costs for volunteer board members.

As of September 30, 2025, the NCUA supervised approximately 2,715 FCUs. For each information collection activity, the burden table lists the estimated annual number of responses per respondent and estimated time per response. Note that the number of respondents for information collection activity 2 have been annualized to reflect a three-year PRA cycle in which respondents incur implementation burden in the first year and ongoing burden in the second and third years.

Since the implementation burden is incurred only in year one of the three-year PRA clearance cycle, the annual burden is the average of the implementation burden imposed over three years or .3333 hours per year. (1 hour in year one, plus zero hours for years two and three; divided by three).

The NCUA estimates a total annual burden of 2,263 hours as follows:

NCUA SUMMARY OF ESTIMATED ANNUAL BURDEN

[3133–0130]

Information collection activity	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (hours)	Total estimated annual burden hours
1. Maintain Written Reimbursement Policy (Ongoing).	Recordkeeping (Annual)	2,715	1	0.5	1,358

⁶⁹ 58 FR 51735 (Oct. 4, 1993).

⁷⁰ 76 FR 3821 (Jan. 21, 2011).

⁷¹ 90 FR 9065 (Feb. 6, 2025).

⁷² 5 U.S.C. 601 *et seq.*

⁷³ 5 U.S.C. 605(b).

⁷⁴ 80 FR 57512 (Sept. 24, 2015).

⁷⁵ See Proposed Rule, 57 FR 18837, 18838–39 (May 1, 1992).

NCUA SUMMARY OF ESTIMATED ANNUAL BURDEN—Continued
[3133–0130]

Information collection activity	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (hours)	Total estimated annual burden hours
2. Establish Dependent Care Costs (Implementation).	Recordkeeping (One-Time)	2,715	.3	1	905
Total Estimated Annual Burden	.....	.....	.....	.....	2,263

The NCUA invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) 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; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on 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; and (e) estimates of capital or start-up costs and cost of operation, maintenance, and purchase of services to provide information.

All comments are a matter of public record. Interested persons are invited to submit written comments via email to (1) PRAComments@ncua.gov or (2) visit www.reginfo.gov/public/do/PRAMain (find this particular information collection by selecting the tab titled "Information Collection Review" and click on to the section titled "Currently under Review—Open for Public comment").

E. Executive Order 13132 on Federalism

Executive Order 13132 encourages certain regulatory agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), complies with the executive order to adhere to fundamental federalism principles. This proposed 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. While some states incorporate federal regulations by law or by practice, states may still decide for themselves whether to incorporate the proposed changes by reference. States are also free to establish their own

policies for board compensation and reimbursing FISCU officials for reasonable expenses incurred in executing official credit union duties.⁷⁶ The NCUA has therefore determined that this proposed rule does not constitute a policy that has federalism implications for purposes of the executive order. The NCUA Board specifically requests comment on potential conflicts and ways to harmonize state-specific requirements in this area. Based on the comments received, the final rule may modify the requirements as necessary to carry out the purposes of this rulemaking and the intent of the Executive Order.

F. Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act of 1999, Public Law 105–277, 112 Stat. 2681 (1998) requires federal agencies to determine whether a proposed policy or regulation may affect family well-being. Relative to the current state, reimbursements for childcare expenses will increase disposable income and thus decrease financial strain (and potentially poverty) for the families receiving such reimbursement. As discussed earlier in the preamble, median full-day childcare price for one child in 2022 ranged from \$6,552 (\$7,266 in 2024 dollars) to \$15,600 (\$17,300) per year, depending on provider type, the child's age, and geographic location. These costs represented 8.9 percent to 16.0 percent of median family income per child in paid care.⁷⁷ The financial impact on the family in question is, therefore, positive. The funds needed for reimbursement may come from credit union members in the form of reduced interest on deposits/higher interest on loans. The cost per member, however, should be

⁷⁶ See Final Rule, 57 FR at 54502.

⁷⁷ Poyatzis and Livingston. "NEW DATA: Childcare Costs Remain an Almost Prohibitive Expense." U.S. Department of Labor. *DOL Blog*, 19 Nov. 2024. Retrieved Dec. 15, 2025 from <https://blog.dol.gov/2024/11/19/new-data-childcare-costs-remain-an-almost-prohibitive-expense>.

minimal. In addition, based on the NCUA Call Report data, the benefit to FCU members from having volunteers versus paid employees should outweigh the cost of reimbursing for childcare.⁷⁸ Based on these considerations, the NCUA has determined that this proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

List of Subjects in 12 CFR Part 701

Advertising, Aged, Civil rights, Credit, Credit unions, Fair housing, Individuals with disabilities, Insurance, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Signs and symbols, Surety bonds.

By the National Credit Union Administration Board, this 14th day of January, 2026.

Melane Conyers-Ausbrooks,
Secretary of the Board.

For the reasons stated in the preamble, the NCUA Board proposes to amend 12 CFR part 701 as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

- 1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1785, 1786, 1787, 1788, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*; 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

§ 701.33 [Amended]

- 2. Amend § 701.33 by:
■ a. Adding the definition of "Dependent care costs" to the beginning of paragraph (a) and

⁷⁸ The NCUA collects the number of employees and compensation on the Call Report, from which average paid employee compensation can be computed.

■ b. Revising the last sentence of paragraph (b)(2)(i).

The addition and revision to read as follows:

§ 701.33 Reimbursement, Insurance, and Indemnification of Officials and Employees.

(a) *Dependent care costs.* *Dependent care costs* mean expenses for the care of a qualifying individual (as defined in 26 U.S.C. 21)).

* * * * *

(b) * * *

(2) * * *

(i) * * * Such payments may include the payment of: (A) travel costs for officials and one guest per official and (B) dependent care costs for a volunteer official (as defined in § 701.21(c)(8)(ii));

* * * * *

[FR Doc. 2026–01382 Filed 1–23–26; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–0025; Project Identifier MCAI–2025–01294–R]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Leonardo S.p.a. Model AB139, AW139, and AW189 helicopters. This proposed AD was prompted by a report of cracks on the left-hand (LH) and right-hand (RH) tube assemblies installed on the brake pedal assemblies. This proposed AD would require repetitively inspecting the LH and RH tube assemblies for Model AB139 and AW139 helicopters, and the LH and RH pedal shaft assemblies for Model AW189 helicopters, and depending on the results of the inspection, corrective actions. This proposed AD would also prohibit installing certain parts unless certain requirements are met. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by March 12, 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](https://www.regulations.gov). Follow the instructions for submitting comments.

• *Fax:* (202) 493–2251.

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

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2026–0025; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

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

FOR FURTHER INFORMATION CONTACT:

Steven Warwick, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5225; email: steven.r.warwick@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include “Docket No. FAA–2026–0025; Project Identifier MCAI–2025–01294–R” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other

information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](https://www.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 Steven Warwick, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0163, dated July 30, 2025 (EASA AD 2025–0163) (also referred to as the MCAI), to correct an unsafe condition on Leonardo S.p.A. Model AB139, AW139, and AW189 helicopters. The MCAI states that occurrences of cracking on the LH and RH pilot pedal tubes were reported on a Model AW139 helicopter. The MCAI further states subsequent investigation revealed that the cracks originated from the locking slot where the upper clamping bolt engages with the tube; however, the root cause of the tube cracking is still under investigation. Additionally, the MCAI states that due to design similarity of the braking pedal assembly architecture, Model AB139 and AW189 helicopters could be also affected by the same structural damage.

The FAA is issuing this AD to detect and address cracks on the LH and RH tube assemblies installed on the brake pedal assemblies. This unsafe condition, if not addressed, could lead to structural failure of the brake pedal assembly and

result in reduced control of the helicopter around the yaw axis.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–0025.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0163, which specifies procedures for repetitive inspections of certain part-numbered LH and RH tube assemblies (for Models AB139 and AW139) and certain part-numbered LH and RH pedal shaft assemblies (for Model AW189) installed on the brake pedal assemblies. Depending on the inspection results, EASA AD specifies procedures for replacing an affected part with a serviceable part or, for the copilot side only, as an alternative to replacing an affected part, installing a temporary serviceable part for the copilot pedal assembly set, performing repetitive inspections, manufacturing and installing a placard, and revising the limitations section of the rotorcraft flight manual (RFM) for the helicopter. EASA AD 2025–0163 also prohibits installing an affected part on any helicopter unless certain requirements are met.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA’s Determination

These products have been approved by the civil aviation authority (CAA) of

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

Proposed AD Requirements in This NPRM

This proposed AD would require the actions specified in EASA AD 2025–0163, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD. The owner/operator (pilot) holding at least a private pilot certificate may revise the existing RFM and must enter compliance with the applicable paragraph(s) of the AD into the helicopter maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The pilot may perform these actions because they only involve revising the existing RFM for the helicopter. This action could be performed equally well by a pilot or mechanic. This is an exception to the FAA’s standard maintenance regulations.

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 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 2025–0163 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0163 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 2025–0163 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 2025–0163. Material required in EASA AD 2025–0163 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–0025 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 153 helicopters of U.S. registry.

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

ESTIMATED COSTS				
Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect LH and RH tube assembly or shaft assembly.	2 work-hours × \$85 per hour = \$170	\$0	\$170	\$26,010

The FAA estimates the following costs to do any replacements that would be required based on the results of the

proposed inspection. The agency has no way of determining the number of

helicopters that might need these replacements.

ON-CONDITION COSTS			
Action	Labor cost	Parts cost	Cost per product
Replace tube assembly or shaft assembly (1 assembly).	1 work-hour × \$85 per hour = \$85	\$3,381	\$3,466.
Manufacture and install placard	1 work-hour × \$85 per hour = \$85	0	\$85.
Revise the RFM	1 work-hour × \$85 per hour = \$85	0	\$85 per RFM revision.
Inspect LH and RH tube assembly or shaft assembly.	2 work-hours × \$85 per hour = \$170	0	\$170.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the

costs of this proposed AD may be covered under warranty, thereby

reducing the cost impact on affected operators.

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:

Leonardo S.p.a.: Docket No. FAA–2026–0025; Project Identifier MCAI–2025–01294–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 12, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AB139, AW139, and AW189 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6720, Tail Rotor Control System.

(e) Unsafe Condition

This AD was prompted by a report of cracks on the left-hand (LH) and right-hand (RH) tube assemblies installed on the brake pedal assemblies. The FAA is issuing this AD to detect and address cracks on the LH and RH tube assemblies. The unsafe condition, if not addressed, could lead to structural failure of the pedal assembly and result in reduced control of the helicopter around the yaw axis.

(f) Compliance

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

(g) Required Actions

(1) Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2025–0163, dated July 30, 2025 (EASA AD 2025–0163).

(2) For this AD, the owner/operator (pilot) holding at least a private pilot certificate may revise the existing RFM for the helicopter by inserting Appendix 1 of EASA AD 2025–0163 and must enter compliance into the helicopter maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(h) Exceptions to EASA AD 2025–0163

(1) Where EASA AD 2024–0228 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2024–0228 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where the material referenced in EASA AD 2024–0228 specifies discarding parts, or scrapping parts, this AD requires removing those parts from service.

(4) This AD does not adopt the "Remarks" section of EASA AD 2024–0228.

(i) No Reporting Requirement

Although the service material referenced in EASA AD 2024–0228 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (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 Steven Warwick, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5225; email: steven.r.warwick@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 2025–0163, dated July 30, 2025.

(ii) [Reserved]

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

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

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

Issued on January 22, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–01463 Filed 1–23–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2026–0023; Project Identifier AD–2025–00427–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 supersede Airworthiness Directive (AD) 2018–11–14, which applies to certain The Boeing Company Model 767–300 and –300F series airplanes. AD 2018–11–14 requires high frequency eddy current (HFEC) inspections for cracking of the lower outboard wing skin, and repair or modification if necessary. AD 2018–11–14 also requires one of three follow-on actions: Repeating the HFEC inspections, modifying certain internal stringers and oversizing and plugging the existing fastener holes of the lower wing or modifying the external doubler/tripler and doing repetitive post-modification inspections. Since the FAA issued AD 2018–11–14, it was determined that, for certain airplanes, the area of the lower wing skin in the vicinity of the critical inboard end fasteners of installed repair doublers must be inspected. In addition, it was determined that airplanes who have installed Supplemental Type Certificate (STC) ST01920SE and removed the STC winglets are also affected by the unsafe condition. This proposed AD would continue to require the actions in AD 2018–11–14, add airplanes to the applicability who have installed STC ST01920SE and removed the STC winglets, and, for certain airplanes, would require repetitive internal and external HFEC inspections of the lower outboard wing skin common to the external doubler repair at stringer L–9.5 and repair if necessary. 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 March 12, 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–2026–0023; 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, 2811 South 102nd St., Suite 200, Seattle, WA 98168; telephone 206–830–7699; email *certification@aviationpartners.com*; website *aviationpartnersboeing.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.

FOR FURTHER INFORMATION CONTACT:

Sarah Illg, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 206–231–3517; email: *Sarah.A.Illg@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–2026–0023; Project Identifier AD–2025–00427–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 the 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 proposed AD.

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 Sarah Illg, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 206–231–3517; email: *Sarah.A.Illg@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 issued AD 2018–11–14, Amendment 39–19302 (83 FR 25885, June 5, 2018) (AD 2018–11–14), for certain The Boeing Company Model 767–300 and –300F series airplanes. AD 2018–11–14 was prompted by reports of fatigue cracking in the lower outboard wing skin at the inboard fastener of stringer L–9.5, and the lower outboard wing skin of stringer L–6.5, on airplanes with winglets installed per STC ST01920SE. AD 2018–11–14 requires HFEC inspections for cracking of the lower outboard wing skin, and repair or modification if necessary. AD 2018–11–14 also requires one of three follow-on actions: Repeating the HFEC inspections, modifying certain internal stringers and oversizing and plugging the existing fastener holes of the lower wing, or modifying the external doubler/tripler and doing repetitive post-modification inspections. The FAA issued AD 2018–11–14 to prevent fatigue cracking in the lower outboard wing skin, which could result in failure and subsequent separation of the wing and winglet and consequent reduced controllability of the airplane.

Actions Since AD 2018–11–14 Was Issued

Since the FAA issued AD 2018–11–14, an operator found cracks in the lower wing skin during a post-repair inspection of an affected airplane. The post-repair inspection was an external surface HFEC inspection and was not mandated by AD 2018–11–14, which refers to Aviation Partners Boeing

Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, as the appropriate source of service information for accomplishing certain inspections. The area of the lower wing skin in the vicinity of the critical inboard end fasteners of previously installed repair doublers, approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) and prior to the issuance of the Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, was inadvertently omitted from the internal HFEC inspection, for Group 3 airplanes, specified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, and could result in the inadequate opportunity of crack detection at the critical fasteners. The FAA determined that, for certain airplanes, the area of the lower wing skin in the vicinity of the critical inboard end fasteners of installed repair doublers must be inspected in order to address the unsafe condition.

Aviation Partners Boeing issued Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, to add the inspections at the critical inboard end fasteners of installed repair doublers for Group 3 airplanes, and add one additional airplane to the list of affected Group 3 airplanes.

In addition, the FAA determined that airplanes that have ever been modified by STC ST01920SE are affected by the unsafe condition but not all airplanes that were modified by STC ST01920SE were identified in the applicability of AD 2018–11–14. AD 2018–11–14 identified airplanes “with Aviation Partners Boeing winglets installed; as identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; and Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017. However, operators who have modified their airplanes via STC ST01920SE and have

removed the STC winglets are also applicable.

Although the “Effectivity” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; and Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, only specify “airplanes with blended winglets,” the bulletins also apply to the Group 1, 2, and 3 airplanes who have installed STC ST01920SE and removed the STC winglets. The FAA has revised the applicability of this proposed AD to refer to new Aviation Partners Boeing service bulletins that have updated effectivity statements that clarify all airplanes with STC ST01920SE are affected and must do applicable actions to address the unsafe condition.

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 Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025. This material specifies procedures, for Group 1 and 2 airplanes, for an HFEC inspection for cracking of the external surface of the lower outboard wing skin at stringer L–9.5, and on-condition actions that include repetitive HFEC inspections, modification by oversizing and plugging the existing fastener holes of the wing skin, repair (modification) of the stringer with new stringer, and repair (modification) of the stringer with external doubler/tripler; repetitive post-repair inspections for cracking, and repair. This material also specifies procedures, for Group 3 airplanes, for repetitive internal and external HFEC inspections of the lower outboard wing skin common to the external doubler repair at stringer L–9.5 and repair. In addition, the effectivity of Aviation

Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, was revised to specify airplanes provisioned for blended winglets modified in accordance with STC ST01920SE, with or without winglets installed.

The FAA also reviewed Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025. This material does not change the procedures but does change the effectivity to specify airplanes provisioned for blended winglets modified in accordance with STC ST01920SE, with or without winglets installed.

This proposed AD would also require Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; and Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, which the Director of the Federal Register approved for incorporation by reference as of July 10, 2018 (83 FR 25885, June 5, 2018).

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 retain all of the requirements of AD 2018–11–14, add airplanes that have ever been modified by STC ST01920SE and removed the STC winglets to the applicability, and for certain airplanes, would require repetitive internal and external HFEC inspections of the lower outboard wing skin common to the external doubler repair at stringer L–9.5 and repair if necessary.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 195 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
HFEC inspections	6 work-hours × \$85 per hour = \$510 per inspection cycle.	\$0	\$510 per inspection cycle ...	\$99,450 per inspection cycle.
Internal and external HFEC inspections (Group 3 airplanes).	3 work-hours × \$85 per hour = \$255 per inspection cycle.	0	\$255 per inspection cycle ...	\$255 per inspection cycle. (1 airplane).

The FAA estimates the following costs to do any necessary repairs that

would be required based on the results of the proposed inspection. The FAA

has no way of determining the number of aircraft that might need these repairs:

ON-CONDITION COSTS			
Action	Labor cost	Parts cost	Cost per product
Post-repair inspections	6 work-hours × \$85 per hour = \$510	\$0	\$510 per inspection cycle.
Repair/Modification	262 work-hours × \$85 per hour = \$22,270 ...	0	\$22,270.

The FAA has received no definitive data on which to base the cost estimates for on-condition repairs for the post-repair 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 has 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 that the 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:
 - a. Removing Airworthiness Directive (AD) 2018–11–14, Amendment 39–19302 (83 FR 25885, June 5, 2018), and
 - b. Adding the following new AD:

The Boeing Company: Docket No. FAA–2026–0023; Project Identifier AD–2025–00427–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 12, 2026.

(b) Affected ADs

This AD replaces AD 2018–11–14, Amendment 39–19302 (83 FR 25885, June 5, 2018) (AD 2018–11–14).

(c) Applicability

This AD applies to The Boeing Company Model 767–300 and –300F series airplanes, certificated in any category, as specified in paragraph 1.A.1 of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of fatigue cracking in the lower outboard wing skin at the inboard fastener of stringer L–9.5, and the lower outboard wing skin of stringer L–6.5, on airplanes with winglets installed per Supplemental Type Certificate ST01920SE. This AD was also prompted by a determination that, for certain airplanes, the area of the lower wing skin in the vicinity of the critical inboard end fasteners of installed repair doublers must be inspected. The FAA is issuing this AD to prevent fatigue cracking in the lower outboard wing skin. The unsafe condition, if not addressed, could result in failure and subsequent separation of the wing and winglet and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Retained Repetitive Stringer L–9.5 Inspections, Modification, Repair (Modification), Repetitive Post-Repair Inspections, and Repair, With Revised Service Information

This paragraph restates the requirements of paragraph (g) of AD 2018–11–14, with revised service information.

(1) For Group 1 and Group 2 airplanes, identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, with winglets installed: At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, except as required by paragraph (j)(1) of this AD: Do a high frequency eddy current (HFEC) inspection for cracking of the lower outboard wing skin at stringer L–9.5, in accordance with Part 1 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(i) For airplanes on which “Condition 1” is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, during any inspection required by paragraph (g)(1) or (g)(1)(i)(A) of this AD: Do the applicable actions required by paragraph (g)(1)(i)(A), (g)(1)(i)(B), (g)(1)(i)(C), or (g)(1)(i)(D) of this AD.

(A) Repeat the inspection specified in paragraph (g)(1) of this AD thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017.

(B) Do the applicable actions required by paragraphs (g)(1)(i)(B)(1), (g)(1)(i)(B)(2), and (g)(1)(i)(B)(3) of this AD.

(1) Before further flight, do actions (modifications and repair (modification)) in accordance with Part 2, Part 3, Part 4, and Part 5, as applicable, of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(2) At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation

Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, do a post-repair HFEC inspection for cracking, in accordance with Part 9 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(3) If any crack is found during any inspection required by paragraph (g)(1)(iii)(A)(2) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(B) Do the actions required by paragraphs (g)(1)(iii)(B)(1) and (g)(1)(iii)(B)(2) of this AD, and do all applicable actions required by paragraph (g)(1)(iii)(B)(3) of this AD.

(1) Before further flight, repair (modify) in accordance with Part 11 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(2) At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, do a post-repair HFEC inspection for cracking, in accordance with Part 13 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; except as required by paragraph (j)(4) of this AD. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(3) If any crack is found during any inspection required by paragraph (g)(1)(iii)(B)(2) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(iv) For airplanes on which “Condition 4” is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, during any action specified in paragraph (g)(1)(i)(C)(1), (g)(1)(i)(D)(1), (g)(1)(ii)(A)(1), (g)(1)(ii)(B)(1), (g)(1)(iii)(A)(1), and (g)(1)(iii)(B)(1) of this AD: Repair before further flight using a method approved in accordance with the

procedures specified in paragraph (q) of this AD.

(2) For Group 3 airplanes, identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, with winglets installed: At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, or within 6 months after July 10, 2018 (the effective date of AD 2018–11–14), whichever occurs later, do an HFEC inspection for cracking of the lower outboard wing skin at stringer L–9.5, in accordance with Part 7 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017. Repeat the inspections thereafter at the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017. If any cracking is found during any inspection, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD. An approved repair terminates the repetitive inspections required by paragraph (g)(2) of this AD for the repaired area only. Doing the initial inspections required by paragraph (k) of this AD terminates the inspections required by paragraph (g)(2) of this AD.

(3) Group 4 airplanes, identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, with winglets installed, are not affected by the actions required by paragraph (g) of this AD.

(h) Retained Repetitive Stringer L–6.5 Inspections, Repair (Modification), Repetitive Post-Repair Inspections, and Repair With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2018–11–14, with no changes.

(1) For airplanes, identified in Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, with winglets installed: At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, except as required by paragraph (j)(2) of this AD: Do an HFEC inspection for cracking of stringer L–6.5 of the lower outboard wing skin, in accordance with Part 1 of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017; or Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025. If no cracking is found, repeat the inspection thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, except as provided by paragraph (h)(3) of this AD. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(2) If any crack is found during any inspection required by paragraph (h)(1) of this AD, do the actions required by

paragraphs (h)(2)(i) and (h)(2)(ii) of this AD, and do all applicable actions required by paragraph (h)(2)(iii) of this AD.

(i) Before further flight, repair (modify) stringer L–6.5, in accordance with Part 2 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017; or Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(ii) Except as required by paragraph (j)(3) of this AD: At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, except as required by paragraph (j)(2) of this AD, do an HFEC post-repair inspection for cracking, in accordance with Part 3 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017; or Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(iii) If any crack is found during any inspection required by paragraph (h)(2)(ii) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(3) As an option to the repetitive inspections required by paragraph (h)(1) of this AD, do the actions required by paragraphs (h)(3)(i) and (h)(3)(ii) of this AD, and do all applicable actions required by paragraph (h)(3)(iii) of this AD.

(i) Before further flight after accomplishing the most recent inspection required by paragraph (h)(1) of this AD, repair (modify) stringer L–6.5, in accordance with Part 2 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017; or Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(ii) Except as required by paragraph (j)(3) of this AD: At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, except as required by paragraph (j)(2) of this AD, do a post-repair HFEC inspection for cracking, in accordance with Part 3 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–

014, Revision 1, dated April 12, 2017; or Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(iii) If any crack is found during any inspection required by paragraph (h)(3)(ii) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(i) Retained Repair Approval, With New Service Information References

This paragraph restates the repair approval specified in paragraph (i) of AD 2018–11–14, with new service information references. Repairs of the lower outboard wing skin that were approved after June 15, 2017, and before July 10, 2018 (the effective date of AD 2018–11–14), by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, are approved for the applicable repairs required by paragraphs (g) and (h) of this AD. The ODA repairs will have post installation inspection requirements in lieu of the post-inspection instructions specified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017; and Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025.

(j) Retained Exceptions to Service Information Specifications With No Changes

This paragraph retains the exceptions the exceptions specified in paragraph (j) of AD 2018–11–14, with no changes.

(1) Where paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, specifies a compliance time “after the issue date of Revision 11 of this service bulletin,” this AD requires compliance within the specified compliance time after July 10, 2018 (the effective date of AD 2018–11–14).

(2) Where paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, specifies a compliance time “after the initial issue date of this service bulletin,” this AD requires compliance within the specified compliance time after July 10, 2018 (the effective date of AD 2018–11–14).

(3) For Condition 1 and Condition 2 airplanes: Where paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, specifies a compliance time for accomplishing the Part 3 HFEC

inspection of 18 months “after the initial issue date of this service bulletin,” the required compliance time is 6,000 flight cycles or 18,000 flight hours, whichever occurs first, after doing the Part 2 repair.

(4) For airplanes on which a stringer L–9.5 replacement was accomplished per Part 11 of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017: Where Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, specifies repeating the post-repair HFEC inspection “in Part 9,” this AD requires repeating the post-repair HFEC inspection in Part 13.

(k) New Requirements for Group 3 Airplanes

For Group 3 airplanes identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025: At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, or within 3,000 flight cycles after the effective date of this AD, whichever occurs later, do the initial internal and external HFEC inspections of the lower outboard wing skin common to the external doubler repair at stringer L–9.5, in accordance with Part 7 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025. Repeat the inspections thereafter at the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025. If any cracking is found during any inspection, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD. Doing the initial inspections required by this paragraph terminates the inspections required by paragraph (g)(2) of this AD.

(l) New Repetitive Stringer L–9.5 Inspections, Modification, Repair (Modification), Repetitive Post-Repair Inspections, and Repair

(1) For Group 1 and Group 2 airplanes identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, without winglets installed: At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, except as required by paragraph (o)(1) of this AD: Do a HFEC inspection for cracking of the lower outboard wing skin at stringer L–9.5, in accordance with Part 1 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(i) For airplanes on which “Condition 1” is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, during any inspection required by paragraph (l)(1) or (l)(1)(i)(A) of this AD: Do the applicable actions required by paragraph (l)(1)(i)(A), (l)(1)(i)(B), (l)(1)(i)(C), or (l)(1)(i)(D) of this AD.

(A) Repeat the inspection specified in paragraph (l)(1) of this AD thereafter at the

applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(B) Do the applicable actions required by paragraphs (l)(1)(i)(B)(1), (l)(1)(i)(B)(2), and (l)(1)(i)(B)(3) of this AD.

(1) Before further flight, do actions (modifications and repair (modification)) in accordance with Part 2, Part 3, Part 4, and Part 5, as applicable, of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(2) For airplanes on which the repair (modification) specified in Part 5 of Aviation Partners Boeing Service Bulletin AP767–57–010 was done: At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 12 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(3) If any crack is found during any inspection required by paragraph (l)(1)(i)(B)(2) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(C) Do the actions required by paragraphs (l)(1)(i)(C)(1) and (l)(1)(i)(C)(2) of this AD, and do all applicable actions required by paragraph (l)(1)(i)(C)(3) of this AD.

(1) Before further flight, repair (modify) in accordance with Part 8 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(2) At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 9 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(3) If any crack is found during any inspection required by paragraph (l)(1)(i)(C)(2) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(D) Do the actions required by paragraphs (l)(1)(i)(D)(1) and (l)(1)(i)(D)(2) of this AD, and do all applicable actions required by paragraph (l)(1)(i)(D)(3) of this AD.

(1) Before further flight, repair (modify) in accordance with Part 11 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(2) At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation

Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 13 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(3) If any crack is found during any inspection required by paragraph (l)(1)(i)(D)(2) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(ii) For airplanes on which “Condition 2” is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, during any inspection required by paragraph (l)(1) or (l)(1)(i)(A) of this AD: Do the actions required by paragraph (l)(1)(ii)(A) or (l)(1)(ii)(B) of this AD.

(A) Do the actions required by paragraphs (l)(1)(ii)(A)(1) and (l)(1)(ii)(A)(2) of this AD, and do all applicable actions required by paragraph (l)(1)(ii)(A)(3) of this AD.

(1) Before further flight, repair (modify) in accordance with Part 8 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(2) At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 9 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(3) If any crack is found during any inspection required by paragraph (l)(1)(ii)(A)(2) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(B) Do the actions required by paragraphs (l)(1)(ii)(B)(1) and (l)(1)(ii)(B)(2) of this AD, and do all applicable actions required by paragraph (l)(1)(ii)(B)(3) of this AD.

(1) Before further flight, repair (modify) in accordance with Part 11 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(2) At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 13 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E.,

“Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(3) If any crack is found during any inspection required by paragraph (l)(1)(ii)(B)(2) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(iii) For airplanes on which “Condition 3” is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, during the actions specified in paragraph (l)(1)(i)(B)(1) of this AD: Do the actions required by paragraph (l)(1)(iii)(A) or (l)(1)(iii)(B) of this AD.

(A) Do the actions required by paragraphs (l)(1)(iii)(A)(1) and (l)(1)(iii)(A)(2) of this AD, and do all applicable actions required by paragraph (l)(1)(iii)(A)(3) of this AD.

(1) Before further flight, repair (modify) in accordance with Part 8 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(2) At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 9 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(3) If any crack is found during any inspection required by paragraph (l)(1)(iii)(A)(2) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(B) Do the actions required by paragraphs (l)(1)(iii)(B)(1) and (l)(1)(iii)(B)(2) of this AD, and do all applicable actions required by paragraph (l)(1)(iii)(B)(3) of this AD.

(1) Before further flight, repair (modify) in accordance with Part 11 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(2) At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 13 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(3) If any crack is found during any inspection required by paragraph (l)(1)(iii)(B)(2) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(iv) For airplanes on which “Condition 4” is found, as defined in the Accomplishment

Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, during any action specified in paragraph (l)(1)(i)(C)(1), (l)(1)(i)(D)(1), (l)(1)(ii)(A)(1), (l)(1)(ii)(B)(1), (l)(1)(iii)(A)(1), and (l)(1)(iii)(B)(1) of this AD: Repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(2) Group 4 airplanes identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, without winglets installed, are not affected by the actions required by paragraph (l) of this AD.

(m) New Repetitive Stringer L–6.5 Inspections, Repair (Modification), Repetitive Post-Repair Inspections, and Repair

(1) For airplanes identified in Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, without winglets installed: At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, except as required by paragraph (o)(2) of this AD: Do an HFEC inspection for cracking of stringer L–6.5 of the lower outboard wing skin, in accordance with Part 1 of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025. If no cracking is found, repeat the inspection thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, except as provided by paragraph (o)(3) of this AD.

(2) If any crack is found during any inspection required by paragraph (m)(1) of this AD, do the actions required by paragraphs (m)(2)(i) and (m)(2)(ii) of this AD, and do all applicable actions required by paragraph (m)(2)(iii) of this AD.

(i) Before further flight, repair (modify) stringer L–6.5, in accordance with Part 2 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025.

(ii) Except as required by paragraph (o)(3) of this AD At the applicable time specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, except as required by paragraph (o)(2) of this AD, do an HFEC post-repair inspection for cracking, in accordance with Part 3 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025.

(iii) If any crack is found during any inspection required by paragraph (m)(2)(ii) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(3) As an option to the repetitive inspections required by paragraph (m)(1) of this AD, do the actions required by

paragraphs (m)(3)(i) and (m)(2)(ii) of this AD, and do all applicable actions required by paragraph (m)(3)(iii) of this AD.

(i) Before further flight after accomplishing the most recent inspection required by paragraph (m)(1) of this AD, repair (modify) stringer L-6.5, in accordance with Part 2 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767-57-014, Revision 3, dated November 17, 2025.

(ii) Except as required by paragraph (o)(3) of this AD At the applicable time specified in paragraph 1.E., "Compliance," of Aviation Partners Boeing Service Bulletin AP767-57-014, Revision 3, dated November 17, 2025, except as required by paragraph (o)(2) of this AD, do a post-repair HFEC inspection for cracking, in accordance with Part 3 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767-57-014, Revision 3, dated November 17, 2025, and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., "Compliance," of Aviation Partners Boeing Service Bulletin AP767-57-014, Revision 3, dated November 17, 2025.

(iii) If any crack is found during any inspection required by paragraph (m)(3)(ii) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(n) Repair Approval for Paragraphs (l) and (m) of This AD

Repairs of the lower outboard wing skin that were approved after June 15, 2017, and before July 10, 2018 (the effective date of AD 2018-11-14), by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR-520, Continued Operational Safety Branch, FAA, are approved for the applicable repairs required by paragraphs (l) and (m) of this AD. The ODA repairs will have post installation inspection requirements in lieu of the post-inspection instructions specified in Aviation Partners Boeing Service Bulletin AP767-57-010, Revision 14, dated November 17, 2025; and Aviation Partners Boeing Service Bulletin AP767-57-014, Revision 3, dated November 17, 2025.

(o) New Exceptions to Service Information Specifications

(1) Where paragraph 1.E., "Compliance," of Aviation Partners Boeing Service Bulletin AP767-57-010, Revision 14, dated November 17, 2025, specifies a compliance time "the effective date of AD 2018-11-14," this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where paragraph 1.E., "Compliance," of Aviation Partners Boeing Service Bulletin AP767-57-014, Revision 3, dated November 17, 2025, specifies a compliance time "Within 18 months after the effective date of AD 2018-11-14", this AD requires compliance within the specified compliance time after the effective date of this AD.

(p) Credit for Previous Actions

(1) This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the

effective date of this AD using Aviation Partners Boeing Service Bulletin AP767-57-010, Revision 12, dated June 21, 2018; or Aviation Partners Boeing Service Bulletin AP767-57-010, Revision 13, dated November 5, 2024.

(2) This paragraph provides credit for the actions specified in paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Aviation Partners Boeing Service Bulletin AP767-57-014, Revision 2, dated July 9, 2018.

(3) This paragraph provides credit for the actions specified in paragraph (k) of this AD, if those actions were performed before the effective date of this AD using Aviation Partners Boeing Service Bulletin AP767-57-010, Revision 13, dated November 5, 2024.

(4) For Group 1 and 2 airplanes identified in Aviation Partners Boeing Service Bulletin AP767-57-010, Revision 14, dated November 17, 2025: This paragraph provides credit for the actions specified in paragraph (l) of this AD, if those actions were performed before the effective date of this AD using Aviation Partners Boeing Service Bulletin AP767-57-010, Revision 11, dated April 3, 2017; Aviation Partners Boeing Service Bulletin AP767-57-010, Revision 12, dated June 21, 2018; or Aviation Partners Boeing Service Bulletin AP767-57-010, Revision 13, dated November 5, 2024.

(5) This paragraph provides credit for the actions specified in paragraph (m) of this AD, if those actions were performed before the effective date of this AD using Aviation Partners Boeing Service Bulletin AP767-57-014, Revision 1, dated April 12, 2017; or Aviation Partners Boeing Service Bulletin AP767-57-014, Revision 2, dated July 9, 2018.

(q) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR-770, West Certification 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 certification office, send it to the attention of the person identified in paragraph (r) 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-770, West Certification 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.

(3) AMOCs approved for AD 2018-11-14 are approved as AMOCs for the corresponding provisions of paragraphs (g) and (h) of this AD.

(4) Except as required by paragraphs (g)(1)(i)(B)(3), (g)(1)(i)(C)(3), (g)(1)(i)(D)(3), (g)(1)(ii)(A)(3), (g)(1)(ii)(B)(3), (g)(1)(ii)(C)(3), (g)(1)(iii)(B)(3), (g)(1)(iv), (g)(2), (h)(2)(iii), (h)(3)(iii), (k), (l)(1)(i)(B)(3), (l)(1)(i)(C)(3), (l)(1)(i)(D)(3), (l)(1)(ii)(A)(3), (l)(1)(ii)(B)(3), (l)(1)(iii)(A)(3), (l)(1)(iii)(B)(3), (l)(1)(iv), (l)(2), (m)(2)(iii), and (m)(3)(iii), of this AD: For material that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (q)(4)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled "RC Exempt," then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled 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 RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(r) Related Information

For more information about this AD, contact Sarah Illg, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 206-231-3517; email: Sarah.A.Illg@faa.gov.

(s) 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 this AD specifies otherwise.

(3) The following material was approved for IBR on [DATE 35 DAYS AFTER PUBLICATION OF THE FINAL RULE].

(i) Aviation Partners Boeing Service Bulletin AP767-57-010, Revision 14, dated November 17, 2025.

(ii) Aviation Partners Boeing Service Bulletin AP767-57-014, Revision 3, dated November 17, 2025.

(4) The following material was approved for IBR on July 10, 2018 (83 FR 25885, June 5, 2018).

(i) Aviation Partners Boeing Service Bulletin AP767-57-010, Revision 11, dated April 3, 2017.

(ii) Aviation Partners Boeing Service Bulletin AP767-57-014, Revision 1, dated April 12, 2017.

(5) For Aviation Partners Boeing material identified in this AD, contact Aviation Partners Boeing, 2811 South 102nd St., Suite 200, Seattle, WA 98168; telephone 206-830-7699; email certification@aviationpartners.com; website aviationpartnersboeing.com.

(6) 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.

(7) 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 21, 2026.

Peter A. White,

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

[FR Doc. 2026–01370 Filed 1–23–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–0730; Project Identifier MCAI–2025–01416–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus Helicopters Deutschland GmbH (AHD) Model MBB–BK 117 C–2 and MBB–BK 117 D–2 helicopters. This proposed AD was prompted by a determination that a certain part-numbered standard MS18027 type hook may be subject to localized yielding in the mating threads when assembled to higher assembly torques. This proposed AD would require modifying and re-identifying the affected part or replacing the affected part with a serviceable part. This proposed AD would also prohibit installing an affected part on any helicopter unless certain requirements are met. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by March 12, 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–2026–0730; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

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

FOR FURTHER INFORMATION CONTACT:

Steven Warwick, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5225; email: steven.r.warwick@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include “Docket No. FAA–2026–0730; Project Identifier MCAI–2025–01416–R” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

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

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0188, dated September 1, 2025 (EASA AD 2025–0188) (also referred to as the MCAI), to correct an unsafe condition on AHD Model MBB–BK117 C–2 and MBB–BK117 D–2 helicopters. The MCAI states that the standard MS18027 hook part number (P/N) 42305–283 installed on the large hook damper assembly P/N 44307–480, may be subject to localized yielding in the mating threads when assembled to higher assembly torques.

This condition, if not addressed, could result in failure of the hook damper assembly, which could result in loss of the hoist load and injury to persons.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA–2026–0730.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0188, which specifies procedures for modifying the large hook damper assembly having P/N 44307–480 by replacing the standard MS18027 hook P/N 42305–283 with D-Lok hook P/N 42315–488 and reidentifying the large hook damper assembly to P/N 44307–480–1.

EASA AD 2025–0188 also specifies procedures for replacing large hook damper assembly P/N 44307–480 with

large hook damper assembly P/N 44307–480–1 (modification already accomplished) as an alternative to the initial modification requirement. EASA AD 2025–0188 also prohibits installing an affected large hook damper assembly having P/N 44307–480 on any helicopter unless certain requirements are met within 12 months of the effective date of this AD and prohibits installing the affected part on any helicopter.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

These products have been approved by the civil aviation authority (CAA) of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0188, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this 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 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 2025–0188 by reference in the FAA final rule. This proposed AD would,

therefore, require compliance with EASA AD 2025–0188 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 2025–0188 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 2025–0188. Material required by EASA AD 2025–0188 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–0730 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 183 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modify hook and reidentify large hook damper assembly.	1 work-hour × \$85 per hour = \$85	\$3,545	\$3,630	\$664,290

The FAA estimates the following cost to do any replacement that would be an

alternative method of compliance. The agency has no way of determining the

number of helicopters that might choose this replacement:

ALTERNATIVE METHOD COSTS

Action	Labor cost	Parts cost	Cost per product
Replace large hook damper assembly	1 work-hours × \$85 per hour = \$85	\$23,867	\$23,952

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce.

This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters Deutschland GmbH (AHD): Docket No. FAA–2026–0730; Project Identifier MCAI–2025–01416–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 12, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH (AHD) Model MBB–BK 117 C–2 and MBB–BK 117 D–2 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2500, Cabin Equipment/Furnishings.

(e) Unsafe Condition

This AD was prompted by the determination that the standard MS18027 type hook may be subject to localized yielding in the mating threads when assembled to higher assembly torques. The FAA is issuing this AD to prevent failure of the hook. The unsafe condition, if not addressed, could result in failure of the large hook damper assembly, which could result in loss of the hoist load and injury to persons.

(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: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2025–0188, dated September 1, 2025 (EASA AD 2025–0188).

(h) Exceptions to EASA AD 2025–0188

(1) Where EASA AD 2025–0188 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where the material referenced in EASA AD 2025–0188 specifies “discard”, this AD requires replacing that text with “remove from service”.

(3) Where the material referenced in EASA AD 2025–0188 specifies “check”, this AD requires replacing that text with “inspect”.

(4) Where the material referenced in EASA AD 2025–0188 specifies “if necessary clean the surface”, this AD requires replacing that text with “clean the surface”.

(5) This AD does not adopt the “Remarks” section of EASA AD 2025–0188.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0188 specifies to submit information to the manufacturer, this AD does not require those actions.

(j) Special Flight Permits

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the actions of this AD can be accomplished provided that no external load is carried.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Additional Information

For more information about this AD, contact Steven Warwick, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5225; email: steven.r.warwick@faa.gov.

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0188, dated September 1, 2025.

(ii) [Reserved]

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

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

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

Issued on January 22, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–01464 Filed 1–23–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2025–0806]

RIN 1625–AA01

Anchorage Grounds; Columbia River, Longview, Oregon and Washington

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to modify the Longview anchorage by reducing its size to allow completion of the Longview Channel realignment project. This action is necessary to provide commercial vessels with the space needed to safely transit the navigational channel by maximizing the available height clearance of the Lewis and Clark bridge in Longview, WA. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before February 25, 2026.

ADDRESSES: To submit comments and view available documents, go to <https://www.regulations.gov> and search for USCG–2025–0806.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, contact Lieutenant Commander Jesse Wallace, Sector Columbia River Waterways Management Division, U.S. Coast Guard, 503–572–3524, email SCRWWM@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
MTS Marine transportation system
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background and Authority

The Coast Guard is proposing to reduce the Longview anchorage to accommodate the Longview Channel realignment in the Columbia River,

initiated by the U.S. Army Corps of Engineers. The U.S. Army Corps of Engineers has completed a thorough Longview Channel realignment assessment project. This project was initiated to realign the channel to allow commercial vessels to safely navigate under the Longview bridge at its maximum clearance. This realignment would require the Longview anchorage to be modified, reducing its total area.

The Coast Guard is proposing this rulemaking under authorities in 33 U.S.C. 2071; 46 U.S.C. 70006 and 70034; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

III. Discussion of the Rule

The Coast Guard is proposing to reduce the size of the Longview anchorage ground in the Columbia River. In the last several years, commercial vessels transiting the Columbia River Marine Transportation System (MTS) have increased in size. The U.S. Army Corps of Engineers has taken steps to ensure the continued safe navigation of this vital waterway by completing the Longview Channel realignment project. To allow for this channel realignment, the U.S. Coast Guard would reduce the size of the Longview anchorage. An image depicting the affected area can be viewed in the docket. The revised coordinates we are proposing for the reduced size of the Longview anchorage are found in the regulatory text below.

IV. Regulatory Analyses

We developed this proposed 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 Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a

substantial number of small entities for the following reasons.

Vessels will be able to safely navigate the channel while retaining the ability anchor in the modified anchorage ground.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this proposed 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).

B. Collection of Information

This proposed 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 proposed 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 proposed 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 proposed 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 proposed 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 proposed rule is an anchorage. It is categorically excluded from further review under paragraph L59(b) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A draft Record of Environmental Consideration supporting this determination is available in the docket.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2025–0806 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in the docket. To view available documents, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. We will post public comments in our online docket. Additional information is on the <https://www.regulations.gov> Frequently Asked Questions web page.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in

response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

- 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 2071; 46 U.S.C. 70006, 70034; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

- 2. Revise 33 CFR 110.228(a)(3) to read as follows:

§ 110.228 Columbia River, Oregon and Washington.

(a) * * *

(3) *Longview Anchorage*. An area enclosed by a line connecting the following points:

Latitude (N)	Longitude (W)
46°06'28.69"	122°57'38.33"
46°06'41.71"	122°58'01.25"
46°07'22.55"	122°59'00.81"
46°07'36.21"	122°59'19.29"
46°07'28.44"	122°59'31.18"
46°07'14.77"	122°59'12.70"
46°06'52.52"	122°58'42.62"
46°06'36.96"	122°58'16.72"
46°06'28.87"	122°58'00.09"
46°06'22.44"	122°57'43.27"

* * * * *

A. Avanni,

Rear Admiral, U.S. Coast Guard, Commander, Coast Guard Northwest District.

[FR Doc. 2026–01401 Filed 1–23–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FXES1111090FEDR–267–FF09E21000]

Endangered and Threatened Wildlife and Plants; 90-Day Findings for 10 Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notification of petition findings and initiation of status reviews.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce 90-day findings on 10 petitions to add species to the Lists of Endangered and Threatened Wildlife and Plants under the Endangered Species Act of 1973, as amended (Act). Based on our review, we find that the petitions to list the Alvord chub (*Siphateles alvordensis*), Donner und Blitzen pebblesnail (*Fluminicola insolitus*), gray cat's-eye (*Oreocarya leucophaea*), Mount Pinos sooty grouse (*Dendragapus fuliginosus howardi*), mysterious lantern firefly (*Photuris mysticalampas*), Olympic marmot (*Marmota olympus*), San Joaquin tiger beetle (*Cicindela tranquebarica joaquinensis*), stippled studfish (*Fundulus bifax*), Wilson's phalarope (*Phalaropus tricolor*), and wonder caddisfly (*Neothremma prolata*) present substantial scientific or commercial information indicating that the petitioned actions may be warranted. Therefore, with the publication of this document, we announce that we are initiating status reviews of these species to determine whether the petitioned actions are warranted. To ensure that the status reviews are comprehensive, we request scientific and commercial data and other information regarding the species and factors that may affect their status. Based on the status reviews, we will issue 12-month petition findings, which will address whether or not the petitioned actions are warranted, in accordance with the Act.

DATES: These findings were made on January 26, 2026.

ADDRESSES:

Supporting documents: Summaries of the basis for the petition findings contained in this document are available on <https://www.regulations.gov> under the appropriate docket number (see tables under **SUPPLEMENTARY INFORMATION**). In addition, this supporting information is available by contacting the appropriate person, as specified in **FOR FURTHER INFORMATION CONTACT**.

Status reviews: If you have new scientific or commercial data or other information concerning the status of, or threats to, the Alvord chub, Donner und Blitzen pebblesnail, gray cat's-eye, Mount Pinos sooty grouse, mysterious lantern firefly, Olympic marmot, San Joaquin tiger beetle, stippled studfish, Wilson's phalarope, and wonder caddisfly, or their habitats, please provide those data or information by one of the following methods listed below.

(1) **Electronically:** Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter the appropriate docket number (see table 1 under **SUPPLEMENTARY INFORMATION**). Then, click on the "Search" button. After finding the correct document, you may submit information by clicking on "Comment."

(2) **By hard copy:** Submit by U.S. mail to: Public Comments Processing, Attn: [Insert appropriate docket number; see table 1 under **SUPPLEMENTARY INFORMATION**], U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send information only by the methods described above. We will post all information we receive on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Information Submitted for a Status Review, below).

FOR FURTHER INFORMATION CONTACT:

Species common name	Contact person
Alvord chub, Donner und Blitzen pebblesnail, and wonder caddisfly.	Jennifer Siani, Classification Coordinator, Oregon Fish and Wildlife Office, 503–231–6179, jennifer_siani@fws.gov .
Gray cat's-eye and Olympic marmot	Rebecca Migala, Classification Coordinator, Washington Fish and Wildlife Office, 360–997–8296, rebecca_migala@fws.gov .
Mount Pinos sooty grouse and San Joaquin tiger beetle.	Kim Turner, Acting Field Supervisor, Sacramento Fish and Wildlife Office, 916–414–6700, kim_s_turner@fws.gov .
Mysterious lantern firefly	Julie Slacum, Division Chief, Chesapeake Bay Field Office, 410–215–0260, julie_thompson-slacum@fws.gov .
Stippled studfish	Jeff Powell, Deputy Field Supervisor, Alabama Ecological Services Field Office, 251–599–2014, jeff_powell@fws.gov .
Wilson's phalarope	Luke Toso, Acting Project Leader, North and South Dakota Field Office, 701–355–8528, luke_toso@fws.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:

Information Submitted for Status Reviews

If we find that a petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, the Act requires that we promptly commence a review of the status of the species, and we will subsequently complete a status review in accordance with our prioritization methodology for 12-month findings (81 FR 49248; July 27, 2016).

The Alvord chub, Donner und Blitzen pebblesnail, gray cat's-eye, Mount Pinos sooty grouse, mysterious lantern firefly, Olympic marmot, San Joaquin tiger beetle, stippled studfish, Wilson's phalarope, and wonder caddisfly will be assigned a bin number (in coordination with States and others with relevant information) according to our prioritization methodology and will be added to a future version of the National Listing Workplan (domestic species). The workplan provides transparency and predictability to the public about when the Service anticipates completing specific findings and actions while allowing for flexibility to update the workplan when new information changes the priorities. The National Listing Workplan is available at <https://www.fws.gov/project/national-listing-workplan>.

You may submit information concerning the status of, or threats to, the Alvord chub, Donner und Blitzen pebblesnail, gray cat's-eye, Mount Pinos sooty grouse, mysterious lantern firefly, Olympic marmot, San Joaquin tiger beetle, stippled studfish, Wilson's phalarope, and wonder caddisfly, or their habitats, to be considered during our status review of the species. We request that you send this information only by the methods described in **ADDRESSES**. Please include any supplemental data with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include. If you submit information via <https://www.regulations.gov>, your entire submission—including any personal

identifying information—will be posted on the website.

Background

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations in title 50 of the Code of Federal Regulations (50 CFR part 424) set forth the procedures for adding species to, removing species from, or reclassifying species on the Federal Lists of Endangered and Threatened Wildlife and Plants (Lists or List) in 50 CFR part 17. Section 4(b)(3)(A) of the Act requires that we make a finding on whether a petition to add a species to the List (*i.e.*, “list” a species), remove a species from the List (*i.e.*, “delist” a species), or change a listed species' status from endangered to threatened or from threatened to endangered (*i.e.*, “reclassify” a species) presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish the finding promptly in the **Federal Register**.

Our regulations establish that substantial scientific or commercial information with regard to a 90-day petition finding refers to credible scientific or commercial information in support of the petition's claims such that a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted (50 CFR 424.14(h)(1)(i)). A positive 90-day petition finding does not indicate that the petitioned action is warranted; the finding indicates only that the petitioned action may be warranted and that a full review should occur.

The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range and a “threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the five factors described in section 4(a)(1) of the Act (16 U.S.C. 1533(a)(1)). The five factors are:

- (a) The present or threatened destruction, modification, or curtailment of its habitat or range (Factor A);
- (b) Overutilization for commercial, recreational, scientific, or educational purposes (Factor B);
- (c) Disease or predation (Factor C);

- (d) The inadequacy of existing regulatory mechanisms (Factor D); and
- (e) Other natural or manmade factors affecting its continued existence (Factor E).

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term “threat” to refer in general to actions or conditions that are known to, or are reasonably likely to, affect individuals of a species negatively. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition, or the action or condition itself. However, the mere identification of any threat(s) may not be sufficient to compel a finding that the information in the petition is substantial information indicating that the petitioned action may be warranted. The information presented in the petition must include evidence sufficient to suggest that these threats may be affecting the species to the point that the species may meet the definition of an endangered species or threatened species under the Act.

If we find that a petition presents such information, our subsequent status review will evaluate all identified threats by considering the species' expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species.

We note that designating critical habitat is not a petitionable action under the Act. Petitions to designate critical

habitat (for species without existing critical habitat) are reviewed under the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) and applicable Departmental regulations, and are not addressed in this finding (see 50 CFR 424.14(j)). To the maximum extent

prudent and determinable, any proposed critical habitat will be addressed concurrently with a proposed rule to list a species, if applicable.

Summaries of Petition Findings

The petition findings contained in this document are listed in the table

TABLE 1—SUBSTANTIAL FINDINGS

Common name	Docket No.	URL to docket on https://www.regulations.gov
Alvord chub	FWS-R1-ES-2025-0006	https://www.regulations.gov/docket/FWS-R1-ES-2025-0006 .
Donner und Blitzen pebblesnail	FWS-R1-ES-2024-0173	https://www.regulations.gov/docket/FWS-R1-ES-2024-0173 .
Gray cat's-eye	FWS-R1-ES-2024-0170	https://www.regulations.gov/docket/FWS-R1-ES-2024-0170 .
Mount Pinos sooty grouse	FWS-R8-ES-2024-0175	https://www.regulations.gov/docket/FWS-R8-ES-2024-0175 .
Mysterious lantern firefly	FWS-R5-ES-2024-0178	https://www.regulations.gov/docket/FWS-R5-ES-2024-0178 .
Olympic marmot	FWS-R1-ES-2024-0171	https://www.regulations.gov/docket/FWS-R1-ES-2024-0171 .
San Joaquin tiger beetle	FWS-R8-ES-2025-0005	https://www.regulations.gov/docket/FWS-R8-ES-2025-0005 .
Stippled studfish	FWS-R4-ES-2025-0002	https://www.regulations.gov/docket/FWS-R4-ES-2025-0002 .
Wilson's phalarope	FWS-R6-ES-2024-0174	https://www.regulations.gov/docket/FWS-R6-ES-2024-0174 .
Wonder caddisfly	FWS-R1-ES-2024-0172	https://www.regulations.gov/docket/FWS-R1-ES-2024-0172 .

Evaluation of a Petition To List the Alvord Chub

Species and Range

Alvord chub; Alvord Basin in Harney County, Oregon and Humboldt County, Nevada.

Petition History

On August 29, 2024, we received a petition from the Center for Biological Diversity, requesting that the Alvord chub be listed as a threatened species or endangered species and critical habitat be designated for this species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

Finding

We reviewed the petition, sources cited in the petition, and other readily available information (within the constraints of the Act and 50 CFR 424.14(h)(1)). We considered the credible information that the petition provided regarding effects of the threats that fall within factors under the Act's section 4(a)(1) as potentially ameliorated or exacerbated by any existing regulatory mechanisms or conservation efforts. Based on our review of the petition and readily available information regarding the impacts of water withdrawals and diversions on the chub's habitat (Factor A), we find that the petition presents substantial scientific or commercial information indicating that listing the Alvord chub as a threatened or endangered species may be warranted. The petition also presented information

suggesting livestock grazing, geothermal energy development, impoundments, predation and competition with nonnative species, climate change, impacts associated with small and fragmented populations, and inadequacy of existing regulatory mechanisms may be threats to the Alvord chub. We will fully evaluate these potential threats during our 12-month status review, pursuant to the Act's requirement to review the best scientific and commercial information available when making that finding.

The basis for our finding on this petition and other information regarding our review of the petition can be found at <https://www.regulations.gov> under Docket No. FWS-R1-ES-2025-0006 under the Supporting & Related Material section.

Evaluation of a Petition To List the Donner und Blitzen Pebblesnail

Species and Range

Donner und Blitzen pebblesnail; Page Springs in the Donner und Blitzen River drainage, Harney County, Oregon.

Petition History

On February 14, 2024, we received a petition from the Center for Biological Diversity, requesting that the Donner und Blitzen pebblesnail be listed as a threatened species or an endangered species and critical habitat be designated for this species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

below, and the basis for each finding, along with supporting information, is available on <https://www.regulations.gov> under the appropriate docket number.

Finding

We reviewed the petition, sources cited in the petition, and other readily available information (within the constraints of the Act and 50 CFR 424.14(h)(1)). We considered the credible information that the petition provided regarding effects of the threats that fall within factors under the Act's section 4(a)(1) as potentially ameliorated or exacerbated by any existing regulatory mechanisms or conservation efforts. Based on our review of the petition and readily available information regarding the impacts of groundwater depletion on the pebblesnail's habitat (Factor A), we find that the petition presents substantial scientific or commercial information indicating that listing the Donner und Blitzen pebblesnail as a threatened or an endangered species may be warranted. The petition also presented information suggesting recreation, Bureau of Land Management activities, livestock grazing, climate change, drought, wildfire, water quality degradation, and invasive species may be threats to the Donner und Blitzen pebblesnail. We will fully evaluate these potential threats during our 12-month status review, pursuant to the Act's requirement to review the best scientific and commercial information available when making that finding.

The basis for our finding on this petition and other information regarding our review of the petition can be found at <https://www.regulations.gov> under Docket No. FWS-R1-ES-2024-0173 under the Supporting & Related Material section.

Evaluation of a Petition To List the Gray Cat's-Eye

Species and Range

Gray cat's-eye; south-central Washington.

Petition History

On May 2, 2024, we received a petition from the Center for Biological Diversity, requesting that gray cat's-eye be emergency listed as a threatened species or an endangered species and critical habitat be designated for this species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(c). Listing a species on an emergency basis is not a petitionable action under the Act, and the question of when to list on an emergency basis is left to the discretion of the Service. If the Service determines that the standard for emergency listing in section 4(b)(7) of the Act is met, the Service may exercise that discretion to take an emergency listing action at any time. Therefore, we are considering the May 2, 2024, petition as a petition to list the gray cat's-eye. This finding addresses the petition.

Finding

We reviewed the petition, sources cited in the petition, and other readily available information (within the constraints of the Act and 50 CFR 424.14(h)(1)). We considered the credible information that the petition provided regarding effects of the threats that fall within factors under the Act's section 4(a)(1) as potentially ameliorated or exacerbated by any existing regulatory mechanisms or conservation efforts. Based on our review of the petition and readily available information regarding loss of sand dune habitat (Factor A), we find that the petition presents substantial scientific or commercial information indicating that listing the gray cat's-eye as a threatened or endangered species may be warranted. The petition also presented information suggesting exotic/noxious plant species, wildfire, off-highway vehicle usage, hydropower dams, grazing, seed predation, small population size, climate change, and loss of pollinators may be threats to the gray cat's-eye. We will fully evaluate these potential threats during our 12-month status review, pursuant to the Act's requirement to review the best scientific and commercial information available when making that finding.

The basis for our finding on this petition and other information regarding our review of the petition can be found

at <https://www.regulations.gov> under Docket No. FWS-R1-ES-2024-0170 under the Supporting & Related Material section.

Evaluation of a Petition To List the Mount Pinos Sooty Grouse

Species and Range

Mount Pinos sooty grouse; Fresno, Tulare, Inyo, and Kern Counties, California.

Petition History

On June 26, 2024, we received a petition from the Center for Biological Diversity, requesting that the Mount Pinos sooty grouse be listed as a threatened species or an endangered species and critical habitat be designated for this species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

Finding

We reviewed the petition, sources cited in the petition, and other readily available information (within the constraints of the Act and 50 CFR 424.14(h)(1)). We considered the credible information that the petition provided regarding effects of the threats that fall within factors under the Act's section 4(a)(1) as potentially ameliorated or exacerbated by any existing regulatory mechanisms or conservation efforts. Based on our review of the petition and readily available information regarding loss of forested habitat (Factor A), we find that the petition presents substantial scientific or commercial information indicating that listing the Mount Pinos sooty grouse as a threatened or endangered species may be warranted. The petition also presented information suggesting destruction and degradation of meadow habitat, livestock grazing, recreation, hunting, and climate change may be threats to the Mount Pinos sooty grouse. We will fully evaluate these potential threats during our 12-month status review, pursuant to the Act's requirement to review the best scientific and commercial information available when making that finding.

The basis for our finding on this petition and other information regarding our review of the petition can be found at <https://www.regulations.gov> under Docket No. FWS-R8-ES-2024-0175 under the Supporting & Related Material section.

Evaluation of a Petition To List the Mysterious Lantern Firefly

Species and Range

Mysterious lantern firefly; Delaware and Maryland.

Petition History

On March 28, 2023, we received a petition from The Xerces Society for Invertebrate Conservation, requesting that the mysterious lantern firefly be listed as an endangered species and critical habitat be designated for this species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

Finding

We reviewed the petition, sources cited in the petition, and other readily available information (within the constraints of the Act and 50 CFR 424.14(h)(1)). We considered the credible information that the petition provided regarding effects of the threats that fall within factors under the Act's section 4(a)(1) as potentially ameliorated or exacerbated by any existing regulatory mechanisms or conservation efforts. Based on our review of the petition and readily available information regarding sea level rise (Factor E), we find that the petition presents substantial scientific or commercial information indicating that listing the mysterious lantern firefly as a threatened or endangered species may be warranted. The petition also presented information suggesting habitat loss and modification, overcollection, disease and predation, light pollution, pesticide use and other pollutants, loss of prey, reduced mating opportunities, and invasive species may be threats to the mysterious lantern firefly. We will fully evaluate these potential threats during our 12-month status review, pursuant to the Act's requirement to review the best scientific and commercial information available when making that finding.

The basis for our finding on this petition and other information regarding our review of the petition can be found at <https://www.regulations.gov> under Docket No. FWS-R5-ES-2024-0178 under the Supporting & Related Material section.

Evaluation of a Petition To List the Olympic Marmot

Species and Range

Olympic marmot; Olympic Peninsula, Washington.

Petition History

On May 13, 2024, we received a petition from the Center for Biological Diversity, requesting that the Olympic marmot be listed as a threatened species or an endangered species and critical habitat be designated for this species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

Finding

We reviewed the petition, sources cited in the petition, and other readily available information (within the constraints of the Act and 50 CFR 424.14(h)(1)). We considered the credible information that the petition provided regarding effects of the threats that fall within factors under the Act's section 4(a)(1) as potentially ameliorated or exacerbated by any existing regulatory mechanisms or conservation efforts. Based on our review of the petition and readily available information regarding habitat loss and fragmentation (Factor A) and predation by coyotes (Factor C), we find that the petition presents substantial scientific or commercial information indicating that listing the Olympic marmot as a threatened or an endangered species may be warranted. The petition also presented information suggesting wildfire may be a threat to the Olympic marmot. We will fully evaluate this potential threat during our 12-month status review, pursuant to the Act's requirement to review the best scientific and commercial information available when making that finding.

The basis for our finding on this petition and other information regarding our review of the petition can be found at <https://www.regulations.gov> under Docket No. FWS-R1-ES-2024-0171 under the Supporting & Related Material section.

Evaluation of a Petition To List the San Joaquin Tiger Beetle

Species and Range

San Joaquin tiger beetle; Madera, Tulare, Kings Counties, California.

Petition History

On December 9, 2024, we received a petition from the Center for Biological Diversity, requesting that the San Joaquin tiger beetle be listed as a threatened species or an endangered species and critical habitat be designated for this species under the Act. The petition clearly identified itself as such and included the requisite

identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

Finding

We reviewed the petition, sources cited in the petition, and other readily available information (within the constraints of the Act and 50 CFR 424.14(h)(1)). We considered the credible information that the petition provided regarding effects of the threats that fall within factors under the Act's section 4(a)(1) as potentially ameliorated or exacerbated by any existing regulatory mechanisms or conservation efforts. Based on our review of the petition and readily available information regarding habitat loss associated with conversion to agriculture (Factor A), and regulatory mechanisms to address this potential threat (Factor D), we find that the petition presents substantial scientific or commercial information indicating that listing the San Joaquin tiger beetle as a threatened or an endangered species may be warranted. The petition also presented information suggesting livestock grazing, groundwater alteration, solar energy production, overcollection, predation, invasive plant encroachment, pesticides, effects of small population size, and climate change may be threats to the San Joaquin tiger beetle. We will fully evaluate these potential threats during our 12-month status review, pursuant to the Act's requirement to review the best scientific and commercial information available when making that finding.

The basis for our finding on this petition and other information regarding our review of the petition can be found at <https://www.regulations.gov> under Docket No. FWS-R8-ES-2025-0005 under the Supporting & Related Material section.

Evaluation of a Petition To List the Stippled Studfish

Species and Range

Stippled studfish; Tallapoosa River in Coosa, Elmore, Randolph, and Tallapoosa Counties, and one stream in the Coosa River basin immediately to the west in Elmore County, Alabama.

Petition History

On July 1, 2024, we received a petition from the Center for Biological Diversity requesting that the stippled studfish be listed as a threatened species or an endangered species and critical habitat be designated for this species under the Act. The petition clearly identified itself as such and included the requisite identification information

for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

Finding

We reviewed the petition, sources cited in the petition, and other readily available information (within the constraints of the Act and 50 CFR 424.14(h)(1)). We considered the credible information that the petition provided regarding effects of the threats that fall within factors under the Act's section 4(a)(1) as potentially ameliorated or exacerbated by any existing regulatory mechanisms or conservation efforts. Based on our review of the petition and readily available information regarding habitat fragmentation (Factor A), we find that the petition presents substantial scientific or commercial information indicating that listing the stippled studfish as a threatened or an endangered species may be warranted. The petition also presented information suggesting pollution and sedimentation, pipelines, and increasing temperatures and drought may be threats to the stippled studfish. We will fully evaluate these potential threats during our 12-month status review, pursuant to the Act's requirement to review the best scientific and commercial information available when making that finding.

The basis for our finding on this petition and other information regarding our review of the petition can be found at <https://www.regulations.gov> under Docket No. FWS-R4-ES-2025-0002 under the Supporting & Related Material section.

Evaluation of a Petition To List the Wilson's Phalarope

Species and Range

Wilson's phalarope; Alaska, Arizona, Arkansas, California, Colorado, Idaho, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New York, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming in the United States; Argentina; Belize; Bolivia; Brazil; Canada; Chile; Ecuador; Guatemala; Honduras; Mexico; Nicaragua; Peru; and Uruguay.

Petition History

On March 28, 2024, we received a petition from the Center for Biological Diversity; Ryan Carle; Terry Tempest Williams; Benjamin W. Abbot, Ph.D.; Ron Larson, Ph.D.; Nathan D. Van Schmidt, Ph.D.; Utah Physicians for a Healthy Environment; Utah Youth

Environmental Solutions; Mono Lake Committee; and Kyriana Tarr requesting that Wilson's phalarope be listed as a threatened species and to concurrently designate critical habitat under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

Finding

We reviewed the petition, sources cited in the petition, and other readily available information (within the constraints of the Act and 50 CFR 424.14(h)(1)). We considered the credible information that the petition provided regarding effects of the threats that fall within factors under the Act's section 4(a)(1) as potentially ameliorated or exacerbated by any existing regulatory mechanisms or conservation efforts. Based on our review of the petition and readily available information regarding freshwater diversion leading to declines in prey resources at primary fall staging habitats in California, Oregon, and Utah, (Factor A) and regulatory mechanisms to reduce this potential threat (Factor D), we find that the petition presents substantial scientific or commercial information indicating that listing the Wilson's phalarope as a threatened or endangered species may be warranted. The petition also presented information suggesting that wintering habitat loss from lithium mining, general habitat loss under climate change, and reduced salinity following wetland restoration projects may be threats to Wilson's phalarope. We will fully evaluate these potential threats during our 12-month status review, pursuant to the Act's requirement to review the best scientific and commercial information available when making that finding.

The basis for our finding on this petition and other information regarding our review of the petition can be found at <https://www.regulations.gov> under

Docket No. FWS-R6-ES-2024-0174 under the Supporting & Related Material section.

Evaluation of a Petition To List the Wonder Caddisfly

Species and Range

Wonder caddisfly; Wonder Creek, Hood River County, Oregon.

Petition History

On February 12, 2024, we received a petition from the Center for Biological Diversity requesting that the wonder caddisfly be listed as an endangered species and critical habitat be designated for this species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

Finding

We reviewed the petition, sources cited in the petition, and other readily available information (within the constraints of the Act and 50 CFR 424.14(h)(1)). We considered the credible information that the petition provided regarding effects of the threats that fall within factors under the Act's section 4(a)(1) as potentially ameliorated or exacerbated by any existing regulatory mechanisms or conservation efforts. Based on our review of the petition and readily available information regarding the impacts of powerline corridor maintenance to the caddisfly's habitat (Factor A) and regulatory mechanisms to address this potential threat (Factor D), we find that the petition presents substantial scientific or commercial information indicating that listing the wonder caddisfly as an endangered species may be warranted. The petition also presented information suggesting road and trail construction and runoff, timber harvest, recreation, drought, wildfire, and climate change may be threats to the wonder caddisfly. We will

fully evaluate these potential threats during our 12-month status review, pursuant to the Act's requirement to review the best scientific and commercial information available when making that finding.

The basis for our finding on this petition and other information regarding our review of the petition can be found at <https://www.regulations.gov> under Docket No. FWS-R1-ES-2024-0172 under the Supporting & Related Material section.

Conclusion

On the basis of our evaluation of the information presented in the petitions under section 4(b)(3)(A) of the Act, we have determined that the petitions summarized above for the Alvord chub, Donner und Blitzen pebblesnail, gray cat's-eye, Mount Pinos sooty grouse, mysterious lantern firefly, Olympic marmot, San Joaquin tiger beetle, stippled studfish, Wilson's phalarope, and wonder caddisfly present substantial scientific or commercial information indicating that the petitioned actions may be warranted. We are, therefore, initiating status reviews of these species to determine whether the actions are warranted under the Act. At the conclusion of the status reviews, we will issue findings, in accordance with section 4(b)(3)(B) of the Act, as to whether the petitioned actions are not warranted, warranted, or warranted but precluded by pending proposals to determine whether any species is an endangered species or a threatened species.

Authority

The authority for these actions is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Brian R. Nesvik,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2026-01414 Filed 1-23-26; 8:45 am]

BILLING CODE 4333-15-P

Notices

Federal Register

Vol. 91, No. 16

Monday, January 26, 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.

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Utah Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public 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, that the Utah Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom at 1:00 p.m. MT on Thursday, February 19, 2026. The purpose of the meeting is to discuss the Committee's report on the topic, *The Civil Rights of Students with Disabilities in Utah*.

DATES: Thursday, February 19, 2026, from 1:00 p.m.–2:00 p.m. Mountain Time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual):
https://www.zoomgov.com/webinar/register/WN_G_Jk0SxcSceDJYvyVwF16Q.

Join by Phone (Audio Only): (833) 435–1820 USA Toll-Free; Meeting ID: 161 307 9679.

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer, at bpeery@usccr.gov or (202) 701–1376.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons 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 will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at lschiller@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 within 30 days following the meeting. Written comments may be emailed to Brooke Peery at bpeery@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 701–1376.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit, as they become available, both before and after the meeting. Records of the meeting will be available via the file sharing website, www.box.com. Persons interested in the work of this Committee are directed to the Commission's website, www.usccr.gov, or may contact the Regional Programs Coordination Unit at the above phone number.

Agenda

- I. Welcome & Roll Call
- II. Discussion: The Civil Rights of Students with Disabilities in Utah
- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: January 22, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–01468 Filed 1–23–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Automated Export System

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on September 11, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Commerce.

Title: Automated Export System.

OMB Control Number: 0607–0152.

Form Number(s): Automated Export System (AES).

Type of Request: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Number of Respondents: 16,768,118.

Average Hours per Response: 3 minutes per AES transaction.

Burden Hours: 838,406.

Needs and Uses: Title 13, United States Code (U.S.C.), Chapter 9, Section 301 authorizes the U.S. Census Bureau (Census Bureau) to collect, compile and publish trade data. Title 15, Code of Federal Regulations (CFR), Part 30, known as the Foreign Trade Regulations (FTR), contains the regulatory provisions for preparing and filing Electronic Export Information (EEI) in the Automated Export System (AES). The Census Bureau uses the AES or successor system as the instrument for collecting export trade data from parties exporting commodities from the United States. In addition to the collection of data, the Census Bureau compiles these export data from the AES, and these data are the basis for the official U.S. trade statistics on exports of

commodities. These statistics are used to determine the balance of international trade and are designated for use as a principal economic indicator. The Census Bureau releases these statistics monthly according to the U.S. International Trade in Goods and Services Press Release Schedule.

These data are used in the development of U.S. government economic and foreign trade policies, including export control purposes under Title 50, U.S.C. The Bureau of Industry (BIS) and Security, U.S. Customs and Border Protection (CBP), and other enforcement agencies use these data to detect and prevent the export of certain items by unauthorized parties to unauthorized destinations or end users. Additionally, the data enables U.S. businesses to develop practical export marketing strategies as well as provide a means for the assessment of the impact of exports on the domestic economy.

The Census Bureau requires mandatory filing of all export information via the Automated Export System (AES). This requirement is mandated through Public Law 107–228 of the Foreign Trade Relations Act of 2003. This law authorizes the Secretary of Commerce with the concurrences of the Secretary of State and the Secretary of Homeland Security to require all persons who file export information according to Title 13, United States Code (U.S.C.), Chapter 9, to file such information through the AES.

The clearance under Office of Management and Budget (OMB) Number 0607–0152 covers the Automated Commercial Environment (ACE) AESDirect Record Formats and related documents, including the AES Letter of Intent, ACE Exporter Account Application and Quick Reference Guide, AES Certification Statements, and the ACE AESDirect User Guide. With this submission, the Census Bureau is requesting continued clearance of the AES program.

The AES is the primary instrument used for collecting export trade data, which are used by the Census Bureau for statistical purposes. Title 13, U.S.C., Chapter 9, Sections 301–307, mandates the collection of these data. The regulatory provisions for the collection of these data are contained in the Foreign Trade Regulations (FTR), Title 15, Code of Federal Regulations (CFR), Part 30. The official export statistics collected from these tools provide the basic component for the compilation of the U.S. position on merchandise trade. These data are an essential component of the monthly totals provided in the U.S. International Trade in Goods and

Services (FT–900) Press Release, a principal federal economic indicator, and a primary component of the Gross Domestic Product. The published export data enable the private and public sectors to develop practical marketing strategies as well as provide a means to assess the impact of exports on the domestic economy. These data are used in the development of U.S. government economic and foreign trade policies, including export control purposes under the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852. The Bureau of Industry and Security (BIS), U.S. Customs and Border Protection (CBP), and other enforcement agencies use these data to detect and prevent the export of certain items by unauthorized parties to unauthorized destinations or end users. This information is noted in the ACE AESDirect User Guide.

In order to publish accurate export trade statistics, the Census Bureau is responsible for maintaining the FTR, which implements the provisions for filing export information in the AES. In addition to the publication of the FT–900, the Census Bureau releases data on imports of steel mill products in advance of the regular monthly trade statistics release. This exception to the normal procedure was initially approved by the OMB in January 1999 and had been subsequently extended annually through means of a separately submitted memo. This exception permitted the public release of preliminary monthly data on imports of steel under the provisions of the OMB's Statistical Policy Directive No. 3 on the Compilation, Release and Evaluation of Principal Federal Economic Indicators. With the revision to the AES Program in 2019, the Census Bureau eliminated the need for an annual approval from OMB since it is included in the Information Collection Request (ICR).

The Census Bureau recognizes that FTR revisions should maintain our ability to collect, compile, and deliver complete, accurate, and timely trade statistics while also supporting export control and enforcement efforts. To that end, on August 14, 2025, the Census Bureau issued a Final Rule titled, “Foreign Trade Regulations (FTR): Clarification of Filing Requirements Regarding In-transit Shipments and other FTR Provisions”. This final rule, clarified its regulations governing in-transit shipments from foreign countries through the United States that are subsequently exported to a foreign destination and revised several regulatory sections, including definitions, filing requirements, confidentiality protocols, penalty provisions, and voluntary self-

disclosure processes to ensure greater clarity, accuracy, and consistency throughout the FTR.

Additionally, the Census Bureau intends to issue a Notice of Proposed Rulemaking (NPRM) to propose the addition of a conditional data element, country of origin for foreign origin commodities. The Census Bureau will also address the concerns raised in previous OMB Clearance Packages related to the collection of duplicative information in a future rule.

The trade community recommended the State of Origin field be removed because it is duplicative information that is captured in the Address of Origin section. The Census Bureau acknowledges the duplicative nature of the State of Origin data element and intends to revisit.

The information collected via the AES conveys what is being exported (description and commodity classification number); how much is exported (quantity, shipping weight, and value); how it is exported (method of transport, exporting carrier, and whether containerized); who the parties to the transaction are (USPPI, authorized agent, and intermediate and ultimate consignees); from where (state of origin and port of export); to where (port of unloading and country of ultimate destination); and when a commodity is exported (date of exportation). Profile information on the USPPI and the authorized agent provides a contact for verification of the information.

The data collected from the AES serves as the official record of export transactions and is used by the U.S. Federal Government and the private sector. The Federal Government uses every data element in the AES. The mandatory filing requirement of the export information in AES enables the Federal Government to produce more complete, accurate and timely export statistics. The Census Bureau delegated authority to enforce the FTR to the BIS's Office of Export Enforcement along with the Department of Homeland Security's CBP and Homeland Security Investigations (HSI). The mandatory use of the AES also facilitates the enforcement by the BIS of the Export Administration Regulations for the detection and prevention of exports of national security sensitive commodities to unauthorized destinations; the enforcement by the CBP of the U.S. Department of State's International Traffic in Arms Regulations for the exports of defense articles; the validation by the Census Bureau of the Kimberly Process Certificate for the exports of rough diamonds; and

enforcement and compliance by other federal agencies (*i.e.*, Environmental Protection Agency, Drug Enforcement Agency, etc.) of regulations pertaining to export requirements.

Other Federal agencies use these data to develop the components of the merchandise trade figures used in the calculations for the balance of payments and Gross Domestic Product accounts to evaluate the effects of the value of U.S. exports; and to prepare for and assist in trade negotiations under the General Agreement on Tariffs and Trade. Collection of these data also eliminates the need to conduct additional surveys for the collection of information because the AES shows the relationship of the parties to the export transaction (as required by the Bureau of Economic Analysis (BEA)). The Bureau of Labor Statistics also uses the AES data as a source for developing the export price index and by the U.S. Department of Transportation for administering the negotiation of reciprocal arrangements for transportation facilities between the U.S. and other countries.

The International Trade Administration relies heavily on the preliminary import statistics of steel mill products provided by the Census Bureau. As a part of the Government's steel initiative, the Department of Commerce was instructed by the Administration to monitor steel imports. The early release of preliminary statistics on steel mill imports allows the steel industry to identify trends and potential shifts in trade patterns and take appropriate action. A variety of parties, including government officials and the public with an interest in imports of steel products continue to use this monitoring system heavily. The FTR, Subpart F, addresses the general requirements for filing import entries with CBP in the ACE in accordance with 19 CFR, which is the source of the import data on steel mill products.

Export statistics collected from the AES aid private sector companies, financial institutions, and transportation entities in conducting market analysis and market penetration studies for the development of new markets and market-share strategies. Port authorities, steamship lines, airlines, aircraft manufacturers, and air transport associations use these data for measuring the volume and effect of air or vessel shipments and the need for additional or new types of facilities.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 United States Code, Chapter 9, Section 301.

This information collection request may be viewed at www.reginfo.gov.

Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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 and entering either the title of the collection or the OMB Control Number 0607–0152.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–01432 Filed 1–23–26; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–9–2026]

Foreign-Trade Zone (FTZ) 70, Notification of Proposed Production Activity; IMRA America Inc.; (Femtosecond Fiber Laser Systems); Ann Arbor, Michigan

The Greater Detroit Foreign-Trade Zone, Inc., grantee of FTZ 70, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of IMRA America Inc. (IMRA) for IMRA's facility in Ann Arbor, Michigan within FTZ 70. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on January 19, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz.

The proposed finished products include: Pre-Amplified Light Emitters; Power Amplifiers; and Oscillator Modules (duty free).

The proposed foreign-status materials/components include: Optical Glass Fiber; Gallium Arsenide-Compound Wafers (2mm x 2mm to 4 inch x 4 inch); Laser Diodes; Highly reflective Coated Mirrors; Optical

Grating; Tunable Optical Filters in Aluminum Housing; Optical Glass Fiber in Aluminum Housing; Fiber Grating; Glass Optical Dichroic Lenses; Glass Diced Mirrors; Glass Diced Windows; Optical Glass Lenses Mounted in Stainless Steel; Acousto-Optic Modulator Drivers; Fiber Acousto-Optic Modulators; Glass Windows; Silicon and Aluminum Alloy Mounts; Glass Optical Isolators in Aluminum Housing; Fiber Acousto-Optic Modulators with Gold-Plated Stainless-Steel Housing; Stainless Steel Mounts; Stainless Steel Cylinders; Pre-Amplified Light Emitters; Power Amplifiers to Femtosecond Laser; Oscillator Modules to Create Femtosecond Pulses; Aluminum Adapter Plates; Aluminum Fiber Saddles; and Copper Mounts (duty rate ranges from duty-free to 4.5%).

The request indicates that certain materials/components are subject to duties under section 1702(a)(1)(B) of the International Emergency Economic Powers Act (section 1702), section 232 of the Trade Expansion Act of 1962 (section 232), or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 1702, section 232, and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is March 9, 2026.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact John Frye at john.frye@trade.gov.

Dated: January 21, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–01388 Filed 1–23–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–875, A–570–219, and A–201–867]

Van-Type Trailers and Subassemblies Thereof From Canada, the People's Republic of China, and Mexico: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable January 20, 2026.

FOR FURTHER INFORMATION CONTACT: Maria Theresa Aymerich (Canada) at (202) 482–0499; Jacob Waddell (the People's Republic of China (China)) at (202) 482–1369; and Jun Jack Zhao at (202) 482–1396 (Mexico), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On November 20, 2025, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of van-type trailers and subassemblies thereof (van-type trailers) from Canada, China, and Mexico filed in proper form on behalf of the American Trailer Manufacturers Coalition (the petitioner),¹ the members of which are domestic producers of van-type trailers.² The AD Petitions were accompanied by countervailing duty (CVD) petitions concerning imports of van-type trailers from Canada, China, and Mexico.³

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 21 days.⁴ The revised deadline for the initiation of these investigations was December 31, 2025. After considering comments regarding industry support, Commerce extended the initiation deadline by 20 days to further examine the issue of industry support, because it was not clear from the Petitions whether the industry support criteria had been met.⁵

Between November 28, 2025 and January 13, 2026, Commerce requested supplemental information pertaining to

certain aspects of the Petitions in supplemental questionnaires.⁶ Between December 4, 2025 and January 15, 2026, the petitioner filed timely responses to these requests for additional information.⁷

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of van-type trailers from Canada, China, and Mexico are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the van-type trailers industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions were

⁶ See Commerce's Letter, "Supplemental Questions," dated December 1, 2025 (First General Issues Questionnaire); *see also* Country-Specific Supplemental Questionnaires: First Canada Supplemental and First Mexico Supplemental, dated November 28, 2025; First China Supplemental, dated December 1, 2025; Commerce's Letter, "Supplemental Questions," dated December 15, 2025 (Second General Issues Questionnaire); Country-Specific Supplemental Questionnaires: Second Canada Supplemental, Second Mexico Supplemental, and Second China Supplemental, dated December 11, 2025; Commerce's Letter, "Supplemental Questions," dated January 7, 2026 (Third General Issues Questionnaire); Country-Specific Supplemental Questionnaires: Third China Supplemental, dated December 19, 2025; Third Canada Supplemental and Third Mexico Supplemental, dated December 22, 2025; Commerce's Letter, "Supplemental Questions," dated January 13, 2026 (Fourth General Issues Questionnaire); Country-Specific Supplemental Questionnaires: Fourth Mexico Supplemental and Fourth China Supplemental, dated January 9, 2026; and Memorandum, "Teleconference with Counsel to the Petitioner," dated January 9, 2026 (Fourth Canada Supplemental).

⁷ See Petitioner's Letter, "Petitioner Response to First Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition," dated December 8, 2025 (First General Issues Supplement); *see also* Country-Specific AD Supplemental Responses: First Canada AD Supplement and First Mexico AD Supplement, dated December 4, 2025; First China AD Supplement, dated December 5, 2025; Petitioner's Letter, "Response to the Second Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition," dated December 18, 2025 (Second General Issues Supplement); Country-Specific AD Supplemental Responses: Second China AD Supplement, dated December 15, 2025, Second Canada AD Supplement and Second Mexico AD Supplement, dated December 18, 2025; Petitioner's Letter, "Response to the Third Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition," dated January 9, 2026 (Third General Issues Supplement); Country-Specific AD Supplemental Responses: Third Canada AD Supplement, Third Mexico AD Supplement, Third China AD Supplement, dated December 29, 2025; Petitioner's Letter, "Response to the Fourth Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition," dated January 15, 2026 (Fourth General Issues Supplement); and Country-Specific AD Supplemental Responses: Fourth Canada AD Supplement, Fourth Mexico AD Supplement, Fourth China AD Supplement, dated January 13, 2026.

accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(F) of the Act.⁸ Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested LTFV investigations.⁹

Periods of Investigation

Because the Petitions were filed on November 20, 2025, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) for the Canada and Mexico LTFV investigations is October 1, 2024, through September 30, 2025. Because China is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the POI for the China LTFV investigation is April 1, 2025, through September 30, 2025.

Scope of the Investigations

The products covered by these investigations are van-type trailers from Canada, China, and Mexico. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

On December 1 and 15, 2025, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.¹⁰ On December 8 and 18, 2025, the petitioner provided clarifications and revised the scope.¹¹ The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).¹² Commerce will consider all scope comments received from

⁸ The members of the petitioning coalition are interested parties under section 771(9)(C) of the Act.

⁹ *See* section on "Determination of Industry Support for the Petitions," *infra*.

¹⁰ *See* First General Issues Questionnaire; *see also* Second General Issues Questionnaire.

¹¹ *See* First General Issues Supplement at 2–23 and Exhibits I–Supp–2 and I–Supp–3; *see also* Second General Issues Supplement at 1–4 and Exhibits I–Supp2–1 through I–Supp2–4.

¹² *See Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

¹ The members of the American Trailer Manufacturers Coalition are Great Dane LLC, Stoughton Trailers LLC, and Wabash National Corporation.

² *See* Petitioner's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties," dated November 20, 2025 (Petitions).

³ *Id.*

⁴ *See* Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁵ *See Notice of Extension of the Deadline for Determining the Adequacy of the Antidumping and Countervailing Duty Petitions: Certain Van-Type Trailers and Subassemblies Thereof from Canada, Mexico, and the People's Republic of China*, 91 FR 249 (January 5, 2026) (*Initiation Deadline Extension Notice*).

interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,¹³ all such factual information should be limited to public information. Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on February 9, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on February 19, 2026, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent LTFV and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹⁴ An electronically filed document must be

received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of van-type trailers to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production (FOP) or cost of production (COP) accurately, as well as to develop appropriate product comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) general product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe van-type trailers, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on February 9, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on February 19, 2026, which is 10 calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of each of the LTFV investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic

producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,¹⁵ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁶

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation" (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the

¹³ See 19 CFR 351.102(b)(21) (defining "factual information").

¹⁴ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance: Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.

¹⁵ See section 771(10) of the Act.

¹⁶ See *USEC, Inc. v. United States*, 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

investigations.¹⁷ Based on our analysis of the information submitted on the record, we have determined that van-type trailers, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁸

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the “Scope of the Investigations,” in the appendix to this notice. To establish industry support, the petitioner provided the 2024 production of the domestic like product for the supporters of the Petitions and compared this to the estimated total production of the domestic like product for the entire domestic industry.¹⁹ We relied on data provided by the petitioner for purposes of measuring industry support.²⁰

On December 23, 2025, we received timely filed comments on industry support from Utility Trailer Manufacturing Company, LLC (UTMC), a U.S. producer of van-type trailers.²¹ On December 23, 2025, we also received timely filed comments on industry support from Qingdao CIMC Reefer Trailer Co., Ltd.; Vanguard Refrigerated Trailer Co., Ltd.; Vanguard National Trailer Corporation; and Vanguard Reefer Trailer, Inc. (CIMC/Vanguard), a U.S. importer and foreign producer of van-type trailers.²² On December 29, 2025, the petitioner responded to the comments from UTMC and CIMC/Vanguard in a timely filed rebuttal submission.²³ As noted above, on December 31, 2025, Commerce extended

the initiation deadline by 20 days to further examine the issue of industry support, because it was not clear from the Petitions whether the industry support criteria had been met.²⁴

Our review of the data provided in the Petitions, the First General Issues Supplement, the Second General Issues Supplement, the Third General Issues Supplement, the Fourth General Issues Supplement, the Petitioner’s Response, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petitions.²⁵ First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (e.g., polling).²⁶ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.²⁷ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.²⁸ Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.²⁹

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.³⁰

The petitioner contends that the industry’s injured condition is illustrated by a significant increase in the volumes of subject imports; increased market share of subject imports; underselling and price depression and/or suppression; lost sales and revenues; declines in production, capacity utilization, U.S. shipments, and employment variables; adverse impact on financial performance; negative impact on industry development and investment returns; and the magnitude of the alleged dumping margins.³¹ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.³²

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate LTFV investigations of imports of van-type trailers from Canada, China, and Mexico. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the Country-Specific AD Initiation Checklists.

U.S. Price

For Canada, the petitioner based export price (EP) on the average unit value (AUV) of publicly available import data for van-type trailers from Canada during the POI.³³ For Mexico and China, the petitioner based EP on pricing information for van-type trailers produced in each country and sold or offered for sale in the U.S. market during the POI.³⁴ For each country, the petitioner made certain adjustments to U.S. price to calculate a net ex-factory U.S. price, where applicable.³⁵

Normal Value³⁶

For Canada and Mexico, the petitioner stated that it was unable to obtain home

Causation for the Antidumping and Countervailing Duty Petitions Covering Van-Type Trailers and Subassemblies Thereof from Canada, Mexico, and the People’s Republic of China.

³¹ *Id.*

³² *Id.*

³³ See Canada AD Initiation Checklist.

³⁴ See Country-Specific AD Initiation Checklists.

³⁵ *Id.*

³⁶ In accordance with section 773(b)(2) of the Act, for the Canada and Mexico LTFV investigations, Commerce will request information necessary to calculate the constructed value (CV) and COP to determine whether there are reasonable grounds to

Continued

¹⁷ For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, see Checklists, “Antidumping Duty Investigation Initiation Checklists: Van-Type Trailers and Subassemblies Thereof from Canada, the People’s Republic of China, and Mexico,” dated concurrently with, and hereby adopted by, this notice (Country-Specific AD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Van-Type Trailers and Subassemblies Thereof from Canada, the People’s Republic of China, and Mexico, and the People’s Republic of China (Attachment II). These checklists are on file electronically via ACCESS.

¹⁸ For further discussion, see Attachment II of the Country-Specific AD Initiation Checklists.

¹⁹ For further discussion, see Attachment II of the Country-Specific AD Initiation Checklists.

²⁰ *Id.*

²¹ See UTMC’s Letter, “Comments on Initiation,” dated December 23, 2025.

²² See CIMC/Vanguard’s Letter, “Comments on Industry Support for Petitions,” dated December 23, 2025.

²³ See Petitioner’s Letter, “Response to Comments on Industry Support,” dated December 29, 2025 (Petitioner’s Response).

²⁴ See *Initiation Deadline Extension Notice*.

²⁵ See Attachment II of the Country-Specific AD Initiation Checklists.

²⁶ *Id.*; see also section 732(c)(4)(D) of the Act.

²⁷ See Attachment II of the Country-Specific AD Initiation Checklists.

²⁸ *Id.*

²⁹ *Id.*

³⁰ For further discussion, see Country-Specific AD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and

market or third-country pricing information for van-type trailers in Canada and Mexico to use as the basis for NV.³⁷ Therefore, for Canada and Mexico, the petitioner calculated NV based on CV. For further discussion of CV, see the section “Normal Value Based on Constructed Value.”

Commerce considers China to be an NME country.³⁸ In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for purposes of the initiation of this LTFV investigation. Accordingly, we base NV on FOPs valued in a surrogate market economy country in accordance with section 773(c) of the Act.

The petitioner claims that the Republic of Türkiye (Türkiye) is an appropriate surrogate country for China because it is a market economy that is at a level of economic development comparable to that of China and is a significant producer of comparable merchandise.³⁹ Based on additional questions from Commerce,⁴⁰ the petitioner also provided normal value calculations based on Brazil and Mexico as surrogate countries, which the petitioner notes are market economies that are at levels of economic development comparable to that of China and are significant producers of comparable merchandise.⁴¹ The petitioner provided publicly available information from Türkiye, Brazil, and Mexico to value all FOPs.⁴² Based on the information provided by the petitioner, we believe it is appropriate to use Türkiye, Brazil, and Mexico as surrogate countries for China to value all FOPs for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR

351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

Because information regarding the volume of inputs consumed by Chinese producers/exporters was not reasonably available, the petitioner used the production experience and product-specific consumption rates of a U.S. producer of van-type trailers as a surrogate to value Chinese manufacturers' FOPs.⁴³ Additionally, for China, the petitioner calculated factory overhead, SG&A, and profit based on the experiences of Turkish and Brazilian producers of comparable merchandise.⁴⁴

Normal Value Based on Constructed Value

As noted above for Canada and Mexico, the petitioner stated that it was unable to obtain home market or third-country prices for van-type trailers to use as a basis for NV. Therefore, for Canada and Mexico, the petitioner calculated NV based on CV.⁴⁵

Pursuant to section 773(e) of the Act, the petitioner calculated CV as the sum of the cost of manufacturing, SG&A expenses, financial expenses, and profit.⁴⁶ For Canada and Mexico, in calculating the cost of manufacturing, the petitioner relied on the production experience and input consumption rates of a U.S. producer of van-type trailers, valued using publicly available information applicable to Canada and Mexico.⁴⁷ In calculating SG&A expenses, financial expenses, and profit ratios, the petitioner relied on the 2024 financial statements of producers of comparable merchandise domiciled in Spain and Türkiye, respectively.⁴⁸

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of van-type trailers from Canada, China, and Mexico are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP or CEP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for van-type trailers from each of the countries covered by this initiation are as follows: (1) Canada—132.80 percent; (2) Mexico—88.58 to 161.87 percent; (3) China

(Türkiye surrogate)—166.64 to 198.26 percent; (4) China (Brazil surrogate)—98.82 to 214.61 percent; (5) China (Mexico surrogate)—87.57 to 130.86 percent.⁴⁹

Initiation of LTFV Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating LTFV investigations to determine whether imports of van-type trailers from Canada, China, and Mexico are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of these initiations.

Respondent Selection

Canada and Mexico

In the Petitions, the petitioner identified seven companies in Canada and 11 companies in Mexico as producers and/or exporters of van-type trailers.⁵⁰ Following standard practice in LTFV investigations involving market economy countries, Commerce would normally select respondents based on U.S. Customs and Border Protection (CBP) entry data for imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading(s) listed in the “Scope of the Investigations” in the Appendix. However, for these investigations, the main HTSUS subheadings under which the subject merchandise would enter (8716.39.0040 and 8716.90.5060) are basket categories under which non-subject merchandise may also enter. Therefore, instead of relying on CBP entry data in selecting respondents, we intend to issue quantity and value (Q&V) questionnaires to each potential respondent for which there is complete address information on the record.

Commerce will also post the Q&V questionnaires along with filing instructions on Commerce's website at <https://www.trade.gov/ec-adcvd-case-announcements>. Exporters/producers of van-type trailers from Canada and Mexico that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant producers/exporters no later than 5:00

believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

³⁷ See Country-Specific AD Initiation Checklists.

³⁸ See, e.g., *Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances*, 88 FR 15372 (March 13, 2023), and accompanying Preliminary Decision Memorandum at 5, unchanged in *Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Final Affirmative Determination of Sales at Less-Than-Fair Value and Final Affirmative Determination of Critical Circumstances*, 88 FR 34485 (May 30, 2023).

³⁹ See China AD Initiation Checklist.

⁴⁰ See Third China AD Supplemental.

⁴¹ See Third China AD Supplement.

⁴² *Id.*

⁴³ See China AD Initiation Checklist.

⁴⁴ *Id.*

⁴⁵ See Country-Specific AD Initiation Checklists.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ See Petitions at Volume I (page 30 and Exhibit I-26); see also First General Issues Supplement at 1-2 and Exhibit I-Supp-1.

p.m. on February 3, 2026, which is two weeks from the signature date of this notice. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under an administrative protective order (APO) in accordance with 19 CFR 351.305(b). As stated above, instructions for filing such applications may be found on Commerce's website at <https://www.trade.gov/administrative-protective-orders>.

China

In the Petitions, the petitioner identified 37 companies in China as producers and/or exporters of van-type trailers.⁵¹ Our standard practice for respondent selection in AD investigations involving NME countries is to select respondents based on Q&V questionnaires in cases where it has determined that the number of companies is large and it cannot individually examine each company based upon its resources. Therefore, considering the number of producers and/or exporters identified in the Petitions, Commerce will solicit Q&V information that can serve as a basis for selecting exporters for individual examination in the event that Commerce determines that the number is large and decides to limit the number of respondents individually examined pursuant to section 777A(c)(2) of the Act. Given the number of producers and/or exporters identified in the Petitions, Commerce has determined that it will issue Q&V questionnaires to the largest producers and/or exporters that are identified in the CBP data for which there is complete address information on the record.⁵²

Commerce will post the Q&V questionnaires along with filing instructions on Commerce's website at <https://www.trade.gov/ec-adcvd-case-announcements>. Producers/exporters of van-type trailers from China that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant Chinese producers/exporters no later than 5:00 p.m. ET February 3, 2026, which is two weeks from the signature date of this notice.

All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). As stated above, instructions for filing such applications may be found on Commerce's website at <https://www.trade.gov/administrative-protective-orders>.

Separate Rates

In order to obtain separate rate status in an NME investigation, exporters and producers must submit a separate rate application. The specific requirements for submitting a separate rate application in an NME investigation are outlined in detail in the application itself, which is available on Commerce's website at <https://access.trade.gov/Resources/nme/nme-sep-rate.html>. Note that Commerce recently promulgated new regulations pertaining to separate rates, including the separate rate application deadline and eligibility for separate rate status, in 19 CFR 351.108.⁵³ Pursuant to 19 CFR 351.108(d)(1), the separate rate application will be due 21 days after publication of this initiation notice.⁵⁴ Exporters and producers must file a timely separate rate application if they want to be considered for individual examination. In addition, pursuant to 19 CFR 351.108(e), exporters and producers who submit a separate rate application and have been selected as mandatory respondents will be eligible for consideration for separate rate status only if they fully respond to all parts of Commerce's AD questionnaire and participate in the LTFV proceeding as mandatory respondents.⁵⁵ Commerce requires that companies from China submit a response both to the Q&V questionnaire and to the separate rate application by the respective deadlines to receive consideration for separate rate status. Companies not filing a timely Q&V questionnaire response will not receive separate rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that {Commerce} will now assign in its NME investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the {weighted average} of the individually calculated rates. This practice is referred to as the application of "combination rates" because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation.⁵⁶

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petitions has been provided to the governments of Canada, China, and Mexico via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 25 days after the date on which the ITC receives notice from Commerce of initiation of the investigations, whether there is a reasonable indication that imports of van-type trailers from Canada, China, and/or Mexico are materially injuring, or threatening material injury to, a U.S. industry.⁵⁷ A negative ITC determination for any country will result in the investigation being terminated with respect to that country.⁵⁸ Otherwise, these LTFV investigations will proceed according to statutory and regulatory time limits.

Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV,

⁵⁶ See Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, "Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation Involving NME Countries," (April 5, 2005), at 6 (emphasis added), available on Commerce's website at <https://access.trade.gov/Resources/policy/bul05-1.pdf>.

⁵⁷ See section 733(a) of the Act.

⁵⁸ *Id.*

⁵¹ See Petitions at Volume I (page 30 and Exhibit I-26); see also First General Issues Supplement at I-2 and Exhibit I-Supp-1.

⁵² See Memoranda, "Release of U.S. Customs and Border Protection Entry Data," dated January 15, 2026.

⁵³ See *Regulations Enhancing the Administration of the Antidumping and Countervailing Duty Trade Remedy Laws*, 89 FR 101694, 101759-60 (December 16, 2024).

⁵⁴ See 19 CFR 351.108(d)(1).

⁵⁵ See 19 CFR 351.108(e).

stating that “if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.” When an interested party submits a PMS allegation pursuant to section 773(e) of the Act (*i.e.*, a cost-based PMS allegation), the submission must be filed in accordance with the requirements of 19 CFR 351.416(b), and Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a cost-based PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), sets a deadline for the submission of cost-based PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a cost-based PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent’s initial section D questionnaire response.

We note that a PMS allegation filed pursuant to sections 773(a)(1)(B)(ii)(III) or 773(a)(1)(C)(iii) of the Act (*i.e.*, a sales-based PMS allegation) must be filed within 10 days of submission of a respondent’s initial section B questionnaire response, in accordance with 19 CFR 351.301(c)(2)(i) and 19 CFR 351.404(c)(2).

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce’s regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted⁵⁹ and, if the information is submitted to rebut, clarify, or correct factual information

already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.⁶⁰ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.⁶¹ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce’s regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.⁶²

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.⁶³ Parties must use the certification formats provided in 19 CFR

351.303(g).⁶⁴ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.*, by filing the required letter of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁶⁵

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: January 20, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations consists of certain van-type trailers and subassemblies thereof, whether finished or unfinished, whether assembled or unassembled, regardless of the number of axles, for carriage of goods. Van-type trailers are typically, but not limited to, rectangular cuboid trailers with a fully enclosed cargo space consisting of a front nose (with or without a refrigeration unit), side walls (with or without doors), movable rear panels (whether roll-up doors, swing doors, or another configuration), a floor and subframe, an affixed or removable roof, a suspension and axle system, wheels and tires, brakes, a lighting and electrical system, landing gear, and coupling for towing behind a truck tractor or a connection system for training behind another van-type trailer. Covered van-type trailers are those with a gross vehicle weight rating of greater than 26,000 pounds.

Subject merchandise includes, but is not limited to, the following subassemblies:

- Van-type trailer subframes, or sections of van-type trailer frames, typically consisting of welded crossmembers and slider rails for attaching the running gear;
- Nose wall, side wall, and roof subassemblies, whether insulated or non insulated, and with or without top, bottom, or side rails;
- Rear door frame, whether for swing or roll-up doors, with or without installed

⁶⁴ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Additional information regarding the *Final Rule* is available at <https://access.trade.gov/Resources/filing/index.html>.

⁶⁵ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

⁶⁰ See 19 CFR 351.301(b)(2).

⁶¹ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

⁶² See 19 CFR 351.302; see also, *e.g.*, *Time Limits Final Rule*.

⁶³ See section 782(b) of the Act.

⁵⁹ See 19 CFR 351.301(b).

doors, bumpers, bumper plates, or reinforcing plates for liftgate;

- Door assemblies, whether for rear swing doors, roll-up doors, side doors or any other configuration, with or without lockrods, handles, hinges, or hinge pins;

- Rear impact guard subassemblies, typically consisting of a fabricated horizontal structural component (such as a guard tube) and uprights for connection to the underside of the rear frame;

- Coupler assembly for connection to truck tractor's fifth wheel, typically consisting of main beams and cross members, support plates, and front nose wrap, and with or without kingpin installed;

- Running gear subassemblies or axle assemblies for connection to the subframe, which may or may not include suspension(s), wheel end components, slack adjusters, dressed axles, brake chambers, locking pins, wheels, and tires; and

- Landing gear subassemblies, typically consisting of two landing legs, a cross channel, braces, bracketing, a cross shaft, and a crank handle.

These subassemblies are subject to the investigations, whether entered alone or with other subassemblies and whether assembled or unassembled and whether finished or unfinished. The absence of any subassembly from an otherwise finished or unfinished van-type trailer does not remove the van-type trailer from coverage.

Subject merchandise also includes components entered with (*i.e.*, on the same bill of lading as) van-type trailers and subassemblies, such as, but not limited to: hub and drum assemblies, brake assemblies (either drum or disc), bare axles, brake chambers, suspensions and suspension components, wheel end components, landing gear legs, wheels, tires, brake control systems, electrical harnesses and lighting systems, lift gate systems, tire inflation systems, or refrigeration units (with or without evaporators or fuel tanks) whether assembled or unassembled, whether as part of a kit or not, and whether or not accompanied by additional components that constitute as part of an unfinished and/or unassembled van-type trailer and subassemblies thereof that are subject to the investigations.

Processing of finished and unfinished van-type trailers and subassemblies, such as trimming, cutting, grinding, notching, punching, drilling, painting, coating, staining, finishing, assembly, or any other processing either in the country of manufacture of the in-scope product or in a third country does not remove the product from the scope. Inclusion of other components not identified as comprising the finished or unfinished van-type trailer does not remove the product from the scope.

Specifically excluded are subassemblies covered by the scope of the antidumping and countervailing duty orders on certain chassis and subassemblies thereof from the People's Republic of China. *See Certain Chassis and Subassemblies Thereof from the People's Republic of China: Antidumping Duty Order*, 86 FR 36093 (July 8, 2021) and *Certain Chassis and Subassemblies Thereof from the People's Republic of China: Countervailing*

Duty Order and Amended Final Affirmative Countervailing Duty Determination, 86 FR 24844 (May 10, 2021).

The finished and unfinished van-type trailers subject to these investigations are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 8716.39.0040 and 8716.90.5060. Imports of finished and unfinished subassemblies may also enter under HTSUS subheadings 7308.30.5050, 7308.90.9590, 7326.90.8688, 8708.29.1500, 8708.99.8180, 8716.90.5010. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

[FR Doc. 2026–01456 Filed 1–23–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–051, C–570–052]

Certain Hardwood Plywood Products From the People's Republic of China: Final Results of Administrative Reviews of the Antidumping and Countervailing Duty Orders and Final Determination of No Shipments; 2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that there were no shipments of certain hardwood plywood products (hardwood plywood) from the People's Republic of China (China) during the period of review (POR) January 1, 2023, through December 31, 2023, for four exporters of hardwood plywood subject to the antidumping duty (AD) and countervailing duty (CVD) review. Commerce also determines that three companies subject to the AD and CVD reviews are eligible as a result of these reviews to certify that their future shipments are not subject merchandise.

DATES: Applicable January 26, 2026.

FOR FURTHER INFORMATION CONTACT: Kabir Archuleta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2593.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting administrative reviews of the AD and CVD Orders on hardwood plywood from China in accordance with section 751(a) of the Act.¹ On May 13, 2025,

¹ See *Certain Hardwood Plywood Products from the People's Republic of China: Amended Final*

Commerce published the *Preliminary Results* of these administrative reviews,² and invited parties to comment. On June 23, 2025, two parties³ submitted case briefs.⁴

On August 26, 2025, Commerce extended the deadline of the final results of these administrative reviews by 58 days.⁵ Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.⁶ 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.⁷ Finally, on January 14, 2026, Commerce extended the deadline for the final results of these administrative reviews by 2 days.⁸ Accordingly, the deadline for these final results is now January 16, 2026. A complete summary of the events that occurred since publication of the *Preliminary Results* can be found in the Issues and Decision Memorandum.⁹

Determination of Sales at Less Than Fair Value, and Antidumping Duty Order, 83 FR 504 (January 4, 2018); and *Certain Hardwood Plywood Products from the People's Republic of China: Countervailing Duty Order*, 83 FR 513 (January 4, 2018) (collectively, *Orders*).

² See *Certain Hardwood Plywood Products from the People's Republic of China: Preliminary Results of Administrative Reviews of the Antidumping and Countervailing Duty Orders, Preliminary Determinations of No Shipments, and Partial Rescissions; 2023*, 90 FR 20275 (May 13, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

³ The following parties submitted case briefs: USply LLC, Boise Cascade Building Materials Distribution LLC, Cabinet Works Group Middlefield LLC and Cabinet Works Group Michigan LLC (collectively, U.S. Importers), and Hardwoods Specialty Products US LP (Hardwoods Specialty Products).

⁴ See U.S. Importers' Letter, "Case Brief," dated June 23, 2025; see also Hardwoods Specialty Products' Letter, "Case Brief," dated June 23, 2025; and Memorandum, "Phone Call with Counsel," dated December 9, 2025 (filed on the CVD segment).

⁵ See Memoranda, "Extension of Deadline for Final Results of Antidumping Duty Administrative Review," dated August 26, 2025; and "Extension of Deadline for Final Results of Countervailing Duty Administrative Review," dated August 26, 2025.

⁶ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁷ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁸ See Memorandum, "Extension of Deadline for Final Results of Antidumping and Countervailing Duty Administrative Reviews," dated January 14, 2026.

⁹ See Memorandum, "Issues and Decision Memorandum for the Final Results of the

Continued

The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html/>.

Scope of the Orders

The product covered by the *Orders* is hardwood plywood from China. For a full description of the scope of the *Orders*, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum is attached to this notice in Appendix II.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties, we made no changes to the *Preliminary Results*.¹⁰

Final Determination of No Shipments

In the *Preliminary Results*, Commerce found that four exporters covered by the AD and CVD reviews did not ship subject merchandise during the POR.¹¹

Administrative Reviews of the Antidumping and Countervailing Duty Orders on Certain Hardwood Plywood Products from the People's Republic of China; 2023," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

¹⁰ In the *Preliminary Results*, Commerce stated that it intended to apply the certification eligibility determinations made in the final results of the 2021–2022 administrative reviews with respect to companies that requested eligibility to certify shipments as not subject to the China *Orders* (i.e., Eagle Industries Company Limited (Eagle), Golden Bridge Industries Pte. Ltd. (Golden Bridge), and Lechenwood Viet Nam Company Limited (Lechenwood)) and that based on the final results of the 2021–2022 administrative reviews we would determine whether it is necessary to continue to evaluate the certification eligibility of the companies in this review. However, we also made a preliminary finding of eligibility to certify with respect to these companies. See *Preliminary Results PDM* at 9. In the 2021–2022 final results of administrative reviews of the *Orders*, Commerce found each of these companies eligible to certify. See *Certain Hardwood Plywood Products from the People's Republic of China: Final Results of Administrative Reviews of the Antidumping and Countervailing Duty Orders, Final Determination of No Shipments; 2021–2022*, 90 FR 21271 (May 19, 2025) (AR5 Final Results) at Appendix I. Thus, although we are not making any change with respect to our preliminary finding of the eligibility of these companies to certify, we are reaffirming the *Preliminary Results* in light of the final findings of the 2021–2022 review.

¹¹ See *Preliminary Results*, 90 FR at 20276 (Appendix I).

The three companies that were ineligible to certify their shipments of plywood at the time of the *Preliminary Results* reported that they made no shipments of subject merchandise. The fourth company that was already eligible to certify at the time of the *Preliminary Results*, submitted certifications attesting to the fact that it only had shipments of non-subject plywood.¹² Based on the information submitted by the aforementioned companies, we find in these final results of review that the four companies made no shipments of subject merchandise during the POR.

China-Wide Entity—AD Review

Commerce's policy regarding conditional review of the China-wide entity applies to the AD administrative review.¹³ Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the China-wide entity.¹⁴ Because no party requested a review of the China-wide entity, the China-wide entity is not under review. For additional information, see the *Preliminary Results PDM*.

Separate Rates—AD Review

In the AD administrative review, we have not addressed the separate status of the four companies subject to this review because we determine that they had no entries of subject merchandise during the POR. For additional information, see the *Preliminary Results PDM*.

Certification Eligibility

In the *Preliminary Results*, we stated our intention to apply the certification eligibility determinations made in the 2021–2022 administrative reviews to the respondents in the final results of these reviews, as applicable.¹⁵ In the immediately preceding 2021–2022 reviews, Eagle, Golden Bridge, and Lechenwood became eligible to participate in the certification program, and nothing on the record of these reviews calls these determinations into question.¹⁶ Therefore, we find it appropriate for these final results of review to allow the three companies to

certify their shipments of plywood from Vietnam as non-subject merchandise.

Assessment Rates—AD and CVD

Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, AD and CVD duties on all appropriate entries covered by these reviews.¹⁷ For all entries of merchandise exported by the companies listed in Appendix I, we intend to instruct CBP to liquidate the entries without regard to AD/CVD duties. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade (CIT), the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

Cash Deposit Requirements—AD

The following cash deposit requirements will be effective upon publication of the final results of the AD administrative review for shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by sections 751(a)(2)(C) of the Act: (1) the cash deposit rates for the four companies that had no shipments during the POR will remain unchanged from the rates assigned to them in the most recently completed segment for each company; (2) for previously investigated or reviewed exporters that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (i.e., 114.72 percent); (4) for all non-Chinese exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the exporter that supplied that non-Chinese exporter, where available, or the rate for the China-wide entity (i.e., 114.72), if no alternate rate is available. These deposit requirements, when imposed, shall remain in effect until further notice.

Cash Deposit Requirements—CVD

For all non-reviewed firms, or firms for which we are making a no-shipment determination, CBP will continue to

¹² *Id.*

¹³ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

¹⁴ *Id.*

¹⁵ See *Preliminary Results PDM* at 9.

¹⁶ See *AR5 Final Results* at Appendix I.

¹⁷ See 19 CFR 351.212(b)(1).

collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 315.402(f)(2) to file a certificate regarding the reimbursement of AD and/or CVD duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of AD and/or CVD duties occurred and the subsequent assessment of double AD duties, and/or an increase in the amount of AD duties by the amount of the CVD duties.

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.212(b)(5).

Dated: January 16, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Companies Found To Have No Shipments—Eligible To Certify AD and CVD Review

1. Eagle Industries Company Limited
2. Golden Bridge Industries Pte Ltd.
3. Greatwood Hung Yen Joint Stock Company
4. Lechenwood Viet Nam Company Limited

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Orders
- IV. Changes from the Preliminary Results
- V. Discussion of the Issues

Comment 1: Whether Importers Should Be Permitted to Provide CBP with Documentation to Support Their Claim

that Imports Are Non-Subject Merchandise

Comment 2: Whether to Allow Companies Eligible to Participate in the Certification Program to Submit Certifications for Entries Prior to September 26, 2021

Comment 3: Whether to Liquidate the Post-POR Entries of Certification-Eligible Companies Without Regard to AD/CVD Duties

Comment 4: Whether to Require the Submission of Certifications to Commerce as a Condition of Liquidating Suspended POR Entries Exported by Greatwood Hung Yen

VI. Recommendation

[FR Doc. 2026–01389 Filed 1–23–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Rulings

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) hereby publishes a list of scope rulings made during the period July 1, 2025, through September 30, 2025. We intend to publish future lists after the close of the next calendar quarter.

DATES: Applicable January 26, 2026.

FOR FURTHER INFORMATION CONTACT:

Brenda E. Brown, 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: 202–482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce's regulations provide that it will publish in the **Federal Register** a list of scope rulings on a quarterly basis.¹ Our most recent notification of scope rulings was published on August 22, 2025.² This current notice covers all scope rulings made by Enforcement and Compliance between July 1, 2025, and September 30, 2025.

Final Scope Rulings

India

A–533–881 and C–533–882: Large Diameter Welded Pipe From India

Requestor: Shawcor Pipe Protection Acquisition Corp. The scope of the antidumping duty (AD) and countervailing duty (CVD) orders on large diameter welded pipe from India indicates that a product is

within scope if it is more than 16 inches in outside diameter and may be used to transport oil, gas, slurry, steam, or other fluids, liquids, or gases. Shawcor's large diameter welded pipes classified as Grade L450 steel are within the scope of the AD/CVD orders because the product is 18 inches in outside diameter and can be used to transport oil or gas: September 8, 2025.

People's Republic of China (China)

A–570–967 and C–570–968: Aluminum Extrusions From China

Requestor: IPG Photonics Corporation (IPG). Finished heat sinks are covered by the scope of the AD/CVD orders on aluminum extrusions from China. The scope language states that finished heat sinks are fabricated heat sinks made from aluminum extrusions, the design and production of which are organized around meeting certain specified thermal performance requirements, and which have been fully, albeit not necessarily individually, tested to comply with such requirements. In addition, a finished heat sink must meet all of the following requirements (1) the products at issue must be a fabricated heat sink made from aluminum extrusions; (2) specified thermal performance requirements must exist and the design and production of the products at issue must be organized around meeting such specified thermal performance requirements; and, (3) the products at issue must have been fully, albeit not necessary individually, test to comply with the specified thermal performance requirements. IPG's aluminum extrusions are found to be within the scope of the orders because they are aluminum extrusions from an Aluminum Association series 6 alloy which has been machined. Commerce finds that IPG has not demonstrated that the products at issue were designed and produced to meet specified thermal performance requirements. As a result, the products do not fulfill the criteria for the finished heat sinks exclusion: August 27, 2025.

A–570–831: Fresh Garlic From the People's Republic of China

Requestor: International Golden Foods, Inc. (IGF). The scope of the AD order on fresh garlic from China includes all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, provisionally preserved, or packed in water or other neutral substance, but excludes garlic prepared or preserved by the addition of other ingredients or heat processing. IGF's whole garlic cloves (in brine) are excluded from the scope of the order because they are preserved by the addition of other ingredients: August 29, 2025.

A–570–092: Mattresses From China

Requestor: Point A Technologies, Inc. Memory foam mattresses for hospital beds, (34.5 inches wide, 77.5 inches long, and 5.9 inches in depth), adult sized, with and without covers, produced by Zhongshan Getop Medical and Healthcare Equipment Co., Ltd., exported by Zhong Joiner Imp. and Exp. Co., Ltd, and imported by Point A Technologies, Inc. are covered by the scope of the AD order on mattresses from China

¹ See 19 CFR 351.225(o).

² See *Notice of Scope Rulings*, 90 FR 41057 (August 22, 2025).

because the measurements are within a reasonable range compared to the nominal measurements for an adult mattress listed in the scope of the order: August 1, 2025.

A-570-106 and C-570-107: Wooden Cabinets and Vanities and Components Thereof From China

Requestor: RST Brands, LLC. Flow Wall cabinets are covered by the scope of the AD/CVD orders on wooden cabinets and vanities and components thereof from China because the product specifications and the materials used in production are outlined in the scope of the AD/CVD orders. Also, these Flow Wall cabinets rely on brackets and rails to hold the cabinets in place, which is a method of permanent installation: August 25, 2025.

Thailand

A-549-848: Truck and Bus Tires From Thailand

Requestor: Yokohama TWS North America, Inc. (Yokohama TWS). The scope of the AD/CVD orders on truck and bus tires from Thailand applies to all tires with a 'TR' or 'HC' suffix in their size designations and have, at the time of importation, the symbol 'DOT' on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. The scope also notes that if the tires lack one of the above suffix markings, the tires must fit trucks or buses. Yokohama's TR-900 Series Truck Tires do include a sidewall "TR" marking; however, the marking does not refer to a size designation; rather, it designates the tread pattern. The TR-900 tires do not include a "DOT" symbol on the sidewall at the time of importation. Lastly, Yokohama TWS does not import any TR-900 tires with a size designation suitable for use as a truck or bus tire. Therefore, Yokohama's TR-900 series tires are outside the scope of the orders: July 22, 2025.

Preliminary Determinations

Mexico

A-201-859: Mattresses From Mexico

Requestor: Bob Barker Company Inc. Mattresses assembled in Mexico using U.S.-origin mattress cores and imported by Bob Barker Company Inc. are preliminarily determined to not be covered by the scope of the AD order on mattresses from Mexico because the U.S.-origin mattress cores are not substantially transformed when used to produce covered mattresses in Mexico and have a country of origin of the United States: September 26, 2025.

China

A-570-967 and C-570-968: Aluminum Extrusions From China

Requestor: HTM MBS LLC. Wall standoffs and components thereof imported by HTM MBS LLC are preliminarily determined to be covered by the scope of the AD/CVD orders on aluminum extrusions from China because they consist of extruded aluminum components and do not meet the requirements for the finished merchandise or finished goods kit scope exclusions: August 22, 2025.

Notification to Interested Parties

Interested parties are invited to comment on the completeness of this list of completed scope inquiries. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, via email to CommerceCLU@trade.gov.

This notice is published in accordance with 19 CFR 351.225(o).

Dated: January 21, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026-01455 Filed 1-23-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-583-880]

Certain Monomers and Oligomers From Taiwan: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of certain monomers and oligomers (monomers and oligomers) from Taiwan during the period of investigation (POI), January 1, 2024, through December 31, 2024.

DATES: Applicable January 26, 2026.

FOR FURTHER INFORMATION CONTACT: Suresh Maniam, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0176.

SUPPLEMENTARY INFORMATION:

Background

On August 29, 2025, Commerce published in the **Federal Register** the *Preliminary Determination* and invited interested comments from interested parties.¹ On September 22, 2025, Commerce published in the **Federal Register** the *Preliminary Critical*

¹ See *Certain Monomers and Oligomers from Taiwan: Preliminary Affirmative Countervailing Duty Determination*, 90 FR 42184 (August 29, 2025) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

Circumstances Determination and invited interested parties to comment.²

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.³ 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.⁴ Accordingly, the deadline for this final determination is now January 15, 2026.

For a complete description of the events that occurred since Commerce published the *Preliminary Determination* and the *Preliminary Critical Circumstances Determination*, as well as a full discussion of the issues raised by parties for this final determination, see the Issues and Decision Memorandum.⁵ The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The product covered by this investigation is monomers and oligomers from Taiwan. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

No interested party commented on the scope of the investigation as it appeared in the *Preliminary Determination*. Therefore, no changes were made to the scope of the investigation.

² See *Certain Monomers and Oligomers from Taiwan: Preliminary Affirmative Critical Circumstances Determination in Countervailing Duty Investigation*, 90 FR 45370 (September 22, 2025) (*Preliminary Critical Circumstances Determination*).

³ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁴ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁵ See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Countervailing Duty Investigation of Certain Monomers and Oligomers from Taiwan," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in the case and rebuttal briefs submitted by parties in this investigation, are discussed in the Issues and Decision Memorandum. For a list of the issues raised by parties, and to which we responded in the Issues and Decision Memorandum, *see* Appendix II.

Changes Since the Preliminary Determination and Preliminary Critical Circumstances Determination

We made certain changes to the countervailable subsidy rate determinations for Eternal Materials Co., Ltd. (Eternal Materials), Qualipoly Chemical Corporation (Qualipoly), and for all other producers and/or exporters. Further, based on our review and analysis of the information received regarding critical circumstances, we made certain changes to our massive imports analysis for all-other producers and/or exporters. For a discussion of these changes, *see* the Issues and Decision Memorandum and AFA Memorandum.⁶

Methodology

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.⁷ For a full description of the methodology underlying our final determination, *see* the Issues and Decision Memorandum.

In making this final determination, Commerce relied on facts available, including with an adverse inference, pursuant to sections 776(a) and (b) of the Act. For a full discussion of our application of AFA, *see* the section “Use of Facts Otherwise Available and Application of Adverse Inferences” in the accompanying Issues and Decision Memorandum.

Final Affirmative Determination of Critical Circumstances

In the *Preliminary Critical Circumstances Determination*,

⁶ *See* Memorandum, “Countervailing Duty Investigation of Certain Monomers and Oligomers from Taiwan: Selection of Adverse Facts Available Rates,” dated concurrently with this memorandum (AFA Memorandum).

⁷ *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; *see also* section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

Commerce preliminarily determined, in accordance with section 703(e) of the Act and 19 CFR 351.206, that critical circumstances exist with respect to imports of subject merchandise for Eternal Materials, Qualipoly, and all other producers and/or exporters.⁸ For this final determination, in accordance with section 705(a)(2) of the Act and 19 CFR 351.206, Commerce continues to find that critical circumstances exist for Eternal Materials, Qualipoly, and all other producers and/or exporters. With respect to finding that critical circumstances exist for Eternal Materials and Qualipoly, we relied on AFA, pursuant to sections 776(a) and (b) of the Act. For a full description of the methodology and an analysis of the comments received, *see* the Issues and Decision Memorandum.

All-Others Rate

Pursuant to section 705(c)(5)(A)(i) of the Act, Commerce will determine an all-others rate equal to the weighted average countervailable subsidy rates established for those exporters and/or producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates based entirely under section 776 of the Act. However, pursuant to section 705(c)(5)(A)(ii) of the Act, if the individual estimated countervailable subsidy rates established for all producers and/or exporters individually examined are zero, *de minimis*, or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated subsidy rate for all other producers and/or exporters. In this investigation, the estimated subsidy rate for the individually examined respondents is based entirely on facts otherwise available, pursuant to section 776 of the Act. This is the only rate available in this proceeding for deriving the all-others rate. Consequently, the subsidy rate calculated for the individually examined respondents is also assigned as the subsidy rate for all other producers and/or exporters.

Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent <i>ad valorem</i>)
Eternal Materials Co., Ltd	* 103.43
Qualipoly Chemical Corporation	* 103.43

⁸ *See Preliminary Critical Circumstances Determination.*

Company	Subsidy rate (percent <i>ad valorem</i>)
All Others	103.43

* Rate is based on facts available with adverse inferences.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination*, and in accordance with sections 703(d)(1)(B) and (d)(2)(A) of the Act, we instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of subject merchandise from Taiwan that were entered, or withdrawn from warehouse, for consumption on or after August 29, 2025, the date of publication of the *Preliminary Determination* in the **Federal Register**.⁹ Subsequently, as a result of our *Preliminary Critical Circumstances Determination*, and in accordance with section 703(e)(2)(A) of the Act, we instructed CBP to suspend liquidation of entries of subject merchandise, as described in the scope of the investigation section, that were entered, or withdrawn from warehouse, for consumption on or after May 31, 2025, which is 90 days prior to the date of the publication of the *Preliminary Determination* in the **Federal Register** for entries produced and/or exported by Eternal Materials, Qualipoly, and all other producers and/or exporters.¹⁰ In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after December 27, 2025, the first day provisional measures were no longer in effect, but to continue the suspension of liquidation of all entries of subject merchandise on or before December 26, 2025.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty order, reinstate the suspension of liquidation

⁹ *See Preliminary Determination.*

¹⁰ *See Preliminary Critical Circumstances Determination.*

under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above. Pursuant to section 705(c)(2) of the Act, if the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of monomers and oligomers from Taiwan. As Commerce’s final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of monomers and oligomers from Taiwan. In addition, we are making available to the ITC all non-privileged and non-proprietary information in our files,

provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a countervailing duty order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

Administrative Protective Order

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely

written notification of the return/ destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: January 15, 2026.
Christopher Abbott,
Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products subject to this investigation are certain multifunctional acrylate and methacrylate monomers, and acrylated bisphenol-A epoxy based oligomers (collectively, certain monomers and oligomers or CMOs) that are derived from chemical reactions involving the use of acrylic or methacrylic acid. Products within the scope are listed below and have the following Chemical Abstracts Service (CAS) numbers:

CAS No.	Description	Molecular formula
109–16–0	Triethylene glycol dimethacrylate (TEGDMA)	C ₁₄ H ₂₂ O ₆ .
13048–33–4	1,6-hexanediol diacrylate (HDDA)	C ₁₂ H ₁₈ O ₄ .
42978–66–5	Tripropylene glycol diacrylate (TPGDA)	C ₁₅ H ₂₄ O ₆ .
3290–92–4	Trimethylolpropane trimethacrylate (TMPTMA)	C ₁₈ H ₂₆ O ₆ .
15625–89–5	Trimethylolpropane triacrylate (TMPTA)	C ₁₅ H ₂₀ O ₆ .
28961–43–5	Ethoxylated trimethylol-propane triacrylate (EOTMPTA)	(C ₂ H ₄ O) _n (C ₂ H ₄ O) _n (C ₂ H ₄ O) _n C ₁₅ H ₂₀ O ₆ .
57472–68–1	Dipropylene glycol diacrylate (DPGDA)	C ₁₂ H ₁₈ O ₅ .
55818–57–0	Bisphenol-A-epichlorohydrin copolymer acrylate (EPOXY ACRYLATE).	(C ₁₅ H ₁₆ O ₂ .C ₃ H ₅ ClO) _x .xC ₃ H ₄ O ₂ .

The monomers are generally known as multifunctional acrylates (MFAs) or multifunctional methacrylates (MFMA) depending on whether the functional groups are acrylate or methacrylate. The monomers generally contain stabilizers/inhibitors, which include but are not limited to Hydroquinone, Methyl Hydroquinone, and Butylated Hydroxy Toluene. The monomers are either difunctional or trifunctional (having 2 or 3 functional groups/molecule), have viscosities of 9 to 15 centipoise (cPs) at 25 degrees Celsius (if difunctional) or 44 to 110 cPs at 25 degrees Celsius (if trifunctional), have (meth)acrylate equivalent weights (molecular weight per number of functional groups) between 99 and 158 and molecular weights between 226 and 472 grams per mol.

The acrylated bisphenol-A epoxy based oligomer is commonly referred to as epoxy acrylate or acrylated epoxy. In contrast to epoxy resin, the main characteristic of the epoxy acrylate oligomer is that it contains acrylate functional groups which make them

curable by free-radical polymerization. The epoxy acrylate has a molecular weight between 508 to 536 grams per mol and a viscosity of 2400 to 3600 cPs at 65 degrees Celsius. The epoxy acrylate generally contains stabilizers/inhibitors, which include but are not limited to Hydroquinone, Methyl Hydroquinone, and Butylated Hydroxy Toluene.

Certain monomers and oligomers are subject to the scope even if an in-scope monomer or oligomer is blended or mixed with one or more other in-scope monomers or oligomers.

Certain monomers and oligomers in any blend or mixture are also subject to the scope, so long as the blend or mixture contains no less than 20 percent by weight of in-scope CMOs.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing, or removing ingredients, or performing any other processing that would not otherwise

remove the merchandise from the scope of the investigation if performed in the subject country.

The scope also includes CMOs that are commingled, mixed or blended with in-scope product from sources not subject to this investigation.

Only the subject component(s) of such blends, mixtures or commingled products described above is covered by the scope of this investigation. Subject merchandise contained in a blended, mixed or commingled product described above will not have undergone a chemical reaction as a result of being blended, mixed or commingled.

Notwithstanding the above, specifically excluded from the scope are downstream products, including but not limited to, inks, coatings and overprint varnishes. For purposes of this exclusion, the downstream product requires only the application of energy to be cured, e.g., inks or varnish applied to packaging, coatings applied to wood flooring, etc. The energy source

required to cure the downstream product to its substrate can be thermal, ultraviolet radiation, visible light, electron beam radiation, or infrared radiation.

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2916.12.5050, 2916.14.2050, 3824.99.2900, 3907.29.0000 and 3907.30.0000. Subject merchandise may also be entered under subheadings 2916.12.1000 and 3824.99.9397. The HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes only; the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the *Preliminary Determination and Preliminary Critical Circumstances Determination*
- IV. Final Determination of Critical Circumstances
- V. Use of Facts Otherwise Available and Application of Adverse Inferences
- VI. Analysis of Programs
- VII. Discussion of the Issues
 - Comment 1: The Appropriate Adverse Facts Available Rate to Apply to Transnational Subsidy Programs
 - Comment 2: Whether Commerce Properly Found the Existence of Critical Circumstances
- VIII. Recommendation

[FR Doc. 2026–01452 Filed 1–23–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–196, C–570–197]

Slag Pots From the People's Republic of China: Antidumping Duty Order and Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing antidumping duty (AD) and countervailing duty (CVD) orders on slag pots from the People's Republic of China (China).

DATES: Applicable January 26, 2026.

FOR FURTHER INFORMATION CONTACT: George McMahon (AD) or Samuel Brummitt (CVD), AD/CVD Operations, Offices VI and III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1167 or (202) 482–7851, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d) and 735(d) of the Tariff Act of 1930, as amended (the Act), on August 28, 2025, Commerce published its affirmative final determination of sales at less than fair value (LTFV) of slag pots from China,¹ and its affirmative final determination that countervailable subsidies are being provided to producers and exporters of slag pots from China.² On November 25, 2025, pursuant to sections 705(d) and 735(d) of the Act, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured by reason of dumped imports of slag pots from China, and subsidized imports of slag pots from China, within the meaning of sections 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Act.³

Scope of the Orders

The product covered by these orders are slag pots from China. For a complete description of the scope of the orders, see the appendix to this notice.

AD Order

On November 25, 2025, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of slag pots from China that are sold in the United States at LTFV.⁴ Therefore, in accordance with sections 735(c)(2) and 736 of the Act, Commerce is issuing this AD order. Because the ITC determined that imports of slag pots from China are materially injuring a U.S. industry, unliquidated entries of such merchandise from China, entered or withdrawn from warehouse for consumption are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise

exceeds the export price (or constructed export price) of the merchandise on all relevant entries of slag pots from China. Antidumping duties will be assessed on unliquidated entries of slag pots from China entered, or withdrawn from warehouse, for consumption on or after June 17, 2025, the date of publication of the *LTFV Preliminary Determination* but will not include entries occurring after the expiration of the provisional measures period and before the publication of the ITC's final injury determination under section 705(b) of the Act, as further described in the "Provisional Measures—AD" section of this notice.⁵

Continuation of Suspension of Liquidation and Cash Deposits—AD

Commerce intends to instruct CBP to continue to suspend liquidation on all relevant entries of slag pots from China, in accordance with section 736 of the Act. These instructions suspending liquidations will remain in effect until further notice.

Commerce also intends to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margin indicated in the table below, adjusted by the relevant subsidy offsets. Accordingly, effective on the date of publication in the **Federal Register** of the notice of the ITC's final affirmative injury determination, CBP must require, at the same time as importers would normally deposit estimated customs duties on subject merchandise, a cash deposit equal to the rates listed in the *LTFV Final Determination*.⁶

Provisional Measures—AD

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of export of the subject merchandise request that Commerce extend the four-month period to no more than six months. In the underlying investigation, Commerce published the *LTFV Preliminary Determination* on June 17, 2025.⁷ Therefore, the four-month period beginning on the date of publication ended on October 14, 2025. Pursuant to section 737(b) of the Act, the collection of cash deposits will begin on the date

¹ See *Slag Pots from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value*, 90 FR 41990 (August 28, 2025) (*LTFV Final Determination*).

² See *Slag Pots from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 90 FR 41986 (August 28, 2025) (*Final CVD Determination*).

³ See ITC's Letter, "Notification of ITC Final Determinations," dated November 25, 2025 (ITC Notification Letter).

⁴ *Id.*

⁵ See *Slag Pots from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 90 FR 25584 (June 17, 2025) (*LTFV Preliminary Determination*).

⁶ See *LTFV Final Determination*, 90 FR at 41991.

⁷ See *LTFV Preliminary Determination*.

of publication of the ITC's final injury determinations.

Therefore, in accordance with section 733(d) of the Act, Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of slag pots from China entered, or withdrawn from warehouse, for consumption on or after October 15, 2025, the first day provisional measures were no longer in effect, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determination in the **Federal Register**.

CVD Order

As stated above, based on the above-referenced affirmative final determination by the ITC that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of subsidized imports of slag pots from China,⁸ in accordance with section 705(c)(2) of the Act, Commerce is issuing this CVD order. Moreover, because the ITC determined that imports of slag pots from China are materially injuring a U.S. industry, unliquidated entries of subject merchandise from China, entered or withdrawn from warehouse, for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a) of the Act, Commerce intends to direct CBP to assess, upon further instruction by Commerce, countervailing duties on unliquidated entries of slag pots from China entered, or withdrawn from warehouse, for consumption on or after April 3, 2025, the date of publication of the *Preliminary CVD Determination*,⁹ but will not include entries occurring after the expiration of the provisional measures period and before the publication of the ITC's final injury determination under section 705(b) of the Act, as further described in the "Provisional Measures—CVD" section of this notice.

Suspension of Liquidation and Cash Deposits—CVD

In accordance with section 706 of the Act, we will instruct CBP to reinstitute

the suspension of liquidation on all relevant entries of slag pots from China, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, and to assess, upon further instruction by Commerce, pursuant to section 706(a)(1) of the Act, countervailing duties on each entry of subject merchandise in an amount based on the net countervailable subsidy rates below. On or after the date of publication of the ITC's final injury determination in the **Federal Register**, CBP must require, at the same time as importers would normally deposit estimated customs duties on this merchandise, a cash deposit equal to the rates listed in *Final CVD Determination*.¹⁰ These instructions suspending liquidation will remain in effect until further notice. The all-others rate applies to all producers or exporters not specifically listed.

Provisional Measures—CVD

Section 703(d) of the Act states that the suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months. Commerce published the *Preliminary CVD Determination* on April 3, 2025.¹¹ As such, the four-month period beginning on the date of the publication of the *Preliminary CVD Determination* ended on July 31, 2025.

In accordance with section 703(d) of the Act, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of slag pots from China entered, or withdrawn from warehouse, for consumption, on or after August 1, 2025, the date on which the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's affirmative final injury determination in the **Federal Register**.

Establishment of the Annual Inquiry Service Lists

On September 20, 2021, Commerce published the *Final Rule* in the **Federal Register**.¹² On September 27, 2021, Commerce also published the *Procedural Guidance* in the **Federal**

Register.¹³ The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at <https://access.trade.gov>, within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called "AISL-Annual Inquiry Service List."¹⁴

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance*,¹⁵ the new annual inquiry service list will be in place until the following year, when the Opportunity Notice for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of

¹³ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

¹⁴ This segment will be combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A-000-000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as "AISL-January Anniversary." Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

¹⁵ See *Procedural Guidance*, 86 FR at 53206.

⁸ See ITC Notification Letter.

⁹ See *Slag Pots from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination*, 90 FR 14625 (April 3, 2025) (*Preliminary CVD Determination*).

¹⁰ See *Final CVD Determination*, 90 FR 41986 at 41987.

¹¹ *Id.*

¹² See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website.

Special Instructions for Petitioner and Foreign Governments

In the *Final Rule*, Commerce stated that, “after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow.”¹⁶ Accordingly, as stated above, the petitioner and the Government of China (GOC) should submit their initial entries of appearance after publication of this notice in order to appear in the first annual inquiry service lists for these orders. Pursuant to 19 CFR 351.225(n)(3), the petitioner and the GOC will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioner and the GOC are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the AD and CVD orders with respect to slag pots from China, pursuant to sections 706(a) and 736(a) of the Act. Interested parties can find a list of AD and CVD orders currently in effect at <https://enforcement.trade.gov/stats/iastats1.html>.

These orders are published in accordance with sections 706(a) and 736(a) of the Act and 19 CFR 351.211(b).

Dated: January 21, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The merchandise covered by these orders is slag pots with a nominal capacity of 65 cubic feet to 1200 cubic feet regardless of shape, form, or finish.

Slag pots are load bearing devices typically formed as a curved shell or bowl-shaped container. Slag pots are metallurgical goods typically produced either using a casting process or a fabrication process (e.g., welding) and may include a ceramic refractory coating, heat treatment or various

finishes in order to handle high temperature slag. Slag pots may contain integral features or attachments including (1) legs (or a stand) and (2) pivotal mounting hooks or brackets. Legs (or a stand) are a fixed or detachable support structure which allows the slag pot to be securely positioned upright on a surface when not being lifted or transported and may also keep the slag pot off the ground and allow for air cooling. The pivotal mounting hooks and brackets are specialized attachment points (such as lifting lugs or trunnions) that allow the slag pot to be securely lifted and transported by a crane or lifting device, or that enable the slag pot to swing or rotate while remaining attached to the lifting mechanism. The merchandise covered by these orders includes all aforementioned attachments of a fully assembled slag pot, regardless of whether shipped assembled or unassembled.

Slag pots are included within the scope whether finished or unfinished, whether imported individually or with other subject or non-subject merchandise, or whether assembled with attachments or unassembled. Finishing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, machining, and assembly of various parts.

The country of origin for slag pots whether fully assembled, unfinished or finished, is the country where the slag pot was cast or forged. Subject merchandise includes slag pots that have been further processed or further assembled in a third country. Further processing and further assembly include, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, painting, coating, priming, machining, and assembly of attachments.

Slag pots subject to these orders are specified within the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7309.00.0090 and 8454.20.0080. The slag pot attachments covered by the scope of these orders may enter under HTSUS subheadings 7316.00.0000, 7325.10.0080, 7325.99.1000, 7325.99.5000, and 7326.19.0080. Although the HTSUS statistical reporting numbers are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

[FR Doc. 2026–01454 Filed 1–23–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–135, C–570–136]

Certain Chassis and Subassemblies Thereof From the People’s Republic of China: Preliminary Determination of Covered Merchandise Inquiry

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a covered merchandise referral by U.S. Customs and Border Protection (CBP), the U.S.

Department of Commerce (Commerce) preliminarily determines that certain merchandise subject to the inquiry imported into in the United States is covered under the Antidumping and Countervailing Duty (AD/CVD) orders on certain chassis and subassemblies thereof from the People’s Republic of China (China).

DATES: Applicable January 26, 2026.

FOR FURTHER INFORMATION CONTACT: Jacob Keller, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4849.

SUPPLEMENTARY INFORMATION:

Background

On April 3, 2025, Commerce initiated a covered merchandise inquiry to determine whether certain merchandise imported by FEMC LLC’s, formerly known as AXN Heavy Duty LLC (AXN) from China is covered merchandise subject to the *Orders* on chassis from China.¹

On July 30, 2025, Commerce postponed the final determination of this inquiry, and the revised deadline is now December 29, 2025.²

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.³ 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.⁴ Accordingly, the deadline for this preliminary determination is now March 9, 2025.

¹ See *Certain Chassis and Subassemblies Thereof from the People’s Republic of China: Notice of Covered Merchandise Referral and Initiation of Covered Merchandise Inquiry*, 90 FR 14639 (April 3, 2025) (*Initiation Notice*); see also *Certain Chassis and Subassemblies Thereof from the People’s Republic of China: Antidumping Duty Order*, 86 FR 36093 (July 8, 2021) and *Certain Chassis and Subassemblies Thereof from the People’s Republic of China: Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination*, 86 FR 24844 (May 10, 2021), respectively (collectively, the *Orders*).

² See Commerce’s Letter, “Deadline Extension for Covered Merchandise Final Determination,” dated July 30, 2025.

³ See Memorandum, “Deadlines Affected by the Shutdown of the Federal Government,” dated November 14, 2025.

⁴ See Memorandum, “Tolling of all Case Deadlines,” dated November 24, 2025.

¹⁶ See *Final Rule*, 86 FR at 52335.

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.⁵ A list of topics included in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Orders

The merchandise covered by the Orders are certain chassis and subassemblies from China. For a complete description of the scope of the Orders, *see* the Preliminary Decision Memorandum.

Merchandise Subject to the Covered Merchandise Inquiry

The merchandise subject to this inquiry are: (1) the axle beams imported by AXN that can be used on chassis, whether (a) incorporated into an axle assembly by AXN by adding Chinese-origin parts; (b) incorporated into an axle assembly by AXN by adding domestically (*i.e.*, U.S.) sourced parts; (c) incorporated into an axle assembly by AXN by adding a mix of Chinese-origin and domestically sourced parts; and/or (d) not incorporated into an axle assembly by AXN (*i.e.*, as imported); (2) Slider boxes that can be used on chassis, as imported by AXN; (3) Landing gear sets, as imported by AXN; and (4) Any merchandise imported by AXN that can be used on chassis, including, but not limited to, axle beams, slider boxes, and landing gear leg components/landing gear sets, that, even if considered individual components, were imported by AXN "with or for further assembly with a finished or unfinished chassis" by virtue of their intended sale by AXN to manufacturers for use in the production of completed trailers.

Methodology

Commerce is conducting this covered merchandise inquiry in accordance with

section 517 of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.227. For a full description of the methodology underlying Commerce's preliminary results, *see* the Preliminary Decision Memorandum.

Preliminary Determination

Commerce preliminarily determines: (1) the axle beams imported by AXN that can be used on chassis, regardless if incorporated into an axle assembly via scenarios (1)(a)–(c), are covered merchandise; (2) slider boxes that can be used on chassis, as imported by AXN, are covered merchandise; (3) landing gear sets that can be used on chassis, as imported by AXN, are covered merchandise; and (4) any other merchandise considered individual components, such as the landing gear legs, imported by AXN and entered and sold by themselves would not be considered subject merchandise even if the intended sale is to manufacturers for use in the production of completed trailers. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Suspension of Liquidation

As stated above, Commerce preliminarily determines that AXN's imported axle beams, slider boxes, and landing gear sets for use on chassis are subject merchandise. These affirmative in-scope findings are importer-specific to AXN pursuant to 19 CFR 351.227(m)(1)(i). Therefore, in accordance with 19 CFR 351.227(l)(2), Commerce will direct CBP to: (1) continue the suspension of liquidation of previously suspended entries and apply the applicable AD and CVD cash deposit rates; (2) begin the suspension of liquidation and require a cash deposit of estimated duties, at the applicable rate, for each unliquidated entry of the product not yet suspended, entered, or withdrawn from warehouse, for consumption on or after April 3, 2025, the date of publication of the notice of initiation of this covered merchandise inquiry in the **Federal Register**; and (3) begin the suspension of liquidation and require a cash deposit of estimated duties, at the applicable rate, for each unliquidated entry of the product not yet suspended, entered, or withdrawn from warehouse, for consumption prior to April 3, 2025.⁶

Public Comment

Case briefs or other written comments may be submitted to the Assistant

Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.227(d)(3) interested parties may submit case briefs no later than 14 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date of filing for case briefs.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.⁷ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁸

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 14 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Notification to Interested Parties

This determination is issued and published in accordance with section 517 of the Act and 19 CFR 351.227(e)(1).

⁷ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

⁸ *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023).

⁵ *See* Memorandum, "Certain Chassis and Subassemblies Thereof from the People's Republic of China: Decision Memorandum for the Preliminary Results of Covered Merchandise Inquiry—EAPA Inv. 7839," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁶ *See Initiation Notice*.

Dated: January 21, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. Merchandise Subject to this Inquiry
- V. Legal Framework
- VI. Analysis
- VII. Recommendation

[FR Doc. 2026–01447 Filed 1–23–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–140]

Mobile Access Equipment and Subassemblies Thereof From the People's Republic of China: Amended Final Results of Countervailing Duty Administrative Review; 2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) is amending the final results of the administrative review of the countervailing duty order on mobile access equipment and subassemblies thereof (MAE) from the People's Republic of China (China). This

notice amends the cash deposit rate for Zhejiang Dingli Machinery Co., Ltd. (Dingli). The period of review (POR) is January 1, 2022, through December 31, 2022.

DATES: Applicable January 26, 2026.

FOR FURTHER INFORMATION CONTACT: Paul Senoyuit, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6106.

SUPPLEMENTARY INFORMATION:

Background

On December 19, 2025, Commerce published in the **Federal Register** the *Final Results* of the 2022 administrative review¹ of the countervailing duty order on MAE from China.² On December 29, 2025, we received a timely ministerial error allegation from the Coalition of American Manufacturers of Mobile Access Equipment (the petitioners).³ No other interested party submitted comments. Commerce is amending the *Final Results* to correct one ministerial error.

Legal Framework

Section 751(h) of the Tariff Act of 1930, as amended (the Act), defines a “ministerial error” as including “errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other unintentional error which the administering authority considers ministerial.”⁴ With respect to final

results of administrative reviews, 19 CFR 351.224(e) provides that Commerce “will analyze any comments received and, if appropriate, correct any . . . ministerial error by amending the final results of review . . . {.”

Ministerial Error

Commerce reviewed the record and finds that errors alleged by the petitioner constitute a ministerial error within the meaning of section 751(h) of the Act and 19 CFR 351.224(f).⁵ Specifically, we find that the benchmark error present in Dingli's final margin calculation, which calculated inland freight on a per-kilogram per-kilometer basis instead of a per-kilogram basis, was an inadvertent error which we consider ministerial. Pursuant to 19 CFR 351.224(e), Commerce is amending the *Final Results* to reflect the correction of this ministerial error. The revised new subsidy rate is provided below.

For a complete discussion of the ministerial error allegation, as well as Commerce's analysis, see the Ministerial Error Memorandum. The Ministerial Error Memorandum is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>.

Amended Final Results of Review

As a result of correcting the ministerial error, we determine that the following countervailable subsidy rate for Dingli exists for the period of January 1, 2022, through December 31, 2022:

Company	Subsidy rate (percent <i>ad valorem</i>)
Zhejiang Dingli Machinery Co. Ltd.; Zhejiang Green Power Machinery Co., Ltd.; Zhejiang Shengda Fenghe Automotive Equipment Co., Ltd.; Zhejiang Xieheng Intelligent Equipment Co., Ltd. ⁶	33.10

Disclosure

Commerce intends to disclose its calculations and analysis performed for the amended final results of review within five days after the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the amended final results of this review, for

the above-listed company at the applicable *ad valorem* assessment rate. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these amended final results of review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment

¹ See *Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2022*, 90 FR 59492 (December 19, 2025) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

² See *Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Countervailing Duty Order and Amended*

Final Affirmative Countervailing Duty Determination, 86 FR 70439 (December 10, 2021) (*Order*).

³ See Petitioners' Letter, “Ministerial Error Comments,” dated December 29, 2025 (Petitioners' Ministerial Error Comments).

⁴ See 19 CFR 351.224(f).

⁵ See Memorandum, “Analysis of Ministerial Error Allegations,” dated concurrently with this notice (Ministerial Error Memorandum).

⁶ As discussed in the Preliminary Decision Memorandum, and unchanged in the Issues and Decision Memorandum and the Ministerial Error Memorandum, Commerce has found the following companies to be cross-owned with Dingli: Zhejiang Green Power Machinery Co., Ltd.; Zhejiang Shengda Fenghe Automotive Equipment Co., Ltd.; and Zhejiang Xieheng Intelligent Equipment Co., Ltd.

instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

For Dingli, Commerce is amending the cash deposit rate, countervailing duties shall be assessed at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption on or after the date of publication of the *Final Results* of this administrative review.⁷ The cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these amended final results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.224(e).

Dated: January 21, 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. 2026–01451 Filed 1–23–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–819]

Steel Concrete Reinforcing Bar From the Republic of Türkiye: Preliminary Results and Rescission, in Part, of Countervailing Duty Administrative Review; 2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily

determines that countervailable subsidies were provided to producers and exporters of steel concrete reinforcing bar (rebar) from the Republic of Türkiye (Türkiye) during the period of review (POR) January 1, 2023, through December 31, 2023.

Additionally, Commerce is rescinding this review with respect to two companies. Interested parties are invited to comment on these preliminary results.

DATES: Applicable January 26, 2026.

FOR FURTHER INFORMATION CONTACT: Ajay Menon, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0208.

SUPPLEMENTARY INFORMATION:

Background

On November 6, 2014, Commerce published in the **Federal Register** the countervailing duty (CVD) order on rebar from Türkiye.¹ On November 1, 2024, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order* for the POR.² On December 9, 2024, Commerce tolled the deadline to issue the preliminary results in administrative reviews for which the opportunity to request the review was published in November or December 2024, by 90 days.³ On December 18, 2024, Commerce published in the **Federal Register** the notice of the initiation of this administrative review.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 and, 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 Further, on December 22, 2025, Commerce extended the time period for issuing these preliminary results by 14 days, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act).⁷ Accordingly, the deadline for these preliminary results is now January 21, 2026.

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.⁸ A list of topics included in the Preliminary Decision Memorandum is provided in the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The merchandise covered by the *Order* is rebar from Türkiye. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

In accordance with 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if all parties that requested the review withdraw their requests within 90 days of the date of publication of the notice of initiation of the requested review. Commerce received a timely-filed withdrawal request, pursuant to 19 CFR 351.213(d)(1), from the Rebar Trade Action Coalition (the petitioner) for Kaptan Demir Celik Endustrisi ve Ticaret A.S. and Kaptan Metal Dis Ticaret ve Nakliyat A.S (collectively, Kaptan).⁹ Because the withdrawal request was timely filed, and no other party requested a review of this company, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding

⁶ See Memorandum, “Tolling of all Case Deadlines,” dated November 24, 2025.

⁷ See Memorandum, “Extension of Deadline for the Preliminary Results of the 2023 Countervailing Duty Administrative Review,” dated December 22, 2025.

⁸ See Memorandum, “Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review of Steel Concrete Reinforcing Bar from the Republic of Türkiye; 2023,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁹ See Petitioner's Letter, “Withdrawal of Request for Administrative Review,” dated March 18, 2025.

⁷ See *Final Results* IDM.

this review of the *Order* with respect to Kaptan.

Further, pursuant to 19 CFR 351.213(d)(3), Commerce's practice is to rescind an administrative review of a CVD order when it concludes that there are no suspended entries of subject merchandise during the POR.¹⁰ Normally, upon completion of an administrative review, the suspended entries are liquidated at the CVD assessment rate calculated for the review period.¹¹ Therefore, for an administrative review of a company to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the CVD assessment rate calculated for the POR.¹²

According to the CBP import data, Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. (Icdas), had no entries of subject merchandise during the POR.¹³ Therefore, we notified parties that we intended to rescind this administrative review with respect to Icdas and provided parties an opportunity to submit comments.¹⁴ We received no comments from interested parties. Therefore, in the absence of suspended entries of subject merchandise during the POR, in accordance with 19 CFR 351.213(d)(3), we are also rescinding the administrative review with respect to Icdas.

Methodology

Commerce is conducting this administrative review in accordance with 751(a)(1)(A) of the Act. For each of the subsidy programs found countervailable, we preliminarily find that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.¹⁵ For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following net countervailable subsidy rate exists for the period January 1, 2023, through December 31, 2023:

Company	Subsidy rate (percent <i>ad valorem</i>)
Colakoglu Metalurji A.S.	1.84

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹⁶ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁷ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁸ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that

will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁹

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.²⁰

Assessment Rates

Consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), upon issuance of the final results, Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review.

For the companies for which the review is being rescinded (*i.e.*, Icdas and Kaptan), Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2023, through December 31, 2023, in accordance with 19 CFR

351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

For Colakoglu Metalurji A.S., Commerce will instruct CBP to assess countervailing duties on all appropriate entries at the subsidy rates calculated in the final results of this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has

¹⁰ See, e.g., *Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review*; 2015, 82 FR 14349 (March 20, 2017); *see also Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Rescission of Countervailing Duty Administrative Review*; 2017, 84 FR 14650 (April 11, 2019).

¹¹ See 19 CFR 351.212(b)(2).

¹² See 19 CFR 351.213(d)(3).

¹³ See Memorandum, "Release of U.S. Customs and Border Protection Entry Data," dated December 26, 2024.

¹⁴ See Memorandum, "Notice of Intent to Rescind Review, In Part," dated March 17, 2025.

¹⁵ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

¹⁶ See 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

¹⁷ See 19 CFR 351.309(c)(2).

¹⁸ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁹ See *APO and Service Procedures*.

²⁰ See 19 CFR 351.310(d).

expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

Pursuant to section 751(a)(2)(C) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown for the company listed above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. If the rate calculated in the final results is zero or *de minimis*, no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Administrative Review

Unless the deadline is extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 21, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Diversification of Türkiye's Economy
- V. Subsidies Valuation Information
- VI. Analysis of Programs
- VII. Recommendation

[FR Doc. 2026-01453 Filed 1-23-26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-122-876, C-570-218, C-201-868]

Van-Type Trailers and Subassemblies Thereof From Canada, the People's Republic of China, and Mexico: Initiation of Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable January 20, 2026.

FOR FURTHER INFORMATION CONTACT:

Kelsie Hohenberger or Olivia Woolverton (Canada) at (202) 482-2517 or (202) 482-7452, respectively; Alice Maldonado (the People's Republic of China (China)) at (202) 482-5882; and Suresh Maniam (Mexico) at (202) 482-0176, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On November 20, 2025, the U.S. Department of Commerce (Commerce) received countervailing duty (CVD) petitions concerning imports of van-type trailers and subassemblies thereof (van-type trailers) from Canada, China, and Mexico filed in proper form on behalf of the American Trailer Manufacturers Coalition (the petitioner),¹ the members of which are domestic producers of van-type trailers.² The CVD Petitions were accompanied by antidumping duty (AD) petitions concerning imports of van-type trailers from Canada, China, and Mexico.³

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 21 days.⁴ The revised deadline for the initiation of these investigations was

December 31, 2025. After considering comments regarding industry support, Commerce extended the initiation deadline by 20 days to further examine the issue of industry support, because it was not clear from the Petitions whether the industry support criteria had been met.⁵

Between November 25 and January 13, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petitions in supplemental questionnaires.⁶ Between December 4, 2025, and January 15, 2026, the petitioner filed timely responses to these requests for additional information.⁷

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the

⁵ See *Notice of Extension of the Deadline for Determining the Adequacy of the Antidumping and Countervailing Duty Petitions: Certain Van-Type Trailers and Subassemblies Thereof from Canada, Mexico, and the People's Republic of China*, 91 FR 249 (January 5, 2026) (*Initiation Deadline Extension Notice*).

⁶ See Commerce's Letter, "Supplemental Questions," dated December 1, 2025 (First General Issues Questionnaire); see also Country-Specific Supplemental Questionnaires: Mexico Supplemental, dated November 25, 2025; Canada Supplemental and China Supplemental, dated November 26, 2025; Commerce's Letter, "Supplemental Questions," dated December 15, 2025 (Second General Issues Questionnaire); Commerce's Letter, "Supplemental Questions," dated January 7, 2026 (Third General Issues Questionnaire); and Commerce's Letter, "Supplemental Questions," dated January 13, 2026 (Fourth General Issues Questionnaire).

⁷ See Petitioner's Letters, "Petitioner Response to the First Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition," dated December 8, 2025 (First General Issues Supplement); see also Petitioner's Letters, "Petitioner Response to the 1st Supplemental Questionnaire Regarding Volume III of the Petition," dated December 1, 2025 (Canada CVD Supplement Part 1) and "Petitioner Response to items 12 through 22 of the 1st Supplemental Questionnaire Regarding Volume III of the Petition," dated December 4, 2025 (Canada CVD Supplement Part 2) (collectively, Canada CVD Supplement); "Petitioner Response to the 1st Supplemental Questionnaire Regarding Mexico Countervailing Duties Volume V of the Petition," dated December 1, 2025 (Mexico CVD Supplement Part 1) and "Petitioner Response to Items 9 through 17 of the 1st Supplemental Questionnaire Regarding Mexico Countervailing Duties Volume V of the Petition (Mexico CVD Supplement Part 2) (collectively, Mexico CVD Supplement); "Petitioner Response to the 1st Supplemental Questionnaire Regarding China Countervailing Duties Volume VII of the Petition," dated December 3, 2025 (China CVD Supplement); "Petitioner Response to 2nd Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition," dated December 18, 2025 (Second General Issues Supplement); Petitioner's Letter, "Response to the Third Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition," dated January 9, 2026 (Third General Issues Supplement); and Petitioner's Letter, "Response to the Fourth Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition," dated January 15, 2026 (Fourth General Issues Supplement).

¹ The members of the American Trailer Manufacturers Coalition are Great Dane LLC, Stoughton Trailers LLC, and Wabash National Corporation.

² See Petitioner's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Van-Type Trailers and Subassemblies Thereof from Canada, Mexico, and the People's Republic of China," dated November 20, 2025 (Petitions).

³ *Id.*

⁴ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

Government of Canada (GOCA), Government of Mexico (GOM) and Government of China (GOCN) (collectively, Governments) are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of van-type trailers in Canada, China, and Mexico, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing van-type trailers in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating CVD investigations, the Petitions were accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(F) of the Act.⁸ Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested CVD investigations.⁹

Periods of Investigation

Because the Petitions were filed on November 20, 2025, the period of investigation for the Canada, China, and Mexico CVD investigations is January 1, 2024, through December 31, 2024.¹⁰

Scope of the Investigations

The products covered by these investigations are van-type trailers from Canada, China, and Mexico. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

On December 1 and 15, 2025, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.¹¹ On December 8 and 18, 2025, the petitioner provided clarifications and revised the scope.¹² The description of merchandise covered

by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).¹³ Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information, all such factual information should be limited to public information.¹⁴ Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on February 9, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on February 19, 2026, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS),

unless an exception applies.¹⁵ An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOCA, GOM and GOCN of the receipt of the Petitions and provided an opportunity for consultations with respect to the Petition.¹⁶ Commerce held consultations with the GOM on December 5, 2025¹⁷ and the GOCA on December 17, 2025.¹⁸ The GOCN did not request to meet with Commerce officials.¹⁹

Additionally, given the nature of certain subsidy programs alleged in the Petitions, on November 21, 2025, Commerce issued a letter to the GOCN, providing the GOCN with the opportunity to meet with Commerce officials.²⁰

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition

¹⁵ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance: Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.

¹⁶ See Commerce's Letters, "Invitation for Consultations to Discuss the Countervailing Duty Petition," dated November 21, 2025.

¹⁷ See Memorandum, "Consultations with the Government of Mexico," dated December 5, 2025; *see also* GOM's Letter, "GOM's Submission," dated December 5, 2025.

¹⁸ See Memorandum, "Consultations with the Government of Canada," dated December 18, 2025; *see also* GOCA's Letter, "Government of Canada's Consultation Materials," dated December 18, 2025; and Memorandum, "Government of Canada's Request for Consultations," dated December 31, 2025.

¹⁹ The GOCN submitted comments on the CVD petitions. *See* GOCN's Letter, "Comments on CVD Petition," dated December 5, 2025.

²⁰ See Commerce's Letter, "Alleged Transnational Subsidy Programs," dated November 21, 2025.

⁸ The members of the petitioning coalition are interested parties under section 771(9)(C) of the Act.

⁹ *See* section on "Determination of Industry Support for the Petitions," *infra*.

¹⁰ *See* 19 CFR 351.204(b)(2).

¹¹ *See* First General Issues Questionnaire; *see also* Second General Issues Questionnaire.

¹² *See* First General Issues Supplement at 2–23 and Exhibits I–Supp–2 and I–Supp–3; *see also* Second General Issues Supplement at 1–4 and Exhibits I–Supp2–1 through I–Supp2–4.

¹³ *See Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

¹⁴ *See* 19 CFR 351.102(b)(21) (defining "factual information").

does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the “industry.”

Section 771(4)(A) of the Act defines the “industry” as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,²¹ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.²²

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations.²³ Based on our analysis

of the information submitted on the record, we have determined that van-type trailers, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.²⁴

In determining whether the petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the “Scope of the Investigations,” in the appendix to this notice. To establish industry support, the petitioner provided the 2024 production of the domestic like product for the U.S. producers that support the Petitions and compared this to the estimated total production of the domestic like product in 2024 by the entire U.S. van-type trailers industry.²⁵ We relied on data provided by the petitioner for purposes of measuring industry support.²⁶

On December 23, 2025, we received timely filed comments on industry support from Utility Trailer Manufacturing Company, LLC (UTMC), a U.S. producer of van-type trailers.²⁷ On December 23, 2025, we also received timely filed comments on industry support from Qingdao CIMC Reefer Trailer Co., Ltd.; Vanguard Refrigerated Trailer Co., Ltd.; Vanguard National Trailer Corporation; and Vanguard Reefer Trailer, Inc. (CIMC/Vanguard), a U.S. importer and foreign producer of van-type trailers.²⁸ On December 29, 2025, the petitioner responded to the comments from UTMC and CIMC/Vanguard in a timely filed rebuttal submission.²⁹ As noted above, on December 31, 2025, Commerce extended the initiation deadline by 20 days to further examine the issue of industry support, because it was not clear from the Petitions whether the industry support criteria had been met.³⁰

Our review of the data provided in the Petitions, the First General Issues Supplement, the Second General Issues

Supplement, the Third General Issues Supplement, the Fourth General Issues Supplement, and the Petitioner’s Response and other information readily available to Commerce indicates that the petitioner has established industry support for the Petitions.³¹ First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (e.g., polling).³² Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.³³ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.³⁴ Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.³⁵

Injury Test

Because Canada, China, and Mexico are “Subsidies Agreement Countries” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from Canada, China, and/or Mexico materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility

²¹ See section 771(10) of the Act.

²² See *USEC, Inc. v. United States*, 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F.Supp. 639, 644 (CIT 1988), *aff’d Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

²³ For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, see Checklists, “Countervailing Duty Investigation Initiation Checklists: Van-Type Trailers and Subassemblies Thereof from Canada, the People’s Republic of China, and Mexico,” dated concurrently with, and hereby adopted by, this notice (Country-Specific CVD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Van-

Type Trailers and Subassemblies Thereof from Canada, the People’s Republic of China, and Mexico (Attachment II). These checklists are on file electronically via ACCESS.

²⁴ For further discussion, see Attachment II of the Country-Specific CVD Initiation Checklists.

²⁵ *Id.*

²⁶ For further discussion, see Attachment II of the Country-Specific CVD Initiation Checklists.

²⁷ See UTMC’s Letter, “Comments on Initiation,” dated December 23, 2025.

²⁸ See CIMC/Vanguard’s Letter, “Comments on Industry Support for Petitions,” dated December 23, 2025.

²⁹ See Petitioner’s Letter, “Response to Comments on Industry Support,” dated December 29, 2025 (Petitioner’s Response).

³⁰ See *Initiation Deadline Extension Notice*.

³¹ See Attachment II of the Country-Specific CVD Initiation Checklists.

³² *Id.*; see also section 702(c)(4)(D) of the Act.

³³ See Attachment II of the Country-Specific CVD Initiation Checklists.

³⁴ *Id.*

³⁵ *Id.*

threshold provided for under section 771(24)(A) of the Act.³⁶

The petitioner contends that the industry's injured condition is illustrated by a significant increase in the volumes of subject imports; increased market share of subject imports; underselling and price depression and/or suppression; lost sales and revenues; declines in production, capacity utilization, U.S. shipments, and employment variables; adverse impact on financial performance; and negative impact on industry development and investment returns.³⁷ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.³⁸

Initiation of CVD Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating CVD investigations to determine whether imports of van-type trailers from Canada, China, and Mexico benefit from countervailable subsidies conferred by the GOCA, GOCN, and GOM, respectively. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this initiation.

Canada

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 25 of the 26 programs alleged by the petitioner. For a full discussion of the basis for our decision to initiate on each program, *see* the Canada CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Mexico

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 21 of the 22 programs alleged by the petitioner. For a full

discussion of the basis for our decision to initiate on each program, *see* the Mexico CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

China

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 52 of the 53 programs alleged by the petitioner. For a full discussion of the basis for our decision to initiate on each program, *see* the China CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

The petitioner identified seven companies in Canada, 11 companies in Mexico, and 37 companies in China as producers and/or exporters of van-type trailers.³⁹ Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in these investigations. In the event that Commerce determines that the number of known producers/exporters is large, and it cannot individually examine each company based upon Commerce's resources, Commerce intends to select mandatory respondents based on quantity and value (Q&V) questionnaires issued to the potential respondents. Commerce normally selects mandatory respondents in CVD investigations using U.S. Customs and Border Protection (CBP) entry data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheadings listed in the scope of the investigations. However, for these investigations, the main HTSUS subheadings under which the subject merchandise would enter (*i.e.*, 8716.39.0040 and 8716.90.5060) are basket categories under which non-subject merchandise may also enter. Therefore, instead of relying on CBP entry data in selecting respondents, we intend to issue Q&V questionnaires to each potential respondent for which there is complete address information on the record.

Notwithstanding the decision to rely on Q&V questionnaires for respondent selection, due to the large number of producers and/or exporters identified in the Petitions for China, Commerce has determined to limit the number of Q&V questionnaires that it will issue to

exporters and producers based on CBP data for van-type trailers from China during the POI under the appropriate HTSUS subheadings listed in the "Scope of the Investigations," in the appendix. Accordingly, for China, Commerce will send Q&V questionnaires to the largest producers and exporters that are identified in the CBP data for which there is complete address information on the record.

Commerce will post the Q&V questionnaires along with filing instructions on Commerce's website at <https://www.trade.gov/ec-adcvd-case-announcements>. Exporters/producers of van-type trailers from Canada, China, and Mexico that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain the Q&V questionnaire from Enforcement and Compliance's website. Responses to the Q&V questionnaire must be submitted by the relevant producers/exporters no later than 5:00 p.m. ET on February 3, 2026, which is two weeks from the signature date of this notice. All Q&V responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under an administrative protective order (APO) in accordance with 19 CFR 351.305(b). As stated above, instructions for filing such applications may be found on Commerce's website at <https://www.trade.gov/administrative-protective-orders>.

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petitions has been provided to the GOCA, GOCN, and GOM via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 25 days after the date on which the ITC receives notice from Commerce of initiation of the investigations, whether there is a reasonable indication that imports of van-type trailers from Canada, China, and/or Mexico are

³⁶ For further discussion, *see* Country-Specific CVD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Van-Type Trailers and Subassemblies Thereof from Canada, the People's Republic of China, and Mexico.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *See* Petitions at Volume I (page 18 and Exhibit I-13); *see also* First General Issues Supplement at 1-2 and Exhibit I-Supp-1.

materially injuring, or threatening material injury to, a U.S. industry.⁴⁰ A negative ITC determination for either country will result in the investigation being terminated with respect to that country.⁴¹ Otherwise, these CVD investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted⁴² and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.⁴³ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.⁴⁴ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions

which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.⁴⁵

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.⁴⁶ Parties must use the certification formats provided in 19 CFR 351.303(g).⁴⁷ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letters of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁴⁸

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

⁴⁵ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

⁴⁶ See section 782(b) of the Act.

⁴⁷ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

⁴⁸ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

Dated: January 20, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations consists of certain van-type trailers and subassemblies thereof, whether finished or unfinished, whether assembled or unassembled, regardless of the number of axles, for carriage of goods. Van-type trailers are typically, but not limited to, rectangular cuboid trailers with a fully enclosed cargo space consisting of a front nose (with or without a refrigeration unit), side walls (with or without doors), movable rear panels (whether roll-up doors, swing doors, or another configuration), a floor and subframe, an affixed or removable roof, a suspension and axle system, wheels and tires, brakes, a lighting and electrical system, landing gear, and coupling for towing behind a truck tractor or a connection system for training behind another van-type trailer. Covered van-type trailers are those with a gross vehicle weight rating of greater than 26,000 pounds.

Subject merchandise includes, but is not limited to, the following subassemblies:

- Van-type trailer subframes, or sections of van-type trailer frames, typically consisting of welded crossmembers and slider rails for attaching the running gear;
- Nose wall, side wall, and roof subassemblies, whether insulated or non insulated, and with or without top, bottom, or side rails;
- Rear door frame, whether for swing or roll-up doors, with or without installed doors, bumpers, bumper plates, or reinforcing plates for liftgate;
- Door assemblies, whether for rear swing doors, roll-up doors, side doors or any other configuration, with or without lockrods, handles, hinges, or hinge pins;
- Rear impact guard subassemblies, typically consisting of a fabricated horizontal structural component (such as a guard tube) and uprights for connection to the underside of the rear frame;
- Coupler assembly for connection to truck tractor's fifth wheel, typically consisting of main beams and cross members, support plates, and front nose wrap, and with or without kingpin installed;
- Running gear subassemblies or axle assemblies for connection to the subframe, which may or may not include suspension(s), wheel end components, slack adjusters, dressed axles, brake chambers, locking pins, wheels, and tires; and
- Landing gear subassemblies, typically consisting of two landing legs, a cross channel, braces, bracketing, a cross shaft, and a crank handle.

These subassemblies are subject to the investigations, whether entered alone or with other subassemblies and whether assembled or unassembled and whether finished or unfinished. The absence of any subassembly from an otherwise finished or unfinished van-type trailer does not remove the van-type trailer from coverage.

⁴⁰ See section 703(a)(1) of the Act.

⁴¹ *Id.*

⁴² See 19 CFR 351.301(b).

⁴³ See 19 CFR 351.301(b)(2).

⁴⁴ See 19 CFR 351.302.

Subject merchandise also includes components entered with (*i.e.*, on the same bill of lading as) van-type trailers and subassemblies, such as, but not limited to: hub and drum assemblies, brake assemblies (either drum or disc), bare axles, brake chambers, suspensions and suspension components, wheel end components, landing gear legs, wheels, tires, brake control systems, electrical harnesses and lighting systems, lift gate systems, tire inflation systems, or refrigeration units (with or without evaporators or fuel tanks) whether assembled or unassembled, whether as part of a kit or not, and whether or not accompanied by additional components that constitute as part of an unfinished and/or unassembled van-type trailer and subassemblies thereof that are subject to the investigations.

Processing of finished and unfinished van-type trailers and subassemblies, such as trimming, cutting, grinding, notching, punching, drilling, painting, coating, staining, finishing, assembly, or any other processing either in the country of manufacture of the in-scope product or in a third country does not remove the product from the scope. Inclusion of other components not identified as comprising the finished or unfinished van-type trailer does not remove the product from the scope.

Specifically excluded are subassemblies covered by the scope of the antidumping and countervailing duty orders on certain chassis and subassemblies thereof from the People's Republic of China. *See Certain Chassis and*

Subassemblies Thereof from the People's Republic of China: Antidumping Duty Order, 86 FR 36093 (July 8, 2021) and *Certain Chassis and Subassemblies Thereof from the People's Republic of China: Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination*, 86 FR 24844 (May 10, 2021).

The finished and unfinished van-type trailers subject to these investigations are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 8716.39.0040 and 8716.90.5060. Imports of finished and unfinished subassemblies may also enter under HTSUS subheadings 7308.30.5050, 7308.90.9590, 7326.90.8688, 8708.29.1500, 8708.99.8180, 8716.90.5010. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

[FR Doc. 2026-01457 Filed 1-23-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-0V]

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 25-0V.

Dated: January 21, 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

July 8, 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. 25-0V. This transmittal notifies a cost increase in excess of the total value previously described in the Section 36(b)(1) AECA certification 24-30 of May 6, 2024.

Sincerely,

Michael F. Miller
Director

Enclosure:

1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 25-0V

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)**

(i) *Prospective Purchaser:* Government of Malaysia

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 24-30

Date: May 6, 2024

Implementing Agency: Navy

Funding Source: National Funds

(iii) *Description:* On May 6, 2024, Congress was notified by congressional certification transmittal number 24-30 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of ten (10) AN/AAQ-33 Sniper Advanced Targeting Pods. Also included were technical data and publications, personnel training, software 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 total estimated value was \$80 million. Major Defense Equipment (MDE) constituted \$26 million of this total.

This transmittal notifies an increase in MDE value by \$14 million due to recent cost increases. There are no additional MDE or non-MDE items being reported with this notification. The estimated total case value will increase by \$14 million to a revised \$94 million. The estimated non-MDE value will remain \$54 million. MDE will constitute \$40 million of this total.

(iv) *Significance:* The proposed sale will improve Malaysia's capability to meet current and future threats by modernizing its current F/A-18D platform with a common targeting pod.

(v) *Justification:* This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a key partner that is a force for political stability and economic progress in the Indo-Pacific region.

(vi) *Sensitivity of Technology:*

The Sensitivity of Technology Statement contained in the original notification applies to items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress:* July 8, 2025

[FR Doc. 2026-01335 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-31]

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 25–31, Policy Justification,
and Sensitivity of Technology.

Dated: January 21, 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

June 12, 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. 25-31, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of the Netherlands for defense articles and services estimated to cost \$215 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. 25–31

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 Netherlands

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$200 million
Other	\$ 15 million

TOTAL \$215 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Two hundred ninety-six (296) AGM–179A Joint Air-to-Ground Missiles

(JAGM)

Non-Major Defense Equipment:

The following non-MDE items will also be included: AGM–179 JAGM Captive Air Training Missiles (CATM); Tactical Aviation Ground Munition Program (TAGM) office technical assistance; Security Assistance Management Directorate (SAMD), Joint Attack Munition Systems (JAMS) technical assistance; missile handling training; classified and unclassified publications; spare parts; repair and return; storage; and other related elements of logistics and program support.

(iv) *Military Department:* Army (NE–B–YBD)

(v) *Prior Related Cases, if any:* NE–B–PCJ

(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:* June 12, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Netherlands—Joint Air-to-Ground Missiles

The Government of the Netherlands has requested to buy two hundred

ninety-six (296) AGM-179A Joint Air-to-Ground Missiles (JAGM). The following non-MDE items will also be included: AGM-179 JAGM Captive Air Training Missiles (CATM); Tactical Aviation Ground Munition Program (TAGM) office technical assistance; Security Assistance Management Directorate (SAMD), Joint Attack Munition Systems (JAMS) technical assistance; missile handling training; classified and unclassified publications; spare parts; repair and return; storage; and other related elements of program and logistical support. The estimated total cost is \$215 million.

This proposed sale will support the foreign policy and national security objectives of the United States (U.S.) by improving the security of a NATO Ally that is a force for political stability and economic progress in Europe.

The Netherlands intends to use these defense articles and services to modernize its armed forces and expand its capability to strengthen its homeland defense and deter regional threats. This will contribute to the Netherlands' military goals of updating capability while further enhancing interoperability with the U.S. and other allies. These systems will be employed by AH-64 Apache attack helicopters operated by the Royal Netherlands Air Force (RNLAf). The Netherlands 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 Corporation, located in Orlando, FL. 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 approximately three U.S. Government and three contractor representatives to travel to the

Netherlands for program management reviews to support the program. Travel is expected to occur approximately twice per year as needed to support equipment fielding and training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25-31

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(vii) *Sensitivity of Technology*

1. The Joint Air-to-Ground Missile (JAGM) all up round (AUR), designated AGM-179A, consists of a HELLFIRE Romeo (AGM-114R) back end (*i.e.*, propulsion, warhead, and control sections) mated to a newly designed, dual-mode guidance section (GS). The JAGM sensors provide improved precision and fire-and-forget capabilities. This combination allows targeting capability against fast moving and stationary targets in countermeasure and intensive battlefield environments and in low cloud ceiling and adverse weather and against low radar cross section targets. Firing modes include lock-on before launch (LOBL) and lock-on after launch. The JAGM can be employed from rotary-wing and select fixed-wing aircraft, wheeled and tracked vehicles, ground-based pedestal launchers, and patrol boats. The AGM-179 JAGM Captive Air Training Missile (CATM) is a flight-training missile that consists of a functional guidance section coupled to an inert missile bus.

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 Netherlands 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 the Netherlands.

[FR Doc. 2026-01339 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-39]

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 25-39, Policy Justification, and Sensitivity of Technology.

Dated: January 21, 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

June 16, 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. 25-39, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$2.0 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. 25-39

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*	\$0.6 billion
Other	\$1.4 billion

TOTAL	\$2.0 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Australia has requested to buy the following equipment and services related to follow-on sustainment of its F/A-18F Super Hornet and EA-18G Growler aircraft fleet:

Major Defense Equipment (MDE):

Sixty (60) Global Lightning—Joint Tactical Terminal—Transceivers (JTT-X)

Forty (40) Advanced Electronic Warfare systems

Twenty-four (24) Next Generation Electronic Attack Units (NGEAU)

Non-Major Defense Equipment:

The following non-MDE items will also be included: AN/PYQ-10C Simple Key Loaders; Inline Network Encryptors; AN/ALE-47 electronic warfare countermeasures systems (common carriage); Joint Mission Planning System (JMPS) software; aircraft spares and repair parts; other support equipment; software and hardware updates and development; system configuration upgrades; avionics software support; aircraft armament equipment; Foreign Liaison Officer support; technical data; engineering change proposals; engine component improvements; training and training equipment; training aids, devices, and spares; flight test services; transportation costs; system integration and testing;

software development and integration; tools and test equipment; 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:* Navy (AT-P-FBS)

(v) *Prior Related Cases, if any:* AT-P-SAF, AT-P-GQY, AT-P-LEN, AT-P-SCI, AT-P-GQF

(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:* June 16, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

*POLICY JUSTIFICATION**Australia—F/A-18F and EA-18G Sustainment Support*

The Government of Australia has requested to buy the following equipment and services related to sustainment of its F/A-18F Super Hornet and EA-18G Growler aircraft fleet: sixty (60) Global Lightning—Joint Tactical Terminal—Transceivers (JTT-X); forty (40) Advanced Electronic Warfare systems; and twenty-four (24) Next Generation Electronic Attack Units (NGEAU). The following non-MDE items will also be included: AN/PYQ-10C Simple Key Loaders; Inline Network Encryptors; AN/ALE-47 electronic warfare countermeasures systems (common carriage); Joint Mission Planning System (JMPS) software; aircraft spares and repair parts; other support equipment; software and hardware updates and development; system configuration upgrades; avionics software support; aircraft armament equipment; Foreign Liaison Officer support; technical data; engineering change proposals; engine component improvements; training and training equipment; training aids, devices, and spares; flight test services; transportation costs; system integration and testing; software development and integration; tools and test equipment; 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 \$2.0 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 providing the necessary follow-on sustainment support services for its F/A-18F Super Hornet and EA-18G Growler aircraft fleet. It will also improve Australia's capability to support coalition operations and contribute to mutual security goals in the region. 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 The Boeing Company, located in Arlington, VA. 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 twenty-five U.S. Government personnel and fifteen U.S. contractor representatives to visit Australia on a temporary basis in conjunction with program technical oversight and support requirements, including program and technical reviews.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25-39

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 Global Lightning—Joint Tactical Terminal—Transceiver (JTT-X) is a single software defined radio with the capability to provide aircrew connectivity to secure government and commercial beyond line-of-sight data and voice communication. It is a stand-alone system that is interoperable and miniaturized with embedded capabilities to support future waveforms.

2. The Advanced Electronic Warfare system is a fully integrated multi-spectral suite enabling both offensive and defensive electronic warfare capabilities for the F/A-18E/F. These new capabilities include all aspect, high sensitivity detection; jamming of radio frequency threats; Open Mission Systems compatibility with the APG-79 and Distributed Targeting Processor—Networked; and tighter integration with platform data sensor fusion functions.

3. The Next Generation Electronic Attack Unit (NGEAU) will support an OMS processor architecture, include Multi Level Security (MLS), and include a Multi-Tier Resource Management (MTRM) framework. Additionally, the NGEAU addresses diminishing manufacturing sources and material shortages concerns with the current electronic attack unit.

4. The Joint Mission Planning System (JMPS) will provide mission planning capability for support of military aviation operations. It will also provide support for unit-level mission planning for all phases of military flight operations and have the capability to

provide necessary mission data for the aircrew. JMPS will support the downloading of data to electronics data transfer devices for transfer to aircraft and weapon systems. A JMPS for a specific aircraft type will consist of basic planning tools called the Joint Mission Planning Environment (JMPE) mated with a Unique Planning Component (UPC) provided by the aircraft program. In addition, UPCs will be required for specific weapons, communication devices, and moving map displays. The JMPS will be tailored to the specific releasable configuration for the F/A-18E/F Super Hornet and EA-18G Growler.

5. The AN/ALE-47 electronic warfare countermeasures dispensing system (common carriage) is a threat-adaptive dispensing system for chaff, flares, and expendable jammers for self-protection against airborne and ground-based radio frequency and infrared threats. The operational flight program and mission data files used in the AN/ALE-47 contain algorithms used to calculate the best defense against specific threats. AN/ALE-47 common carriage provides increased survivability against aircraft threats by increasing the quantity of airborne expendable countermeasures (AECM) carried per aircraft and enabling the use of next generation AECM required to defeat emerging threat systems.

6. The AN/PYQ-10(C) Simple Key Loader (SKL) is an advanced secure cryptographic device that enables safe distribution and storage of communications security (COMSEC) key material, electronic protection data, and signal operating instructions using encrypted keys or codes. AN/PYQ-10(C) is the next generation of the currently fielded AN/CYZ-10 data transfer device. The AN/PYQ-10(C) provides automated, secure, and user-friendly methods for managing and distributing cryptographic key material, signal operating instructions, and electronic protection data. This course introduces some of the basic components and activities associated with the AN/PYQ-10(C) in addition to hands-on training. Learners will become familiar with the security features of the SKL, practice the initial setup of the SKL, and will receive and distribute electronic keys using the SKL.

7. KG-250X is a certified Type 1 inline network encryptor that provides network security designed to protect Sensitive Compartmented Information and is suitable for a variety of applications and missions.

8. Software provides for initial design and development of the Electronic

Warfare and Advanced Systems Software builds.

9. Technical Data provides for the F/A-18E/F post-production of classified test reports and other related documentation.

10. Training aides and devices expenditures provide for upgraded classified lessons as well as hardware, spares, and installation for the tactical operational flight trainers, low-cost trainers (LCT), aircrew courseware, and spares for delivery and installation of systems configuration sets.

11. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

12. 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.

13. 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 proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

14. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Australia.

[FR Doc. 2026-01340 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-0N]

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.rsrgmgt.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 25-0N.

Dated: January 21, 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

May 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)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 25-0N. 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 18-35 of September 13, 2018.

Sincerely,

Michael F. Miller
Director

Enclosure:

1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 25-0N

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)**(i) *Prospective Purchaser:* Republic of Korea(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 18-35

Date: September 13, 2018

Implementing Agency: Army

(iii) *Description:* On September 13, 2018, Congress was notified by congressional certification transmittal number 18-35 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of sixty-four (64) Patriot Advanced Capability-3 (PAC-3) Missile Segment Enhancement (MSE) missiles. Also included were two (2) PAC-MSE test missiles, range and test programs, publications and technical documentations, training equipment, spare parts, personnel training, United States (U.S.) Government and contractor technical, engineering, and logistics support services, and other related elements of logistics and program support. The estimated total value was \$501 million. Major Defense Equipment (MDE) constituted \$365 million of this total.

On December 22, 2022, Congress was notified by congressional certification transmittal number 23-0C of the inclusion of the following additional MDE items: one-hundred sixteen (116) PAC-3 Missile Segment Enhancement (MSE) missiles; and two (2) PAC-3 MSE test missiles. Also included were spare parts; U.S. Government and contractor technical, engineering, and logistics support services; and other related

elements of logistics and program support. The estimated total value of the additional items was \$533 million. The estimated non-MDE value increased by \$19 million to a revised \$155 million. The revised estimated total case value was \$1.034 billion. MDE constituted \$879 million of this total.

This transmittal notifies the inclusion of the following additional MDE items: up to one hundred seven (107) PAC-3 MSE missiles; and up to five (5) PAC-3 MSE test missiles. The following non-MDE is also included: spare parts; U.S. Government and contractor technical, engineering, and logistics support services; and other related elements of logistics and program support. The estimated total value of the new items is \$1.006 billion. The estimated non-MDE value will increase by \$300 million to a revised \$455 million. The revised estimated total case value will be \$2.04 billion. MDE will constitute \$1.585 billion of this total.

(iv) *Significance:* This notification is being provided as the MDE items were not enumerated in the original notification. The proposed sale will improve the Republic of Korea's air and missile defense capability and ensure greater interoperability with other PAC-3 MSE missile users in the region.

(v) *Justification:* This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a major non-NATO ally that is a force for political stability and economic progress in the Pacific region.

(vi) *Sensitivity of Technology:*

The Sensitivity of Technology statement contained in the original notification applies to items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress:* May 15, 2025

[FR Doc. 2026-01362 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-29]

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 25-29, Policy Justification, and Sensitivity of Technology.

Dated: January 21, 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

May 21, 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. 25-29, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Poland 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
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 25-29

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 Poland

(ii) *Total Estimated Value:*

Major Defense Equipment*	\$110 million
Other	\$ 70 million

TOTAL	\$180 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

One thousand four hundred (1,400)
GBU-39/B Small Diameter Bombs
(SDB-I)

Four (4) GBU-39 (T-1)/B inert
practice bombs with fuzes

Non-Major Defense Equipment:

The following non-MDE items are also
included: GBU-39 tactical training
rounds; practice bombs; bomb

components; containers; weapons system support; support and test equipment; spare parts, consumables and accessories, and repair and return support; classified and unclassified software delivery and support; classified and unclassified 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 (PL-D-AAB)

(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:* May 21, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—GBU-39/B Small Diameter Bombs

The Government of Poland has requested to buy one thousand four hundred (1,400) GBU-39/B Small Diameter Bombs (SDB-I); and four (4) GBU-39 (T-1)/B inert practice bombs with fuzes. The following non-MDE items are also included: GBU-39 tactical training rounds; practice bombs; bomb components; containers; weapons system support; support and test equipment; spare parts, consumables and accessories, and repair and return support; classified and unclassified software delivery and support; classified and unclassified 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 \$180 million.

This proposed sale will support the foreign policy goals and national security of the U.S. by improving the security of a NATO Ally that is a force for political and economic stability in Europe.

The proposed sale will improve Poland's capability to meet current and future threats by enhancing its capacity to conduct effective air-to-ground strikes, reinforcing its capability to protect Polish sovereign territory, and improving its ability to meet NATO requirements. Poland will have no difficulty absorbing these articles 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 The Boeing Corporation, located in St. Louis, MO. 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 Poland.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–29

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 GBU–39/B Small Diameter Bomb I (SDB–I) is a 250-pound GPS-aided inertial navigation system with precise positioning service provided by Selective Availability Anti-Spoofing Module or M-Code. It is a 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. Aircraft can carry four SDBs in place of one 2,000-pound bomb.

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 Poland 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 Poland.

[FR Doc. 2026–01334 Filed 1–23–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–13]

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.rsrcmgt.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 25–13 and Policy Justification.

Dated: January 21, 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

May 20, 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. 25-13, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Bosnia and Herzegovina for defense articles and services estimated to cost \$100 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. 25-13

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:* Bosnia and Herzegovina

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$ 0
Other	\$100 million
Total	\$100 million

Funding Source: National Funds and 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:

The following non-MDE items will be included: AW-119Kx helicopters; qualification and transition training of pilots and maintainers; in-country contractor field service representative support; program

management reviews; technical assistance; product support; associated aviation ground support equipment; platform-peculiar ground support equipment; hardware; special tools; test equipment and basic issue items; quality assurance team inspections; inventories; ground run and flight test validation and verification testing; air freight transportation delivery; initial spares, repair and consumable parts; operator maintenance; and technical manuals; 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 (BK-B-UNE)

(v) *Prior Related Cases if any:* BK-B-UNR

(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:* May 20, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Bosnia and Herzegovina—AW-119Kx Helicopters

Bosnia and Herzegovina has requested to buy AW-119Kx helicopters; qualification and transition training of pilots and maintainers; in-country contractor field service representative support; program management reviews; technical assistance; product support; associated aviation ground support equipment; platform-peculiar ground support equipment; hardware; special tools; test equipment and basic issue items; quality assurance team inspections; inventories; ground run and flight test validation and verification testing; air freight

transportation delivery; initial spares, repair and consumable parts; operator maintenance; and technical manuals; 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 \$100 million.

The proposed sale will support the foreign policy goals and the national security objectives of the U.S. by improving the security of a partner country that is a force for political stability and economic progress in Europe.

The proposed sale will improve the capability of the Armed Forces of Bosnia and Herzegovina (AFBiH) to meet current and future threats by supporting regional and NATO cooperation exercises, protecting Bosnia and Herzegovinian national security interests in the country's mountainous and inaccessible terrain. The aircraft will also enable the AFBiH to better support disaster relief, search and rescue, and other humanitarian aid missions in the country, and will also serve for pilot training.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Leonardo Helicopters U.S., AgustaWestland Philadelphia Corporation, 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 five additional U.S. Government and up to seven contractor representatives to the Bosnia and Herzegovina for a duration of up to five years to support equipment operation and training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026-01358 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-0U]

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.rsrgcmgmt.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 25-0U.

Dated: January 21, 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

May 8, 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. 25-0U. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA certification 24-75 of August 9, 2024.

Sincerely,

Michael F. Miller
Director

Enclosure:

1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 25-0U

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)**

(i) *Prospective Purchaser:* Government of Norway

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 24-75

Date: August 9, 2024

Implementing Agency: Army

(iii) *Description:* On August 9, 2024, Congress was notified by congressional certification transmittal number 24-75, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of sixteen (16) M142 High Mobility Artillery Rocket Systems (HIMARS); fifteen (15) M30A2 Guided Multiple Launch Rocket System (GMLRS) Alternative Warhead (AW) pods with Insensitive Munitions Propulsion System (IMPS); fifteen (15) M31A2 GMLRS Unitary (GMLRS-U) high explosive pods with IMPS; and one hundred (100) M57 Army Tactical Missile System (ATACMS) pods. Also included were Low Cost Reduced Range Practice Rocket (LCRRPR) pods;

interactive electronic technical manuals; integration support services; spare parts; tool kits; test equipment; contractor logistics support; training; training equipment; technical assistance; technical publications; transportation; and other related elements of logistics and program support. The estimated total cost was \$580 million. Major Defense Equipment (MDE) constituted \$510 million of this total.

This transmittal notifies the addition of the following MDE items: twenty-five (25) M403 Extended Range Guided Multiple Launch Rocket System (ER GMLRS) Alternative Warhead (AW) pods; and twenty-five (25) M404 ER GMLRS Unitary pods. This transmittal also notifies an MDE increase in value for the previously notified M57 Army Tactical Missile System (ATACMS) pods, due to recent cost increases. The additional \$260 million value of the new MDE items, in addition to the \$240 million value increase, will result in a total MDE value increase of \$500 million. The non-MDE value will remain at \$70 million. The estimated total case value will increase by \$500 million to a revised \$1.08 billion. MDE will constitute \$1.01 billion of this total.

(iv) *Significance:* This notification is being provided as the 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 Norway's capability to meet current and future threats and enhance its interoperability with United States (U.S.) and other allied forces. It will also enhance Norway's artillery and long-range capability.

(v) *Justification:* 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.

(vi) *Sensitivity of Technology:*

The Extended Range Guided Multiple Launch Rocket System (ER GMLRS) provides a persistent, responsive all-weather, rapidly deployed, long-range, surface-to-surface, area- and point-precision strike capability. The M403 Alternative Warhead variant carries a 200-pound fragmentation assembly filled with high explosives which, upon detonation, accelerates two layers of

performed penetrators optimized for effectiveness against large area and imprecisely located targets. The M404 Unitary variant is a 200-pound class unitary with a steel blast fragmentation case, designed for low collateral damage against point targets. The ER GMLRS maintains the accuracy and effectiveness demonstrated by the baseline GMLRS out to a maximum range of 150 km (double of GMLRS capability) while also including a new Height of Burst (HOB) capability.

The Sensitivity of Technology statement contained in the original notification applies to items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress*: May 8, 2025

[FR Doc. 2026-01353 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-0Q]

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.rsrmgmt.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 25-0Q.

Dated: January 21, 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

May 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)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 25-0Q. 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 17-67 of November 14, 2017.

Sincerely,

Michael F. Miller
Director

Enclosure:
1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 25-0Q

*REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)*

(i) *Prospective Purchaser*: Government of Poland

(ii) *Sec. 36(b)(1), AECA Transmittal No.*: 17-67

Date: November 14, 2017

Implementing Agency: Army

Funding Source: National Funds

(iii) *Description*: On November 14, 2017, Congress was notified by congressional certification transmittal number 17-67 of the possible sale,

under Section 36(b)(1) of the Arms Export Control Act, of phase one of a two-phase program for an Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS) enabled Patriot Configuration-3+ with Modernized Sensors and Components consisting of four (4) AN/MPQ-65 radar sets, four (4) engagement control stations, four (4) Radar Interface Units (RIU) modification kits, sixteen (16) M903 Launching stations adapted, eighteen (18) Launcher Integrated Network Kits (LINKs) (included two (2) spares), two hundred eight (208) Patriot Advanced Capability-3 (PAC-3) Missile Segment Enhancement (MSE) missiles, eleven (11) PAC-3 MSE test missiles, IBCS software, two (2) future operations—IBCS Engagement Operations Centers (EOCs), six (6) current operations-IBCS EOCs, six (6) engagement operations-IBCS EOCs, fifteen (15) Integrated Fire Control Network (IFCN) relays, four (4) Electrical Power Plants (EPP) III, and five (5) Multifunctional Information Distribution Systems/Low Volume Terminals (MIDS/LVTs). Also included with this request was communications equipment, tools and test equipment, range and test programs, support equipment, prime movers, generators, publications and technical documentation, training equipment, spare and repair parts, personnel training, Technical Assistance Field Team (TAFT), United States (U.S.) Government and contractor technical, engineering, and logistics support services, Systems Integration and Checkout (SICO), field office support, and other related elements of logistics and program support. The total estimated program cost was \$10.5 billion. Major Defense Equipment

(MDE) constituted \$6.8 billion of that total.

This transmittal notifies inclusion of the following additional MDE items: seven hundred eighty-eight (788) PATRIOT Guidance Enhanced Missile-Tactical (GEM-T) missiles. There are no additional non-MDE items being reported with this notification. The estimated total value of the new items is \$5.8 billion. The estimated total MDE value will increase by \$5.8 billion. The non-MDE value will remain at \$3.7 billion. The total case value will increase by \$5.8 billion, resulting in a revised estimated total case value of \$16.3 billion. MDE will constitute \$12.6 billion of this total.

(iv) *Significance*: The proposed sale will improve Poland's capability to meet current and future threats by enabling it to field a credible force that can deter adversaries and participate in NATO operations.

(v) *Justification*: 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.

(vi) *Sensitivity of Technology*:

The PATRIOT Guidance Enhanced Missile-Tactical (GEM-T) missile is one of the variants available to both U.S. forces and international customers. The GEM-T missile provides improved ability to defeat tactical ballistic missiles, cruise missiles, or enemy aircraft in complement to the PAC-3 missile. A modernized, digital fuze eliminates obsolescence and introduces significant performance improvements against tactical ballistic missile targets. This design increases sensitivity for improved performance against high-speed tactical ballistic missile targets.

The highest level of classification of defense articles, components, and services included in this potential sale is CONFIDENTIAL.

(vii) *Date Report Delivered to Congress*: May 15, 2025

[FR Doc. 2026-01361 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–30]

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 25–30 and Policy Justification.

Dated: January 21, 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

JUN 04 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. 25-30, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense services estimated to cost \$325 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. 25-30

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 million
Other	\$325 million

TOTAL	\$325 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 related to sustainment support for legacy M1A2 and new M1A2K Abrams main battle tank systems.

Major Defense Equipment (MDE):

None

Non-Major Defense Equipment:

The following non-MDE items will be

included: repair parts; spare parts; replacement materials; and other related elements of logistics and program support.

(iv) *Military Department:* Army (KU-B-UZE)

(v) *Prior Related Cases, if any:* KU-B-JAT; KU-B-UXA

(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:* June 4, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait—M1A2 Abrams Main Battle Tank System Sustainment Support

The Government of Kuwait has requested to buy equipment and services related to sustainment support

for legacy M1A2 and new M1A2K Abrams main battle tank systems. The following non-MDE items will be included: repair parts; spare parts; replacement materials; and other related elements of logistics and program support. The estimated total cost is \$325 million.

This proposed sale will support the foreign policy and national security objectives of the United States (U.S.) by helping to improve the infrastructure of a major non-NATO ally that has been an important 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 it in maintaining higher levels of operational readiness while meeting its modernization and professionalization goals. 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 General Dynamics Land Systems, located in Sterling Heights, 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 Kuwait.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026-01337 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-59]

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 25-59, Policy Justification, and Sensitivity of Technology.

Dated: January 21, 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

June 30, 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. 25-59, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Israel for defense articles and services estimated to cost \$510 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. 25-59

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 Israel

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$500 million
Other	\$ 10 million
TOTAL	\$510 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 thousand eight hundred forty-five (3,845) KMU-558B/B Joint Direct Attack Munition (JDAM) guidance kits for the BLU-109 bomb body

Three thousand two hundred eighty (3,280) KMU-572 F/B JDAM guidance kits for the MK 82 bomb body

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:* Navy (IS-P-AVR)

(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:* June 30, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Israel—Munitions Guidance Kits and Munitions Support

The Government of Israel has requested to buy three thousand eight hundred forty-five (3,845) KMU-558B/B Joint Direct Attack Munition (JDAM) guidance kits for the BLU-109 bomb body and three thousand two hundred eighty (3,280) KMU-572 F/B JDAM guidance kits for the MK 82 bomb body. 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 \$510 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 The Boeing Company, located in St. Charles, MO. Part of the JDAM guidance kit requirement may be transferred from U.S. government stock. 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.

Transmittal No. 25-59

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. Joint Direct-Attack Munitions (JDAM) consist of a bomb body paired with a warhead-specific guidance kit containing an Inertial Navigation System (INS)/Global Positioning System (GPS) guidance capability with Selective Availability Anti-Spoofing Module (SAASM) or M-Code 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 (e.g., forward-looking infrared, radar) during

captive carry, or from a third-party source via manual or automated aircrew cockpit entry.

a. The KMU-558 guidance kit is paired with a BLU-109 class warhead to assemble a GBU-31 JDAM.

b. The KMU-572 guidance kit is paired with a MK 82 class warhead to assemble a GBU-38 JDAM.

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 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 Israel 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 Israel.

[FR Doc. 2026-01342 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE**Office of the Secretary**

[Transmittal No. 25-0H]

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 25-0H.

Dated: January 21, 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

May 16, 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. 25-0H. 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 24-45 of May 16, 2024.

Sincerely,

Michael F. Miller
Director

Enclosure:

1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 25-0H

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)**

(i) *Purchaser:* Government of Ukraine

(ii) *Sec. 36(b)(1), AECA Transmittal
No.: 24-45*

Date: May 16, 2024

Implementing Agency: Army

Funding Source: Foreign Military
Financing

(iii) *Description:* On May 16, 2024, Congress was notified by congressional certification transmittal number 24-45, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of equipment and services for sustainment support of United States (U.S.) Army supplied vehicles and weapon systems, utilizing Blanket Orders, Cooperative Logistics Supply

Support Arrangement (CLSSA), and/or Simplified Non-Standard Acquisition Program (SNAP), as well as other related elements of logistics and program support. The estimated total program cost was \$100 million. There was no Major Defense Equipment (MDE) associated with this sale.

This transmittal notifies inclusion of additional non-MDE equipment and services for sustainment support of U.S. Army supplied vehicles and weapon systems, utilizing Blanket Orders, Cooperative Logistics Supply Support Arrangement (CLSSA), and/or Simplified Non-Standard Acquisition Program (SNAP), and other related elements of logistics and program support. The estimated total value of the new items is \$200 million. The estimated non-MDE value will increase by \$200 million to a revised \$300 million. The estimated total case value will increase by \$200 million to a

revised \$300 million. There is no MDE included in this potential sale.

(iv) *Significance:* This proposed sale will directly contribute to Ukraine's battlefield effectiveness through improved logistics and will contribute to more resilient and rapid repair cycle times.

(v) *Justification:* This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a partner country that is a force for political stability and economic progress in Europe.

(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:* May 16, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

[FR Doc. 2026-01365 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 19-03]

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 19-03, Policy Justification, and Sensitive of Technology.

Dated: January 21, 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

May 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. 19-03, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services estimated to cost \$225 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. 19-03

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:* Republic of Türkiye

(ii) Total Estimated Value:

Major Defense Equipment * ..	\$198 million
Other	\$ 27 million

TOTAL \$225 million

Funding Source: National Funds

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Fifty-three (53) AIM-120C-8
Advanced Medium Range Air-to-Air Missiles (AMRAAM)
Six (6) AIM-120C-8 AMRAAM

guidance sections

Non-Major Defense Equipment:

The following non-MDE items will be included: AMRAAM containers and support equipment; Common Munitions Built-in-Test (BIT) Reprogramming Equipment (CMBRE); 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 (TK-D-YAK)

(v) *Prior Related Cases, if any:* TK-D-YAE, TK-D-YAC

(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:* May 14, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Türkiye—AIM-120C-8 Advanced Medium-Range Air-to-Air Missiles

The Republic of Türkiye has requested to buy fifty-three (53) AIM-120C-8 Advanced Medium Range Air-to-Air Missiles (AMRAAM); and six (6) AIM-120C-8 AMRAAM guidance sections. The following non-MDE items will be included: AMRAAM containers and support equipment; Common Munitions Built-in-Test (BIT) Reprogramming Equipment (CMBRE); 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 \$225 million.

This proposed sale will support the foreign policy goals 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.

This proposed sale will provide Türkiye with a critical air defense capability to assist in defending its homeland and U.S. personnel stationed there. Türkiye 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 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 Türkiye.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 19-03

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 AMRAAM is a supersonic, air launched, aerial intercept guided missile featuring digital technology and microminiature solid-state electronics. AMRAAM capabilities to include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high- and low-flying and maneuvering targets.

2. The Common Munitions Built-In Test (BIT) Reprogramming Equipment (CMBRE) is used to interface with weapon systems to initiate and report BIT results and upload and 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 data, loading of munitions mission planning data, loading of Global Positioning System cryptographic keys, and declassification of munitions memory.

3. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

4. 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.

5. A determination has been made that Türkiye 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.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the Republic of Türkiye.

[FR Doc. 2026-01356 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-43]

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.rsrcmgt.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 25-43, Policy Justification, and Sensitivity of Technology.

Dated: January 21, 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

May 22, 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. 25-43, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Estonia for defense articles and services estimated to cost \$296 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. 25-43

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 Estonia

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$256 million
Other	\$ 40 million
TOTAL	\$296 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales (FMS) case EN-B-UFJ was below the congressional notification threshold at \$10.18 million (\$3.1 million in MDE) and included twelve (12) Javelin Lightweight Command Launch Units (LwCLUs); LwCLU Basic Skills Trainers; Javelin missile simulation rounds; Battery Coolant Units; spare parts; tool kits and

support equipment; equipment training; United States (U.S.) Government and contractor technical assistance and services; engineering services; and related elements of logistics and program support. The Government of Estonia has requested the case be amended to include eight hundred (800) FGM-148F Javelin missiles (including 8 fly-to-buy missiles) and an additional seventy-two (72) LwCLUs. This amendment will push the current case above the MDE notification threshold and thus notification of the entire case is required. The above notification requirements are combined as follows:

Major Defense Equipment:

Eight hundred (800) FGM-148F Javelin missiles (including 8 fly-to-buy missiles)

Eighty-four (84) Javelin Lightweight Command Launch Units (LwCLU)

Non-Major Defense Equipment:

The following non-MDE items will also be included: LwCLU Basic Skills Trainers; Javelin missile simulation rounds; Battery Coolant Units; spare

parts; tool kits and support equipment; equipment training; U.S. Government and contractor technical assistance and services; engineering services; and related elements of logistics and program support.

(iv) *Military Department:* Army (EN-B-UFJ)

(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:* May 22, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Estonia—Javelin Missiles

The Government of Estonia has requested to buy eight hundred (800) FGM-148F Javelin missiles (including 8 fly-to-buy missiles) and an additional

seventy-two (72) Javelin Lightweight Command Launch Units (LwCLUs) 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 \$10.18 million (\$3.1 million in MDE), included twelve (12) LwCLUs; LwCLU Basic Skills Trainers; Javelin missile simulation rounds; Battery Coolant Units; spare parts; tool kits and support equipment; equipment training; U.S. Government and contractor technical assistance and services; engineering services; and related elements of logistics and program support. This notification is for a combined eight hundred (800) FGM-148F Javelin missiles (including 8 fly-to-buy missiles) and eighty-four (84) LwCLUs. The following non-MDE items will also be included: LwCLU Basic Skills Trainers; Javelin missile simulation rounds; Battery Coolant Units; spare parts; tool kits and support equipment; equipment training; U.S. Government and contractor technical assistance and services; engineering services; and related elements of logistics and program support. The estimated total program cost is \$296 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 an important force for political stability and economic progress in Europe. This sale is consistent with U.S. initiatives to provide key allies in the region with modern systems that will enhance interoperability with U.S. forces and increase security.

The proposed sale will enhance Estonia's capability to meet current and future threats by providing a credible force that is capable of deterring adversaries and participating in NATO operations. The proposed sale will support its goal of improving national and territorial defense as well as interoperability with U.S. and NATO forces. Estonia 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 the Javelin Joint Venture between RTX Corporation, located in Tucson, AZ, and Lockheed Martin, located in Orlando, FL. 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 Estonia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25-43

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 Javelin Weapon System is a medium-range, man portable, shoulder-launched, fire and forget, anti-tank system for infantry, scouts, and combat engineers. It may also be mounted on a variety of platforms including vehicles, aircraft, and watercraft. The system weighs 49.5 pounds and has a maximum range in excess of 2,500 meters. The system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. Javelin's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top attack and direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor thus decreasing the likelihood of its detection on the battlefield.

3. The Javelin Weapon System is comprised of two major tactical components, which are a reusable Lightweight Command Launch Unit (LwCLU) and a round contained in a disposable launch tube assembly. The LwCLU incorporates an integrated day-night sight that provides a target engagement capability in adverse weather and countermeasure environments. The LwCLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The LwCLU's thermal sight is a 3rd generation Forward Looking Infrared sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the LwCLU after mating and prior to launch.

4. The missile is autonomously guided to the target using an imaging infrared seeker and adaptive correlation tracking algorithms. This allows the gunner to take cover or reload and

engage another target after firing a missile. The missile has an advanced tandem warhead and can be used in either the top attack or direct fire modes. An onboard flight computer guides the missile to the selected target.

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 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.

7. A determination has been made that Estonia 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 Estonia.

[FR Doc. 2026-01336 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-44]

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.ssrcmgmt.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 25-44, Policy Justification, and Sensitivity of Technology.

Dated: January 21, 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

June 16, 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. 25-44, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Italy for defense articles and services estimated to cost \$211 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. 25-44

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 Italy

(ii) *Total Estimated Value:*

Major Defense Equipment*	\$188 million
Other	\$ 23 million
TOTAL	\$211 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Thirty (30) AIM-120D-3 Advanced Medium-Range Air-to-Air Missiles (AMRAAM)
Forty (40) AIM-120C-8 AMRAAMs
Two (2) AIM-120C-7 AMRAAM guidance sections

Non-Major Defense Equipment:

The following non-MDE items will also be included: AMRAAM control

section spares and containers; spare and repair parts, consumables, accessories, and repair and return support; weapon system support and software; classified software delivery and support; classified publications and technical documentation; personnel training and training equipment; United States (U.S.) government and contractor engineering, technical, and logistical support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (IT-D-YAE)

(v) *Prior Related Cases, if any:* IT-D-YAD

(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:* June 16, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Italy—Advanced Medium-Range Air-to-Air Missiles

The Government of Italy has requested to buy thirty (30) AIM-120D-3 Advanced Medium-Range Air-to-Air Missiles (AMRAAM), forty (40) AIM-120C-8 AMRAAMs, and two (2) AIM-120C-7 AMRAAM guidance sections. The following non-MDE items will also be included: AMRAAM control section spares and containers; spare and repair parts, consumables, accessories, and repair and return support; weapon system support and software; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; U.S. government and contractor engineering, technical,

and logistical support services; and other related elements of logistics and program support. The estimated total cost is \$211 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 a force for political stability and economic progress in Europe.

The proposed sale will improve Italy's capability to meet current and future threats by ensuring Italy has modern, capable air-to-air munitions. It will also advance U.S. interoperability with NATO and the Italian Armed Forces. Italy already has AMRAAMs in its inventory and 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 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 Italy.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–44

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 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.

2. 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.

3. This potential sale will include AMRAAM guidance and control section spares.

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 Italy 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 Italy.

[FR Doc. 2026–01341 Filed 1–23–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 20–61]

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 20–61, Policy Justification, and Sensitive of Technology.

Dated: January 21, 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

May 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. 20-61 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Republic of Türkiye for defense articles and services estimated to cost \$79.1 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. 20-61

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:* Republic of Türkiye

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$60.9 million
Other	\$18.2 million
TOTAL	\$79.1 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Sixty (60) AIM-9X Sidewinder Block II All Up Round (AUR) missiles

Eleven (11) AIM-9X Block II Tactical guidance units

Non-Major Defense Equipment:

The following non-MDE items will be included: missile containers and support equipment; spare parts, and

missile support, 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:* Navy (TK-P-AIX)

(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:* May 14, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Türkiye—AIM-9X Sidewinder Block II Missiles

The Republic of Türkiye has requested to buy sixty (60) AIM-9X Sidewinder Block II All Up Round (AUR) missiles and eleven (11) AIM-9X Block II Tactical guidance units. The following non-MDE items will be included: missile containers and support equipment; spare parts, and missile support, 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 \$79.1 million.

This proposed sale will support the foreign policy goals 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.

This proposed sale will provide Türkiye with a critical air defense capability to assist in defending its homeland and U.S. personnel stationed there. Türkiye 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 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 require annual trips of three U.S. Government and two contractor representatives to Türkiye for technical reviews, support, and oversight for approximately eight years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 20–61

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–9X Block II Sidewinder missile represents a substantial increase in missile acquisition and kinematics performance over the AIM–9M and replaces the AIM–9X Block I missile

configuration. The missile includes a high off-boresight seeker, an enhanced countermeasure rejection capability, a low drag/high angle of attack airframe, and the ability to integrate the Helmet Mounted Cueing System. The most current AIM–9X Block II operational flight software developed for all international partners, which is authorized by U.S. Government export policy, provides fifth-generation infrared missile capabilities such as lock-on-after-launch, Weapons Data Link, surface attack, and surface launch. No software source code or algorithms will be released.

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 Türkiye 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 Republic of Türkiye.

[FR Doc. 2026–01354 Filed 1–23–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–25]

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 25–25 and Policy Justification.

Dated: January 21, 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

MAY 12 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. 25-25 concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the United Arab Emirates for defense 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. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001-FR-C

Transmittal No. 25-25

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 United Arab Emirates

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$ 0
Other	\$130 million
TOTAL	\$130 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales (FMS) case AE-D-QAM was below the congressional notification threshold at \$40.9 million (\$0 in MDE) and included Common Munitions Built-in-Test Reprogramming Equipment (CMBRE); munitions support equipment; night vision device (NVD) support and spare equipment; spare parts, consumables, and accessories; repair and return support; classified and

unclassified software delivery and support; classified and unclassified publications and technical documentation; site surveys; studies and surveys; transportation support; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The Government of the United Arab Emirates has requested that the case be amended to include additional F-16 aircraft components, spares, and accessories 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:

Common Munitions Built-in-Test Reprogramming Equipment (CMBRE); munitions support

equipment; night vision device (NVD) support and spare equipment; spare parts, consumables and accessories; repair and return support; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; site surveys; studies and surveys; transportation support; U.S. Government and contractor engineering, technical, and logistics support services; aircraft components, spares, and accessories; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (AE-D-QAM)

(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*: May 12, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates—F-16 Sustainment

The Government of the United Arab Emirates (UAE) has requested to buy additional F-16 aircraft components, spares, and accessories; and other related elements of logistics and program support that will be added to a previously implemented case whose value was below the congressional notification threshold. The original Foreign Military Sales (FMS) case, valued at \$40.9 million (\$0 in MDE), included Common Munitions Built-in-Test Reprogramming Equipment (CMBRE); munitions support equipment; night vision device (NVD) support and spare equipment; spare parts, consumables and accessories; repair and return support; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; site surveys; studies and surveys; transportation support; U.S. Government and contractor engineering, technical, and logistics

support services. The estimated total cost is \$130 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 defense partner. The UAE is a force for political stability and economic progress in the Middle East.

The proposed sale will improve the United Arab Emirates' ability to defend its sovereignty and territorial integrity to meet its national defense requirements. The United Arab Emirates 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.

There are no principal contractors associated with this potential sale. 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 additional U.S. Government or U.S. contractor representatives to the UAE.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026-01363 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-0Q]

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.rsrcmgt.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 24-0Q.

Dated: January 21, 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

MAY 12 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. 24-0Q. This transmittal notifies a cost increase in excess of the total value previously described in the Section 36(b)(1) AECA certification 19-60 of April 23, 2020.

Sincerely,

Michael F. Miller
Director

Enclosures:

1. Transmittal
2. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001-FR-C

Transmittal No. 24-0Q

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)**

(i) *Purchaser:* Government of the United Arab Emirates
(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 19-60
Date: April 23, 2020
Implementing Agency: Army
Funding Source: National Funds
(iii) *Description:* On April 23, 2020, Congress was notified by congressional certification transmittal number 19-60 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of the Government of the United Arab Emirates (UAE) for a Foreign Military Sales Order (FMSO) II to provide funds for blanket order requisitions under a Cooperative Logistics Supply Support Agreement (CLSSA) for common spares/repair parts to support the United Arab Emirates' fleet of AH-64 Apache, UH-60 Black Hawk, and CH-47 Chinook aircraft, additional support, and other related elements of logistics and

program support. The total estimated value was \$150 million. There was no Major Defense Equipment (MDE) associated with this sale.

This transmittal notifies an extension of the previously notified Foreign Military Sales Order (FMSO) II for blanket order requisitions under a Cooperative Logistics Supply Support Agreement (CLSSA) for common spares/repair parts to support the United Arab Emirates' fleet of AH-64 Apache, UH-60 Black Hawk, and CH-47 Chinook aircraft, additional support, and other related elements of logistics and program support. There is no MDE being reported with this notification and, as such, the total MDE value remains \$0. The total estimated value of the newly extended, non-MDE articles and services is \$300 million; resulting in an increase in both the estimated non-MDE and overall total case value to \$450 million.

(iv) *Significance:* The proposed sale will contribute to the UAE's ability to effectively integrate with United States (U.S.)-led coalitions and operate independently in support of U.S. interests and the security of U.S. forces

in-theater and is consistent with U.S. bilateral and multilateral defense plans in the CENTCOM region.

(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 partner in the region. This sale is consistent with U.S. initiatives to provide key partners in the region with modern systems that will enhance interoperability with U.S. forces and increase security.

(vi) *Date Report Delivered to Congress:* May 12, 2025

[FR Doc. 2026-01355 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-0P]

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 dscn.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 25-0P.

Dated: January 21, 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

June 10, 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. 25-0P. 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 23-72 of September 15, 2023.

Sincerely,

Michael F. Miller
Director

Enclosure:

I. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 25-0P

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C) AECA)**

(i) *Prospective Purchaser:* Government of Canada

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 23-72

Date: September 15, 2023

Implementing Agency: Air Force

(iii) *Description:* On September 15, 2023, Congress was notified by congressional certification transmittal number 23-72 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of munitions and other systems to be integrated into MQ-9Bs purchased through Direct

Commercial Sales, to include: twelve (12) AN/APY-8 Lynx Synthetic Aperture radars; two hundred nineteen (219) AGM-114R2 Hellfire II missiles; eighteen (18) KMU-572 tail kits for the GBU-38 Joint Direct-Attack Munition (JDAM) and GBU-54 Laser JDAM (LJDAM); twelve (12) Mk82 500-lb General Purpose (GP) bombs; and six (6) Mk82 Filled Inert bombs. Also included were Due Regard Radars; SAGE 750 and SNC 4500 Electronic Surveillance Measures Systems; AN/ARC-210 radios; Compact Multi-Band Data Link (CMDL); KY-100M Narrowband/Wideband Terminals; KOR-24A Small Tactical Terminals; High-Bandwidth Compact Telemetry Modules (HCTM); KIV-77 cryptographic appliques and other Identification Friend or Foe (IFF) equipment; AN/PYQ-10C Simple Key

Loaders (SKL); Common Munitions Built-In-Test/Reprogramming Equipment (CMBRE); FMU-139 Joint Programmable Fuses (JPF); M299 Hellfire launchers and training missiles; DSU-38 Precision Laser Guidance Sets; classified publications and technical documentation; munitions support and support equipment; secure communications, precision navigation, and cryptographic equipment; spare and repair parts, consumables, accessories, and repair and return support; unclassified software delivery and support; testing and integration support and equipment; maps and charts; personnel training and training equipment; transportation support; warranties; studies and surveys; Contractor Logistics Support (CLS); 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 cost was \$313.4 million. Major Defense Equipment (MDE) constituted \$75.2 million of this total.

This transmittal notifies the inclusion of the following additional MDE items: sixteen (16) Joint Direct Attack Munition (JDAM) KMU-572 tail kits for GBU-38 or Laser JDAM GBU-54; eighteen (18) inert filled Mk-82 bombs; four (4) AN/APY-8 Lynx synthetic aperture radars; and eight (8) Hellfire Captive Air Training Missiles. The following non-MDE items will also be included: M34 Hellfire training missiles; Hellfire support equipment; AN/ALQ-230 Radar Warning Receiver/Electronic Support Measures (RWR/ESM) system; Computer Program Identification Numbers (CPIN); minor and major modifications and kits; aircraft and engine support equipment; and other related elements of logistics and program support. The estimated total value of the new items is \$149 million. The estimated MDE value will increase by \$27 million. The estimated non-MDE value will increase by \$122 million to a revised \$360.2 million. The estimated total case value will increase by \$149 million to a revised \$462.4 million.

MDE constitutes \$101.2 million of this total.

(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.

(v) *Justification*: This proposed sale will support the foreign policy and national security objectives of the U.S. by helping to improve the military capability of Canada, a NATO Ally that is an important force for ensuring political stability and economic progress, and a contributor to military, peacekeeping, and humanitarian operations around the world.

(vi) *Sensitivity of Technology*:

The Sensitivity of Technology statement contained in the original notification applies to items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress*: June 10, 2025

[FR Doc. 2026-01338 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-0T]

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.rsrcmgt.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 25-0T.

Dated: January 21, 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

June 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)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 25-0T. 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 15-62 of November 19, 2015.

Sincerely,

Michael F. Miller
Director

Enclosure:
1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 25-0T

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)**

(i) *Prospective Purchaser:* Government of Japan

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 15-62

Date: November 19, 2015

Military Department: Air Force

(iii) *Description:* On November 19, 2015, Congress was notified by congressional certification transmittal number 15-62 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of three (3) RQ-4 Block 30 (I) Global Hawk Remotely Piloted Aircraft with Integrated Sensor Suite (EISS); eight (8) Kearfott Inertial Navigation System/Global Positioning System (INS/GPS) units (2 per aircraft with 2 spares); and eight (8) LN-251 INS/GPS units (2 per aircraft with 2 spares). Also included were operational-level sensor and aircraft test equipment, ground support equipment, operational flight test support, communications equipment, spare and repair parts,

personnel training, publications and technical data, United States (U.S.) Government and contractor technical and logistics support services, and other related elements of logistics support. The total estimated case value was \$1.2 billion. Major Defense Equipment (MDE) constituted \$689 million of this total.

On April 4, 2016, Congress was notified by congressional certification transmittal number 0J-16 of the inclusion of two Ground Control Elements (GCE). The GCEs were not enumerated as MDE in the original notification of the Global Hawk RPA system. The total cost of the new MDE items was \$31 million, increasing the total estimated MDE value to \$720 million. The total estimated case value remained \$1.2 billion.

On April 4, 2022, Congress was notified by congressional certification transmittal number 0C-22 of the inclusion of the following additional MDE items: five (5) Kearfott INS/GPS; and two (2) LN-251 INS/GPS. Also included was hardware and software integration support. The total estimated MDE value remained \$720 million. The

total estimated case value remained \$1.2 billion.

This transmittal notifies the inclusion of the following non-MDE items: Contractor Logistics Support (CLS) services; the Joint Mission Planning System (JMPS); classified and unclassified software delivery and support; maps, publications, and technical documentation; transportation support; and other related elements of logistics and program support. The estimated total value of the new items is \$1.61 billion. The estimated non-MDE value will increase by \$1.61 billion to \$2.09 billion. The estimated MDE value will remain at \$720 million. The total case value will increase by \$1.61 billion, resulting in a revised estimated total case value of \$2.81 billion.

(iv) *Significance:* This proposed sale will significantly enhance Japan's intelligence, surveillance, and reconnaissance (ISR) capabilities and help ensure Japan is able to continue to monitor and deter regional threats.

(v) *Justification:* This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a major ally that is a force for political stability

and economic progress in the Indo-Pacific region.

(vi) *Sensitivity of Technology:*

The Sensitivity of Technology Statement contained in the original notification applies to other items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress:* June 6, 2025

[FR Doc. 2026-01343 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-118]

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.rsrmgmt.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 24-118, Policy Justification, and Sensitive of Technology.

Dated: January 21, 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

MAY 12 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. 24-118, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of the United Arab Emirates for defense articles and services estimated to cost \$1.32 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. 24-118

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 United Arab Emirates

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$0.65 billion
Other	\$0.67 billion
TOTAL	\$1.32 billion

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

- Six (6) CH-47F Block II Chinook helicopters with air-to-air refuel probe capability and extended range fuel tanks
- Sixteen (16) T-55-GA-714A engines (12 installed, 4 spares)
- Fourteen (14) Embedded Global Positioning System (GPS)/Inertial Navigation System (INS) (EGI) devices with M-Code (12 installed, 2 spares)
- Eight (8) AN/AAR-57 Common Missile Warning Systems (CMWS) (6 installed, 2 spares)
- Twenty (20) AN/ARC-231A communications security (COMSEC) radios (18 installed, 2 spares)
- Twenty (20) M-240 machine guns (18 installed, 2 spares)

Non-Major Defense Equipment:

The following non-MDE items will also be included: Common Missile Warning System (CMWS) classified software; AN/APR-39A radar warning receivers; AN/AVR-2B Laser Detecting Sets (LDS); AN/ARC-220 high frequency (HF) radios; KY-100M COMSEC terminals; aircraft survivability equipment (including impulse cartridges for cable cutters and aircraft cartridges); AN/ARN-147 Very High Frequency (VHF) Omni Directional Radio Range/Instrument Landing System (VOR/ILS) receivers; WESCAM MX-15HDI electro-optical/infrared imaging systems; AN/ARN-153 Tactical Airborne Navigation System (TACAN) radios; AN/APN-209 radar altimeters; AN/APX-123A identification friend or foe (IFF) transponders; KIV-77 COMSEC IFF cryptographic appliques; AN/PYQ-10 Simple Key Loaders; services to support the mission equipment; hardware and services required to implement partner-unique modifications; Fast Rope Insertion/Extraction Systems (FRIES); Internal Extended Range Fuel Systems (ERFS); in-flight refueling capability; firefighting equipment; ballistic armor protection systems; air worthiness support; spare and repair parts; communications equipment; personnel training and training equipment; site surveys; tool and test equipment; ground support equipment; repair and return; publications and technical documentation; Quality Assurance Team (QAT); 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 (AE-B-ZAR)*

(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: May 12, 2025*

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates—CH-47F Chinook Helicopters

The Government of the United Arab Emirates (UAE) has requested to buy six (6) CH-47F Block II Chinook helicopters with air-to-air refuel probe capability and extended range fuel tanks; sixteen (16) T-55-GA-714A engines, (12 installed, 4 spares); fourteen (14) Embedded Global Positioning System (GPS)/Inertial Navigation System (INS) (EGI) devices with M-Code (12 installed, 2 spares); eight (8) AN/AAR-57 Common Missile Warning Systems (CMWS) (6 installed, 2 spares); twenty (20) AN/ARC-231A communications security (COMSEC) radios (18 installed, 2 spares); and twenty (20) M-240 machine guns (18 installed, 2 spares). The following non-MDE items will also be included: Common Missile Warning System (CMWS) classified software; AN/APR-39A radar warning receivers; AN/AVR-2B Laser Detecting Sets (LDS); AN/ARC-220 high frequency (HF) radios; KY-100M COMSEC terminals; aircraft survivability equipment (including impulse cartridges for cable cutters and aircraft cartridges); AN/ARN-147 Very High Frequency (VHF) Omni Directional Radio Range/Instrument Landing System (VOR/ILS) receivers; WESCAM MX-15HDI electro-optical/infrared imaging systems; AN/ARN-153 Tactical Airborne Navigation System (TACAN) radios; AN/APN-209 radar altimeters; AN/APX-123A identification friend or foe (IFF) transponders; KIV-77 COMSEC IFF cryptographic appliques; AN/PYQ-10 Simple Key Loaders; services to support the mission equipment; hardware and services required to implement partner-unique modifications; Fast Rope Insertion/Extraction Systems (FRIES); Internal Extended Range Fuel Systems (ERFS); in-flight refueling capability;

firefighting equipment; ballistic armor protection systems; air worthiness support; spare and repair parts; communications equipment; personnel training and training equipment; site surveys; tool and test equipment; ground support equipment; repair and return; publications and technical documentation; Quality Assurance Team (QAT); 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 \$1.32 billion.

This proposed sale will support the foreign policy and national security of the U.S. by helping to improve the security of an important regional partner. The United Arab Emirates is a vital U.S. partner for political stability and economic progress in the Middle East.

The proposed sale will improve the United Arab Emirates' capability to meet current and future threats by extending its range of flight operations. The UAE will use these assets in search and rescue, disaster relief, humanitarian support, and counterterrorism operations. The United Arab Emirates 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 contractors will be Boeing Helicopter Aircraft Company, located in Ridley Park, PA; and Honeywell Engine Company, located in Phoenix, 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 sale will require an estimated two U.S. Government and eight contractor representatives to travel to the UAE for up to sixty months for equipment de-processing, fielding, system checkout, training, and technical logistics support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-118

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 CH-47F is a heavy-lift, newly manufactured aircraft equipped with two (2) T-55-GA-714A engines. The

CH-47F has the common avionics architecture system (CAAS) cockpit, which provides aircraft system, flight, mission, and communication management systems. The CAAS consists of two dual-redundant data buses and an Ethernet local area network. The CAAS includes five multifunction displays, two general purpose processor units, two control display units, and two data concentrator units. The Navigation System has two Embedded Global Positioning System (GPS)/Inertial Navigation System (INS) (EGI) devices, two Digital Advanced Flight Control Systems, one AN/ARN-147 (Very High Frequency (VHF) Omni Directional Radio Range/Instrument Landing System (VOR/ILS) marker beacon), one ARN-153 Tactical Air Navigation System (TACAN), two air data computers, and one AN/APN-209 radar altimeter system. The communications suite is as follows: two each AN/ARC-231A multi-mode radios providing VHF FM, VHF AM, ultra high frequency, HAVEQUICK II, and Demand Assigned Multiple Access satellite communications (SATCOM), and one each AN/ARC-220 high frequency radio. The identification friend or foe (IFF) will be the APX-123A, which provides the additional functionality of Mode 5. Aircraft survivability equipment will consist of the AN/AAR-57 Common Missile Warning System (CMWS) and the AN/APR-39 Radar Signal Detecting Set (RSDS).

a. The AN/AAR-57 Common Missile Warning System (CMWS) is the detection component of the suite of countermeasures designed to increase the survivability of current generation combat aircraft and special operations aircraft against infrared guided missiles.

b. The AN/ARC-231A is a software-defined radio that implements an NSA-modernized, Type 1, embedded cryptographic solution. It provides joint service standard line of sight, HAVEQUICK, and SINCGARS electronic counter-countermeasures, along with integrated waveform SATCOM.

c. The AN/APX-123A IFF transponder is a space diversity transponder and is installed on various military platforms. It provides identification, altitude, and surveillance reporting in response to interrogations from airborne, ground-based, and surface interrogators.

d. The KY-100M is a radio encryptor that has sensitive technology.

e. The AN/APR-39A Radar Signal Detecting Set provides the pilot with visual and audible warning when a hostile fire-control threat is encountered.

f. The KIV-77 is a common cryptographic appliqué for IFF that provides Mode-4 and Mode-5 capability.

g. The AN/PYQ-10 Simple Key Loader (SKL) is a ruggedized, portable, hand-held fill device used for securely receiving, storing, and transferring electronic key material and data between compatible end cryptographic units and communications equipment. It supports both the DS-101 and DS-102 interfaces, as well as the cryptographic ignition key.

h. The AN/ARC-220 is a microprocessor-based communications system employing advanced digital signal processor technology. The AN/ARC-220 provides embedded automatic link establishment, serial tone data modem, text messaging, GPS position reporting, and anti-jam electronic counter-countermeasure functions.

i. The MX-15 HDi is a multi-sensor, multi-spectral imaging system with a range of features and benefits, including long range laser illumination, that offers superior high-definition imaging resolution from Electro-Optical (EO) and Infrared (IR) cameras. The MX-15 HDi is ideal for medium-altitude covert intelligence, surveillance, and reconnaissance (ISR) and search and rescue missions, and it can be integrated into aerostat, fixed-wing, rotary-wing aircraft and unmanned aerial systems.

j. The EAGLE M+429 EGI common is a self-contained, all-altitude navigation system with an embedded GPS receiver. EAGLE M+429 Common provides Precise Positioning System (PPS) Y-code and M-code operation when loaded with NSA approved COMSEC keys via SKL.

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 United Arab Emirates 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 the United Arab Emirates.

[FR Doc. 2026-01357 Filed 1-23-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF ENERGY

[Docket No. 15-190-LNG]

Rio Grande LNG, LLC; Rio Grande LNG Train 4, LLC; and Rio Grande LNG Train 5, LLC; Application for Amendment to Long-Term Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Nations

AGENCY: Hydrocarbons and Geothermal Energy Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: The Hydrocarbons and Geothermal Energy Office (HGOE) (formerly the Office of Fossil Energy and Carbon Management) of the Department of Energy (DOE) gives notice (Notice) of receipt of an application (Application), filed by Rio Grande LNG, LLC (RGLNG); Rio Grande LNG Train 4, LLC (RGLNG4); and Rio Grande LNG Train 5, LLC (RGLNG5) (collectively, the RGLNG Entities) on December 17, 2025. The RGLNG Entities ask DOE to amend their existing authorization to export domestically produced liquefied natural gas (LNG) from the Rio Grande LNG Terminal (Terminal), currently under construction in Cameron County, Texas, to non-free trade agreement countries set forth in DOE/FE Order No. 4492 (as amended)—specifically, to authorize additional exports totaling 242.26 billion cubic feet per year (Bcf/yr). The RGLNG Entities filed the Application under the Natural Gas Act (NGA).

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed electronically as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, March 27, 2026.

ADDRESSES:

Electronic Filing by Email (Strongly Encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (EX-34), Office of Global Energy Security, Hydrocarbons and Geothermal Energy Office, Forrestal Building, Room 3E-056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (EX-34) Office of Global Energy Security, Office of Strategic Resources, Hydrocarbons and Geothermal Energy Office, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-4749 or (202) 586-7893, jennifer.wade@hq.doe.gov or peri.ulrey@hq.doe.gov.

Cassandra Bernstein, U.S. Department of Energy (GC-76), Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D-033, 1000 Independence Avenue SW, Washington, DC 20585, (240) 780-1691, cassandra.bernstein@hq.doe.gov.

SUPPLEMENTARY INFORMATION: On February 10, 2020, in Order No. 4492, as amended (Order),¹ DOE's Office of Fossil Energy and Carbon Management (now known as the Hydrocarbons and Geothermal Energy Office)² authorized the RGLNG Entities to export domestically produced LNG in a volume equivalent to 1,318 Bcf/yr of natural gas by vessel from the proposed Terminal, to be located in Cameron County, Texas, to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries), pursuant to NGA section 3(a).³ This Order, as amended, extends through December 31, 2050.⁴

¹ *Rio Grande LNG, LLC, et al.*, DOE/FE Order No. 4492, Docket No. 15-190-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Feb. 10, 2020), *amended by* DOE/FE Order No. 4492-A (Oct. 21, 2020) (extending export term), *further amended by* DOE/FECM Order No. 4492-B (Aug. 20, 2025) (adding authorization holders). DOE initially issued this order to RGLNG, but on August 20, 2025, DOE granted the RGLNG Entities' request to add RGLNG4 and RGLNG5 as joint authorization holders. *See Rio Grande LNG, LLC, et al.*, DOE/FECM Order Nos. 3869-A and 4492-B, Docket No. 15-190-LNG, Order Granting Request to Amend Authorizations to Export Liquefied Natural Gas to Add Authorization Holders (Aug. 20, 2025).

² The Office of Fossil Energy (FE) changed its name to the Office of Fossil Energy and Carbon Management (FECM) on July 4, 2021. Subsequently, on November 20, 2025, FECM changed its name to the Hydrocarbons and Geothermal Energy Office (HGEO). DOE uses the acronym in effect at the time of each order or action discussed herein.

³ 15 U.S.C. 717b(a).

⁴ *See Rio Grande LNG, LLC*, DOE/FE Order No. 4492-A, at 9-10.

In the Application,⁵ as relevant here,⁶ the RGLNG Entities ask DOE to make two amendments to their authorized export volume in Order No. 4492, as follows:

(1) The RGLNG Entities state that their original application for export authorization in 2015 "utilized a conservative conversion factor of 48.7 Bcf per million metric tons of natural gas."⁷ They request that DOE amend the Order to use DOE's "standard conversion factor 'of 51.75 Bcf per million metric tons of dry natural gas.'"⁸ The RGLNG Entities state that, using DOE's conversion factor, the Terminal's current LNG production capacity of 27 million metric tons per annum (mtpa), authorized by the Federal Energy Regulatory Commission (FERC), would equate to 1,397.25 Bcf/yr of natural gas, resulting in a "nominal increase" of 79.25 Bcf/yr of natural gas over the authorized export volume of 1,318 Bcf/yr of natural gas in the Order.⁹

(2) The RGLNG Entities also request an additional increase of 163.01 Bcf/yr to their authorized export volume in the Order, "consistent with an anticipated increase in the Terminal's maximum LNG production capacity under peak operating conditions up to 30.15 MTPA, for which approval is currently pending before FERC."¹⁰

In total, the requested amendments of 79.25 and 163.01 Bcf/yr, respectively, represent an increase of 242.26 Bcf/yr of natural gas in the authorized non-FTA volume under the Order—from 1,318 Bcf/yr to 1,560.26 Bcf/yr of natural gas.¹¹ The RGLNG Entities state that this proposed increase in their non-FTA export volume will not require the construction of any new facilities or the

modification of the previously authorized Terminal facilities.

Additional details can be found in the RGLNG Entities' Application, posted on the DOE website at <https://www.energy.gov/sites/default/files/2025-12/RGLNG%20Entities%20DOE%20Uprate%20Application.pdf>.

DOE Evaluation

In reviewing the Application, DOE will consider any issues required by law or policy under NGA section 3(a), DOE's regulations, and any other documents deemed appropriate.

Parties that may oppose the Application should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable, addressing the Application. Interested parties will be provided 60 days from the date of publication of this Notice in the **Federal Register** in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to this proceeding evaluating the Application must file a motion to intervene or notice of intervention.¹² The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to this proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at fergas@hq.doe.gov;

(2) Mailing the filing to the Office of Global Energy Security at the address listed in the **ADDRESSES** section; or

⁵ *Rio Grande LNG, LLC, et al.*, Application for Amendment to Authorizations to Export Liquefied Natural Gas to Free Trade and Non-Free Trade Agreement Countries, Docket No. 15-190-LNG (Dec. 17, 2025) [hereinafter App.].

⁶ This Notice applies only to the portion of the Application requesting an amendment to the RGLNG Entities' non-FTA authorization under NGA section 3(a). DOE will review the portion of the Application requesting an amendment to their existing authorization to export LNG to FTA countries separately pursuant to NGA section 3(c), 15 U.S.C. 717b(c).

⁷ App. at 5-6; *see also id.* at 4.

⁸ *Id.* at 5 & n.16 (quoting U.S. Dep't of Energy, Small-Scale Natural Gas Exports; Notice of Proposed Rulemaking, 82 FR 41570, 41573 (Sept. 1, 2017) ("When converting from million metric tons to billion cubic feet, DOE uses a conversion factor of 51.75 Bcf per million metric tons of dry natural gas.")). The RGLNG Entities also cite other proceedings in which DOE used this conversion factor. *See id.*

⁹ *See id.* at 6.

¹⁰ *Id.* at 2; *see also id.* at 6.

¹¹ *See id.* at 2, 6.

¹² 10 CFR 590.303.

(3) Hand delivering the filing to the Office of Global Energy Security at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to “Docket No. 15–190–LNG” or “RGLNG Entities’ Application” in the title line. Filings must be submitted in English to be considered.¹³

For electronic submissions: Please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Application, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at www.energy.gov/hgeo/regulation.

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties’ written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

Signed in Washington, DC, on January 21, 2026.

Amy Sweeney,

*Director, Office of Global Energy Security,
Office of Strategic Resources.*

[FR Doc. 2026–01407 Filed 1–23–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–8–000]

Commission Information Collection Activities (Ferc-538) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–538 (Gas Pipeline Certificates: Section 7(a) Mandatory Initial Service).

DATES: Comments on the collection of information are due March 27, 2026.

ADDRESSES: Please submit comments via email to DataClearance@FERC.gov. You must specify the Docket No. (IC26–8–000) and the FERC Information Collection number (FERC–538) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view information related to this docket, please visit <https://elibrary.ferc.gov/eLibrary/search>.

FOR FURTHER INFORMATION CONTACT:

Kayla Williams may be reached by email at DataClearance@FERC.gov, or by telephone at (202)502–6468.

SUPPLEMENTARY INFORMATION:

Title: Gas Pipeline Certificates: Section 7(a) Mandatory Initial Service.

OMB Control No.: 1902–0061.

Type of Request: Three-year extension of the FERC–538 information collection requirements with no changes to the current reporting requirements.

Abstract: The purpose of FERC–538 is to implement the information collections pursuant to sections 7(a), 10(a) and 16 of Natural Gas Act,¹ and part 156 of the Commission Regulations.² These statutes and regulations allow for the Commission, after receiving an application, to order a natural gas company to extend or improve its transportation facilities and sell natural gas to the municipality or person and, for such purpose, to extend its transportation facilities to communities immediately adjacent to such facilities or to territories served by the natural gas pipeline company. The Commission uses the application data in order to be fully informed concerning the applicant, and the service the applicant is requesting.

Type of Respondents: Persons or municipalities authorized to engage in the local distribution of natural gas.

*Estimate of Annual Burden:*³ The Commission estimates the annual reporting burden and cost for the information collection as:

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hrs. & cost (\$) per response ⁴	Total annual burden hours & total annual cost (\$)	Cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Gas Pipeline Certificates.	1	1	1	240 hrs.; \$24,720	240 hrs.; \$24,720	24,720

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper

performance of the functions of the Commission, including whether the information will have practical utility;

(2) the accuracy of the agency’s estimate of the burden and cost of the collection of information, including the validity of

¹³ Executive Order 14224 of March 1, 2025, *Designating English as the Official Language of the United States*, 90 FR 11363 (Mar. 6, 2025).

¹ 15 U.S.C. 717f–w.

² 18 CFR part 156 (2005).

³ “Burden” is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. For further explanation of what is included in the information collection burden, reference 5 CFR 1320.3.

⁴ Commission staff estimates that the industry’s hourly cost for wages plus benefits is similar to the Commission’s \$103 FY 2025 average hourly cost for wages and benefits.

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.

Dated: January 20, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026–01348 Filed 1–23–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD25–7–000]

Commission Information Collection Activities (FERC–725s); Comment Request; Revision

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on proposed revisions of the currently approved information collection, FERC–725S, Mandatory Reliability Standards for the Bulk-Power System; EOP Reliability Standards. The 60-day notice published on September 23, 2025; no comments were received.

DATES: Comments on the collection of information are due February 25, 2026.

ADDRESSES: Send written comments on FERC–725S to OMB through https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202508-1902-004. You can also visit <https://www.reginfo.gov/public/do/PRAMain> and use the drop-down under “Currently under Review” to select the “Federal Energy Regulatory Commission” where you can see the open opportunities to provide comments. Comments should be sent within 30 days of publication of this notice.

Please submit a copy of your comments to the Commission via email to DataClearance@FERC.gov. You must specify the Docket No. (RD25–7–000) and the FERC Information Collection number (FERC–725S) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- *All other delivery methods:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit <https://elibrary.ferc.gov/eLibrary/search>. Once there, you can also sign-up for automatic notification of activity in this docket.

FOR FURTHER INFORMATION CONTACT:

Kayla Williams, (202) 502–6468.

DataClearance@FERC.gov.

SUPPLEMENTARY INFORMATION:

Title: FERC–725S, Mandatory Reliability Standards for the Bulk-Power System; EOP Reliability Standards.

OMB Control No.: 1902–0270 (FERC–725S).

Type of Request: Revisions to Existing Collections of Information in FERC–725S (EOP–012–3).

Abstract: The Commission-certified Electric Reliability Organization (ERO) submitted a petition seeking approval of proposed Reliability Standard EOP–012–3 (Extreme Cold Weather Preparedness and Operations). On September 18, 2025, the Commission approved proposed Reliability Standard EOP–012–3, its associated violation risk factors and violation severity levels, the revised defined term Generator Cold Weather Constraint declaration, and the proposed retirement of Reliability Standard EOP–012–2 immediately prior to the effective date of proposed Reliability Standard EOP–012–3.¹

As the Commission has previously stated, “[i]t is essential to the reliable operation of the Bulk-Power System to ensure enough generating units will be available during the next cold weather event.”² When extreme cold weather events such as Winter Storms Uri or Elliott occur, the Bulk-Power System cannot operate reliably without adequate generation availability. Proposed Reliability Standard EOP–012–3 improves upon the mandatory and effective Standard EOP–012–2 by enhancing the requirements for generator cold weather preparedness and Generator Cold Weather Constraint declarations and by making other

improvements consistent with the Commission’s directives in its June 2024 Order to help ensure that adequate generation is available during extreme cold weather.³ Accordingly, the Commission determined that proposed Reliability Standard EOP–012–3 was just, reasonable, not unduly discriminatory or preferential, and in the public interest.

The Commission also modified Reliability Standard EOP–012–3’s implementation effective date so that the proposed Reliability Standard goes into effect on October 1, 2025. Other than the implementation effective date of the proposed Reliability Standard, the Commission approved the remainder of NERC’s proposed implementation plan.

The Commission also found it necessary that NERC confirm that Reliability Standard EOP–012–3 adequately addresses reliability concerns related to the generator owner constraint declarations, generator owner constraint declaration timetable notifications, and the Extreme Cold Weather Temperature definition.

The Commission previously directed NERC to collect data associated with an earlier version of this Reliability Standard.⁴ However, additional data is needed to determine whether the proposed Reliability Standard addresses the reliability concerns noted above. As such, the Commission directed NERC, pursuant to section 39.2(d) of the Commission’s regulations,⁵ to submit comprehensive biennial informational filings for a limited period of time as explained in more detail below.

Information collection FERC–725S (OMB Control No. 1902–0270) currently covers the EOP Reliability Standards.⁶ In Docket No. RD25–7–000, the Commission replaced the current OMB approved Reliability Standard EOP–012–2 with proposed Standard EOP–012–3 (Table 1). Proposed Requirements R1 through R8 were carried over and modified from the prior version of the Standard, and Requirement R9 and Attachment 1 are new. The proposed Reliability Standard creates a mechanism for NERC to receive, review, evaluate, and confirm validity of each Generator Cold Weather Constraint as well as corrective action extension

³ See, e.g., *N. Am. Elec. Reliability Corp.*, 182 FERC ¶ 61,094, at PP 3–11 (February 2023 Order), *reh’g denied*, 183 FERC ¶ 62,034, *order on reh’g*, 183 FERC ¶ 61,222 (2023).

⁴ See *id.* P 11.

⁵ 18 CFR 39.2(d) (2025) (“The [ERO] . . . shall provide the Commission such information as is necessary to implement section 215 of the [FPA].”).

⁶ The FERC–725S collection includes the EOP family of Reliability Standards: EOP–004–4, EOP 005–3, EOP–006–3, EOP–008–2, EOP–010–1, EOP–011–4, and EOP–012–3.

¹ 16 U.S.C. 824o(d)(2).

² *N. Am. Elec. Reliability Corp.*, 187 FERC ¶ 61,204, at P 2 (2024) (June 2024 Order) (citing FERC, NERC, and Regional Entity Staff, *The February 2021 Cold Weather Outages in Texas and the South Central United States* 189 (Nov. 16, 2021), <https://www.ferc.gov/media/february-2021-cold-weather-outages-texas-and-south-central-united-states-ferc-nerc-and> (November 2021 Report)).

requests from generator owners beyond the maximum timeframe. In addition, the proposed Standard implements more frequent reviews of the Generator Cold Weather Constraint declarations to verify they remain valid. The proposed Standard also adds Attachment 1 and modifies the Generator Cold Weather Constraint definition to address concerns related to ambiguity of the defined terms.

The number of respondents below are based on an estimate of the NERC compliance registry for generator

owners and generator operators. Proposed Reliability Standard EOP–012–3 applies to generator owners and generator operators. The Commission based its paperwork burden estimates on the NERC compliance registry as of July 11, 2025. According to the registry for U.S. unique entities, there are 1,314 generator owners. The revisions to proposed Reliability Standard EOP–012–3 should not present any additional burden to the generator operators compared to the previously approved

EOP–012–2 but will present additional burden to generator owners. Thus, the estimates in the tables below are based on the change in generator owner burden borne from the Reliability Standard approved in this order.⁷ The Commission based the burden estimates in the tables below on staff experience, knowledge, and expertise.

Public Reporting Burden: The estimated costs and burden for the revisions in Docket No. RD25–7–000 are shown in the table below.

TABLE 1—CHANGES DUE TO FINAL RULE IN DOCKET NO. RD25–7–000 FOR EOP–012–3

Reliability standard & requirement	Type and number of entity	Number of annual responses per entity	Total number of responses	Average number of burden hours per response ⁸	Total burden hours
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
FERC-725S Annual Collection EOP-012-3					
EOP-012-3	1,314(GO)	1	1,314	4 hrs., \$63.52/hr	5,256 hrs., \$333,861.12.
Total for EOP-012-3 .....	.....	.....	1,314	4 hrs., \$63.52/hr	5,256 hrs., \$333,861.12.
FERC-725S modification		Current inventory (hours)	Current inventory (responses)	Total change due to RD25-7-000	
Changes to FERC 725S by RD25-7-000					
Addition of EOP-012-3 .....	.....	.....	+5,256 hrs., +1,314 responses.		

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate 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.

Dated: January 20, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026–01345 Filed 1–23–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–10–000]

Commission Information Collection Activities (FERC–547, FERC–550, FERC–914); Consolidated Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comments on the extension, with no change, of the following currently approved information collections: FERC–547 (Gas Pipeline Rates: Refund Report Requirements), FERC–550 (Oil Pipeline Rates—Tariff Filings and Depreciation

Studies), and FERC–914 (Cogeneration and Small Power Production—Tariff Filings).

DATES: Comments on the collections of information are due March 27, 2026.

ADDRESSES: Please submit comments via email to DataClearance@FERC.gov. You must specify the Docket No. (IC26–10–000) and the FERC Information Collection number (FERC–547, FERC–550, FERC–914) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit <https://elibrary.ferc.gov/eLibrary/search>. Once there, you can also sign-up for

⁷ The overall burden associated with Reliability Standard EOP–012 will be the sum of the burden (responses) from Reliability Standard EOP–012–1 (under Docket No. RD23–1–000), Reliability Standard EOP–012–2 (under Docket No. RD24–5–

000), and proposed Reliability Standard EOP–012–3 (under Docket No. RD25–7–000).

⁸ The estimated hourly cost (salary plus benefits) is a combination of the following categories from the Bureau of Labor Statistics (BLS) website, <http://www.bls.gov/oes/current/naics22.htm>: 75% of the

average of an Electrical Engineer (17–2071) \$71.19/hr., $\times .75 = 53.3925$ (\$53.39-rounded) (\$53.39/hour); and 25% of an Information and Record Clerk (43–4199) \$40.51/hr., $\times .25 = 10.1275$ (\$10.13 rounded) (\$10.13/hour), for a total (\$53.39+\$10.13 = \$63.52/hour).

automatic notification of activity in this docket.

FOR FURTHER INFORMATION CONTACT:

Kayla Williams may be reached by email at DataClearance@FERC.gov, or by telephone at (202)502-6468.

SUPPLEMENTARY INFORMATION:

Title: FERC-547 (Gas Pipeline Rates: Refund Report Requirements); FERC-550 (Oil Pipeline Rates—Tariff Filings and Depreciation Studies); and FERC-914 (Cogeneration and Small Power Production—Tariff Filings).

OMB Control Numbers: 1902-0084, 1902-0089, 1902-0231.

Type of Request: Three-year extension of the FERC-547, FERC-550, and FERC-914 information collection requirements with no changes to the current reporting requirements.

Abstract:

FERC 547: Gas Pipeline Rates: Refund Report Requirements

The Commission uses FERC-547 (Gas Pipeline Rates: Refund Report Requirements) to implement the statutory refund provisions governed by Sections 4, and 16 of the Natural Gas Act (NGA).¹ Section 4 authorizes the Commission to order a refund (with interest) for any portion of a natural gas company's increased rate or charge found to be unjust or unreasonable. Refunds may also be instituted by a natural gas company as a stipulation to a Commission-approved settlement agreement or a provision under the company's tariff. Section 16 of the NGA authorizes the Commission to prescribe rules and regulations necessary to administer its refund mandates. The Commission's refund reporting requirements are located in 18 CFR 154.501 (Refund Obligations) and 18 CFR 154.502 (Reports).

The Commission uses the data collected in FERC-547 to monitor refunds owed by natural gas companies to ensure that the flow-through of refunds owed by these companies are made as expeditiously as possible and to assure that refunds are made in compliance with the Commission's regulations.

FERC 550: Oil Pipeline Rates—Tariff Filings and Depreciation Studies

The FERC-550 (Oil Pipeline Rates—Tariff Filings and Depreciation Studies) is required to assist the Commission in implementing the duties and powers that were vested on October 1, 1977, in the Interstate Commerce Commission pursuant to 49 U.S.C. 60502. The Commission's regulatory jurisdiction over oil pipelines includes:

- Regulation of rates and practices of oil pipeline companies engaged in interstate transportation;
- Establishment of equal service conditions to provide shippers with equal access to pipeline transportation; and
- Establishment of reasonable rates for transporting petroleum and petroleum products by pipeline.

Oil Pipeline Tariffs and Rates

The FERC-550 data collection provides the Commission with the information it needs to analyze proposed tariffs, rates, fares, and charges of oil pipelines and other carriers in connection with the transportation of crude oil and petroleum products. Specifically, these filings typically include indexing, market-based rates, or initial rate filings. The Commission uses this information to determine whether the proposed tariffs and rates are just and reasonable.²

The Commission's regulations at 18 CFR parts 341 through 348 provide that letters of transmittal must describe the filings and explain any changes to the carrier's rates, rules, terms or conditions of service; state if a waiver is being requested, and specify the statute, section, regulation, policy, or order requested to be waived; and identify the tariffs supplemental numbers, or tariff sections and the proposed effective date of the tariff publication. The letter of transmittal must certify that the filing has been sent to each subscriber of the tariff publication. A carrier may file to amend or modify a tariff contained in a tariff filing at any time during the pendency of the filing. Carriers must cancel tariffs when the service or transportation movement is terminated. If the service in connection with the tariff is no longer in interstate commerce, the tariff publication must state so. Whenever the tariff of a carrier on file with the Commission is to be adopted by another carrier as a result of an acquisition, merger, or name change, the succeeding company must file with the Commission, and post within 30 days after such succession, the tariff, or portion thereof, that has been adopted in the electronic format required by 18 CFR 341.1 bearing the name of the successor company.

Oil Pipeline Depreciation Studies

The FERC-550 data collection also collects information necessary to inform the Commission about oil pipeline depreciation. Specifically, The Commission's regulation at 18 CFR 347.1 provides that oil pipelines must

file material to support requests for newly established or changed property account depreciation studies. It requires an applicant to file electronically, and the transmittal letter must give a general description of the change in depreciation rates, certify that the transmittal also has been sent to each shipper and to each subscriber, and state if there are no subscribers. The proposed depreciation rates being established must be used until they are either accepted or modified by the Commission. Rates in effect at the time of the proposed revision must continue to be used until the proposed revised rates are approved or modified by the Commission. The oil pipeline must provide information in sufficient detail to fully explain and justify the proposed rates. Modifications, additions, and deletions to data elements should be made to reflect the individual circumstances of the carrier's properties and operations.

FERC 914: Cogeneration and Small Power Production—Tariff Filings

The Commission uses the information collected by the FERC-914 to determine if a small power production or cogeneration facility is exempt for rate regulation under 18 CFR 292.

Section 205(c) of the Federal Power Act (FPA) and 18 CFR 292 require that every public utility have all its jurisdictional rates and tariffs on file with the Commission and make them available for public inspection, within such time and in such form as the Commission designates. Section 205(d) of the FPA requires that every public utility must provide notice to the Commission and the public of any changes to its jurisdictional rates and tariffs, file such changes with the Commission, and make them available for public inspection as directed by the Commission. In addition, FPA section 206 requires the Commission, upon complaint or its own motion, to modify existing rates or services that are found to be unjust, unreasonable, unduly discriminatory, or preferential. FPA section 207 requires the Commission upon complaint by a state commission and a finding of insufficient interstate service, to order the rendering of adequate interstate service by public utilities, the rates for which would be filed in accordance with FPA sections 205 and 206.

In Order Nos. 671 and 671-A,³ the Commission revised its regulations that

¹ 15 U.S.C. 717-717w.

² 18 CFR parts 341 through 348 (2025).

³ *Revised Regulations Governing Small Power Production and Cogeneration Facilities*, Order No. 671, 71 FR 7852 (2/15/2006), FERC Stats. & Regs.

govern qualifying small power production and cogeneration facilities. The Commission eliminated certain exemptions from rate regulation that were previously available to qualifying facilities. New qualifying facilities may need to make tariff filings if they do not meet the exemption requirements.

FERC implemented the Congressional mandate of the Energy Policy Act of 2005 (EPA 2005) to establish criteria for new qualifying cogeneration facilities by: (1) amending the exemptions available to qualifying facilities from the FPA and from Public Utility Holding Company Act [resulting in the burden imposed by FERC-914,

the subject of this notice]; (2) ensuring that these facilities are using their thermal output in a productive and beneficial manner; that the electrical, thermal, chemical and mechanical output of new qualifying cogeneration facilities is used fundamentally for commercial, residential or industrial purposes; and there is continuing progress in the development of efficient electric energy generating technology; (3) amending the FERC Form 556⁴ to reflect the criteria for new qualifying cogeneration facilities; and (4) eliminating ownership limitations for qualifying cogeneration and small power production facilities. The

Commission satisfied the statutory mandate and its continuing obligation to review its policies encouraging cogeneration and small power production, energy conservation, efficient use of facilities and resources by electric utilities, and equitable rates for energy customers.

Type of Respondents: Natural gas companies, Oil pipelines, New qualifying facilities and small power producers that do not meet Commission exemption criteria.

*Estimate of Annual Burden:*⁵ The Commission estimates the annual public reporting burden for each of the information collections are:

FERC-547—GAS PIPELINE RATES: REFUND REPORT REQUIREMENTS

Number of respondents	Number of responses per respondent	Total number of responses	Average burden hours & average cost ⁶ per response (\$)	Total annual burden hours & total annual cost (\$)	Cost per respondent (\$)
(1)	(2)	(1) × (2) = (3)	(4)	(3) × (4) = (5)	(5) ÷ (1) = (6)
23	2	46	2 hrs.; 206	92 hrs.; 9,476	412

FERC-550—OIL PIPELINE RATES—TARIFF FILINGS AND DEPRECIATION STUDIES

	Number of respondents	Annual number of responses per respondent	Total number of responses ⁷	Average burden hrs. & cost (\$) per response	Total annual burden hours & total annual cost (\$)	Cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Oil Rates and Tariff Filings.	261	3	783	7 hrs.; 721	5,481 hrs.; 564,543	2,163
Depreciation Studies	15	1	15	40 hrs.; 4,120	600 hrs.; 61,800	4,120
Total	276	.....	798	.....	6,081 hrs.; 626,343 .....	.....

FERC-914—COGENERATION AND SMALL POWER PRODUCTION—TARIFF FILINGS

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours & cost (\$) per response	Total annual burden hours & total annual cost (\$)	Cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
FPA Section 205 Filings.	40	1	40	185 hrs.; 19,055	7,400hrs.; 762,200	19,055
Electric Quarterly Reports.	35	4	140	6 hrs.; 618	840 hrs.; 86,520	2,472
Change of Status	10	1	10	3 hrs.; 309	30 hrs.; 3,090	309
Total .....	.....	190	.....	8,270 hrs.; 851,810 .....	.	.....

Comments: Comments are invited on: (1) whether the collection of

information is necessary for the proper performance of the functions of the

Commission, including whether the information will have practical utility;

[¶] 31,203 (2006); and *Revised Regulations Governing Small Power Production and Cogeneration Facilities*, Order 671-A, 71 FR 30585 (5/30/2006).

⁴ The FERC Form 556 (Certification of Qualifying Facility (QF) Status for a Small Power Production or Cogeneration Facility) is cleared separately as OMB Control No. 1902-0075 and is not a subject of this notice.

⁵ The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

⁶ FERC staff estimates that industry costs for salary plus benefits are similar to Commission costs. The cost figure is the FY2025 FERC average annual salary plus benefits (\$214,093/year or \$103/hour).

⁷ This figure is rounded.

(2) the accuracy of the agency's estimate 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.

Dated: January 20, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026-01347 Filed 1-23-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26-67-000]

Sabine Pipe Line, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 14, 2026, Sabine Pipe Line, LLC (Sabine), 100 West 5th Street, Tulsa, OK 74103, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.208, and 157.211 of the Commission's regulations under the Natural Gas Act (NGA), and Sabine's blanket certificate issued in Docket No. CP83-199-000, for authorization to construct and operate approximately 2.6 miles of new 12-inch-diameter gas pipeline lateral and various interconnecting aboveground facilities that will originate at Sabine's existing 18-inch Line TXL0928 and terminate at an existing manufacturing facility site north of Highway 1006 (Line TXL0931 Project). All of the above facilities are located in Orange County, Texas. The project will allow Sabine to meet demand for up to 80,000 Dth/d of firm transportation service from Sabine's existing 18-inch Line TXL0928 to the new delivery point at the manufacturing facility site. The estimated cost for the project is \$16,288,400, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this

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

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

Any questions concerning this request should be directed to Denise Adams, Senior Director, Regulatory Affairs, Sabine Pipe Line, LLC, 100 West 5th Street, ONEOK Plaza, Tulsa, Oklahoma, by phone at (918) 732-1408 or by email at regulatoryaffairs@oneok.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on March 23, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502-6595 or OPP@ferc.gov.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for

authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,³ and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on March 23, 2026. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on March 23, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on March 23, 2026. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26–67–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or ⁶

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26–67–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Denise Adams, Senior Director, Regulatory Affairs, Sabine Pipe Line, LLC, 100 West 5th Street, ONEOK Plaza, Tulsa, Oklahoma or by email (with a link to the document) at regulatoryaffairs@oneok.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the

service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents.

For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

(Authority: 18 CFR 2.1)

Dated: January 21, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–01439 Filed 1–23–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–388–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20260120 Negotiated Rate Filing to be effective 1/21/2026.

Filed Date: 1/20/26.

Accession Number: 20260120–5171.

Comment Date: 5 p.m. ET 2/2/26.

Docket Numbers: RP26–390–000.

Applicants: UGI LNG Inc.

Description: § 4(d) Rate Filing: UGI LNG, Inc.—Housekeeping Filing to be effective 2/21/2026.

Filed Date: 1/20/26.

Accession Number: 20260120–5188.

Comment Date: 5 p.m. ET 2/2/26.

Docket Numbers: RP26–391–000.

Applicants: UGI Sunbury, LLC.

Description: § 4(d) Rate Filing: UGI Sunbury, LLC—Housekeeping Filing to be effective 2/21/2026.

Filed Date: 1/20/26.

Accession Number: 20260120–5193.

Comment Date: 5 p.m. ET 2/2/26.

Docket Numbers: RP26–392–000.

Applicants: UGI Mt. Bethel Pipeline, LLC.

Description: § 4(d) Rate Filing: UGI Mt. Bethel Pipeline Co.—Housekeeping Filing to be effective 2/21/2026.

Filed Date: 1/20/26.

Accession Number: 20260120–5195.

Comment Date: 5 p.m. ET 2/2/26.

Docket Numbers: RP26–393–000.

Applicants: UGI Storage Company.

Description: § 4(d) Rate Filing: UGI Storage Company—Housekeeping Filing to be effective 2/21/2026.

Filed Date: 1/20/26.

Accession Number: 20260120–5200.

Comment Date: 5 p.m. ET 2/2/26.

Docket Numbers: RP26–394–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 1.20.26 Negotiated Rates—Castleton Commodities Merchant Trading L.P. H–4010–89 to be effective 1/20/2026.

Filed Date: 1/20/26.

Accession Number: 20260120–5212.

Comment Date: 5 p.m. ET 2/2/26.

Docket Numbers: RP26–395–000.

Applicants: Rockies Express Pipeline LLC.

Description: § 4(d) Rate Filing: REX 2026–01–20 Negotiated Rate Agreement and Amendments to be effective 1/20/2026.

Filed Date: 1/20/26.

Accession Number: 20260120–5215.

Comment Date: 5 p.m. ET 2/2/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding. The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or OPP@ferc.gov.

⁶ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

Dated: January 21, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–01440 Filed 1–23–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–63–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 8, 2026, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.213(b), and 157.216(b) of the Commission's regulations under the Natural Gas Act (NGA), and Columbia's blanket certificate issued in Docket No. CP CP83–76–000, for authorization to abandon and modify certain facilities at its Ripley Storage Field in Jackson County, West Virginia (2026 Ripley Storage Project). Specifically, Columbia proposes to abandon one injection/withdrawal well; convert two existing injection/withdrawal wells to observation status, abandon the associated pipelines and tie-in valves; and abandon certain above ground appurtenances and install other above ground appurtenances. The project is designed to reduce the integrity risk of Columbia's certificated facilities and services in accordance with the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Storage Final Rule. The estimated cost for the project is \$1,300,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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

Any questions concerning this request should be directed to LaShawndra R. Proctor, Manager of Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, by phone at (832) 320–5232, or by email at lashawndra_proctor@tcenergy.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on March 23, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or OPP@ferc.gov.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,³ and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on March 23, 2026. A

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on March 23, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on March 23, 2026. *The filing of a comment alone will not serve to make the filer a party to the*

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26–63–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁶

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26–63–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: LaShawndra R. Proctor, Manager of Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, or by email (with a link to the document) at lashawndra_proctor@tcenergy.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at

www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

(Authority: 18 CFR 2.1)

Dated: January 20, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026–01349 Filed 1–23–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9951–058]

Charter Township of Van Buren, Michigan, STS Hydropower, LLC; Notice of Application for Non-Project Use Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-project use of project lands and waters—construction of two docks.

b. *Project No:* 9951–058.

c. *Date Filed:* April 22, 2025, and supplemented November 24, 2025.

d. *Applicant:* Charter Township of Van Buren, Michigan, and STS Hydropower, LLC.

e. *Name of Project:* French Landing Hydroelectric Project.

f. *Location:* The project is located on the Huron River in Wayne County, Michigan. The project does not occupy federal lands. The Bellville Yacht Club is located on the north side of Huron River Drive, between Martinsville Road and Edgemont Road, Belleville, Michigan 48111.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Melissa Rondou, STS Hydropower, LLC, P.O. Box 167, Neshkoro, WI 54960, Melissa.Rondou@eaglecreek.com, (920) 293–4628 ext. 347.

i. *FERC Contact:* Mary Karwoski, (678) 245–3027, mary.karwoski@ferc.gov.

j. *Cooperating agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* February 20, 2026, 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–9951–058. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* Charter Township of Van Buren, Michigan, and

⁶ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

STS Hydropower, LLC are requesting Commission approval to permit Belleville Yacht Club to construct two 85-foot long by 4-foot-wide open pile docks, with each main dock consisting of three 20-foot long by 4-foot-wide finger docks, and an associated parking area. The total dock frontage would be 90.6 feet, and each dock would accommodate up to eight 28-foot-long watercraft (16 total), and the parking area would consist of six internal 90-degree parking spaces and two parallel spaces. The proposed use would be considered a marina.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any

filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or OPP@ferc.gov.

(Authority: 18 CFR 2.1)

Dated: January 20, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026-01346 Filed 1-23-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the commission received the following accounting Request filings:

Docket Numbers: AC26-16-000.

Applicants: American Electric Power Service Corporation.

Description: American Electric Power Service Corporation submits Amendment to Proposed Accounting Entries re Public Service Company of Oklahoma's acquisition of Green Country Energy, LLC.

Filed Date: 1/21/26.

Accession Number: 20260121-5064.

Comment Date: 5 p.m. ET 2/11/26.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC26-31-000.

Applicants: Landrace Holdings, LLC, PGR 2021 Lessee 18, LLC, PGR 2021 Lessee 13, LLC, PGR 2021 Lessee 9, LLC, PGR 2022 Lessee 1, LLC, PGR 2022 Lessee 4, LLC, PGR 2022 Lessee 5, LLC, PGR 2022 Lessee 9, LLC, PGR 2022 Lessee 2, LLC, PGR 2023 Lessee 1, LLC, Virginia Line Solar, LLC, Sonny Solar, LLC, Bulldog Solar, LLC, Cane Creek Solar, LLC, Moonshot Solar, LLC, Glover Creek Solar, LLC, Catalina Solar, LLC, Old Hayneville Solar, LLC, Fresh Air Energy XXIII, LLC, BII BID Solar II Aggregator LP.

Description: Response to 11/19/2025, Deficiency Letter of Landrace Holdings, LLC et al.

Filed Date: 1/16/26.

Accession Number: 20260116-5193.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: EC26-49-000.

Applicants: BOCA bn, LLC, Crossover Wind LLC, Glacier Sands Wind Power,

LLC, McHenry Battery Storage, LLC, Moraine Sands Wind Power, LLC, Winfield Solar I, LLC, Cedar Point Wind, LLC, Silver State Solar Power North, LLC, Pattern Energy Group LP.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of BOCA bn, LLC, et al.

Filed Date: 1/16/26.

Accession Number: 20260116-5191.

Comment Date: 5 p.m. ET 2/6/26.

Docket Numbers: EC26-50-000.

Applicants: Pleasant Valley Solar, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Pleasant Valley Solar, LLC.

Filed Date: 1/20/26.

Accession Number: 20260120-5273.

Comment Date: 5 p.m. ET 2/10/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15-734-004; ER16-2290-005.

Applicants: Spartan Renewable Energy, Inc., Wolverine Power Supply Cooperative, Inc.

Description: Notice of Change in Status of Wolverine Power Supply Cooperative, Inc., et al.

Filed Date: 1/16/26.

Accession Number: 20260116-5195.

Comment Date: 5 p.m. ET 2/6/26.

Docket Numbers: ER25-445-003.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Compliance Filing in Response to Order issued in ER25-445 to be effective 9/1/2025.

Filed Date: 1/21/26.

Accession Number: 20260121-5118.

Comment Date: 5 p.m. ET 2/11/26.

Docket Numbers: ER25-885-002.

Applicants: New York Independent System Operator, Inc., New York Transco, LLC.

Description: Compliance filing: New York Independent System Operator, Inc. submits tariff filing per 35: NY Transco Compliance: Formula Rate Revisions to Base ROE to be effective 3/12/2025.

Filed Date: 1/21/26.

Accession Number: 20260121-5063.

Comment Date: 5 p.m. ET 2/11/26.

Docket Numbers: ER26-394-001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: Deficiency Response—3055R4 AEI NITSA NOA to be effective 1/1/2026.

Filed Date: 1/20/26.

Accession Number: 20260120-5260.

Comment Date: 5 p.m. ET 2/10/26.

Docket Numbers: ER26–399–001.
Applicants: Associated Electric Cooperative, Inc., Southwest Power Pool, Inc.

Description: Tariff Amendment: Southwest Power Pool, Inc. submits tariff filing per 35.17(b): Deficiency Response—AECI's Network Customer Transmission Credits to be effective 1/1/2026.

Filed Date: 1/20/26.

Accession Number: 20260120–5254.

Comment Date: 5 p.m. ET 2/10/26.

Docket Numbers: ER26–1085–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2026–01–20 SA 4656 ATXI-Ameren MO GIA (E0013) to be effective 3/22/2026.

Filed Date: 1/20/26.

Accession Number: 20260120–5217.

Comment Date: 5 p.m. ET 2/10/26.

Docket Numbers: ER26–1086–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2026–01–20 SA 4657 Ameren MO–OTP–NSP–ITC–MEC JTIQ CA (E0013) to be effective 3/22/2026.

Filed Date: 1/20/26.

Accession Number: 20260120–5220.

Comment Date: 5 p.m. ET 2/10/26.

Docket Numbers: ER26–1087–000.

Applicants: NextEra Energy Transmission Midwest, LLC.

Description: § 205(d) Rate Filing: NEET MW Abandonment Cost Filing to be effective 3/22/2026.

Filed Date: 1/20/26.

Accession Number: 20260120–5238.

Comment Date: 5 p.m. ET 2/10/26.

Docket Numbers: ER26–1088–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Thirty-Day Compliance Filing with Order on Show Cause to be effective 12/31/9998.

Filed Date: 1/20/26.

Accession Number: 20260120–5251.

Comment Date: 5 p.m. ET 2/10/26.

Docket Numbers: ER26–1089–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2026–01–21 SA 4665 City of Springfield-Lincoln Capital Land GIA (E0003) to be effective 1/6/2026.

Filed Date: 1/21/26.

Accession Number: 20260121–5040.

Comment Date: 5 p.m. ET 2/11/26.

Docket Numbers: ER26–1090–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 929, WAPA to be effective 1/6/2026.

Filed Date: 1/21/26.

Accession Number: 20260121–5058.

Comment Date: 5 p.m. ET 2/11/26.

Docket Numbers: ER26–1091–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: § 205(d) Rate Filing: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii): Financial Assurance Policy Revisions Regarding Obligation Roll-Off Timing to be effective 5/1/2026.

Filed Date: 1/21/26.

Accession Number: 20260121–5078.

Comment Date: 5 p.m. ET 2/11/26.

Docket Numbers: ER26–1092–000.

Applicants: Top Hat Wind Energy LLC.

Description: Tariff Amendment: Notice of Cancellation of Market Based Rate Tariff of Top Hat Wind Energy LLC to be effective 1/22/2026.

Filed Date: 1/21/26.

Accession Number: 20260121–5100.

Comment Date: 5 p.m. ET 2/11/26.

Docket Numbers: ER26–1093–000.

Applicants: Wagon Wheel Wind Project, LLC.

Description: Tariff Amendment: Notice of Cancellation of MBR Tariff of Wagon Wheel Wind Project, LLC to be effective 1/22/2026.

Filed Date: 1/21/26.

Accession Number: 20260121–5101.

Comment Date: 5 p.m. ET 2/11/26.

Docket Numbers: ER26–1094–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: GIA, SA No. 7806; AF2–222 and Notice of Cancellation of SA Nos. 6950 and 6951 to be effective 12/23/2025.

Filed Date: 1/21/26.

Accession Number: 20260121–5121.

Comment Date: 5 p.m. ET 2/11/26.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding. eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated January 21, 2026.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2026–01436 Filed 1–23–26; 8:45 a.m.]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–10546–000]

Notice of Filing; Wise, James A.

Take notice that on January 20, 2026, James A. Wise submitted for filing, application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b) and Part 45.8 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45.8.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or OPP@ferc.gov.

Comment Date: 5:00 p.m. Eastern Time on February 10, 2026.

Dated: January 21, 2026.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2026-01438 Filed 1-23-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Western Area Power Administration

Pacific Alternating Current Intertie Point-to-Point Transmission Service—Rate Order No. WAPA-211

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of rate order concerning transmission service formula rates.

SUMMARY: The formula rates for the Sierra Nevada (SN) region Pacific Alternating Current Intertie (PACI) point-to-point transmission service have been confirmed, approved, and placed into effect on an interim basis (Provisional Formula Rates). These new formula rates supersede rates for short-term sales on the PACI, PACI-T4 REV, PACI-T5 REV and PACI DLAP-T6 (approved under Delegation Order No. S3-DEL-WAPA1-2023, Section 1.4.B). There are no changes from the existing formula rates for these services, and there are no material changes aside from updating the effective dates.

DATES: The Provisional Formula Rates under Rate Schedules PACI-C1, PACI-D1 and PACI-W1 are effective on the first day of the first full billing period beginning on or after April 1, 2026, and will remain in effect through March 31, 2031, pending confirmation and approval by the Federal Energy Regulatory Commission (FERC) on a final basis or until superseded.

FOR FURTHER INFORMATION CONTACT:

Michelle R. Williams, Regional Manager, Sierra Nevada Region, Western Area Power Administration, 114 Parkshore Drive, Folsom, CA 95630 or Autumn Wolfe, Rates Manager, Sierra Nevada Region, Western Area Power Administration, (916) 353-4686, or email: SNR-RateCase@wapa.gov.

SUPPLEMENTARY INFORMATION: Western Area Power Administration (WAPA) SN published a **Federal Register** notice (Proposed FRN) on April 23, 2025 (90 FR 17065), proposing new long-term formula rates for PACI point-to-point transmission service. The Proposed FRN initiated a 90-day public consultation and comment period and set forth the date and location of the public information and public comment forums. The rates continue the formula-based methodology that includes an annual update to the data in the rate formulas.

Legal Authority

By Delegation Order No. S1-DEL-RATES-2016, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to the WAPA Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates, to FERC. By Delegation Order No. S1-DEL-S3-2024, effective August 30, 2024, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Infrastructure. By Redelegation Order No. S3-DEL-WAPA1-2023, effective April 10, 2023, the Under Secretary for Infrastructure further redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to WAPA's Administrator. This rate action is issued under Redelegation Order No. S3-DEL-WAPA1-2023 and Department of Energy procedures for public participation in rate adjustments set forth in 10 CFR part 903.¹

¹ 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

Following review of WAPA-SN's proposal, Rate Order No. WAPA-211, which provides the formula rates for PACI point-to-point transmission service, is hereby confirmed, approved, and placed into effect on an interim basis. WAPA-SN will submit Rate Order No. WAPA-211 to FERC for confirmation and approval on a final basis.

DEPARTMENT OF ENERGY

Administrator, Western Area Power Administration

In the Matter of: Western Area Power Administration, Sierra Nevada Region, Rate Adjustment for the Pacific Alternating Current Intertie, Transmission Service Formula Rates, Rate Order No. WAPA-211

Order Confirming, Approving, and Placing the Formula Rates for the Pacific Alternating Current Intertie Into Effect on an Interim Basis

The formula rates in Rate Order No. WAPA-211 are established following section 302 of the Department of Energy (DOE) Organization Act (42 U.S.C. 7152).²

By Delegation Order No. S1-DEL-RATES-2016, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to the Western Area Power Administration (WAPA) Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates, to the Federal Energy Regulatory Commission (FERC). By Delegation Order No. S1-DEL-S3-2024, effective August 30, 2024, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Infrastructure. By Redelegation Order No. S3-DEL-WAPA1-2023, effective April 10, 2023, the Under Secretary for Infrastructure further redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to WAPA's Administrator. This rate action is issued under Redelegation Order No. S3-DEL-WAPA1-2023 and DOE procedures for public participation

² This Act transferred to, and vested in, the Secretary of Energy the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation (Reclamation) under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and other acts that specifically apply to the project involved.

in rate adjustments set forth at 10 CFR part 903.³

Acronyms, Terms, and Definitions

As used in this Rate Order, the following acronyms, terms, and definitions apply:

Balancing Authority Area (BAA): As defined in WAPA's Tariff, is Balancing Authority Area; the term Balancing Authority Area shall have the same meaning as "Control Area."

Balancing Authority of Northern California (BANC): As defined in WAPA's Tariff, is Balancing Authority of Northern California (BANC). A joint powers authority that provides BA and other services to its members and other entities within the BAA. Members/entities of BANC may in turn provide transmission service to customers.

California Independent System Operator (CAISO): As defined in WAPA's Tariff, is the California Independent System Operator Corporation. A state-chartered, California, non-profit public benefit corporation that operates the transmission facilities of all CAISO participating transmission owners and dispatches certain generating units and loads. CAISO is the Market Operator for the Energy Imbalance Market.

Capacity: As defined in WAPA's 2025 Power Marketing Plan, is the electric capability of a generator, transformer, transmission circuit, or other equipment.

Customer: An entity with a contract that is receiving service from WAPA.

Customer Rate Brochure: A document prepared for public distribution explaining the rationale and background for the information contained in the Proposed **Federal Register** Notice (FRN) and in this rate order.

Central Valley Project (CVP): As defined in WAPA's 2025 Power Marketing Plan, is Central Valley Project. The multipurpose Federal water development project extending from the Cascade Range in northern California to the plains along the Kern River south of the city of Bakersfield, California.

Department of Energy (DOE): United States Department of Energy.

DOE Order RA 6120.2: Department of Energy Order outlining power marketing administration financial reporting and rate-making procedures.

Energy: As defined in WAPA's 2025 Power Marketing Plan, is measured in terms of the work it is capable of doing over a period of time; electric energy is usually measured in kilowatt-hours or megawatt-hours.

Federal Energy Regulatory Commission (FERC): Federal Energy Regulatory Commission.

Federal Register Notice (FRN): Federal Register Notice—a document published in the **Federal Register** in order for WAPA to provide information of public interest.

Fiscal Year (FY): WAPA's Fiscal Year; October 1 to September 30.

Generating Unit: As defined in CAISO's Tariff, is an individual electric generator and its associated plant and apparatus whose electrical output is capable of being separately identified and metered or a Physical Scheduling Plant that, in either case, is: located within the CAISO BAA (which includes a Pseudo-Tie of a generating unit to the CAISO BAA) or, for purposes of scheduling and operating the Real-Time Market only, an EIM Entity BAA; connected to the CAISO Controlled Grid, either directly or via interconnected transmission, or distribution facilities or via a Pseudo-Tie; and capable of producing and delivering net Energy (Energy in excess of a generating station's internal power requirements).

Kilowatt (kW): As defined in WAPA's 2025 Power Marketing Plan, it is kilowatt. A unit measuring the rate of production of electricity; one kilowatt equals one thousand watts.

Load Aggregation Point (LAP): Load Aggregation Point is a set of Pricing Nodes as specified in Section 27.2 of the CAISO Tariff that are used for the submission of Bids and Settlement of Demand.

Megawatt (MW): As defined in WAPA's 2025 Power Marketing Plan, is a unit measuring the rate of production of electricity; one megawatt equals one million watts.

National Environmental Policy Act (NEPA): National Environmental Policy Act of 1969, as amended.

New Rate: As defined in WAPA's Tariff, means the modification of a Rate for transmission or ancillary services provided by the Transmission Provider which has been promulgated pursuant to the rate development process outlined in Power and Transmission Rates, 10 CFR part 903 (2006).

Non-Statutory Service: Non-Federal Power.

Open Access Same-Time Information System (OASIS): Open Access Same-Time Information System—as defined in WAPA's Tariff, the information system and standards of conduct contained in Part 37 of the Commission's regulations and all additional requirements implemented by subsequent Commission orders dealing with OASIS.

Operation and Maintenance (O&M): Operation, Maintenance, and Replacements expense refers to the annual expense incurred for attending/servicing/replacement of power and transmission lines and facilities.

Preference: As defined in WAPA's 2025 Power Marketing Plan, is the requirements of Reclamation Law that provide for preference in the sale of Federal power be given to certain entities, such as governments (state, Federal and Native American), municipalities and other public corporations or agencies, and cooperatives and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936 (See, e.g., Reclamation Project Act of 1939, Section 9(c), 43 U.S.C. 485h(c)).

Point-To-Point Transmission Service: As defined in WAPA's Tariff, is the reservation and transmission of capacity and energy on either a firm or non-firm basis from the Point(s) of Receipt to the Point(s) of Delivery under Part II of WAPA's Tariff.

Project Use: As defined in WAPA's 2025 Power Marketing Plan, is power as defined by Reclamation Law and/or used to operate CVP and Washoe Project facilities.

Power: As defined in WAPA's 2025 Power Marketing Plan, is capacity and energy.

Provisional Formula Rates: The formula rates confirmed, approved, and placed into effect on an interim basis by the Deputy Secretary of Energy or his designee.

Rate: As defined in WAPA's Tariff, means the monetary charge or the formula for computing such a charge for any electric service provided by a Transmission Provider as defined in 10 CFR part 903.

Rate Adjustment: As defined in WAPA's Tariff, means a change in an existing rate or rates, or the establishment of a rate or rates for a new service. It does not include a change in rate schedule provisions or in contract terms, other than changes in the price per unit of service, nor does it include changes in the monetary charge pursuant to a formula stated in a rate schedule or a contract as defined in 10 CFR part 903.

Rate Formula Adjustment: As defined in WAPA's Tariff, means a change in an existing rate formula, or the establishment of a rate formula for a new service. It does not include updates to the monetary charge pursuant to a formula stated in a rate schedule or a contract.

³ 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

Statutory Service: Firm Electric Service, Priority Use Power, and Project Use Service.

Tariff: The Open Access Transmission Tariff or ‘Tariff’, including all schedules or attachments thereto, of the Transmission Provider as amended from time to time, and approved by FERC.

Transmission Owner (TO): As defined in WAPA’s Tariff, means Transmission Owner and is the entity that owns, leases or otherwise possesses an interest in the portion of the Transmission System at the Point of Interconnection and may be a Party to the Small Generator Interconnection Agreement to the extent necessary.

Transmission Customer: As defined in WAPA’s Tariff, is any Eligible Customer (or its Designated Agent) that (i) executes a Service Agreement, or (ii) requests in writing that the Transmission Provider provide transmission service without a Service Agreement, pursuant to section 15.3 of the WAPA Tariff. This term is used in the Part I Common Service Provisions to include customers receiving transmission service under Part II and Part III of the WAPA Tariff.

Transmission Provider: As defined in WAPA’s Tariff, is the Regional Office of WAPA that owns, controls, or operates the facilities used for the transmission of electric energy in interstate commerce and provides transmission service under the WAPA Tariff.

Transmission System: As defined in WAPA’s Tariff, is the facilities owned, controlled, or operated by the Transmission Provider that are used to provide transmission service under Part II and Part III of the WAPA Tariff.

Western Area Power Administration (WAPA): United States Department of Energy, Western Area Power Administration.

Western Area Power Administration, Sierra Nevada Region (WAPA–SN): United States Department of Energy, Western Area Power Administration, Sierra Nevada Region

Effective Date

The Provisional Formula Rate Schedules PACI–C1, PACI–D1, and PACI–W1 will take effect on the first day of the first full billing period beginning on or after April 1, 2026, and will remain in effect through March 31, 2031, pending approval by FERC on a final basis or until superseded.

Public Notice and Comment

WAPA–SN followed the Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions, 10 CFR part 903, in developing these formula rates. WAPA–

SN took the following steps to involve interested parties in the rate process:

1. On April 23, 2025, a **Federal Register** notice (90 FR 17065) (Proposed FRN) announced the proposed formula rates and initiated a 90-day public consultation and comment period.

2. On April 23, 2025, WAPA–SN notified Preference Customers and interested parties of the proposed rates and provided a copy of the published Proposed FRN.

3. On June 18, 2025, WAPA–SN held a virtual public information forum. WAPA–SN’s representatives explained the proposed formula rates, answered questions, and gave notice that more information was available in the Customer Rate Brochure.

4. On June 18, 2025, WAPA–SN held a virtual public comment forum to provide an opportunity for Customers and other interested parties to comment for the record.

5. WAPA–SN established a public website to post information about the rate process. The website is located at www.wapa.gov/about-wapa/regions/sn/sn-rates/Rate-Case-2025-WAPA-211.

6. During the 90-day consultation and comment period, which ended on July 22, 2025, WAPA–SN received no oral comment submissions and no written comment letters.

PACI Point-to-Point Transmission Service Formula Rates

The provisional cost-based formula rate for PACI point-to-point transmission service will provide sufficient revenue to recover annual operation, maintenance, replacement expenses, interest expense, and capital repayment requirements while ensuring repayment of the project within the cost recovery criteria. The provisional equitable formula rates for PACI point-to-point transmission service will aid and benefit the Central Valley Project (CVP) by offsetting project power costs.

PACI Point-to-Point Transmission Service Cost-Based Rate

The provisional cost-based rate for PACI point-to-point transmission service is used to move Federal power on the PACI transmission line for Statutory Service.

WAPA–SN prepares a detailed cost-of-service study to determine the costs, by project, that supports the transfer capability of each transmission system and the cost that supports the generation capability of the CVP system. Generally, the costs allocated through the cost-of-service study for the transmission systems include operation and maintenance, interest, and depreciation expenses. WAPA–SN’s

costs for scheduling, system control, and dispatch service associated with PACI point-to-point transmission service are included and recovered through the transmission systems’ revenue requirement.

PACI Point-to-Point Transmission Service Equitable Rate

The provisional equitable formula rate for surplus PACI point-to-point transmission service is used for non-Statutory Service that is delivered and/or received between Malin to Round Mountain and/or Malin to Cottonwood Substation located within the Balancing Authority of Northern California balancing authority area (BAA).

PACI Transmission Service Equitable Default Load Aggregation Point Rate

The provisional equitable formula rate for surplus PACI Default Load Aggregation Point (DLAP) point-to-point transmission service is used for non-Statutory Service that is delivered from and/or received at Pacific Gas and Electric Company’s DLAP located within the California Independent System Operator BAA.

Comments

WAPA–SN received no separate oral and/or written comments during the public consultation and comment period.

Certification of Rates

I have certified that the Provisional Formula Rates for PACI point-to-point transmission service under Rate Schedules PACI–C1, PACI–D1 and PACI–W1 are the lowest possible rates, consistent with sound business principles. The Provisional Formula Rates were developed following administrative policies and applicable laws.

Availability of Information

Information used by WAPA–SN to develop the Provisional Formula Rates is available for inspection and copying at the Sierra Nevada Regional Office, 114 Parkshore Drive, Folsom, CA. Many of these documents are also available on WAPA–SN’s website at: www.wapa.gov/about-wapa/regions/sn/sn-rates/Rate-Case-2025-WAPA-211.

Ratemaking Procedure Requirements

Environmental Compliance

WAPA–SN determined that this action fits within the following categorical exclusion listed in appendix B to 10 CFR part 1021 and Appendix B of DOE’s NEPA implementing procedures published on June 30, 2025: B4.3, Electric power marketing rate

changes.⁴ Under 10 CFR 1021.102, categorically excluded projects and activities do not require preparation of either an environmental impact statement or an environmental assessment. A copy of the categorical exclusion determination is available on WAPA–SN’s website at www.wapa.gov/about-wapa/regions/sn/sn-rates/Rate-Case-2025-WAPA-211.

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Submission to the Federal Energy Regulatory Commission

The Provisional Formula Rates herein confirmed, approved, and placed into effect on an interim basis, together with supporting documents, will be submitted to FERC for confirmation and final approval.

Order

In view of the above and under the authority delegated to me, I hereby confirm, approve, and place into effect, on an interim basis, Rate Order No. WAPA–211. The rates will remain in effect on an interim basis until: (1) FERC confirms and approves them on a final basis; (2) subsequent rates are confirmed and approved; or (3) such rates are superseded.

Signing Authority

This document of the Department of Energy was signed on January 21, 2026,

by Tracey A. LeBeau, Administrator, Western Area Power Administration, pursuant to delegated authority from the Secretary of Energy. That document, with the original signature and date, is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on January 21, 2026.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

Rate Schedule PACI–C1 (Supersedes Schedule PACI–T4 REV)

**United States Department of Energy
Western Area Power Administration
Sierra Nevada Region
Pacific Alternating Current Intertie
Point-to-Point Transmission Service**

*Approved Under Rate Order No.
WAPA–211*

Effective

April 1, 2026, through March 31, 2031, or until superseded, whichever occurs earlier.

Available

In the area served by the Western Area Power Administration (WAPA), Sierra Nevada Customer Service Region (SN).

Applicable

To customers receiving Pacific Alternating Current Intertie (PACI) Point-to-Point (PTP) transmission for Statutory Service such as firm electric, priority use power, and project use from WAPA–SN.

Character and Conditions of Service

Transmission service for three-phase, alternating current at 60-hertz, delivered and metered at the voltages and points of delivery or receipt, adjusted for losses, and delivered to points of delivery. This service includes scheduling and system control, and dispatch service needed to support the transmission service.

Formula Rate

The formula rate for PACI PTP transmission service includes three components.

Component 1

PACI Transmission Revenue Requirement **WAPA–SN’s PACI Capacity**

Where:

PACI Transmission Revenue Requirement = WAPA–SN’s costs associated with facilities that support the transfer capability of the PACI.

WAPA–SN’s PACI Capacity = WAPA–SN’s share of PACI transmission capacity, subject to curtailment under the current California–Oregon Intertie (COI) transfer capability.

WAPA–SN will update the rate from Component 1 at least 15 days before the start of the rate period. Rate change notifications will be posted on WAPA–SN’s Open Access Same-Time Information System (OASIS).

Component 2

Any charges or credits associated with the creation, termination, or modification to any tariff, contract, or rate schedule accepted or approved by FERC or other regulatory body will be passed on to each relevant customer. The charges or credits apply to the service to which this rate methodology applies. When possible, WAPA–SN will pass through charges or credits directly to the customer in the same manner WAPA–SN is charged or credited. When not possible, the charges or credits will be passed through using Component 1 of the formula rate.

Component 3

Any charges or credits from the Host Balancing Authority for providing this service will be passed on to each relevant customer. When possible, WAPA–SN will pass through charges and credits directly to the customer in the same manner WAPA–SN is charged or credited. When not possible, the charges or credits will be passed through using Component 1 of the formula rate.

Billing

The formula rate above applies to the maximum amount of capacity reserved for periods ranging from 1 hour to 1

⁴ The determination was done in compliance with NEPA (42 U.S.C. 4321–4347) and DOE NEPA

Implementing Procedures, including 10 CFR part 1021.

month, payable whether used or not. Billing will occur monthly.

Adjustment for Losses

Losses incurred for service under this rate schedule will be accounted for as agreed to by the parties in accordance with the service agreement.

Audit Adjustments

Financial audit adjustments that apply to the formula rate under this rate schedule will be evaluated on a case-by-case basis to determine the appropriate treatment for repayment and cash flow management.

Rate Schedule PACI-D1 (Supersedes Schedule PACI DLAP-T6)

**United States Department of Energy
Western Area Power Administration
Sierra Nevada Region**

Pacific Alternating Current Intertie Point-to-Point Transmission Service

*Approved Under Rate Order No.
WAPA-211*

Effective

April 1, 2026, through March 31, 2031, or until superseded, whichever occurs earlier.

Available

In the area served by the Western Area Power Administration (WAPA), Sierra Nevada Customer Service Region (SN).

Applicable

To customers purchasing surplus Pacific Alternating Current Intertie

(PACI) Point-to-Point (PTP) transmission for non-Statutory Service from WAPA-SN that is delivered from and/or received at the Pacific Gas and Electric Company Default Load Aggregation Point located within the California Independent System Operator (CAISO) balancing authority area (BAA).

Character and Conditions of Service

Transmission service for three-phase, alternating current at 60-hertz, delivered and metered at the voltages and points of delivery or receipt, adjusted for losses, and delivered to points of delivery. This service includes scheduling and system control, and dispatch service needed to support the transmission service.

Formula Rate

The equitable formula rate for PACI PTP transmission service includes three components.

Component 1

$$\text{PACI Point-to-Point Transmission Service Formula Rate} = \text{WAPA-SN's Cost for Wheeling Power through the CAISO BAA}$$

The formula rate will be based on WAPA-SN's cost for wheeling power through the CAISO BAA as of January 1st each year, or shortly thereafter, and will remain in effect for the rate period. Any changes to the wheeling cost including revisions or retroactive adjustments, will not be considered.

WAPA-SN will update the rate from Component 1 at least 15 days before the start of the rate period. Rate change notifications will be posted on WAPA-SN's Open Access Same-Time Information System (OASIS).

Component 2

Any charges or credits associated with the creation, termination, or modification to any tariff, contract, or rate schedule accepted or approved by FERC or other regulatory body will be passed on to each relevant customer. The charges or credits apply to the service to which this rate methodology applies. When possible, WAPA-SN will pass through charges or credits directly to the customer in the same manner WAPA-SN is charged or credited.

Component 3

Any charges or credits from the Host Balancing Authority for providing this service will be passed on to each relevant customer. When possible, WAPA-SN will pass through charges and credits directly to the customer in

the same manner WAPA-SN is charged or credited.

Billing

The formula rate above applies to the maximum amount of capacity reserved for periods ranging from 1 hour to 1 month, payable whether used or not. Billing will occur monthly.

Adjustment for Losses

Losses incurred for service under this rate schedule will be accounted for as agreed to by the parties in accordance with the service agreement.

Audit Adjustments

Financial audit adjustments that apply to the formula rate under this rate schedule will be evaluated on a case-by-case basis to determine the appropriate treatment for repayment and cash flow management.

Rate Schedule PACI-W1 (Supersedes Schedule PACI-T5 REV)

**United States Department of Energy
Western Area Power Administration
Sierra Nevada Region**

Pacific Alternating Current Intertie Point-to-Point Transmission Service

*Approved Under Rate Order No.
WAPA-211*

Effective

April 1, 2026, through March 31, 2031, or until superseded, whichever occurs earlier.

Available

In the area served by the Western Area Power Administration (WAPA), Sierra Nevada Customer Service Region (SN).

Applicable

To customers purchasing surplus Pacific Alternating Current Intertie (PACI) Point-to-Point (PTP) transmission for non-Statutory Service from WAPA-SN that is delivered and/or received between Malin to Round Mountain and/or Malin to Cottonwood Substation located within the Balancing Authority Area of Northern California balancing authority area.

Character and Conditions of Service

Transmission service for three-phase, alternating current at 60-hertz, delivered and metered at the voltages and points of delivery or receipt, adjusted for

losses, and delivered to points of delivery. This service includes scheduling and system control, and dispatch service needed to support the transmission service.

Formula Rate

The equitable formula rate for PACI PTP transmission service includes three components.

Component 1

PACI Point-to-Point Transmission Service Formula Rate

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California-Oregon Transmission Project Point-to-Point Transmission Formula Rate

WAPA–SN will update the rate from Component 1 at least 15 days before the start of the rate period. Rate change notifications will be posted on WAPA–SN's Open Access Same-Time Information System (OASIS).

Component 2

Any charges or credits associated with the creation, termination, or modification to any tariff, contract, or rate schedule accepted or approved by FERC or other regulatory body will be passed on to each relevant customer. The charges or credits apply to the service to which this rate methodology applies. When possible, WAPA–SN will pass through charges or credits directly to the customer in the same manner WAPA–SN is charged or credited. When not possible, the charges or credits will be passed through using Component 1 of the formula rate.

Component 3

Any charges or credits from the Host Balancing Authority for providing this service will be passed on to each relevant customer. When possible, WAPA–SN will pass through charges and credits directly to the customer in the same manner WAPA–SN is charged or credited. When not possible, the charges or credits will be passed through using Component 1 of the formula rate.

Billing

The formula rate above applies to the maximum amount of capacity reserved for periods ranging from 1 hour to 1 month, payable whether used or not. Billing will occur monthly.

Adjustment for Losses

Losses incurred for service under this rate schedule will be accounted for as agreed to by the parties in accordance with the service agreement.

Audit Adjustments

Financial audit adjustments that apply to the formula rate under this rate schedule will be evaluated on a case-by-case basis to determine the appropriate

treatment for repayment and cash flow management.

[FR Doc. 2026–01329 Filed 1–23–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY**Western Area Power Administration**

Desert Southwest Region and Western Area Lower Colorado Balancing Authority—Rate Order No. WAPA–222

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposed extension of formula rates for balancing authority area and transmission provider services.

SUMMARY: The Desert Southwest Region (DSW) of the Western Area Power Administration (WAPA) proposes extending, without any changes, the existing balancing authority area and transmission provider services formula rates for Western Area Lower Colorado Balancing Authority (WALC) through September 30, 2031. The existing formula rates under Rate Schedules DSW–SD4 (Scheduling, System Control, and Dispatch), DSW–RS4 (Reactive Supply and Voltage Control), DSW–FR4 (Regulation and Frequency Response), DSW–SPR4 (Spinning Reserve), DSW–SUR4 (Supplemental Reserves), DSW–EI4 (Energy Imbalance), DSW–GI2 (Generator Imbalance), DSW–TL1 (Transmission Losses), DSW–UII (Unreserved Use Penalties), DSW–EIM1T (Administrative Service), DSW–EIM4T (Energy Imbalance Service), and DSW–EIM9T (Generator Imbalance Service) expire on September 30, 2026.

DATES: A consultation and comment period will begin January 26, 2026 and end March 27, 2026.

ADDRESSES: Written comments and requests to be informed of Federal Energy Regulatory Commission (FERC) actions concerning the proposed extension submitted by WAPA to FERC for approval should be sent to: Scott R. Lund, Regional Manager, Desert Southwest Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, or email:

dswpwrmrk@wapa.gov. DSW will post information about the proposed formula rate extensions and written comments received to its website at: www.wapa.gov/about-wapa/regions/dsw/rates.

FOR FURTHER INFORMATION CONTACT: Tina Ramsey, Rates Manager, Desert Southwest Region, Western Area Power Administration, (602) 812–2355, or email: dswpwrmrk@wapa.gov.

SUPPLEMENTARY INFORMATION: On January 12, 2017, FERC confirmed and approved ancillary service Rate Schedules DSW–SD4, DSW–RS4, DSW–FR4, DSW–SPR4, DSW–SUR4, DSW–EI4, and DSW–GI2, transmission losses Rate Schedule DSW–TL1, and unreserved use penalty Rate Schedule DSW–UII under Rate Order No. WAPA–175 for a 5-year period through September 30, 2021.¹ On October 25, 2022, FERC confirmed and approved an extension of these formula rates, under Rate Order No. WAPA–200, for a 5-year period through September 30, 2026.² On September 12, 2023, FERC confirmed and approved EIM Rate Schedules DSW–EIM1T, DSW–EIM4T, and DSW–EIM9T under Rate Order No. WAPA–208 for a 3-year period through September 30, 2026.³ In accordance with 10 CFR 903.23(a),⁴ DSW is proposing to extend the existing formula rates under Rate Schedule DSW–SD4, DSW–RS4, DSW–FR4, DSW–SPR4, DSW–SUR4, DSW–EI4, DSW–GI2, DSW–TL1, DSW–UII, DSW–EIM1T, DSW–EIM4T, and DSW–EIM9T for the period of October 1, 2026, through September 30, 2031. These existing formula rates are viewable on DSW's website at: www.wapa.gov/about-wapa/regions/dsw/rates. The existing formula rates provide sufficient revenue to pay all annual costs, including interest

¹ Order Confirming and Approving Rate Schedule on a Final Basis, FERC Docket No. EF16–6–000 and EF16–6–001, 158 FERC ¶ 62,027 (2017).

² Order Confirming and Approving Rate Schedule on a Final Basis, FERC Docket No. EF21–6–000 (2022).

³ Order Confirming and Approving Rate Schedule on a Final Basis, FERC Docket No. EF23–3–000 (2023).

⁴ 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

expense, and repay investment within the allowable period consistent with the cost recovery criteria set forth in Department of Energy (DOE) Order RA 6120.2.

In accordance with 10 CFR 903.23(a), DSW has determined that it is not necessary to hold public information or public comment forums for this rate action but is initiating a consultation and comment period to give the public an opportunity to comment on the proposed extension. DSW will review and consider all timely public comments at the conclusion of the consultation and comment period and adjust the proposal as appropriate.

Legal Authority

By Delegation Order No. S1-DEL-RATES-2016, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to the WAPA Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates, to FERC. By Delegation Order No. S1-DEL-S3-2024, effective August 30, 2024, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Infrastructure. By Redelegation Order No. S3-DEL-WAPA1-2023, effective April 10, 2023, the Under Secretary for Infrastructure further redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to WAPA's Administrator.

Ratemaking Procedure Requirements Environmental Compliance

WAPA determined that this action fits within the following categorical exclusion listed in appendix B to 10 CFR part 1021 and Appendix B of DOE's National Environmental Policy Act (NEPA) Implementing Procedures published on June 30, 2025: B4.3, Electric power marketing rate changes.⁵ Categorically excluded projects and activities do not require preparation of either an environmental impact statement or an environmental assessment. A copy of the categorical exclusion determination is available on DSW's website at www.wapa.gov/about-wapa/regions/dsw/environment/dsw-cx/

⁵ The determination was done in compliance with NEPA (42 U.S.C. 4321–4347) and DOE NEPA Implementing Procedures, including 10 CFR part 1021.

. Look for file titled, “Rate Order WAPA–222.”

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866 as amended by Executive Order 14215; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Signing Authority

This document of the Department of Energy was signed on January 21, 2026, by Tracey A. LeBeau, Administrator, Western Area Power Administration, pursuant to delegated authority from the Secretary of Energy. That document, with the original signature and date, is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC on January 21, 2026.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2026–01330 Filed 1–23–26; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OIA Docket No. 24–30; FR ID 327092]

World Radiocommunication Conference Advisory Committee Schedules Its Fourth Meeting on February 19, 2026

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This notice advises interested persons that the fourth meeting of the World Radiocommunication Conference Advisory Committee (WRC Advisory Committee) will be held on February 19, 2026, at the Federal Communications Commission (FCC). This fourth meeting of the WRC Advisory Committee will consider status reports and recommendations from its Informal Working Groups (IWG) concerning preparation for the 2027 World Radiocommunication Conference (WRC–27). At the fourth meeting, the

WRC Advisory Committee will continue its work to finalize the Recommendations for WRC–27 Agenda Items that do not yet have a WRC Advisory Committee Recommendation. This meeting is open to the public. The meeting will be broadcast live with open captioning over the internet from the FCC Live web page at www.fcc.gov/live. There will be audience participation available; send live questions to livequestions@fcc.gov during this meeting. The Commission's WRC–27 website (www.fcc.gov/wrc-27) contains the latest updated information and agendas on all scheduled meetings and Advisory Committee matters. Comments may be presented at the Advisory Committee meeting or in advance of the meeting by email to: WRC-27@fcc.gov.

DATES: Thursday, February 19, 2026, at 11:00 a.m.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Room 1.200, Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Gregory Baker, Designated Federal Official, World Radiocommunication Conference Advisory Committee, Office of International Affairs, Global Strategy and Negotiation Division, (202) 919–0758 or WRC-27@fcc.gov.

SUPPLEMENTARY INFORMATION: The FCC established the Advisory Committee to provide advice, technical support and recommendations relating to the preparation of United States proposals and positions for the 2027 World Radiocommunication Conference (WRC–27).

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the fourth meeting of the Advisory Committee. The Commission's WRC–27 website (www.fcc.gov/wrc-27) contains the latest information on the IWG and WAC meeting agendas and audience participation information, all scheduled meeting dates and updates, and WRC–27 Advisory Committee matters. The fourth Advisory Committee meeting will be broadcast live with open captioning over the internet from the FCC Live web page at www.fcc.gov/live. There will be audience participation available; send live questions to livequestions@fcc.gov only during this meeting. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need and tell us how to contact you if we need more information. Make your request as early as possible. Last minute requests will be accepted, but may be impossible to fill.

Send an email to: FCC504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice).

The proposed agenda for the fourth WAC meeting is as follows:

Agenda

Fourth Meeting of the World Radiocommunication Conference Advisory Committee

Federal Communications Commission

Thursday, February 19, 2026; 11:00 a.m.

1. Opening Remarks
2. Approval of Agenda
3. WRC–27 Advisory Committee Structure
4. Update by NTIA on the RCS
5. Approval of the Minutes of the Third Meeting
6. IWG Reports and Consideration Documents
7. Future Meetings
8. Other Business

Federal Communications Commission.

Sarah Van Valzah,

Assistant Chief, Office of International Affairs.

[FR Doc. 2026–01350 Filed 1–23–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings

TIME AND DATE: 10:12 a.m. on Thursday, January 22, 2026.

PLACE: The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Board of Directors of the Federal Deposit Insurance Corporation met to consider matters related to the Corporation's resolution, supervision, and corporate activities. In calling the meeting, the Board determined, on motion of Director Russell Vought (Acting Director, Consumer Financial Protection Bureau), seconded by Director Jonathan V. Gould (Comptroller of the Currency), by the unanimous vote of Chairman Travis Hill, Director Jonathan V. Gould (Comptroller of the Currency), and Director Russell Vought (Acting Director, Consumer Financial Protection Bureau), that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require

consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), and (c)(9)(B)).

CONTACT PERSON FOR MORE INFORMATION:

For further information, please contact Debra A. Decker, Executive Secretary, FDIC, at FDICBoardMatters@fdic.gov.

Dated this the 22nd day of January, 2026.
Federal Deposit Insurance Corporation.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2026–01483 Filed 1–22–26; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

RIN 3064–ZA50

Guidelines for Appeals of Material Supervisory Determinations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of guidelines.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is adopting revised Guidelines for Appeals of Material Supervisory Determinations to replace the existing Supervision Appeals Review Committee with an independent, standalone office to consider and decide supervisory appeals.

DATES: The revised Guidelines become effective once the Office of Supervisory Appeals is fully operational.

FOR FURTHER INFORMATION CONTACT: James Watts, Counsel, 202–898–6678, jwatts@fdic.gov; Sarah Chung, Senior Attorney, 202–898–7376, schung@fdic.gov; Legal Division.

SUPPLEMENTARY INFORMATION: The FDIC's Guidelines for Appeals of Material Supervisory Determinations (Guidelines) provide the process by which insured depository institutions (IDIs) may appeal material supervisory determinations made by the FDIC.¹ Under these Guidelines, the FDIC's Supervision Appeals Review Committee (SARC) has been the final level of review of the FDIC's material supervisory determinations. The FDIC is revising the Guidelines to replace the SARC with an independent, standalone office within the FDIC, known as the Office of Supervisory Appeals (Office).

The Office will have delegated authority to consider and resolve appeals of material supervisory determinations.

I. Background

Section 309(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (Riegle Act) required the FDIC (as well as the other Federal banking agencies and the National Credit Union Administration) to establish an "independent intra-agency appellate process" to review material supervisory determinations.² The Riegle Act defines the term "independent appellate process" to mean "a review by an agency official who does not directly or indirectly report to the agency official who made the material supervisory determination under review."³ In the appeals process, the FDIC is required to ensure that (1) an IDI's appeal of a material supervisory determination is heard and decided expeditiously; and (2) appropriate safeguards exist for protecting appellants from retaliation by agency examiners.⁴

On March 21, 1995, the FDIC's Board of Directors (Board) adopted the Guidelines to implement section 309(a) and established the SARC to consider and decide appeals of material supervisory determinations.⁵ Since that time, the SARC has been composed of FDIC Board members and other senior FDIC officials.

In January 2021, the FDIC adopted Guidelines that replaced the SARC with an independent, standalone office within the FDIC, known as the Office of Supervisory Appeals.⁶ The Office was granted delegated authority to consider and resolve appeals of material supervisory determinations and was staffed by reviewing officials with bank supervisory or examination experience. However, in May 2022, prior to the Office considering any appeals, the FDIC adopted revised Guidelines that restored the SARC as the final level of review of material supervisory determinations made by the FDIC.⁷

II. July 2025 Proposal

In July 2025, the FDIC proposed to re-establish an Office of Supervisory Appeals as the final level of review of material supervisory determinations made by the FDIC, replacing the SARC in the appellate process.⁸ The FDIC noted that reinstating the Office would

² 12 U.S.C. 4806(a).

³ 12 U.S.C. 4806(f)(2).

⁴ See 12 U.S.C. 4806(b).

⁵ See 60 FR 15923 (Mar. 28, 1995).

⁶ See 86 FR 6880 (Jan. 25, 2021).

⁷ See 87 FR 30942 (May 20, 2022).

⁸ See 90 FR 33942 (July 18, 2025).

¹ 87 FR 77112 (Dec. 16, 2022).

promote and enhance the independence of the appeals process and ensure requisite expertise of reviewing officials. The proposed structure of the Office was largely consistent with that of the previous Office. The FDIC also proposed certain other enhancements to the Guidelines to reflect its experience administering the supervisory appeals process.

Structure of the Office and Reviewing Officials

Similar to the previous Office established in 2021, the FDIC proposed to establish the Office as a standalone office independent of the Divisions that make supervisory determinations. The proposed Office would be staffed by reviewing officials with relevant experience, serving on term appointments. The proposed Office would report directly to the FDIC Chairperson's Office and would be granted delegated authority from the Board to consider and resolve appeals.

In the proposal, the FDIC reiterated its commitment to hiring individuals with bank supervisory or examination experience. The FDIC recognized this experience can be achieved through both government and industry experience. Therefore, the FDIC proposed to consider former bankers and other former industry professionals with relevant experience to serve as reviewing officials. Reviewing officials, as employees of the FDIC, were proposed to be part-time, intermittent employees who have been cleared for conflicts of interest and would be subject to the FDIC's requirements for confidentiality. The FDIC also proposed to consider employees with relevant experience from other government agencies to serve as reviewing officials on a part-time basis through interagency agreement(s). Under the proposal, current FDIC employees would not be eligible to serve in these roles.

The proposal provided that a panel of three reviewing officials would be assigned to consider each appeal submitted to the Office, with at least one member of any panel required to have bank supervisory experience.

Legal Support for the Office

The proposal provided that the Legal Division would provide counsel to the Office and generally advise the Office on FDIC policies and rules. To promote independence, the Office would be advised by legal staff that were not involved in making the material supervisory determinations under review.

The proposal stated that if an appeal seeks to change or modify FDIC policies

or rules, or raises a policy matter of first impression, the Legal Division would provide notice, along with a written explanation, to the Office. Afterwards, the Legal Division would refer the matter to the Chairperson's Office.

In addition, the Legal Division would review decisions of the Office for consistency with applicable laws, regulations, and policies of the FDIC prior to their issuance. If the Legal Division determines that an Office decision is contrary to a law, regulation, or FDIC policy, the Legal Division would notify the Chairperson's Office of the matter and the Office would be required to revise the decision to conform with relevant laws, regulations, or policies. The Legal Division would not exercise supervisory judgment or opine on the merits of an appeal.

The FDIC proposed that if an appeal raises procedural questions, including whether issues raised by the institution are eligible for review, the appropriate Division Director or the Office would refer such questions to the Legal Division. The Legal Division would determine whether an appeal, or an issue raised in an appeal, is eligible for review. The Legal Division would provide notice, with a written explanation, to the Office if an appeal, or an issue raised in an appeal, is deemed ineligible for review.

Burden of Proof and Standard of Review

Under the proposal, the burden of proof as to all matters at issue in the appeal, including timeliness of the appeal if timeliness is at issue, would rest with the institution.

The proposed Guidelines did not change the standard of review for the Division Director. Consistent with the current Guidelines, the Division Director would review the material supervisory determination for consistency with applicable laws, regulations, and policy, and make his or her own supervisory determination without deferring to the judgments of either party.⁹ The Division Director would have discretion to consider examination workpapers and other materials developed by staff during an examination.

Under the proposal, the Office would review the appeal for consistency with the policies (including regulations, guidance, policy statements, examination manuals, and other written publications) of the FDIC and the overall reasonableness of, and the

support offered for, the positions advanced. The proposed standard of review for the Office aligned with the Division Director's standard of review, specifying that the Office would make its determination without deferring to the judgments of either party. This standard of review was intended to underscore the independence of the Office's review, subject to the reasonableness of the support for the positions advanced by both parties.

The proposal also limited the scope of the Office's review to the facts and circumstances as they existed prior to, or at the time the material supervisory determination was made, even if later discovered, and no consideration would be given to any facts or circumstances that occur or corrective action taken after the determination was made. The Office also would not consider aspects of an appeal that seek to change or modify FDIC policy or rules. Therefore, under the proposal, the Office could not overturn a material supervisory determination if the result of such a decision would be inconsistent with the policies of the FDIC.

Formal Enforcement-Related Actions

Section 309 of the Riegle Act, which required the establishment of an appellate process, provides that "[n]othing in this section shall affect the authority of an appropriate Federal banking agency . . . to take enforcement or supervisory action."¹⁰ To clarify how the appellate and enforcement processes interact, the proposed Guidelines included certain provisions specifically addressing the appealability of formal enforcement actions and determinations underlying formal enforcement actions. However, as explained in the proposal, the FDIC has encountered issues in administering the enforcement provisions of the current Guidelines.

First, as evidenced by comments, the current Guidelines' enforcement-related provisions have been confusing to some institutions, leading to some uncertainty as to which determinations are subject to appeal. Second, the Guidelines provide for a piecemeal appeal in some instances by allowing an institution to appeal certain determinations within the standard timeframes established by the Guidelines and others only after a decision is made on the enforcement action. Third, in many instances, the facts underlying an enforcement action are relevant factors to other material supervisory determinations (such as ratings downgrades), but an institution that seeks to appeal such determinations is unable to include such facts as part

⁹ The FDIC has previously noted that this may be considered a *de novo* standard of review, but lays out with more specificity the actual considerations to be applied. See 87 FR 64034, 64038 (Oct. 21, 2022).

¹⁰ 12 U.S.C. 4806(g).

of the record in an appeal. In addition, the FDIC noted that because many enforcement actions result in a stipulated order, an institution may not receive an independent review of some supervisory determinations. Given these concerns, the FDIC requested comment on the provisions of the proposed Guidelines relating to formal enforcement-related actions and decisions and how they might be addressed in the context of material supervisory determinations that an institution seeks to appeal.

Role of the Ombudsman

The Ombudsman serves as a non-voting member of the SARC. The Ombudsman also serves as a neutral liaison between the FDIC and institutions, as provided by section 309 of the Riegle Act.¹¹ Because the FDIC sees value in the Ombudsman's perspective, the proposal allowed the Ombudsman to submit views to the panel for consideration. In addition, the proposed Guidelines retained provisions regarding the Office of the Ombudsman's neutral oversight of the process and its role in monitoring the supervisory process for retaliation.

Ex Parte Communications

The proposal included a provision on sharing of information, requiring that information considered by the Office be timely shared with both parties to the appeal, subject to applicable legal limitations on disclosure. This proposed provision would apply to materials submitted to the Office by either the relevant Division or the appealing institution. The Ombudsman would also oversee the sharing of information considered by the Office in connection with an appeal.

III. Discussion of Comments and Final Guidelines

The FDIC received a total of eight comment letters in response to the proposal. Commenters included several trade organizations, a law firm, a public interest group, and a financial holding company. Nearly all commenters expressed support for the proposal but recommended changes to specific aspects of the appellate process, as discussed in greater detail below. A few commenters expressed support for legislative proposals that would amend the statutory framework underlying the appellate process. One such commenter noted that the proposal would represent an appropriate step to strengthen the appellate process until legislation is enacted.

The FDIC is adopting the Guidelines generally as proposed, with certain changes discussed below to address commenters' feedback.

Reviewing Official Qualifications and Staffing

Commenters generally supported the FDIC's proposal to staff the Office with reviewing officials that have bank supervisory or examination experience, as well as former bankers and other industry professionals. Multiple commenters agreed that each panel should include at least one reviewing official with bank supervisory experience. One commenter suggested that the FDIC exclude individuals who lack bank supervisory or examination experience, stating that specific training and experience is necessary to make supervisory decisions.

A few commenters recommended requiring each panel to include at least one reviewing official with industry experience, and one commenter recommended requiring community bank experience in particular. These commenters suggested that ensuring a diversity of perspectives on panels would promote fairness and instill confidence in the Office's independence. The FDIC generally agrees that a diversity of perspectives on panels is valuable. Furthermore, one motivation behind the establishment of the Office is to ensure that reviewing officials have relevant experience with the supervisory process, and industry experience, along with supervisory or examination experience, can provide valuable experience with the supervisory process. Accordingly, the final Guidelines provide that each three-member panel will include at least one reviewing official with bank supervisory or examination experience and at least one reviewing official with industry experience, generally defined as having worked at a bank or for a company that provides services to banks or banking-related services.

In the event that (A) there are one or more vacancies among reviewing officials or (B) one or more reviewing officials are unavailable (such as due to a health event), resulting in an inability to form a three-member panel, the FDIC Chairperson may (1) authorize the Office to conduct business temporarily with fewer than three members or (2) appoint one or more officials to serve as reviewing officials on a temporary basis, for a time period not to exceed 120 days. In such a scenario, the FDIC expects to fill any vacancy as expeditiously as possible.

The FDIC appreciates the suggestion to require community bank experience

specifically but is sensitive to the need to balance relevant experience with permitting a broad pool of potential applicants. Nonetheless, given that historically the vast majority of banks that have filed appeals have been community banks, the FDIC will view community bank experience favorably in considering applicants with industry experience.

One commenter suggested that the appealing institution should be provided with information about the panel members to allow the institution to raise any concerns about the independence of panel members. The FDIC generally agrees that transparency with respect to the backgrounds of reviewing officials has value. Accordingly, the final Guidelines state that background information on the Office's reviewing officials will be published on the FDIC's website. The FDIC expects that this information will include a summary of the panelists' qualifications and employment experience.

The commenter also recommended that the FDIC use best efforts to exclude current federal banking agency employees who serve in supervisory or enforcement functions, assuming this does not narrow the pool of applicants to a degree that the Office cannot be adequately staffed. The FDIC plans to primarily staff the Office by recruiting externally, and believes this will best promote the independence of the Office's review, but retains the ability to employ current employees of federal banking agencies who are not current FDIC employees.

Conflicts of Interest

One commenter suggested the FDIC clearly articulate the specific criteria and conflicts of interests that would disqualify an individual from serving on a panel. The commenter also recommended a three-year prohibition of any individual who was a former FDIC examiner and a prohibition on any individual from serving on a panel if they have worked as an examiner for or at the appealing institution.

FDIC employees are generally prohibited by statute and regulation from participating in matters that will have a direct and predictable effect on their financial interests or financial interests imputed to the employee.¹² In addition, subject to a determination by the agency, employees are prohibited from participating in any matter involving specific parties which affects the financial interests of a household member or where a person with whom

¹¹ See 12 U.S.C. 4806(d).

¹² See 18 U.S.C. 208; 5 CFR 2635.402.

the employee has a business or close personal relationship is, or represents, a party.¹³ These same conflict of interest restrictions will apply to the Office's reviewing officials. The FDIC also anticipates that reviewing officials may need to recuse themselves from particular cases where an apparent conflict of interest would undermine the perceived independence of the review, and FDIC ethics officials will be available to aid in those decisions.

The FDIC declines to impose a three-year prohibition on serving in the Office for former FDIC examiners and a permanent prohibition from serving on a panel if the individual has worked as an examiner for or at the appealing institution. Although these measures could enhance independence to some degree, they also would constrain staffing of the Office and its panels, and the Office's panels are expected to reflect a variety of views and perspectives. In some cases, however, the circumstances of an individual's prior relationship with an appealing institution may warrant recusal.

Authority of the Office

One commenter suggested that the Office may not be able to provide meaningful relief to institutions because it must decide matters in a manner consistent with FDIC policy, which could be outdated or inconsistently applied. The commenter stated that this reinforces the perception that the appeals process is not truly independent. The supervisory appeals process has long played a role in enhancing the consistency of bank supervision, for example, across the FDIC's Regional Offices. The Office will have a clear role in addressing inconsistent application of FDIC policies, as the Office will be specifically tasked under the final Guidelines with reviewing determinations for "consistency with the policies . . . of the FDIC." Thus, if an institution believes that supervisory staff has inconsistently applied examination or other standards, it may seek review of the matter through the supervisory appeals process. By contrast, the Office's role will not be to address instances where an FDIC policy should be updated. Formulation of policy on behalf of the FDIC is the role of the Board of Directors and, as appropriate, individuals acting under the Board's delegated authority. Appeals seeking to change or modify FDIC policies or rules should be referred to the FDIC Chairperson's office for further

consideration, and the final Guidelines retain this requirement.

Material Supervisory Determinations Eligible for Appeal

One commenter suggested the FDIC should permit appeals of determinations relating to resolution plans, compliance with commitments and conditions imposed through supervision or application processes, and compliance with or remediation of issues covered in an informal enforcement action. In addition, the commenter recommended including procedural matters in the definition of "material supervisory determination" so that the Office may review matters for procedural fairness in the examination process.

The FDIC agrees with the suggestion to include, in the definition of "material supervisory determination," determinations as to compliance with informal enforcement actions. The final Guidelines clarify that such determinations are appealable. For example, if examiners are evaluating whether an institution has complied with an outstanding Memorandum of Understanding, those determinations as to compliance will be appealable under the Guidelines.

The FDIC also agrees that "material supervisory determination" should expressly include determinations as to compliance with conditions imposed through the supervision or application processes. Examiners' evaluation of compliance with such conditions may have important consequences for an institution and is likely material. The final Guidelines clarify that such determinations are appealable. However, if the FDIC determines that an institution's failure to comply with such conditions warrants formal enforcement action, the provisions of the Guidelines relating to enforcement actions apply and may preclude a supervisory appeal in some cases.

Decisions relating to resolution plans are not supervisory in nature and require different areas of expertise, and therefore, those decisions are not being included in the list of determinations that are eligible for review. In addition, there are fewer determinations regularly being made in the resolution context for open institutions, which may prove challenging with respect to ensuring that the panel includes officials with the necessary expertise.¹⁴

¹⁴ The commenter specifically mentioned determinations made as to a resolution plan's credibility under 12 CFR 360.10. As described in frequently asked questions issued in April 2025, the FDIC does not expect to make credibility determinations regarding plan submissions under this regulation.

With respect to the suggestion to include procedural fairness of examinations in the definition of "material supervisory determinations" subject to appeal under the Guidelines, the FDIC notes that it already provides multiple avenues to raise such concerns. Institutions are encouraged to raise concerns of procedural fairness with the Division Director through the informal review process described in FIL-51-2016, the FDIC's Office of the Ombudsman, or the appropriate FDIC Regional Ombudsman.

The list of material supervisory determinations eligible for review under the final Guidelines includes a conforming update to address a change in supervisory terminology recently proposed by the FDIC. The Guidelines have historically permitted appeals of "matters requiring board attention," which are used to inform an institution about the FDIC's views concerning changes needed in the institution's practices, operations, or financial condition. In a recent proposal relating to bank supervision, the FDIC proposed, among other things, to use the term "matters requiring attention" and discontinue using the term "matters requiring board attention."¹⁵ The final Guidelines expressly permit appeals of "matters requiring board attention" and "matters requiring attention" to accommodate both current supervisory terminology as well as the proposed terminology.

Formal Enforcement-Related Provisions—Comments

The FDIC received a number of comments on the provisions of the Guidelines relating to formal enforcement actions and their underlying facts and circumstances. As discussed below, most of these comments recommended different ways the FDIC should expand institutions' opportunities to appeal supervisory determinations when there is a related enforcement action.

One commenter suggested that when an institution receives notice that the FDIC is considering an enforcement action, the FDIC should provide a four-week window for the institution to challenge relevant supervisory determinations through the appeals process and pause the enforcement action until the Office has issued a decision. The commenter argued that the FDIC's strong interest in exercising its enforcement powers should be weighed against an institution's interest in an independent review of supervisory determinations.

¹⁵ 90 FR 48835, 48840 (Oct. 30, 2025).

¹³ See 5 CFR 2635.502.

Two commenters recommended that supervisory appeals should be permitted to proceed even while a formal enforcement action is being considered or pending. One of these commenters stated that formal enforcement actions cannot serve as a substitute for the supervisory appeals process because administrative law judges defer to examiners' conclusions. This commenter also stated that this approach would ensure banks have the right to meaningful reviews of material supervisory determinations as intended by the Riegle Act and allow for due process. Another commenter suggested that the Guidelines' definition of "material supervisory determination" should continue to exclude formal enforcement-related actions and decisions, but not the underlying facts and circumstances.

Two commenters stated that the FDIC should not exclude determinations or the underlying facts and circumstances that form the basis of a recommended or pending formal enforcement action from appeal.

Two commenters suggested that the FDIC adopt a process for expedited review of determinations when appropriate, such as consequential matters or determinations that result in an institution becoming critically undercapitalized for Prompt Corrective Action purposes. One of these commenters suggested that expedited review could take the form of a "special petition" that banks could submit directly to the Office, and that the Office would have discretion to review on an expedited basis. The commenter explained that this would protect institutions from enforcement actions based on findings that would have been overturned by an independent panel. Another commenter recommended allowing resolution of a supervisory appeal before any enforcement action is taken.

Two other commenters addressed the provisions of the Guidelines allowing an extension of the 120-day and 90-day timeframes where appeal rights are suspended while the FDIC is pursuing a formal enforcement action. The commenters stated that extensions of these time periods should only be permitted with the institution's consent, as matters capable of waiting over 120 days to resolve may be good candidates for the appeals process and do not justify special procedures to suspend appeal rights.

Formal Enforcement-Related Provisions—Final Guidelines

The FDIC appreciates the commenters' recommendations and

believes there is value in expanding institutions' appellate rights to allow appeals in certain cases where an enforcement action is proposed or pending. The FDIC believes that this will benefit the Office's evaluation of appeals of examination ratings in particular, as the facts underlying formal enforcement actions are often relevant to ratings decisions. As described below, the final Guidelines will permit the facts and circumstances that form the basis for certain formal enforcement actions to be in scope for consideration by the Office as part of an appeal of a material supervisory determination. The formal enforcement action itself will not be appealable under the Guidelines; formal enforcement actions are contested through the administrative enforcement process defined by section 8 of the Federal Deposit Insurance Act.

When the FDIC provides an institution with material supervisory determinations that form the basis of certain proposed formal enforcement actions, the institution will have an opportunity to appeal the determinations. Specifically, the FDIC will allow the facts and circumstances underlying a proposed formal enforcement action to be in scope for appeals to the Office if the proposed enforcement action is *not* based, in whole or in part, on: (1) unsafe or unsound practices under section 8 of the Federal Deposit Insurance Act, or (2) violations of laws or regulations relating to an institution's anti-money laundering and countering the financing of terrorism (AML/CFT) program or the institution's sanctions compliance.¹⁶ Enforcement actions brought under those authorities are more likely to raise concerns related to safety and soundness or financial crimes that involve a degree of urgency, whereas enforcement actions brought under other authorities are less likely to involve concerns that need to be addressed urgently. The FDIC also expects to issue a final rule in the coming months that defines the term "unsafe or unsound practice" for purposes of section 8 of the Federal Deposit Insurance Act in a manner that ensures any such actions will satisfy a materiality threshold. The FDIC seeks to balance deeming more appeals eligible through the agency's appeal process with the practical challenges associated with allowing the facts and circumstances underlying certain types

of enforcement actions to be appealed. The FDIC also seeks to establish bright line criteria, focusing on the authorities under which appeals are brought, rather than more subjective criteria that would result in significant uncertainty regarding which appeals would be appealable.

If an institution appeals a supervisory determination that forms the basis for a proposed formal enforcement action, the appeal will be considered on an expedited basis under a schedule determined by the Office. As a general matter, the FDIC expects to delay the initiation of the enforcement action until the conclusion of the appeal, but there may be certain circumstances in which the FDIC will pursue a simultaneous enforcement action.¹⁷ The FDIC will also require an institution subject to a potential enforcement action to sign an agreement to toll a relevant statute of limitations. If the institution fails to do so upon a request by the FDIC, the facts and circumstances underlying the enforcement action will no longer be eligible to be considered as part of an appeal.

Consistent with the current SARC guidelines, if supervisory appeal rights are suspended due to a notice of a formal enforcement action, the FDIC must move forward with the formal enforcement action within specified time frames or supervisory appeal rights will be reinstated. These time frames will be consistent with the time frames that currently apply to the suspension and reinstatement of appeal rights under the Guidelines.

Burden of Proof and Standard of Review

Commenters generally supported the standards of review and burden of proof in the proposal. One commenter was supportive of the proposed standard of review that would underscore the independence of the Office's review by specifying that the Office will not defer to the judgment of either party. However, this commenter recommended the FDIC clarify that appealing institutions be permitted to challenge an examiner's view of reasonableness and that the FDIC set specific parameters around "reasonableness." The commenter further recommended that the FDIC clarify that material supervisory determinations will not be based on a bank's non-conformance with non-binding agency guidance or supervisory expectations.

¹⁶ Facts and circumstances underlying enforcement actions that are brought under multiple authorities will not be appealable if one of those authorities is mentioned above.

¹⁷ A potential example of when the FDIC might pursue a simultaneous enforcement action is if a bank appeals a ratings downgrade, and the facts underlying the enforcement action play a small role in the ratings downgrade.

Commenters also asked for further clarification regarding the burden of proof. One commenter stated that it was consistent with appellate practice to place the burden of proof on the appealing institution, but asked that the final Guidelines clarify that the standard of proof is preponderance of evidence to align with generally accepted administrative law principles and to avoid giving undue deference to examiners' conclusions.

Two commenters believed the burden of proof in appeals should be on the FDIC. One commenter believed that placing the burden of proof on the appealing institution means the appeal cannot succeed unless the examiners are clearly wrong. The commenter suggested the initial burden should be placed on the FDIC to show the FDIC has legal authority to make the supervisory determination, the officials who made the determination were acting within such authority, and their findings are consistent with that authority, with an opportunity for bank rebuttal. Another commenter stated that placing the burden of proof on the appealing institution is not required by statute and is unnecessarily prescriptive since the process is not governed by the Administrative Procedure Act or other judicial review procedure. This commenter stated that placing the burden of proof on the appealing institution discourages appeals because it makes it more unlikely that institutions obtain favorable decisions.

The FDIC appreciates the opportunity to clarify the standard of review for the Office's decisions. The Office will review the appeal for consistency with the policies (including regulations, guidance, policy statements, examination manuals, and other written publications) of the FDIC and the overall reasonableness of, and the support offered for, the positions advanced. The Office will make an independent supervisory determination and will not defer to the judgments of either party.

The FDIC is not changing the burden of proof, which is consistent with appellate proceedings and generally requires the appellant to establish that the decision being appealed was in error. The FDIC is not adopting a preponderance of the evidence standard in the Guidelines, but the agency does view a preponderance of the evidence standard as generally consistent with how the SARC has historically decided appeals and the Guidelines.

Information Sharing Provisions

Commenters generally supported the information sharing provisions in the

proposal. However, commenters provided some suggestions to enhance transparency. One commenter suggested the FDIC prohibit all *ex parte* communications with the Office during an appeal and require any such communications that inadvertently occur to be made available to both parties in writing on a timely basis. The disclosure of such communications is generally consistent with past practice, but the FDIC agrees that it is useful for the Guidelines to explicitly address any potential communication concerning an appeal that might occur. The final Guidelines therefore require that any *ex parte* communications concerning the substance of an appeal between the Office and supervisory staff be shared in writing. If there are any redactions to any communications shared with an appealing institution to avoid improper disclosure, the reasons for the redactions will be provided to the appealing institution.

The commenter also suggested the FDIC clarify the timing of when information considered by the Office will be shared with both parties and to ensure that both parties receive all information on a timely basis prior to the issuance of the Office's decision, with the opportunity to rebut any factually incorrect or misleading information. The final Guidelines retain, without change, the requirement from the proposal that materials concerning an appeal submitted to the Office will be shared with the other party to the appeal on a timely basis. The FDIC expects that materials will be shared with sufficient time to allow the parties to prepare for an oral presentation to the Office panel, if oral presentation is requested, or before the panel meets to consider the appeal.

One commenter suggested that an appealing institution should receive any information that a State regulatory authority provides the FDIC. State regulators are not a party to the FDIC's appeals process and their regulatory information may be governed by a variety of State laws and rules. The FDIC does not have authority to commit to disclosure of such information in all cases. However, if the relevant Division provides information on the State regulator's views to the Office as part of its submission, that information will be shared with an appealing institution in the same manner as other appeal materials.

New Evidence

One commenter recommended the final Guidelines clarify that the Office should review any relevant evidence, including evidence that was not

available at the time of the Division Director's consideration of the appeal or evidence that formed the basis of the Division Director's decision. The commenter believed this clarification is consistent with fundamental principles of fairness and due process. Excluding new evidence, subject to limited exceptions, is generally consistent with appellate processes. The proposal, which provided that new evidence could be submitted if approved by the reviewing panel and with a reasonable time for the Division Director to review and respond, strikes an appropriate balance. This promotes the Office's role as an appellate body while allowing for the introduction of new evidence in cases where it may be particularly critical to the outcome. The FDIC therefore adopts this provision as proposed.

Supervisory Stays

One commenter supported allowing an institution to request a stay of a supervisory decision or action while a supervisory appeal is pending, but recommended that the Office, rather than the Division Director, decide the request for a stay when an appeal is pending with the Office. The commenter believed allowing the Office to decide stay requests would enhance independence. While the FDIC is sympathetic to the perspective that the Office would enhance independence, the FDIC is leaving such decisions to the Division Director, as that decision to grant a stay of a supervisory determination while an appeal is pending is ultimately a matter of supervisory judgment.

The same commenter suggested the FDIC lay out the basis for analyzing stay requests. While the FDIC is not laying out a formal analytical framework, the FDIC is adding a provision to the Guidelines providing that the analysis will include a weighing of potential harms. For example, granting a stay of a supervisory decision while an institution's appeal is pending may present safety and soundness concerns if an important risk to the institution is not being adequately addressed. However, leaving a supervisory determination in place while an appeal is ongoing may have detrimental consequences for the institution, such as potential negative market reactions in the event of a restatement of a bank's Call Report or changes in deposit classifications resulting from a downgrade to CAMELS ratings.

Legal Division's Role

Commenters expressed some concerns about the role of the FDIC Legal

Division in the proposed Guidelines. One commenter suggested that the proposal weakened the independence of the Office and made the Legal Division the ultimate appellate authority by authorizing the Legal Division to require the Office to revise its draft decisions and to decide procedural questions without providing notice and opportunity to be heard to an appealing institution. The commenter stated that the Office should be the highest appellate authority and should itself decide all procedural issues.

The FDIC does not believe the proposed role of the Legal Division undermines the Office's independence. It is expected that the Office will exercise independent judgment in deciding appeals, but will do so within the bounds of applicable laws and regulations, as well as policy established by the FDIC's Board of Directors. The Legal Division's role is to ensure that the Office's decisions fall within those bounds, and as explained in the proposal, the Legal Division will not exercise supervisory judgment or opine on the merits of appeals. This aspect of the Guidelines will be adopted as proposed.

The FDIC appreciates, however, that many procedural questions may warrant collaboration with the Office. Thus, the final Guidelines state that procedural questions will be referred to the Legal Division for resolution, but also provide that the Legal Division will consult with the Office on such matters.

In addition, the same commenter recommended that nothing should be submitted to the Office by the Legal Division without notice to the appealing institution and an opportunity for the institution to respond. The FDIC is not adopting this suggestion. Where the Legal Division advises the Office on the FDIC's policies and rules, such advice will be covered by attorney-client privilege. Furthermore, the FDIC's historic practice has been that the SARC is advised by Legal staff who were not involved in making the determinations at issue, and the agency plans to ensure the same with respect to the Office to promote independence from those involved in the determinations. Where the Legal Division decides a procedural request or concludes that an issue raised in an appeal is ineligible for review under the Guidelines, the decision will be provided to the institution.

Another commenter focused on Legal's role in determining that an issue raised in an appeal is ineligible for review. The proposal provided that, in such cases, the Legal Division would provide notice, with a written explanation, to the Office. To increase

transparency, the commenter suggested that such action should be accompanied by a written determination accessible to the appealing institution. The FDIC agrees, and the final Guidelines provide that notice and a written explanation will be provided to both the Office and the appealing institution in such cases.

Publication of Decisions and Annual Reports

Commenters agreed with the proposal to publish the Office's decisions in summary or redacted form. One commenter recommended that the final Guidelines specify that the Office's final decision will include the reasoning of the panel and, where applicable, an opportunity for any dissenters on the panel to include a brief statement of reasoning. This commenter also recommended the Office's decision be provided to the appealing institution before publication with a right to object to publication on grounds of inadequate redaction. The commenter stated that the FDIC should never publish a decision from the Office that cannot be sufficiently anonymized.

Consistent with past FDIC practice, appellate decisions will include the rationale for the panel's decision. This could include a dissenting view. The FDIC strives to ensure that decisions are redacted sufficiently to ensure that the bank cannot be identified, given the sensitive nature of the supervisory determinations they contain, and agrees that it may be beneficial to consider an appealing institution's feedback on suggested redactions before publishing the Office's decisions. For this reason, the final Guidelines provide that recommended redactions to the decision will be shared with the appealing institution prior to publication to allow the institution to raise any potential concern that the redactions are insufficient to avoid its identification. If such concerns are raised, the Office and supporting staff will work with the institution in an effort to address any such concerns.

In addition, one commenter suggested that the FDIC's annual reports provide anonymized data regarding the number of appeals and the outcomes, as well as the number of appeals involving matters requiring board attention (by subject and Region). Another commenter recommended the FDIC periodically review and publish summary data on the Office's decisions with appropriate redactions in order to promote transparency and learning. The FDIC values transparency and will consider this feedback in defining a reporting process that promotes transparency. In addition to continuing to publish

redacted decisions, the FDIC will explore additional transparency measures, including reporting of data on the number of appeals decided and their outcomes.

Waiver Authority

The proposal provided that the Office, with the concurrence of the Legal Division, would have discretion to waive any provision of the Guidelines for good cause. The final Guidelines are tailoring this waiver authority, reflecting the status of the Office as an independent office. Specifically, the final Guidelines state that the Office, with the Legal Division's concurrence, may waive for good cause deadlines or procedural requirements concerning the administration of appeals. This is intended to provide necessary flexibility to address unusual circumstances that may arise in handling appeals. Waiver authority will not, however, extend to provisions such as the qualifications of reviewing officials, the standard of review, or the types of determinations that may be appealed, which define the basic structure of the appellate process.

Retaliation

One commenter appreciated the FDIC's affirmation of its policy prohibiting examiner retaliation and encouraged the FDIC to continue monitoring for retaliation and to provide clear guidance on how to report concerns. Another commenter believed the FDIC should provide further clarity on the prohibition against examination retaliation. This commenter stated that the FDIC should clearly articulate procedures for educating examination staff about the types of action that constitute retaliation and the associated penalties. The commenter also recommended that any disciplinary actions taken should be communicated to supervisory and examination staff to serve as a deterrent.

As discussed in the proposal, the Ombudsman will exercise neutral oversight of the supervisory process and will monitor the process for retaliation. The FDIC appreciates the suggestions made by commenters and remains committed to its policy on the prohibition of examiner retaliation. Institutions should continue to contact the Ombudsman with any concerns regarding examination retaliation, as outlined in the Guidelines. The FDIC is adopting the provisions regarding the prohibition on examiner retaliation as proposed.

Confidential Supervisory Information

One commenter requested the FDIC allow an institution to disclose

confidential supervisory information to outside counsel or third-party advisors when considering whether to appeal a material supervisory determination. Disclosing supervisory information to an institution's outside counsel regarding an appeal is part of the attorney-client relationship and is consistent with part 309 of the FDIC's regulations. With respect to consultants or other advisers, an institution should follow existing processes for disclosing such information.

Inspector General Review

One commenter recommended that the FDIC's Office of Inspector General (OIG) perform a regular, formal review of the Office to substantiate its independence, and that such findings should be reviewed and approved by the FDIC's Board annually and made available to the public. The FDIC OIG is an independent office that conducts audits, evaluations, investigations, and other reviews of FDIC programs and operations. The FDIC's Board generally does not instruct the OIG to initiate reviews or audits.

Transition

Commenters expressed a variety of views about how the FDIC should transition appellate review from the SARC to the new Office. One commenter recommended the FDIC establish the Office on an expedited basis, while another commenter recommended the FDIC provide clear communication to institutions about the transition and provide opportunities for institutions to give feedback. The FDIC agrees that FDIC-supervised institutions need clear communication regarding the transition from the SARC to the Office to understand the entity that will hear potential supervisory appeals, and thus the FDIC will notify the public once the Office is operational.

Examination Process

Two commenters suggested the FDIC make certain changes to the examination process to promote transparency and fairness and strengthen communication. One commenter encouraged the FDIC to permit institutions to respond to adverse findings before formal issuance. Another commenter suggested the FDIC should provide regular interim updates from on-site examiners and subject-matter experts during the course of an examination, with an opportunity for the institution to respond to adverse findings and correct factual errors, plus an opportunity for review by an independent and disinterested decisionmaker (such as the

Ombudsman). In addition, this commenter believed the supervisory process would benefit from a more thorough, transparent explanation of findings so that institutions can make reasoned determinations whether to appeal. Although examination procedures are generally outside the scope of the proposal, which focused on the supervisory appeals process, the FDIC will consider commenters' recommendations for future enhancements to the examination process.

Regulatory Review

The Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget has reviewed this proposal and determined that it does not constitute a "significant regulatory action" for purposes of Executive Order 12866.

For the reasons set out in the preamble, the Federal Deposit Insurance Corporation's Board of Directors adopts the Guidelines for Appeals of Material Supervisory Determinations as set forth below.

Guidelines for Appeals of Material Supervisory Determinations

A. Introduction

Section 309(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (Pub. L. 103-325, 108 Stat. 2160) (Riegle Act) requires the Federal Deposit Insurance Corporation (FDIC) to establish an independent intra-agency appellate process to review material supervisory determinations made at insured depository institutions that it supervises. The Guidelines for Appeals of Material Supervisory Determinations (Guidelines) describe the types of determinations that are eligible for review and the process by which appeals are considered and decided.

B. Reviewing Officials

The Office of Supervisory Appeals (Office) is staffed with reviewing officials, hired for fixed terms, who have bank supervisory or examination experience or other relevant experience. Reviewing officials consider and decide appeals submitted to the Office in panels of three reviewing officials selected by the Office who have no conflicts of interest with respect to the appeal or the parties to the appeal. At least one reviewing official on a panel must have bank supervisory or examination experience, and at least one must have industry experience (generally defined as having worked at a bank or for a company that provides

services to banks or banking-related services).

In the event a three-member panel cannot be formed, due to one or more vacancies or due to the unavailability of one or more reviewing officials, the FDIC Chairperson may (1) authorize the Office to conduct business temporarily with fewer than three members or (2) appoint one or more officials to serve as reviewing officials on a temporary basis, for a time period not to exceed 120 days. In the latter case, a temporary reviewing official may still participate in the final decision of any appeal in which the appeal is received and a hearing is held before the end of the 120-day period but the final decision is not issued until after the 120-day period ends.

Background information on the Office's reviewing officials is published on the FDIC's website. Current government employees with relevant experience may serve on a part-time basis. However, current FDIC employees are not eligible. Current employees of insured depository institutions or their affiliates are also not eligible.

C. Institutions Eligible To Appeal

The Guidelines apply to the insured depository institutions that the FDIC supervises (*i.e.*, insured State nonmember banks, insured branches of foreign banks, and state savings associations), and to other insured depository institutions for which the FDIC makes material supervisory determinations.

D. Determinations Subject To Appeal

An institution may appeal any material supervisory determination pursuant to the procedures set forth in these Guidelines.

(1) Material supervisory determinations include:

(a) CAMELS ratings under the Uniform Financial Institutions Rating System;

(b) IT ratings under the Uniform Rating System for Information Technology;

(c) Trust ratings under the Uniform Interagency Trust Rating System;

(d) CRA ratings under the Revised Uniform Interagency Community Reinvestment Act Assessment Rating System;

(e) Consumer compliance ratings under the Uniform Interagency Consumer Compliance Rating System;

(f) Registered transfer agent examination ratings;

(g) Government securities dealer examination ratings;

(h) Municipal securities dealer examination ratings;

(i) Determinations relating to the appropriateness of loan loss reserve provisions;

(j) Classifications of loans and other assets in dispute the amount of which, individually or in the aggregate, exceeds 10 percent of an institution's total capital;

(k) Determinations relating to violations of a statute or regulation, including the severity of a violation, that may affect the capital, earnings, or operating flexibility of an institution, or otherwise affect the nature and level of supervisory oversight accorded an institution;

(l) Truth in Lending Act (Regulation Z) restitution;

(m) Filings made pursuant to 12 CFR 303.11(f), for which a request for reconsideration has been granted, other than denials of a change in bank control, change in senior executive officer or board of directors, or denial of an application pursuant to section 19 of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1829 (which are contained in 12 CFR part 308, subparts D, L, and M, respectively), if the filing was originally denied by the Director, Deputy Director, or Associate Director of the Division of Depositor and Consumer Protection (DCP), the Division of Risk Management Supervision (RMS), or the Division of Complex Institution Supervision and Resolution (CISR);

(n) Decisions to initiate informal enforcement actions (such as memoranda of understanding) and determinations regarding an institution's level of compliance with an informal enforcement action;

(o) Determinations regarding the institution's level of compliance with a formal enforcement action; however, if the FDIC determines that the lack of compliance with an existing formal enforcement action requires an additional formal enforcement action, the proposed new enforcement action is not appealable;

(p) Matters requiring board attention or matters requiring attention;

(q) Determinations regarding an institution's compliance with conditions imposed through the supervision or application processes; and

(r) Any other supervisory determination (unless otherwise not eligible for appeal) that may affect the capital, earnings, operating flexibility, or capital category for prompt corrective action purposes of an institution, or that otherwise affects the nature and level of supervisory oversight accorded an institution.

(2) Material supervisory determinations do not include:

(a) Decisions to appoint a conservator or receiver for an insured depository institution, and other decisions made in furtherance of the resolution or receivership process, including but not limited to determinations pursuant to 12 CFR parts 370, 371, and 381, and 12 CFR 360.10 of the FDIC's rules and regulations;

(b) Decisions to take prompt corrective action pursuant to section 38 of the FDI Act, 12 U.S.C. 1831o, although the determinations upon which such actions are based (such as loan classifications) are appealable, provided they otherwise qualify;

(c) Determinations for which other appeals procedures exist (such as determinations of deposit insurance assessment risk classifications and payment calculations);

(d) Formal enforcement actions and decisions, which for purposes of these Guidelines include a referral to the Attorney General for violations of the Equal Credit Opportunity Act (ECOA) or a notice to the Secretary of Housing and Urban Development (HUD) for violations of ECOA or the Fair Housing Act (FHA); and

(e) Facts and circumstances underlying pending or proposed formal enforcement actions for which the institution has been provided written notice that the action is based on: (1) unsafe or unsound practices for purposes of section 8 of the Federal Deposit Insurance Act; (2) violations of laws or regulations relating to the institution's anti-money laundering and countering the financing of terrorism (AML/CFT) program or the institution's sanctions compliance; or (3) violations for which an institution fails to sign an agreement to toll a relevant statute of limitations, if requested to do so by the FDIC. Notice under this paragraph does not suspend or otherwise affect a pending request for review or appeal that was previously submitted.

(3) Additional appeal rights:

(a) In the case of notice of an enforcement action under paragraph (2)(e), the FDIC must issue an Order of Investigation, issue a Notice of Charges, or provide the institution with a draft consent order within 120 days of such a notice, or the most recent submission of information from the institution, whichever is later, or appeal rights will be made available pursuant to these Guidelines. If the FDIC timely provides the institution with a draft consent order and the institution rejects the draft consent order in writing, the FDIC must issue an Order of Investigation or a Notice of Charges within 90 days from the date on which the institution rejects the draft consent order in writing or

appeal rights will be made available pursuant to these Guidelines. The FDIC may extend these periods, with the approval of the FDIC Chairperson, after the FDIC notifies the institution that the relevant Division Director is seeking formal authority to take an enforcement action.

(b) Written notification will be provided to the institution within 10 days of a determination that appeal rights have been made available under this section.

(c) The relevant FDIC Division and the institution may mutually agree to extend the timeframes in paragraph (a) of this section if the parties deem it appropriate.

(4) If the FDIC provides an institution written notice of a proposed formal enforcement action other than an action under paragraph (2)(e), any supervisory appeal involving the facts and circumstances underlying the proposed formal enforcement action will be considered on an expedited basis under a schedule determined by the Office.

E. Good-Faith Resolution

An institution should make a good-faith effort to resolve any dispute concerning a material supervisory determination with the on-site examiner and/or the appropriate Regional Office. The on-site examiner and the Regional Office will promptly respond to any concerns raised by an institution regarding a material supervisory determination. Informal resolution of disputes with the on-site examiner and the appropriate Regional Office is encouraged, but seeking such a resolution is not a condition to filing a request for review with the appropriate Division, either DCP, RMS, or CISR, or to filing a subsequent appeal with the Office under these Guidelines. An institution may also avail itself of the Ombudsman to attempt to reach an agreeable outcome.

F. Filing a Request for Review With the Appropriate Division

(1) An institution may file a request for review of a material supervisory determination with the Division that made the determination, either the Director, DCP, the Director, RMS, or the Director, CISR (Director or Division Director), 550 17th Street NW, Room F-4076, Washington, DC 20429, within 60 calendar days following the institution's receipt of a report of examination containing a material supervisory determination or other written communication of a material supervisory determination. Requests for review also may be submitted electronically. To ensure

confidentiality, requests should be submitted through securemail@fdic.gov, directing the message to DirectorReviewRequest@fdic.gov. A request for review must be in writing and must include:

(a) A detailed description of the issues in dispute, the surrounding circumstances, the institution's position regarding the dispute and any arguments to support that position (including citation of any relevant statute, regulation, policy statement, or other authority), how resolution of the dispute would materially affect the institution, and whether a good-faith effort was made to resolve the dispute with the on-site examiner and the Regional Office; and

(b) A statement that the institution's board of directors or senior management has considered the merits of the request and has authorized that it be filed. Senior management is defined as the core group of individuals directly accountable to the board of directors for the sound and prudent day-to-day management of the institution. If an institution's senior management files an appeal, it must inform the board of directors of the substance of the appeal before filing and keep the board of directors informed of the appeal's status.

(2) Within 45 calendar days after receiving a request for review described in paragraph (1) of this section, the Division Director will:

(a) Review the appeal, considering whether the material supervisory determination is consistent with applicable laws, regulations, and policy, make his or her own supervisory determination without deferring to the judgments of either party, and issue a written determination on the request for review, setting forth the grounds for that determination; or

(b) Refer the request for review to the Office for consideration as an appeal under Section G and provide written notice to the institution that the request for review has been referred to the Office.

(3) No appeal to the Office is allowed unless an institution has first filed a timely request for review with the appropriate Division Director.

(4) In any decision issued pursuant to paragraph (2)(a) of this section, the Director will inform the institution of the 30-day time period for filing with the Office and will provide the mailing and email addresses for any appeal the institution may wish to file.

(5) The Division Director may request guidance from the Legal Division as to procedural or other questions relating to any request for review.

G. Appeal to the Office

An institution that does not agree with the written determination rendered by the Division Director may appeal that determination to the Office within 30 calendar days after the date of receipt of that determination. Failure to file within the 30-day time limit may result in denial of the appeal by the Office.

1. Filing With the Office

An appeal to the Office will be considered filed if the written appeal is received by the FDIC within 30 calendar days after the date of receipt of the Division Director's written determination or if the written appeal is placed in the U.S. mail within that 30-day period. An acknowledgment of the appeal will be provided to the institution, and copies of the institution's appeal will be provided to the Office of the Ombudsman and the appropriate Division Director. Copies of all relevant materials related to an appeal will be provided to the Office of the Ombudsman.

2. Contents of Appeal

The appeal should be labeled to indicate that it is an appeal to the Office and should contain the name, address, and telephone number of the institution and any representative, as well as a copy of the Division Director's determination being appealed. If oral presentation is sought, that request should be included in the appeal. If expedited review is requested, the appeal should state the reason for the request. Only matters submitted to the appropriate Division Director in a request for review may be appealed to the Office. Evidence not presented for review to the Division Director is generally not permitted; such evidence may be submitted to the Office only if approved by the reviewing panel and with a reasonable time for the Division Director to review and respond. The institution should set forth all of the reasons, legal and factual, why it disagrees with the Division Director's determination. Nothing in this appellate process shall create any discovery or other such rights.

3. Burden of Proof

The burden of proof as to all matters at issue in the appeal, including timeliness of the appeal if timeliness is at issue, rests with the institution.

4. Submission From the Division Director

The Ombudsman and the Division Director may submit views regarding the appeal to the Office within 30 calendar

days of the date on which the appeal is received by the Office.

5. Oral Presentation

The Office will, if a request is made by the institution or by FDIC staff, allow an oral presentation. The panel may hear oral presentations in person, telephonically, electronically, or through other means agreed upon by the parties. If an oral presentation is held, the institution and FDIC staff will be allowed to present their positions on the issues raised in the appeal and to respond to any questions from the panel.

6. Consolidation, Dismissal, and Rejection

Appeals based upon similar facts and circumstances may be consolidated for expediency. An appeal may be dismissed by the Office if it is not timely filed, if the basis for the appeal is not discernable from the appeal, or if the institution moves to withdraw the appeal. The Office will decline to consider an appeal if the institution's right to appeal is not yet available under section D(3), above.

7. Scope of Review and Decision

The panel is an appellate body and makes independent supervisory determinations. The panel reviews the appeal for consistency with the policies (including regulations, guidance, policy statements, examination manuals, and other written publications) of the FDIC and the overall reasonableness of, and the support offered for, the positions advanced. The panel makes its own supervisory determination without deferring to the judgments of either party. The panel's review is limited to the facts and circumstances as they existed prior to, or at the time the material supervisory determination was made, even if later discovered, and no consideration is given to any facts or circumstances that occur or corrective action taken after the determination was made. The panel may not consider any aspect of an appeal that seeks to change or modify existing FDIC rules or policy, and may not overturn a material supervisory determination if the result of such a ruling would be inconsistent with the policies of the FDIC. The panel will notify the institution, in writing, of its decision concerning the disputed material supervisory determination(s) within 45 days after the date the panel meets to consider the appeal, which meeting will be held within 90 days after either the date of the filing of the appeal or the date that the Division Director refers the appeal to the Office.

8. Role of the Legal Division

The Legal Division provides counsel to the Office and generally advises the Office on FDIC policies and rules. This function will not include any staff involved in making any supervisory determinations being appealed. If an appeal seeks to change or modify FDIC policies or rules, or raises a policy matter of first impression, the Legal Division will provide notice, along with a written explanation, to the Office, and then, after such notice is provided, refer the matter to the Chairperson's Office.

The Legal Division reviews decisions of the Office for consistency with applicable laws, regulations, and policies of the FDIC prior to their issuance. If the Legal Division determines that a decision is contrary to a law, regulation, or policy of the FDIC, the Legal Division will notify the Chairperson's Office of the matter, and the Office will revise the decision to conform with relevant laws, regulations, or policies.

If an appeal raises procedural questions, including whether issues raised by the institution are eligible for review, the appropriate Division Director or the Office will refer such matters to the Legal Division for resolution, in consultation with the Office. The Legal Division may determine whether an appeal, or an issue raised in an appeal, is ineligible for review. The Legal Division will provide notice, with a written explanation, to the Office and the appealing institution of the resolution of the procedural request or if an appeal, or an issue raised in an appeal, is deemed ineligible for review.

9. Sharing of Appeal Materials

Materials concerning an appeal submitted to the Office by either the relevant Division or an appealing institution, including any communication concerning the substance of appeal between the Office and supervisory staff, will be shared with the other party to the appeal, subject to applicable legal limitations on disclosure, on a timely basis. The Office will provide the reasons for any redactions to the appealing institution. The Ombudsman will verify that both parties have received these materials.

H. Publication of Decisions

Decisions of the Office are published as soon as practicable, and the published decisions are redacted to avoid disclosure of the name of the appealing institution and any information exempt from disclosure under the Freedom of Information Act

and the FDIC's document disclosure regulations found in 12 CFR part 309. Proposed redactions to decisions of the Office will be shared with the appealing institution prior to publication to allow the institution to raise any potential concern that the redactions are insufficient to avoid its identification. Published SARC or Office decisions may be cited as precedent in appeals to the Office. Annual reports on the Office's decisions and Division Directors' decisions with respect to institutions' requests for review of material supervisory determinations also will be published.

I. Appeal Guidelines Generally

Appeals to the Office are governed by these Guidelines. The Office, with the concurrence of the Legal Division, retains discretion to waive for good cause deadlines or procedural requirements concerning the administration of appeals under these Guidelines. Supplemental rules governing the Office's operations may be adopted.

Institutions may request extensions of the time period for submitting appeals under these Guidelines from either the appropriate Division Director or the Office, as appropriate. If a filing under these Guidelines is due on a Saturday, Sunday, or a Federal holiday, the filing may be made on the next business day.

Institutions may request a stay of a supervisory action or determination from the Division Director while an appeal of that determination is pending. The request must be in writing and include the reason(s) for the stay. The Division Director has discretion to grant a stay and will generally decide whether to grant a stay within 21 days of receiving the institution's request, providing the institution with the reason(s) for his or her decision in writing, which should include a weighing of potential harms. A stay may be granted subject to conditions, including time limitations, where appropriate.

J. Limitation on Agency Ombudsman

Except as otherwise provided by these Guidelines, the subject matter of a material supervisory determination for which either an appeal to the Office has been filed, or a final Office decision issued, is not eligible for consideration by the Ombudsman.

K. Coordination With State Regulatory Authorities

In the event that a material supervisory determination subject to a request for review is the joint product of the FDIC and a State regulatory

authority, the Director, DCP; the Director, RMS; or the Director, CISR, as appropriate, will promptly notify the appropriate State regulatory authority of the request, provide the regulatory authority with a copy of the institution's request for review and any other related materials, and solicit the regulatory authority's views regarding the merits of the request before making a determination. In the event that an appeal is subsequently filed with the Office, the Office will notify the institution and the State regulatory authority of its decision. Once the Office has issued its determination, any other issues that may remain between the institution and the State regulatory authority will be left to those parties to resolve.

L. Effect on Supervisory or Enforcement Actions

Except as provided in these Guidelines, the use of the procedures set forth in these Guidelines by any institution will not affect, delay, or impede any formal or informal supervisory or enforcement action in progress during the appeal or affect the FDIC's authority to take any supervisory or enforcement action against that institution.

M. Effect on Applications or Requests for Approval

Any application or request for approval made to the FDIC by an institution that has appealed a material supervisory determination that relates to, or could affect the approval of, the application or request will not be considered until a final decision concerning the appeal is made unless otherwise requested by the institution.

N. Prohibition on Examiner Retaliation

FDIC policy prohibits any retaliation, abuse, or retribution by an agency examiner or any FDIC personnel against an institution. Such behavior against an institution that appeals a material supervisory determination constitutes unprofessional conduct and will subject the examiner or other personnel to appropriate disciplinary or remedial action. In light of this important principle, the Ombudsman will monitor the supervision process following an institution's submission of an appeal under these Guidelines. The Ombudsman will report to the Board on these matters periodically.

Institutions that believe they have been retaliated against are encouraged to contact the Regional Director for the appropriate FDIC region. Any institution that believes or has any evidence that it has been subject to

retaliation may file a complaint with the Director, Office of the Ombudsman, Federal Deposit Insurance Corporation, 3501 Fairfax Drive, Suite E-2022, Arlington, Virginia 22226, explaining the circumstances and the basis for such belief or evidence and requesting that the complaint be investigated and appropriate disciplinary or remedial action taken. The Office of the Ombudsman will work with the appropriate Division Director to resolve the allegation of retaliation.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, January 22, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026-01433 Filed 1-23-26; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL MARITIME COMMISSION

[FMC-2026-0067]

Renewal of an Agency Information Collection of a Previously Approved Collection; 60-Day Public Comment Request; Containerized Freight Statistics—Imports and Exports; 3072-0074

AGENCY: Federal Maritime Commission.

ACTION: Sixty-day notice; request for comment.

SUMMARY: The Federal Maritime Commission (Commission) intends to seek re-approval, with revision, for Collection of Information 3072-0074 (Container vessel imports and exports) from the Office of Management and Budget (OMB). In accordance with the Paperwork Reduction Act of 1995 the Commission is requesting comments on this collection from all interested individuals and organizations prior to submitting our request to OMB.

DATES: Comments must be submitted on or before March 27, 2026.

ADDRESSES: The Commission is accepting comments using the Federal eRulemaking Portal at www.regulations.gov. The docket for this notice, which includes a copy of the information collection instruction and submitted comments, can be found at www.regulations.gov under Docket No. FMC-2026-0067. Follow the instructions provided on Regulations.gov for submitting comments.

FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice to Michael Johnson, (202) 523-5796, mjohnson@fmc.gov.

SUPPLEMENTARY INFORMATION: The Commission invites the general public and other Federal agencies to comment on the continuing information collection 0372-0074 (Container vessel imports and exports), as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We invite comments on: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of the automated collection techniques or other forms of information technology to minimize the information collection burden. Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments.

Information Collection Open for Comment

Title: Container vessel imports and exports.

OMB Approval Number: 3072-0074.

Form Number: Not applicable.

Request Type: Revision of a currently approved collection.

Abstract: The Ocean Shipping Reform Act of 2022 (OSRA 2022) mandates that: "The Federal Maritime Commission shall publish on its website a calendar quarterly report that describes the total import and export tonnage and the total loaded and empty 20-foot equivalent units per vessel (making port in the United States, including any territory or possession of the United States) operated by each ocean common carrier covered under this chapter. Ocean common carriers under this chapter shall provide to the Commission all necessary information, as determined by the Commission, for completion of this report." 46 U.S.C. 41110. To comply with this quarterly reporting requirement the Commission will request information on tonnage and 20-foot equivalent units from each identified common carrier on a monthly basis. The information will be used to compile and publish a quarterly report on total import and export tonnage and total loaded and empty 20-foot equivalent units per vessel operated by common carriers.

Needs and Uses: The Commission will use collected data to publish a quarterly report as directed by 46 U.S.C. 41110.

Respondents: The thirty (30) largest vessel-operating common carriers by containerized cargo volume transporting 20-foot equivalent units (total across imports and exports, regardless of whether they are laden) in or out of the United States in ocean borne foreign commerce. (The Commission estimates that these thirty (30) largest carriers are responsible for transporting 98 percent of the market share of containerized freight moving in international commerce to and from the United States.)

Estimated Number of Annual Respondents: 30.

Estimated Time per Response: 6 hours and 40 minutes.

Frequency: Information will be collected monthly.

Total Annual Burden: 2,401 hours.

For the Commission.

David Eng,

Secretary.

[FR Doc. 2026-01443 Filed 1-23-26; 8:45 am]

BILLING CODE 6730-02-P

FEDERAL MARITIME COMMISSION

[FMC-2026-0100]

Investigation Into Ocean Common Carriers' Practices and Restrictions on Chassis Usage

AGENCY: Federal Maritime Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Maritime Commission is investigating reports that ocean common carriers may be in violation of the Shipping Act by unjustly and unreasonably restricting truckers and shippers from negotiating and dealing with chassis providers through service contract terms or other means, and seeks information from shippers, motor carriers, and other transportation service providers as well as the public about whether such practices are occurring and if so, how they are affecting the ocean supply chain.

DATES: Submit comments on or before March 27, 2026.

ADDRESSES: You may submit comments, identified by FMC-2026-0100 by the following method:

Federal eRulemaking Portal: Your comments must be written and in English. You may submit your comments electronically through the Federal Rulemaking Portal at www.regulations.gov. To submit comments on that site, search for Docket No. FMC-2026-0100 and follow the instructions provided. To request that comments or portions thereof remain

confidential, submit a request addressed to David Eng, Secretary at *Secretary@fmc.gov*.

FOR FURTHER INFORMATION CONTACT: For questions regarding submitting comments or the treatment of any confidential information, contact David Eng, Secretary; Phone: (202) 523-5725; Email: *Secretary@fmc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission has received information that ocean common carriers are relying on service contract terms or other means to mandate that motor carriers (truckers) and shippers use the ocean common carriers' designated chassis provider. The information received appears to indicate that these practices are being applied to cargo transported under merchant haulage arrangements under which the trucker or shipper is responsible for arranging and paying for overland transportation between a port and inland facilities. If these reports are accurate, ocean common carriers employing such practices (through service contract terms or other means) may be violating the Shipping Act. Practices and rules that ocean common carriers apply in handling and transporting cargo must be just and reasonable and cargo transported under service contracts must comply with the applicable statutory and regulatory requirements. The Commission is investigating possible non-compliance under its authority to enforce the Shipping Act and in carrying out its goals of ensuring "an efficient, competitive, and economical transportation system in the ocean commerce of the United States." 46 U.S.C. 40101(2).

The Shipping Act requires all ocean common carriers to establish and follow rules and practices for handling and transporting cargo that are just and reasonable. 46 U.S.C. 41102(c). Rules and practices that restrict truckers and shippers to the ocean common carriers' designated chassis provider have been found to be unreasonable under section 41102(c). *Intermodal Motor Carriers Conference v. OCEMA*, FMC Docket No. 20-14, 2024 WL 641501 (FMC Feb. 13, 2024). In *Intermodal*, the Commission found that rules adopted by an association of ocean common carriers and used by individual ocean common carriers to designate exclusive chassis providers for merchant haulage violated section 41102(c) and ordered the Respondents named in that action to immediately cease adopting or enforcing those rules at facilities servicing four regions of the United States: Chicago,

Savannah, Memphis, and the Port of Los Angeles/Long Beach. When the Commission received reports that ocean common carriers named as respondents in *Intermodal* were not complying with the cease and desist order, it initiated an investigation which remains open. In *the Matter of Inquiry Regarding Compliance with the Cease and Desist Order in Docket No. 20-14*, Special Investigation No. 24-02.

Restrictions imposed through carrier association rules, service contracts, or other means which directly or indirectly deprive truckers and shippers of the ability to negotiate and deal with chassis providers, particularly for merchant haulage, violate section 41102(c) if they are unjust or unreasonable. Depending on how they are imposed or implemented, such restrictions may also violate Shipping Act provisions and Commission regulations governing ocean common carriers' service contracts with shippers. These restrictions impede truckers' and shippers' ability to negotiate rates and chassis usage terms and engage the chassis provider offering the most favorable terms. For merchant haulage in particular, truckers and shippers should have the opportunity to negotiate chassis usage terms (e.g., rates or allotted free time) or desired specifications (e.g., supply of equipment with upgraded or particular safety features). That opportunity preserves their ability to operate efficiently and economically and rely on chassis usage arrangements tailored to their needs.

Restrictions that ocean common carriers impose through service contract terms must also comply with Shipping Act provisions governing those contracts. See 46 U.S.C. 40502. Any cargo that an ocean common carrier is not transporting under its published tariff must be transported under a service contract with the shipper. 46 U.S.C. 41104(a)(2). Service contracts must be in writing (other than a bill of lading or cargo receipt) and contain the essential terms listed in section 40502. See 46 U.S.C. 40102(21). They must also be filed with the Commission through the Service Contract Filing System (SERVCON). 46 U.S.C. 40502; 46 CFR part 530. Filed service contracts are confidential but ocean common carriers must publish and make available to the public in tariff format a "concise statement" of the essential terms. 46 U.S.C. 40502. Ocean common carriers must also comply with restrictions set forth in 46 U.S.C. 41104(a) that specifically apply to cargo transported or handled under service contracts.

II. Investigation Into Reports of Non-Compliance

The Commission is now looking into information that ocean common carriers may be violating Shipping Act prohibitions against unjust or unreasonable practices, or failing to comply with other Shipping Act requirements by imposing restrictions that directly or indirectly impede truckers' and shippers' ability to deal with chassis providers they select, particularly for merchant haulage. As an initial step in this investigation, the Commission seeks comments from shippers, transportation service providers, chassis equipment providers, other interested stakeholders, and the public about whether such practices and restrictions are currently occurring, how they are being implemented or imposed, and how they are affecting or restricting truckers' or shippers' ability to independently select, negotiate and deal with chassis providers. This investigation is being conducted pursuant to the Commission's authority under section 40101(2) to enforce the Shipping Act, regulate the practices, policies and actions of ocean common carriers and to ensure "an efficient, competitive, and economical transportation system in the ocean commerce of the United States," and is being carried out under the Commission's procedures for nonadjudicatory investigations at 46 CFR part 502, subpart R.

The Commission is interested in any information relevant to restrictions of any kind imposed by ocean common carriers on chassis provider selection or negotiations for chassis usage. Information related to any of the following specific topics will be particularly useful to the investigation: (1) whether and the extent to which truckers can choose the chassis provider in the markets covered by the *Intermodal* cease and desist order (Los Angeles/Long Beach, Savannah, Memphis, and Chicago); (2) whether ocean common carriers have designated a single chassis provider which truckers must use in the Memphis and Chicago service regions; (3) information relating to the "merchant haulage" exception if that is a term used in service contracts with shippers or beneficial cargo owners (BCOs); (4) in a merchant haulage movements, information about provisions related to chassis control, chassis condition, and equipment returns; (5) information concerning whether there is an adequate supply of chassis available for merchant haulage; (6) whether ocean common carriers reimburse truckers for time and costs

associated with chassis splits; (7) how situations where there is an inadequate supply of chassis for current needs are addressed; (8) means by which ocean common carriers notify railroads at wheeled or partially wheeled railyards about which containers/cargo are being transported under merchant haulage and which chassis to use for those containers; (9) means of communicating with chassis providers using the Los Angeles/Long Beach Pool of Pools to designate and distinguish between carrier haulage and merchant haulage containers/cargo and coordinate billing accordingly; (10) estimates of the number/percentage of trucker-owned chassis used in the Memphis, Savannah, Chicago and Los Angeles/Long Beach markets; and (11) more generally, any information concerning new or ongoing ocean common carrier practices of any kind that are used or applied to affect, restrict, or inhibit chassis provider selection or negotiations and how those practices affect the chassis provisioning market at ports or inland facilities anywhere in the United States. This information will allow the Commission to assess current conditions and determine whether Shipping Act violations may be occurring and what further action, if any, is warranted.

By the Commission.

David Eng,
Secretary.

[FR Doc. 2026-01466 Filed 1-23-26; 8:45 am]

BILLING CODE 6730-02-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 25, 2026.

A. Federal Reserve Bank of Richmond (Brent B. Hassell, Assistant Vice President) P.O. Box 27622, Richmond, Virginia 23261. Comments can also be sent electronically to

Comments.applications@rich.frb.org:

1. *Burke & Herbert Financial Services Corp., Alexandria, Virginia*; to acquire LINKBANCORP, Inc., and thereby indirectly acquire LINKBANK, both of Camp Hill, Pennsylvania.

Board of Governors of the Federal Reserve System.

Erin Cayce,

Assistant Secretary of the Board.

[FR Doc. 2026-01426 Filed 1-23-26; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

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 paragraph 7 of the Act.

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 10, 2026.

A. Federal Reserve Bank of New York (Keith Goodwin, Head of Bank Applications) 33 Liberty Street, New York, New York 10045-0001. Comments can also be sent electronically to *Comments.applications@ny.frb.org*:

1. *The Josephine M. Capobianco Irrevocable Gift Trust, Glen Cove, New York*; to join the Capobianco Family Control Group, a group acting in concert, to retain voting shares of American Community Bancorp, Inc., and thereby indirectly retain voting shares of American Community Bank, both of Glen Cove, New York.

B. 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. *Elizabeth A. Renner, Omaha, Nebraska and Mary Alexandra Dennis-Renner, Pasadena, California*; to join the Dennis Family Control Group, a group acting in concert, to acquire voting shares of Halbur Bancshares, Inc., and thereby indirectly acquire voting shares of Westside State Bank, both of Westside, Iowa.

Board of Governors of the Federal Reserve System.

Erin Cayce,

Assistant Secretary of the Board.

[FR Doc. 2026-01425 Filed 1-23-26; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION**Agency Information Collection Activities; Proposed Collection; Comment Request; Extension****AGENCY:** Federal Trade Commission.**ACTION:** Notice.

SUMMARY: The Federal Trade Commission (“FTC” or “Commission”) is seeking public comment on its proposal to extend for an additional three years the Office of Management and Budget clearance for information collection requirements of its Funeral Industry Practice Rule (“Funeral Rule” or “Rule”). The current clearance expires on May 31, 2026.

DATES: Comments must be received on or before March 27, 2026.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write “Funeral Rule PRA Comment: FTC File No. P084401” on your comment, and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Melissa Dickey, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, mdickey@ftc.gov, (202) 326–2662.

SUPPLEMENTARY INFORMATION:

Title of Collection: Funeral Industry Practice Rule, 16 CFR part 453.

OMB Control Number: 3084–0025.

Type of Review: Extension of currently approved collection.

Affected Public: Private Sector: Businesses and other for-profit entities.
Estimated Annual Burden Hours: 152,305.

Estimated Annual Labor Costs: \$5,067,797.

Estimated Annual Non-Labor Costs: \$829,974.

Abstract

Under the PRA, 44 U.S.C. 3501–3521, Federal agencies must obtain Office of Management and Budget (“OMB”) approval for each collection of information they conduct or sponsor. “Collection of information” includes agency requests or requirements to

submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), the FTC is providing this opportunity for public comment before requesting that OMB extend the existing clearance for the information collection requirements contained in the Funeral Rule.

The Funeral Rule ensures that consumers who are purchasing funeral goods and services have access to accurate itemized price information so they can purchase only the funeral goods and services they want or need. Among other things, the Rule requires a funeral provider to: (1) provide consumers a copy of the funeral provider’s General Price List that itemizes the goods and services it offers; (2) show consumers a Casket Price List and an Outer Burial Container Price List at the outset of any discussion of those items or their prices, and in any event before showing consumers caskets or vaults; (3) provide price information from its price lists over the telephone; and (4) give consumers a Statement of Funeral Goods and Services Selected after determining the funeral arrangements with the consumer during an “arrangements conference.” The Rule requires that funeral providers disclose this information to consumers and maintain records documenting their compliance with the Rule.

Burden Statement

Estimated burden hours for the tasks described herein are based on the number of funeral providers (approximately 15,401),¹ the number of funerals per year (an estimated 3,279,857),² and the time needed to complete the information collection tasks required by the Rule. Labor costs associated with the Funeral Rule are derived by applying hourly cost figures to the burden hours for each task.

Recordkeeping: The Rule requires that funeral providers retain copies of price

lists and statements of funeral goods and services selected by consumers for one year. Commission staff estimates that providers will spend approximately one hour per provider per year on compliance with this task, resulting in a total burden of 15,401 hours per year (15,401 providers × 1 hour per year = 15,401 hours).

Staff anticipates that clerical personnel, at an hourly rate of \$16.51,³ will typically perform these tasks. Based on the estimated burden of 15,401 hours, the estimated labor cost for recordkeeping is \$254,271.

Disclosure: The Rule’s disclosure requirements mandate that funeral providers: (1) maintain current price lists for funeral goods and services, (2) provide written documentation of the funeral goods and services selected by consumers making funeral arrangements, and (3) provide information about funeral prices in response to telephone inquiries.

1. Maintaining accurate price lists may require that funeral providers revise their price lists occasionally to reflect price changes. Staff estimates that this task requires 2.5 hours per provider per year. Thus, the total burden for covered providers is 38,503 hours (15,401 providers × 2.5 hours per year = 38,503 hours).

Staff estimates that the 2.5 hours required, on average, to update price lists consists of approximately 1.5 hours of managerial or professional time, at \$41.21 per hour,⁴ and one hour of clerical time, at \$16.51 per hour, for a total annual labor cost of \$1,206,283 for maintaining price lists.

2. The rulemaking record indicates that 87% or more of funeral providers provided written documentation of funeral arrangements prior to the enactment of the Rule and would continue to do so absent the Rule’s requirements.⁵ Based on this data, staff estimates that 13% of funeral providers (typically, small funeral homes) may prepare written documentation for funeral goods and services selected by

¹ The estimated number of funeral providers is from data provided on the National Funeral Directors Association (“NFDA”) website. See National Funeral Directors Association, “Statistics,” available at <http://www.nfda.org/news/statistics> (Sept. 29, 2025).

² The estimated number of funerals conducted annually is derived from the National Center for Health Statistics (“NCHS”), <https://www.cdc.gov/nchs/nvss/deaths.htm>. According to NCHS, 3,279,857 deaths occurred in the United States in 2022, the most recent year for which final data is available. Staff believes this estimate overstates the number of funeral transactions conducted annually because not all remains go to a funeral provider covered by the Rule (e.g., remains sent directly to a crematory that does not sell urns, remains sent to a non-profit funeral provider, remains donated to a medical school, unclaimed remains handled by a local morgue or local government entity, etc.).

³ Bureau of Labor Statistics, “Occupational Employment and Wage Statistics Query: Death Care Services: May 2024” available at <https://data.bls.gov/oes/#/industry/812200>. Clerical estimates are based on the mean hourly wage data for “receptionists and information clerks.”

⁴ *Id.* Managerial or professional estimates are based on the mean hourly wage data for “funeral home managers.”

⁵ See 82 FR 12602, 12603 n.3 (2017). In a 2002 public comment, the National Funeral Directors Association asserted that nearly every funeral home had been providing consumers with some kind of final statement in writing even before the Rule took effect. Nonetheless, staff retains its estimate that 13% of funeral providers may provide written disclosures solely due to the Rule’s requirements based on the original rulemaking record.

consumers specifically due to the Rule's mandate. Staff estimates that these smaller funeral homes arrange, on average, approximately 20 funerals per year and that it would take about three minutes to record prices for each consumer on the standard form. This yields a total annual burden of 2,002 hours ((15,401 funeral providers × 13%) × (20 statements per year × 3 minutes per statement) = 2,002 hours).

Staff anticipates that managerial or professional staff will typically perform these tasks, at an hourly rate of \$41.21 per hour. Based on the estimated burden of 2,002 hours, the associated labor cost would be \$82,502.

3. The Funeral Rule also requires that funeral providers provide information about funeral prices in response to telephone inquiries. The rulemaking record indicates that approximately 12% of funeral purchasers request funeral prices through telephone inquiries, with each call lasting an estimated 10 minutes.⁶ Assuming that the average purchaser who makes telephone inquiries places one call per funeral to determine prices,⁷ the estimated burden is 65,597 hours (3,279,857 funerals per year × 12% × 10 minutes per inquiry = 65,597 hours).

Staff understands that managerial or professional time is typically required to respond to telephone inquiries about prices, at an hourly rate of \$41.21 per hour.⁸ Based on the estimated burden of 65,597 hours, the associated labor cost is \$2,703,252.

Compliance Training: Staff believes that annual training burdens associated with the Rule are minimal because compliance training is typically included in continuing education for state licensing and voluntary certification programs. Staff estimates that four employees per firm would each require one half-hour, at most, per year, for training attributable to the Rule's requirements.⁹ Thus, the total

estimated time for required training is 30,802 hours (15,401 providers × 4 employees per firm × 0.5 hours = 30,802 hours).

FTC staff further estimates labor costs for employee time required for compliance training as follows: (a) a funeral home manager (\$41.21 per hour); (b) a funeral arranger (\$26.96 per hour); (c) a funeral service worker (\$22.00 per hour); and (d) a clerical receptionist or administrative staff member (\$16.51 per hour).¹⁰ This amounts to \$821,489, cumulatively, for all funeral homes (for each of the four types of employees: per hour rate × 0.5 hours × 15,401 providers).

Capital and other non-labor costs: Staff estimates that the Rule imposes minimal capital costs and no current start-up costs. Funeral homes already have access, for ordinary business purposes, to the ordinary office equipment needed for compliance, so the Rule likely imposes minimal additional capital expense.

Compliance with the Rule, nonetheless, does entail some expense to funeral providers for printing and duplication of required disclosures. Assuming, as required by the Rule, that one copy of the general price list is provided to consumers for each funeral arrangement conducted, at a cost of 25¢ per copy,¹¹ this would amount to 3,279,857 copies per year at a cumulative industry cost of \$819,964 (3,279,857 funeral arrangements per year × 25¢ per copy). In addition, small funeral providers that furnish consumers with a statement of funeral goods and services solely because of the Rule's mandate¹² will incur printing and copying costs. Assuming that those 2,002 providers (15,401 funeral providers × 13%) use the standard two-page form shown in the compliance

directors at various compensation levels. Extrapolating from past NFDA survey input, staff has estimated that the average funeral home employs approximately four employees (funeral home manager, funeral director, funeral service worker, and clerical receptionist) that may require training associated with Funeral Rule compliance. Compliance training for other employees (e.g., drivers, maintenance personnel, attendants) would not be necessary.

¹⁰ Bureau of Labor Statistics, "Occupational Employment and Wage Statistics Query: Death Care Services: May 2024" available at <https://data.bls.gov/oes/#/industry/812200> (mean hourly wages for funeral home managers; morticians, undertakers, and funeral arrangers; funeral service workers; and receptionists and information clerks).

¹¹ Although copies of the casket price list and outer burial container price list must be shown to consumers, the Rule does not require that they be given to consumers. Thus, the cost of printing a single copy of these two disclosures to show consumers is de minimis, and is not included in this estimate of printing costs.

¹² See footnote 5.

guide, at 25¢ per copy, at an average of twenty funerals per year, the added cost burden would be \$10,010 (2,002 providers × 20 funerals per year × 25¢). Thus, estimated non-labor costs total \$829,974 (\$819,964 + \$10,010).

Request for Comments

Pursuant to section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, 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 minimize the burden of maintaining records and providing disclosures to consumers. All comments must be received on or before March 27, 2026.

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before March 27, 2026. Write "Funeral Rule PRA Comment: FTC File No. P084401" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including the <https://www.regulations.gov> website.

If you prefer to file your comment on paper, write "Funeral Rule PRA Comment: FTC File No. P084401" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H-144 (Annex E), Washington, DC 20580.

Because your comment will become publicly available at <https://www.regulations.gov>, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any "trade secret or any commercial or financial information

⁶ 82 FR 12602, 12603 (2017).

⁷ Although consumers who pre-plan their own arrangements may comparison shop and call more than one funeral home for pricing and other information, consumers making "at need" arrangements after a death are less likely to take the time to seek pricing information from more than one home. Many do not seek pricing information by telephone. Staff therefore believes that an average of one call per funeral is an appropriate estimate.

⁸ Although some funeral providers may permit staff who are not funeral directors to provide price information by telephone, the great majority reserve that task to a licensed funeral director. Since funeral home managers are also licensed funeral directors in most cases, FTC staff has used the mean hourly wage for "funeral home managers" for this calculation.

⁹ Funeral homes, depending on size and other factors, may be run by as few as one owner, manager, or other funeral director or multiple

which . . . is privileged or confidential”—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at <https://www.regulations.gov>, we cannot redact or remove your comment unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 27, 2026. For information on the Commission’s privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2026–01459 Filed 1–23–26; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Patient Safety Organizations: Expired Listing for the MedExpress PSO

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of delisting.

SUMMARY: The Patient Safety and Quality Improvement Final Rule (Patient Safety Rule) authorizes AHRQ, on behalf of the Secretary of HHS, to list as a patient safety organization (PSO) an

entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be “delisted” by the Secretary if it is found to no longer meet the requirements of the Patient Safety and Quality Improvement Act of 2005 (Patient Safety Act) and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO’s listing expires. The listing for MedExpress PSO, PSO number P0216, a component entity of Urgent Care MSO, LLC has expired, and AHRQ has delisted the PSO accordingly.

DATES: The delisting was effective at 12:00 Midnight ET (2400) on December 3, 2025.

ADDRESSES: The directories for both listed and delisted PSOs are ongoing and reviewed weekly by AHRQ. Both directories can be accessed electronically at the following HHS website: <https://www.pso.ahrq.gov/listed>.

FOR FURTHER INFORMATION CONTACT:

Cathryn Bach, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, MS 06N100B, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: psa@ahrq.hhs.gov.

SUPPLEMENTARY INFORMATION:

Background

The Patient Safety Act, 42 U.S.C. 299b–21 to 299b–26, and the related Patient Safety Rule, 42 CFR part 3, published in the *Federal Register* on November 21, 2008 (73 FR 70732–70814), establish a framework by which individuals and entities that meet the definition of provider in the Patient Safety Rule may voluntarily report information to PSOs listed by AHRQ, on a privileged and confidential basis, for the aggregation and analysis of patient safety work product.

The Patient Safety Act authorizes the listing of PSOs, which are entities or component organizations whose mission and primary activity are to conduct activities to improve patient safety and the quality of health care delivery.

HHS issued the Patient Safety Rule to implement the Patient Safety Act. AHRQ administers the provisions of the Patient Safety Act and Patient Safety Rule relating to the listing and operation of PSOs. The Patient Safety Rule authorizes AHRQ to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be “delisted” if it is found to no longer meet the

requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO’s listing expires. Section 3.108(d) of the Patient Safety Rule requires AHRQ to provide public notice when it removes an organization from the list of PSOs.

Section 3.104(e)(1) of the Patient Safety Rule specifies that a PSO’s listing, unless revoked or relinquished earlier, automatically expires at midnight of the last day of the three-year listing period if, prior to this deadline, the required certifications for a new three-year listing are not submitted by the PSO and accepted by AHRQ. These conditions were not met. Accordingly, MedExpress PSO, PSO number P0216, a component entity of Urgent Care MSO, LLC., was delisted effective at 12:00 Midnight ET (2400) on December 3, 2025.

More information on PSOs can be obtained through AHRQ’s PSO website at <http://www.pso.ahrq.gov>.

Roger D. Klein,

Director.

[FR Doc. 2026–01461 Filed 1–23–26; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Center Program Performance Period Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of 5-month extension of the period of performance for Pueblo of Jemez.

SUMMARY: HRSA is extending Pueblo of Jemez’s period of performance, which currently ends on February 28, 2026. Pueblo of Jemez will receive a 5-month Extension with Funds to extend its period of performance end date from February 28, 2026, to July 31, 2026. Extending Pueblo of Jemez’s total period of performance to July 31, 2026, will prevent interruption in access to critical primary health care services in the community currently served by Pueblo of Jemez. The area Pueblo of Jemez currently serves will be announced in a Service Area Competition—Additional Area (SAC–AA) in January 2026.

FOR FURTHER INFORMATION CONTACT:

Erica Clift, Division Director, Office of Program and Policy Development,

Bureau of Primary Care, HRSA, at ecleft@hrsa.gov and 301-443-0741.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: Pueblo of Jemez, which serves the rural northern New Mexico service area. This

community is vulnerable to a lapse in access to comprehensive primary care services.

Amount of Award: \$625,096.

Project Period: March 1, 2023, to August 1, 2026.

Assistance Listing Number: 93.224.

Award Instrument: Grant—Non-competing Continuation.

Authority: Section 330 of the Public Health Service Act, as amended (42 U.S.C. 254b, as amended).

Grant No.	Award recipient name	City, state	Award amount
H80CS26584	Pueblo of Jemez	Jemez Pueblo, NM	\$625,096

Justification: HRSA will provide Pueblo of Jemez, Inc. with a 5-month Extension with Funds to ensure continuity of services between their current project period end date and when a new award will be made for the service area.

Request for Recipient Response: This action extends the period of performance with funds to Pueblo of Jemez's Health Center Program (H80CS26584) award. Pueblo of Jemez's award with a current period of performance of March 1, 2023, through February 28, 2026, will be extended by 5 months to July 31, 2026. This extension will prevent interruptions in access to critical health care services in the community. To process this action, Pueblo of Jemez must respond to this request for information (RFI) within the specified timeframe by providing a SF-424A and Budget Narrative, as detailed below.

Activities/Requirements: Activities and work funded under this 5-month extension are within the scope of the current award. All of the terms and conditions of the current award apply to activities and work supported by this 5-month extension.

Required Submission Response: Pueblo of Jemez must submit the response to the RFI in HRSA's Electronic Handbook. If HRSA does not receive a response to the RFI by the deadline, or the response to the RFI is incomplete or non-responsive, there may be a delay or lapse in the issuance of funding.

SF-424A: Budget Information Form

Upload an SF-424A: BUDGET INFORMATION FORM attachment.

Section A: Budget Summary: Enter the funding request in the Federal column for each of the Health Center Program special medically underserved population funding types as defined in § 330:

- (e) Community Health Center (CHC)
- (g) Migratory and Seasonal Agricultural Workers (MSAW)
- (h) Homeless Population (HP), and/or
- (i) Residents of Public Housing (RPH)

The total federal funding requested across all Health Center Program special

medically underserved population funding types must align with the amount provided in the request from HRSA.

Note: This RFI submission may *not* be used to request changes to the total award, funding type(s), or Health Center Program funds allocation between funding types. *Funding must be requested and will be awarded proportionately for all funding types as currently funded under the Health Center Program.*

In the Non-Federal column, provide the total non-federal funding sources for each Health Center Program funding type (CHC, MSAW, HP, RPH).

Section B: Object Class Categories: Provide the object class category breakdown (*i.e.*, line-item budget) for FY 2026 budgeted funds. Include federal funding in the first column and non-federal funding in the second column. Each line represents a distinct object class category that must be addressed in the Budget Narrative. Indirect costs may only be claimed with an approved indirect cost rate (see details in the Budget Narrative section below).

Section C: Non-Federal Resources: Provide a breakdown of non-federal funds by funding source (*e.g.*, state, local) for each type of Health Center Program funding (CHC, MSAW, HP, RPH). If you are a state agency, leave the State column blank and include state funding in the Applicant column.

Salary Rate Limitation

As required by the current appropriations act, "[n]one of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate over Executive Level II" (see <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/exec/html/EX.aspx>). Effective January 2025, the salary rate limitation is \$225,700. As required by law, salary rate limitations may apply in future years and will be updated.

1. Budget Narrative

Upload a Budget Narrative attachment for the budget period (March 1, 2026, to

July 31, 2026) that explains the amounts requested for each line in Section B: Object Class Categories of the SF-424A Budget Information Form. The Budget Narrative must itemize both your federal request and non-federal resources.

The Budget Narrative must describe how each line-item will support achieving the project objectives. Refer to 2 CFR 200 for information on allowable costs (see <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>). Include detailed calculations explaining how each line-item expense within each cost category is derived (*e.g.*, number of visits, cost per unit). Include a description for each item in the "other" category.

Include the following in the Budget Narrative:

Personnel Costs: Explain personnel costs and list each staff member who will be supported by Health Center Program funds, name (if possible), position title, percentage of full-time equivalency, and annual salary.

Reminder: An individual's base salary is NOT constrained by the statutory provision for a salary limitation. The rate limitation limits the amount that may be awarded and charged to the HRSA grant. Provide an individual's actual base salary if it exceeds the cap. Refer to the Sample Budget Narrative on the Budget Period Progress Report Technical Assistance web page (see <https://bphc.hrsa.gov/funding/opportunities/budget-period-progress-report-bpr-noncompeting-continuation-ncc>).

Fringe Benefits: List the components that make up the fringe benefit rate, for example, health insurance, taxes, unemployment insurance, life insurance, retirement plans, and tuition reimbursement. The fringe benefits should be directly proportional to the personnel costs allocated for the project.

Travel: List travel costs according to local and long-distance travel. For local travel, outline the mileage rate, number of miles, reason for travel, and staff members/consumers completing the travel. The budget should also reflect the travel expenses (*e.g.*, airfare, lodging, parking, per diem, etc.) for each person and the trip associated with

participating in meetings and other proposed training or workshops. Name the traveler(s) if possible, describe the purpose of the trip, provide the number of trips involved, the destinations, and the number of individuals for whom funds are requested.

Equipment: List equipment costs and justify the need for the equipment to carry out the program's goals. Extensive justification and a detailed status of current equipment must be provided when requesting funds to purchase items that meet the definition of equipment (a unit cost of \$10,000 or more and a useful life of 1 or more years).

Supplies: List the items that will be used to implement the proposed project. Separate items into 3 categories: office supplies (e.g., paper, pencils), medical supplies (e.g., syringes, blood tubes, gloves), and educational supplies (e.g., brochures, videos). Items must be listed separately. Equipment items such as laptops, tablets, and desktop computers are classified as a supply if the acquisition cost is under the \$10,000 per unit cost threshold.

Contractual/Subawards/Consultant: Provide a clear justification, including how you estimated the costs and the specific contract/subaward deliverables. Attach a summary of contracts with the Budget Narrative. Make sure that your organization has an established and adequate procurement system with fully developed written procedures for awarding and monitoring all contracts/subawards. Recipients must notify potential subrecipients that entities receiving subawards must be registered in System for Award Management (SAM) and provide the recipient with their Unique Entity Identifier number (see 2 CFR part 25 in <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-I/part-25>).

In your budget:

- For consultant services, list the total costs for all consultant services. Identify each consultant, the services they will perform, the total number of days, travel costs, and total estimated costs.

- For subawards to entities that will help carry out the work of the grant, describe how you monitor their work to ensure the funds are being properly used.

- **Note:** You should not provide line-item details on proposed contracts; rather, provide the basis for your cost estimate for the contract.

Per the Suspension and Debarment rules in the Uniform Administrative Requirements, as implemented by HRSA under 2 CFR 200.214, non-federal entities and contractors are subject to the non-procurement debarment and

suspension regulations implementing Executive Orders 12549 and 12689, and 2 CFR parts 180 and 376. These regulations restrict awards, subawards, and contracts with certain parties debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Other: Include all costs that do not fit into any other category and provide an explanation for each cost in this category (e.g., Electronic Health Record provider licenses, audit, legal counsel). In some cases, rent, utilities, and insurance fall under this category if they are not included in an approved indirect cost rate.

Indirect Costs: Indirect costs are costs you charge across more than one project that cannot be easily separated by project.

To charge indirect costs, you can select 1 of 2 methods:

Method 1—Approved rate. You currently have an indirect cost rate approved by your cognizant federal agency. If indirect costs are included in the budget, attach a copy of the indirect cost rate agreement in the Budget Narrative attachment.

Method 2—De minimis rate. Per 2 CFR 200.414(f) (see <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRd93f2a98b1f6455/section-200.414>), if you have never received a negotiated indirect cost rate, you may elect to charge a *de minimis* rate. If you choose this method, costs included in the indirect cost pool must not be charged as direct costs.

This rate is 15 percent of modified total direct costs (see 2 CFR 200.1 in <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#p-200.1> (Modified%20Total%20Direct%20Cost%20(MTDC))). You can use this rate indefinitely.

Submission Deadline: Submit the response to this request via HRSA's Electronic Handbook no later than 30 days from the receipt of the request.

System for Award Management (SAM): Recipients must continue to maintain active SAM registration with current information at all times that they have an active federal award, an active application, or an active plan under consideration by an agency (unless you are an individual or federal agency that is exempted from those requirements under 2 CFR 25.110(b) or (c), or you have an exception approved by the agency under 2 CFR 25.110(d)). For your SAM registration, you must submit a notarized letter appointing the authorized Entity Administrator.

Intergovernmental Review: This funding is subject to the provisions of Executive Order 12372, as implemented by 45 CFR part 100.

Review Criteria and Process: HRSA will conduct a review of the submitted response in accordance with HRSA guidelines. HRSA reserves the right to request clarification, a resubmission of the budget, narrative, and forms, or additional information if the submission is not fully responsive to any of the requirements or if ineligible activities are proposed. Following the review of all applicable information, HRSA reviews and awards management officials will determine if special conditions are required, and what level of funding is appropriate. Award decisions and funding levels are discretionary and are not subject to appeal. Continued funding depends on congressional appropriation of funds, satisfactory performance, and a decision that continued funding would be in the government's best interest.

As part of HRSA's required review of risk posed by applicants for this program, as described in 2 CFR 200.206 (see <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.205>), HRSA will consider additional factors. These factors include, but are not limited to, past performance and the results of HRSA's assessment of the financial stability of your organization. HRSA reserves the right to conduct site visits and/or use the current compliance status to inform final funding decisions.

Award Notice: HRSA anticipates issuing the Notice of Award on or near March 1, 2026.

Thomas J. Engels,
Administrator.

[FR Doc. 2026-01403 Filed 1-23-26; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is

named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA’s role in the Program, contact the Director, Division of Injury Compensation Programs, 5600 Fishers Lane, Room 14W–18, Rockville, Maryland 20857; 1–800–338–2382, or visit our website at: <https://www.hrsa.gov/vaccine-compensation>.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specific vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.*, provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition to the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that “[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.” Set forth below is a list of petitions received by HRSA on

September 1, 2025, through September 30, 2025. This list provides the name of the petitioner, city, and state of vaccination (if unknown then the city and state of the person or attorney filing the claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master “shall afford all interested persons an opportunity to submit relevant, written information” relating to the following:

1. The existence of evidence “that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,” and
2. Any allegation in a petition that the petitioner either:
 - a. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by” one of the vaccines referred to in the Table, or
 - b. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine” referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Health Systems Bureau, 5600 Fishers Lane, 14W–18, Rockville, Maryland 20857. The Court’s caption (*Petitioner’s Name v. Secretary of HHS*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of Title 44, United States Code, related to paperwork reduction, does not apply to

information required for purposes of carrying out the Program.

Thomas J. Engels,
Administrator.

List of Petitions Filed

1. Judith Danvers, Richmond, Virginia, Court of Federal Claims No: 25–1458V
2. Liana Shroyer, Cresson, Pennsylvania, Court of Federal Claims No: 25–1459V
3. Edward Phillips, Las Vegas, Nevada, Court of Federal Claims No: 25–1460V
4. Ashwani Chehal, Redmond, Washington, Court of Federal Claims No: 25–1462V
5. Alicia Fought, Traverse City, Michigan, Court of Federal Claims No: 25–1463V
6. Karen Ward, New York, New York, Court of Federal Claims No: 25–1464V
7. Cynthia Backer, Carmichael, California, Court of Federal Claims No: 25–1465V
8. Emma Barnes, Blue Springs, Missouri, Court of Federal Claims No: 25–1466V
9. Tammy Mitchell, Dresher, Pennsylvania, Court of Federal Claims No: 25–1467V
10. Destiny Knox, Charlotte, North Carolina, Court of Federal Claims No: 25–1471V
11. Ryan Middleton, Oklahoma City, Oklahoma, Court of Federal Claims No: 25–1474V
12. Adam Zaglaniczny, Niles, Illinois, Court of Federal Claims No: 25–1476V
13. Wendy White on behalf of the estate of Ronnie White, Deceased, New York, New York, Court of Federal Claims No: 25–1477V
14. Kandyce Green, Chicago, Illinois, Court of Federal Claims No: 25–1478V
15. Lisa Brown, Albuquerque, New Mexico, Court of Federal Claims No: 25–1479V
16. Glenn Watts, Sun City, Arizona, Court of Federal Claims No: 25–1484V
17. Irene Samano, Visalia, California, Court of Federal Claims No: 25–1486V
18. Joseph Clifton Thomas, Boone, North Carolina, Court of Federal Claims No: 25–1487V
19. Lindsey Hooper, Paramus, New Jersey, Court of Federal Claims No: 25–1490V
20. Linda Cote, Groton, Connecticut, Court of Federal Claims No: 25–1491V

21. David Brown, Oklahoma City, Oklahoma, Court of Federal Claims No: 25–1492V
22. Lisa Hale, Corpus Christi, Texas, Court of Federal Claims No: 25–1495V
23. Tasha Miller on behalf of G.M., Tampa, Florida, Court of Federal Claims No: 25–1497V
24. Brittany Goodwin, Durham, North Carolina, Court of Federal Claims No: 25–1499V
25. Shukri Robinson, Round Rock, Texas, Court of Federal Claims No: 25–1500V
26. Yvonne King, Washington, District of Columbia, Court of Federal Claims No: 25–1501V
27. Jermaine A. Lockhart, Waupun, Wisconsin, Court of Federal Claims No: 25–1502V
28. Dilshod Joraev, Philadelphia, Pennsylvania, Court of Federal Claims No: 25–1508V
29. Danielle Mann, Rio Rancho, New Mexico, Court of Federal Claims No: 25–1509V
30. Esther Moore, Dresher, Pennsylvania, Court of Federal Claims No: 25–1510V
31. Luis Duero, Valrico, Florida, Court of Federal Claims No: 25–1513V
32. Kimberly Johnson, Bessemer City, North Carolina, Court of Federal Claims No: 25–1514V
33. Jodi Holland on behalf of D.M.H.M., Rochester, Minnesota, Court of Federal Claims No: 25–1516V
34. Paula Karcher, Boston, Massachusetts, Court of Federal Claims No: 25–1517V
35. Angela Rosa, West Chester, Ohio, Court of Federal Claims No: 25–1518V
36. Isaiah Sessoms, Daytona Beach, Florida, Court of Federal Claims No: 25–1519V
37. Kathleen Fraser, Redding, California, Court of Federal Claims No: 25–1520V
38. Tena Smith, Oklahoma City, Oklahoma, Court of Federal Claims No: 25–1521V
39. David Watts, Austin, Texas, Court of Federal Claims No: 25–1523V
40. Kristen Pursley, Dallas, Texas, Court of Federal Claims No: 25–1525V
41. Belinda Rucker, Atlanta, Georgia, Court of Federal Claims No: 25–1526V
42. Eric Osking, Englewood, New Jersey, Court of Federal Claims No: 25–1527V
43. Alexis Gardiner, Wakefield, Rhode Island, Court of Federal Claims No: 25–1528V
44. Kathleen Huddleston, Royse City, Texas, Court of Federal Claims No: 25–1529V
45. Heather Byrd, Temple, Texas, Court of Federal Claims No: 25–1532V
46. Kenneth Dye, Jacksonville, Florida, Court of Federal Claims No: 25–1536V
47. Elizabeth Vanderploeg, Grand Rapids, Michigan, Court of Federal Claims No: 25–1537V
48. Laurie Henkes, Dresher, Pennsylvania, Court of Federal Claims No: 25–1539V
49. Christopher D. Smith, Fox Lake, Wisconsin, Court of Federal Claims No: 25–1541V
50. Jodi Klare, Middletown, Connecticut, Court of Federal Claims No: 25–1542V
51. Debra Mund, Fargo, North Dakota, Court of Federal Claims No: 25–1545V
52. Colleen Emanuel, Mankato, Minnesota, Court of Federal Claims No: 25–1546V
53. Kally Hopkins, Mora, Minnesota, Court of Federal Claims No: 25–1547V
54. Rebekah Brown, Chagrin Falls, Ohio, Court of Federal Claims No: 25–1548V
55. Rebecca Oakes, Dennison, Ohio, Court of Federal Claims No: 25–1549V
56. Jimmie Kelly, Washington, District of Columbia, Court of Federal Claims No: 25–1550V
57. Kristin Zook, Woodridge, Illinois, Court of Federal Claims No: 25–1553V
58. Christina Swim, Pittsburgh, Pennsylvania, Court of Federal Claims No: 25–1555V
59. Megan Griffin, Montclair, New Jersey, Court of Federal Claims No: 25–1556V
60. Diane Pealor, Washington, District of Columbia, Court of Federal Claims No: 25–1557V
61. Rebekah Brown, San Diego, California, Court of Federal Claims No: 25–1558V
62. Lora Ann Chittum, Celina, Ohio, Court of Federal Claims No: 25–1560V
63. Habib Amini, St. Paul, Minnesota, Court of Federal Claims No: 25–1562V
64. Tracey Sudo, Philadelphia, Pennsylvania, Court of Federal Claims No: 25–1563V
65. Michael Krause, Seattle, Washington, Court of Federal Claims No: 25–1564V
66. Cynthia Trice, Florissant, Missouri, Court of Federal Claims No: 25–1565V
67. Ruchma Moonsammy, Woonsocket, Rhode Island, Court of Federal Claims No: 25–1567V
68. Heather Marshall, Washington, District of Columbia, Court of Federal Claims No: 25–1568V
69. Sharon Woods, Boston, Massachusetts, Court of Federal Claims No: 25–1570V
70. Christine Melton, Wynnwood, Pennsylvania, Court of Federal Claims No: 25–1571V
71. Jessica Johnson, Grand Prairie, Texas, Court of Federal Claims No: 25–1572V
72. Peter Leung, Fremont, California, Court of Federal Claims No: 25–1574V
73. Ira Terrell, New York, New York, Court of Federal Claims No: 25–1576V
74. Allison Bonoff on behalf of A.B., Shelton, Connecticut, Court of Federal Claims No: 25–1577V
75. Lloyd Edwin Sellers, Fox Lake, Wisconsin, Court of Federal Claims No: 25–1578V
76. Timothy J. Block, Washington, District of Columbia, Court of Federal Claims No: 25–1579V
77. Toni Madrid, Livonia, Michigan, Court of Federal Claims No: 25–1580V
78. Monique L. Ross, Sewell, New Jersey, Court of Federal Claims No: 25–1582V
79. Nellie Hesseltine, Cincinnati, Ohio, Court of Federal Claims No: 25–1583V
80. Nicole Bakalis, Aurora, Illinois, Court of Federal Claims No: 25–1584V
81. Michael Hatcher, Black River Falls, Wisconsin, Court of Federal Claims No: 25–1585V
82. Juan Rodriguez, Woodridge, Illinois, Court of Federal Claims No: 25–1586V
83. Liat Broome, Chicago, Illinois, Court of Federal Claims No: 25–1588V
84. Amanda Ferguson, Tupelo, Mississippi, Court of Federal Claims No: 25–1589V
85. Silvia Guzman Olvera, West Covina, California, Court of Federal Claims No: 25–1591V
86. Erin Wilfer, Shenandoah, Texas, Court of Federal Claims No: 25–1592V
87. Robert Citero, Raleigh, North Carolina, Court of Federal Claims No: 25–1594V
88. Timothy Comperchio, Ann Arbor, Michigan, Court of Federal Claims No: 25–1599V
89. David Rosenthal, Plainsboro, New Jersey, Court of Federal Claims No: 25–1601V
90. Laura Norton, Woodridge, Illinois, Court of Federal Claims No: 25–1603V

91. Yvonne Numbia, Gainesville, Georgia, Court of Federal Claims No: 25–1605V
92. Feiwu Hu, Flushing, New York, Court of Federal Claims No: 25–1606V
93. Rory Garrett, Salt Lake City, Utah, Court of Federal Claims No: 25–1609V
94. Jennifer Killpack, Lehi, Utah, Court of Federal Claims No: 25–1611V
95. Mary Meadors on behalf of C.F., Indianapolis, Indiana, Court of Federal Claims No: 25–1612V
96. Kathleen Dalton, Latrobe, Pennsylvania, Court of Federal Claims No: 25–1613V
97. Tammy Moore, Woodridge, Illinois, Court of Federal Claims No: 25–1614V
98. Billy Folds, Opelika, Alabama, Court of Federal Claims No: 25–1615V
99. Devon Wilder, Black River Falls, Wisconsin, Court of Federal Claims No: 25–1616V
100. Renee Taylor, College Park, Maryland, Court of Federal Claims No: 25–1617V
101. Robert J. Palma, Englewood, New Jersey, Court of Federal Claims No: 25–1618V
102. Katherine Ravi, MD, Boston, Massachusetts, Court of Federal Claims No: 25–1620V
103. Daniel Hartley, Washington, District of Columbia, Court of Federal Claims No: 25–1621V
104. Barbara Arthur, Boston, Massachusetts, Court of Federal Claims No: 25–1622V
105. Karin Hampton, Greensboro, North Carolina, Court of Federal Claims No: 25–1624V
106. Renee Middleton, Charleston, South Carolina, Court of Federal Claims No: 25–1625V
107. Heather McBride, Wheeling, West Virginia, Court of Federal Claims No: 25–1627V

[FR Doc. 2026–01402 Filed 1–23–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0945–0008]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, Office for Civil Rights (OCR), HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Office for Civil Rights (OCR), Department of Health and Human Services (HHS), is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before March 27, 2026.

ADDRESSES: When commenting, please reference the document identifier/OMB control number 0945–0008 and title of collection, Assurance of Compliance, Form HHS–690. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

- *Electronically.* You may send your comments electronically to OCRassuranceofcomplianceform@hhs.gov.
- *By regular mail.* You may mail written comments to the following address: U.S. Department of Health and Human Services, Office of the Secretary/Office for Civil Rights, Harold Henderson, Strategic Planning Division Paperwork Reduction Act Official, Office for Civil Rights (OCR), Office: (202) 868–9407, 200 Independence Avenue SW, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: To obtain copies of supporting material for the proposed collection(s) summarized in this notice, please email Harold Henderson at OCRassuranceofcomplianceform@hhs.gov.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information

collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Assurance of Compliance, Form HHS–690.

Type of Collection: Revision.

Abstract: This Information Collection Request is for a revision with changes to previously approved collection 0945–0008 that will expire on April 30, 2026, titled: Assurance of Compliance, Form HHS–690, subject to modifications to comply with federal court orders and Executive Orders. The revisions conform the form to E.O. 14168 on “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government” and the court order in *Texas v. Becerra*, No. 6:24–CV–211–JDK, 2024 WL 4490621, at *2 (E.D. Tex. Aug. 30, 2024) (staying nationwide the Section 1557 Final Rule definition of sex discrimination as including “sex characteristics, including intersex traits”; “pregnancy or related conditions”; “sexual orientation”; “gender identity”; and “sex stereotypes”). Such an assurance is required by the federal civil rights laws, conscience, and religious nondiscrimination laws enforced by the Office for Civil Rights. One method that the federal government uses to ensure civil rights compliance is to require covered entities to submit written assurances of compliance when applying for and receiving federal financial assistance. The assurances alert covered entities of their civil rights, conscience, and religious nondiscrimination obligations and provide the Department with a valuable enforcement tool, as a recipient's written assurance and certification documents can provide an independent contractual basis for enforcement of nondiscrimination requirements and can also give rise to a False Claims Act violation. This is for a 3-year request.

The estimated burden follows:

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number responses per respondent	Avg. burden/response (in hours)	Total burden hours
States, certain health care providers, other persons, and entities.	Form HHS–690	8,486	1	4	33,944

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number responses per respondent	Avg. burden/response (in hours)	Total burden hours
Total		8,486	.....	.....	33,944

Frequency: The Applicant provides this Assurance of Compliance when it applies for or receives new HHS funds.

Catherine Howard,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2026–01465 Filed 1–23–26; 8:45 am]

BILLING CODE 4153–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Physician-Focused Payment Model Technical Advisory Committee; Meetings

ACTION: Notice of meetings.

SUMMARY: This notice announces the 2026 meetings of the Physician-Focused Payment Model Technical Advisory Committee (PTAC). These meetings include deliberation and voting on proposals for physician-focused payment models (PFPs) submitted by individuals and stakeholder entities and may include discussions on topics related to current or previously submitted PFPs. All meetings are open to the public.

DATES: The 2026 PTAC meetings will occur on the following dates:

- Monday–Tuesday, February 23–24, 2026, from 9:00 a.m. to 5:00 p.m. ET
- Monday–Tuesday, June 15–16, 2026, from 9:00 a.m. to 5:00 p.m. ET
- Monday–Tuesday, September 14–15, 2026, from 9:00 a.m. to 5:00 p.m. ET
- Tuesday–Wednesday, December 8–9, 2026, from 9:00 a.m. to 5:00 p.m. ET

Please note that times are subject to change. If the times change, the ASPE PTAC website will be updated (<https://aspe.hhs.gov/collaborations-committees-advisory-groups/ptac/ptac-meetings>).

ADDRESSES: All PTAC meetings will be held virtually or in the Great Hall of the Hubert H. Humphrey Building, 200 Independence Avenue SW, Washington, DC, 20201.

FOR FURTHER INFORMATION CONTACT: Marsha Clarke, Ph.D., MBA, Designated Federal Officer at Marsha.Clarke@hhs.gov (202) 527–0565.

SUPPLEMENTARY INFORMATION:

Agenda and Comments. PTAC will hear presentations on proposed PFPs

that have been submitted by individuals and stakeholder entities and/or discussion on topics related to current or previously submitted PFPs.

Regarding proposed PFPs, following each presentation, PTAC will deliberate on the proposed PFP. If PTAC completes its deliberation, PTAC will vote on the extent to which the proposed PFP meets criteria established by the Secretary of Health and Human Services and on an overall recommendation to the Secretary (if applicable). Time will be allocated for public comments. The agenda and other documents will be posted on the PTAC section of the ASPE website, <https://aspe.hhs.gov/collaborations-committees-advisory-groups/ptac/ptac-meetings>, prior to the meeting. The agenda is subject to change. If the session times change, the ASPE PTAC website will be updated.

Meeting Attendance. These meetings are open to the public and may be hosted in-person or virtually. We intend that in-person meetings will be held in the Great Hall of the Hubert H. Humphrey Building. The public may attend in person, when feasible, virtually, or view the meeting via livestream at www.hhs.gov/live. Information about how to access the meeting virtually or via livestream will be sent to registrants prior to the meeting; and a telephone number will be sent to registrants participating via the dial-in only option prior to the meeting. Space may be limited, and registration is preferred. When registration opens, a link to the registration page will be available at <https://aspe.hhs.gov/collaborations-committees-advisory-groups/ptac/ptac-meetings> prior to the meeting. Registrants will receive a confirmation email shortly after completing the registration process.

Special Accommodations. If sign language interpretation or other reasonable accommodations for a disability are needed, please contact PTAC@hhs.gov at least two weeks prior to the scheduled meeting.

Authority. 42 U.S.C. 1395(ee); Section 101(e)(1) of the Medicare Access and CHIP Reauthorization Act of 2015; Section 51003(b) of the Bipartisan Budget Act of 2018. PTAC is governed by provisions of the Federal Advisory

Committee Act, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of federal advisory committees.

Laina Bush,

Deputy Assistant Secretary for Planning and Evaluation (Science and Data Policy), Performing the Delegable Duties of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2026–01420 Filed 1–23–26; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rescission of Guidance on Nondiscrimination Protections Under the Church Amendments

AGENCY: Office for Civil Rights (OCR), Office of the Secretary, Department of Health and Human Services.

ACTION: Notice; rescission of guidance.

SUMMARY: Pursuant to Section 1 of Executive Order (“E.O.”) 14182, “Enforcing the Hyde Amendment,” to end the forced use of Federal taxpayer dollars to fund or promote elective abortion, and the direction under E.O. 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department Of Government Efficiency’ Deregulatory Initiative,” to rescind or modify “regulations that are based on anything other than the best reading of the underlying statutory authority or prohibition,”¹ the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR) hereby rescinds “Guidance on Nondiscrimination Protections under the Church Amendments” issued September 17, 2021.

DATES: This action is effective upon publication.

FOR FURTHER INFORMATION CONTACT: David Christensen, Supervisory Policy

¹ Per Sec. 6 of E.O. 14219, the term “regulation” includes the term “guidance document” as defined in E.O. 13422 of January 18, 2007, Further Amendment to Executive Order 12866 on Regulatory Planning and Review (“‘Guidance document’ means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue.” E.O. 13422, Sec. 3(g) (Jan. 18, 2007).)

Advisor, HHS Office for Civil Rights, (202) 741–8460 or (800) 537–7697 (TDD), or by email at conscience@hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On September 17, 2021, HHS OCR issued “Guidance on Nondiscrimination Protections under the Church Amendments” (2021 OCR Guidance) to remind recipients of certain federal funding of conscience protections for healthcare personnel related to abortion and sterilization. The 2021 OCR Guidance addressed the federal conscience statute known as the Church Amendments, 42 U.S.C. 300a–7, which consists of several provisions, but only focused on provision (c)(1) that protects the conscience rights of both providers who are willing to participate in abortion and providers who are unwilling to participate in abortion. The 2021 OCR Guidance stated: “The purpose of this document is to remind recipients of grants, loans, contracts, or loan guarantees under the PHS Act of their nondiscrimination obligations under section (c)(1) of the Church Amendments with regard to health care personnel who perform or assist in the performance of abortion or sterilization.”

The Church Amendment (c)(1) prohibits health care entities receiving funds under the Public Health Service Act from discriminating in employment or staff privileges against physicians or health care personnel who perform or assisted in the performance of lawful sterilization procedure or abortion, or who object to performing or assisting in the performance of a lawful sterilization procedure or abortion that would be contrary to religious beliefs or moral convictions.

The 2021 OCR Guidance addressed what a lawful abortion is in three ways. First, it stated a lawful abortion is any abortion legal under *Planned Parenthood v. Casey*, which made it illegal for a state to prohibit abortion prior to viability. See *Planned Parenthood v. Casey*, 505 U.S. 833, 879 (1992), *overruled in part by Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022). Second, it described a lawful abortion as an abortion under the Hyde Amendment provision in the Labor, Health and Human Services, and Related Agencies Appropriations Act that restricts Federal funding for abortion except in the case where the pregnancy threatens the life of the woman, or in the case that the pregnancy is the result of rape or incest. Last, it defined a lawful abortion to

include those performed to stabilize a patient when required under the Emergency Medical Treatment & Labor Act (EMTALA), 42 U.S.C. 1395dd. The 2021 OCR Guidance cited guidance from the Centers for Medicare & Medicaid Services (CMS) on EMTALA obligations and resources for filing complaints, issued on September 17, 2021 (2021 CMS EMTALA Guidance). The 2021 CMS EMTALA Guidance was updated on July 11, 2022 (2022 CMS EMTALA Guidance) and was accompanied by a letter sent the same day by HHS Secretary Becerra following the *Dobbs* decision, which was issued on June 24, 2022. The 2022 CMS EMTALA Guidance and accompanying Secretary letter was preliminarily and partially enjoined on August 23, 2022,² and it was rescinded on May 29, 2025.

II. Basis for Rescission

HHS OCR rescinds the 2021 OCR Guidance under Executive Order (“E.O.”) 14182, “Enforcing the Hyde Amendment” for several reasons.

First, Section 1 of E.O. 14182 provides that “Congress has annually enacted the Hyde Amendment and similar laws that prevent Federal funding of elective abortion.” Section 1 further provides it is the policy of the United States, consistent with the Hyde Amendment, to end the forced use of Federal taxpayer dollars to fund or to “promote elective abortion.” The 2021 OCR Guidance had the effect of promoting abortion by focusing solely on part of provision (c)(1) of the Church Amendments to remind entities receiving funds of their nondiscrimination obligations with respect to providers who perform or assist in the performance of abortion.

By focusing on one aspect of provision (c)(1) of the Church Amendments, the 2021 OCR Guidance narrowly focused on the rights of providers employed by certain federally funded health care entities who perform lawful abortions but failed to clarify the conscience rights of providers who are unwilling to perform abortion.

Second, the 2021 OCR Guidance cited various court cases to argue “decades of precedent make clear that it is unconstitutional for a state to prohibit a patient from ending pregnancy prior to fetal viability.” Those claims are no longer accurate after *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022), which overturned *Roe v. Wade*, 410 U.S. 113 (1973), and its

² *Texas v. Becerra*, 623 F. Supp. 3d 696 (N.D. Tex. 2022), judgment entered, No. 5:22–CV–185–H, 2023 WL 2467217 (N.D. Tex. Jan. 13, 2023), and *aff’d*, 89 F.4th 529 (5th Cir. 2024).

progeny of cases, thereby allowing state legislatures to determine the legality of abortion. The 2021 OCR Guidance predates *Dobbs* and thereby relies on case law that is now invalid or overruled.

Third, the 2021 OCR Guidance promoted a misreading of EMTALA relating to abortion, relying on guidance that has since been rescinded. On June 3, 2025, HHS and the CMS announced the rescission of the 2021 and 2022 CMS EMTALA Guidance, QSO–21–22—Hospitals, and QSO–2222—Hospitals (both rescinded on May 29, 2025) and a related letter from the then-Secretary of HHS. The CMS post-rescission announcement on June 3, 2025, stated that the rescission of this erroneous guidance will not affect its continued enforcement of EMTALA to protect “all individuals who present to a hospital emergency department seeking examination or treatment, including for identified emergency medical conditions that place the health of a pregnant woman or her unborn child in serious jeopardy.” On June 13, 2025, Secretary Kennedy sent a letter to health care providers which also made clear this commitment. CMS further clarified it would “work to rectify any perceived legal confusion and instability created by the former administration’s actions.” The 2021 OCR Guidance’s reliance on this since-rescinded guidance furthered this legal confusion and instability.

The 2021 OCR Guidance is rescinded.

III. Collection of Information Requirements

This Notice creates no legal obligations and no legal rights. Because this Notice imposes no information collection requirements, it need not be reviewed by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: January 21, 2026.

Paula M. Stannard,

Director, Office for Civil Rights, Department of Health and Human Services.

[FR Doc. 2026–01435 Filed 1–23–26; 8:45 am]

BILLING CODE 4153–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rescission of Office for Civil Rights Documents Under Executive Order 14192

AGENCY: Office for Civil Rights (OCR), Office of the Secretary, Department of Health and Human Services.

ACTION: Notice; disavowal/repudiation or rescission of guidance.

SUMMARY: The U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR) hereby disavows/repudiates or rescinds several documents in keeping with Executive Order 14192, Unleashing Prosperity through Deregulation and consistent with the principles in Executive Order 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative.

DATES: This action is effective upon publication.

FOR FURTHER INFORMATION CONTACT: David Christensen, Supervisory Policy Advisor, HHS Office for Civil Rights, (202) 741-8460 or (800) 537-7697 (TDD), or by email at conscience@hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

OCR has determined, under Executive Order 14192, Unleashing Prosperity Through Deregulation, and consistent with the principles in Executive Order 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative, concerning regulations that are based on anything other than the best reading of the underlying statutory authority or prohibition, that several documents previously issued by HHS no longer represent the views of the Department or this Administration or are otherwise no longer applicable. OCR is issuing this notice to inform the public of the views that it disavows/repudiates or rescinds the listed documents and that covered entities should not rely on these documents' statements of law and policy to the extent noted below.

Through this deregulatory action, the Office for Civil Rights is removing guidance that previously created additional compliance costs through confusion over the meaning of underlying statutory requirements. To the extent that covered entities were incurring costs as a result of these guidance documents, this announced rescission will avert those ongoing costs.

II. Basis for Disavowal/Repudiation or Rescission

Deregulation Item 1: OCR Letter to University of Vermont Medical Center

OCR disavows the legal positions stated in a July 2021 letter it sent to the University of Vermont Medical Center (UVMCM) withdrawing OCR's prior

Notice of Violation letter from August 28, 2019.¹ The August 2019 Notice of Violation stated that UVMCM violated the Church Amendments by discriminating against a health care professional by requiring the professional to violate their conscience and assist in an abortion.² OCR's 2021 letter took a different interpretation of the Church Amendments from that of the 2019 letter by concluding that that the UVMCM did not violate the Church Amendments since those provisions may need to be interpreted in light of Title VII of the Civil Rights Act of 1964. OCR's 2021 letter stated that the medical center may only have obligations to follow the Church Amendments when it does not experience an undue hardship under the framework in Title VII. The Church Amendments do not contain any undue hardship exemption. The legal views stated in OCR's 2021 letter no longer represent the views of the Department or this Administration. Therefore, consistent with Executive Order 14192, Unleashing Prosperity Through Deregulation, OCR repudiates those views.

Deregulation Item 2: 3 Letters Concerning 45 CFR 75.300, RFRA, and Foster Care

OCR disavows policies and legal conclusions found in three letters sent on November 2021 (two from OCR to Michigan³ and to Texas,⁴ and one from the Administration for Children and Families (ACF) to South Carolina⁵). These three letters in turn withdrew three other letters previously issued in March 2020 (two from OCR and one from ACF) granting religious exemptions from grants regulation in place at the time, 45 CFR 75.300(c), (d). Subsections (c) and (d) of section 75.300 extended non-discrimination principles beyond those required by statute and case law to require some grant recipients to violate their religious convictions in order to receive federal funding. The 2020 letters granted exemptions under the Religious Freedom Restoration Act (RFRA) which

allowed religious foster care agencies to operate in accordance with their faith-tradition, including, in the case of South Carolina, allowing them to work only with foster care or adoptive parents of the same religious faith.

The three November 2021 letters withdrawing the three 2020 waiver letters contained an analysis of RFRA to which HHS and the Administration no longer ascribe. The 2021 rescission letters stated that (1) granting the exemptions to the grants regulation requirements might have limited access to foster care for some children, (2) preventing these harms supported rejecting an exemption requested by these states under the RFRA compelling interest test, and (3) the waiver letters interpreted the statute too broadly by creating a class-wide exemption throughout a state. Neither the factual predicate concerning the impact of religious exemptions on foster care youth nor the legal analysis of RFRA's application to the facts contained in the 2021 withdrawal letters represents the views of the Department or this Administration. Indeed, after issuing the November 2021 letters, the previous Administration removed the underlying grants rule's civil rights policy requirements *entirely*, for secular and religious entities nationwide. Promulgating a new grants rule in 2024 that removed these policy requirements undercuts the proposition that there was a governmental compelling interest in applying them to objecting religious entities. The 2021 letters' interpretation of RFRA is no longer held by this Administration and is therefore repudiated under Executive Order 14192, Unleashing Prosperity Through Deregulation, and covered entities should not rely on it.

Deregulation Item 3: Guidance on Equitable Administration of COVID Vaccines

OCR disavows views contained in the December 2021 guidance⁶ regarding the equitable administration of vaccines. This Guidance relies on Executive Order 13995, *Ensuring an Equitable Pandemic Response and Recovery*, which was rescinded on January 20, 2025, by Executive Order 14148, *Initial Rescissions of Harmful Executive Orders and Actions*. Additionally, policies stated in this guidance no longer represent the views of the Department or this Administration, and the public health emergency for the COVID

¹ A similar letter was sent to the attorney for the complainant on the same day.

² <https://www.hhs.gov/conscience/conscience-protections/uvmcm-letter/index.html>.

³ <https://web.archive.org/web/20240927035740/https://www.hhs.gov/conscience/religious-freedom/state-letter-to-michigan-withdrawing-exception-from-non-discrimination-requirements/index.html>.

⁴ <https://web.archive.org/web/20250131145323/https://www.hhs.gov/conscience/religious-freedom/state-letter-to-texas-withdrawing-exception-from-non-discrimination-requirements/index.html>.

⁵ <https://acf.gov/sites/default/files/documents/withdrawal-of-exception-from-part-75.300-south-carolina-11-18-2021.pdf>.

⁶ <https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/guidance-federal-legal-standards-covid-19-vaccination-programs/index.html>.

pandemic is over. Therefore, OCR repudiates this guidance effective immediately under Executive Order 14192, Unleashing Prosperity Through Deregulation, and covered entities should not rely on it.

Deregulation Item 4: Letter Rescinding a Notice of Violation Letter Concerning California's Violation of the Weldon Amendment Conscience Protection

OCR disavows legal positions stated in an August 2021 letter⁷ that OCR sent to the Attorney General of California, which withdrew a January 24, 2020 Notice of Violation letter issued to the Attorney General of California. The January 2020 Notice of Violation stated that the State of California violated the Weldon Amendment by mandating insurance coverage of abortion. The Weldon Amendment is a provision in the annual Department of Labor, Health and Human Services Act appropriations statute that restricts funds under the act to a federal agency or program, or to a state or local government, if it "subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions." The Weldon Amendment defines "health care entity" to include "a health maintenance organization, a health insurance plan, or any other kind of health care . . . plan."

The January 2020 Notice of Violation stated that California violated the Weldon Amendment by discriminating against health care plans that limited or excluded abortion coverage. OCR's August 2021 withdrawal letter determined that the finding of a violation could not be sustained because (1) health plan sponsors or employers, including the complainants, do not meet the definition of "health care entity" under the Weldon Amendment; (2) the relevant health insurers that were subject to the California mandate are protected "health care entities" under the Weldon Amendment, but they did not object to amending their plans to provide abortion coverage or claim they had been subject to discrimination under the Weldon Amendment; and (3) the complainants did not otherwise file their complaints on behalf of an entity that would have met the definition of a "health care entity" under the Weldon Amendment. OCR disavows these legal positions stated in OCR's 2021 withdrawal letter, which do not represent the views of the Department

or this Administration. Covered entities should not rely on this letter.

III. Collection of Information Requirements

This Notice creates no legal obligations and no legal rights. Because this Notice imposes no information collection requirements, it need not be reviewed by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: January 21, 2026.

Paula M. Stannard,

Director, Office for Civil Rights, Department of Health and Human Services.

[FR Doc. 2026-01434 Filed 1-23-26; 8:45 am]

BILLING CODE 4153-01-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; PAR Panel: Clinical Care and Interventions for Substance Use Disorder, Prevention, and Treatment of Addiction.

Date: February 25–26, 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: Cristina Lyn Reitz-Krueger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-480-2060, cristina.reitz-krueger@nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Emerging Imaging Technologies and Applications Study Section.

Date: February 27, 2026.

Time: 9:00 a.m. to 7:00 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: Zheng Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-594-3385, zheng.li3@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Transition to Independence.

Date: March 5, 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: Delia Tang, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 240-479-8238, tangd@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; U2C-TL1 Institutional Network Applications for Promoting Kidney, Urologic, and Hematologic Research Training.

Date: March 11, 2026.

Time: 9:00 a.m. to 5:30 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: Jason D. Hoffert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-496-9010, jason.hoffert@nih.gov.

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Cellular and Molecular Technologies Study Section.

Date: March 11–12, 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: Tatiana V. Cohen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-455-2364, tatiana.cohen@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Exploratory Research in Cancer Prevention and Therapeutics (R21).

Date: March 11, 2026.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

⁷ <https://www.hhs.gov/conscience/conscience-protections/ca-letter/index.html>.

Meeting Format: Virtual Meeting.

Contact Person: Jun Fang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-435-0000, jfang@mail.nih.gov.

Name of Committee: Vascular and Hematology Integrated Review Group; Atherosclerosis and Vascular Inflammation Study Section.

Date: March 12, 2026.

Time: 9:00 a.m. to 8:00 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: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301-435-1206, komissar@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Immunology-Oncology.

Date: March 13, 2026.

Time: 8:00 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: Jing Chen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-435-5000, chenjing@mail.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 21, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-01412 Filed 1-23-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; 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 National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meeting 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: National Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: March 11, 2026.

Time: 1:00 p.m. to 2:00 p.m. EDT.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, NIDDK, Democracy II, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Karl F. Malik, Ph.D., Director Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, MSC 5452, Bethesda, MD 20892, (301) 594-4757, malikk@niddk.nih.gov.

Information is also available on the Institute's/Center's home page: <https://www.niddk.nih.gov/about-niddk/advisory-coordinating-committees/national-diabetes-digestive-kidney-diseases-advisory-council>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 22, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-01417 Filed 1-23-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Fogarty International Center; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Fogarty International Center Advisory Board, February 9, 2026, 9:00 a.m. to February 10, 2026, 5:00 p.m., Fogarty International Center National Institutes of Health, Lawton Chiles International House (Stone House), Bethesda, MD 20892 which was published in the **Federal Register** on October 1, 2025, FR Doc. No. 2025-19110, 90 FR 47314.

This notice is being amended to change the meeting date from February 9-10, 2026 to March 26-27, 2026. The meeting is partially closed to the public.

Dated: January 20, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-01418 Filed 1-23-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood 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 Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website at <https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council>.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: October 29, 2026.

Open: 12:00 p.m. to 4:00 p.m.

Agenda: To Discuss Program Policies and Issues.

Place: National Institutes of Health, Claude D. Pepper Building, 31 Center Drive, Bethesda, MD 20894.

Meeting Format: In-Person.

Contact Person: Charisee Lamar, Ph.D., M.P.H., R.R.T., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 206-Q, Bethesda, MD 20892, 301-827-5517, lamarc@mail.nih.gov.

Registration is not required to attend the open portion of this meeting.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of an organization may submit a letter of intent, a brief description of the organization represented and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, 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.

In the interest of security, NIH has procedures at <https://security.nih.gov/visitors/Pages/visitor-campus-access.aspx> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's Center's home page: <https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council> where an agenda and any additional information for the meeting will be posted when available. (Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 21, 2026.

Denise M. Santeufemio,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-01411 Filed 1-23-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific

Review Special Emphasis Panel, Fellowships: Neurodegenerative Disorders, Neuroplasticity and Cognitive Dysfunction March 05, 2026, 09:30 a.m. to March 05, 2026, 06:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on January 12, 2026, Doc No. 91 FR 1193.

Meeting date changed from 2/10-11/26 to 3/5/26 SRO changed from Suzan Nadi to Milene Brownlow. The meeting is closed to the public.

Dated: January 21, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-01419 Filed 1-23-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation of Intertek USA, Inc. (Kapolei, HI) as a Commercial Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation of Intertek, USA, Inc., (Kapolei, HI), as a commercial laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek, USA, Inc., (Kapolei, HI), has been accredited to test petroleum and certain petroleum products for customs

purposes for the next three years as of August 26, 2025.

DATES: Intertek, USA, Inc., (Kapolei, HI) was accredited as a commercial laboratory as of August 26, 2025. The next triennial inspection date will be scheduled for August 2028.

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, that Intertek, USA, Inc., 2149 Lauwiliwili St., Kapolei, HI 96707, has been accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12.

Intertek, USA, Inc., (Kapolei, HI) 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
27-05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27-06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-46	D5002	Standard Test Method for Density, Relative Density, and API Gravity of Crude Oils by Digital Density Analyzer.
27-48	D4052	Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter.

Anyone wishing to employ this entity to conduct laboratory analyses should request and receive written assurances from the entity that it is accredited by the U.S. Customs and Border Protection to conduct the specific test requested. Alternatively, inquiries regarding the specific test this entity is accredited 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. 2026-01429 Filed 1-23-26; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Intertek USA, Inc. (Valdez, AK) as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Intertek, USA, Inc., (Valdez, AK), as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek, USA, Inc., (Valdez, AK), has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of July 8, 2025.

DATES: Intertek, USA, Inc., (Valdez, AK) was approved as a commercial gauger as of July 8, 2025. The next triennial inspection date will be scheduled for August 2028.

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 151.13, that Intertek, USA, Inc., 354 Fairbanks St., Valdez, AK 99686, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13.

Intertek, USA, Inc., (Valdez, AK) 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.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is 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. 2026-01428 Filed 1-23-26; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7098-N-07; OMB Control No.: 2502-0500]

60-Day Notice of Proposed Information Collection: Housing Finance Agency Risk-Sharing Program

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* March 27, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to www.regulations.gov. Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Darian Ziegler, PRA Liaison, Department of Housing and Urban Development, 451 7th Street SW, Room 9139-37, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Darian Ziegler, PRA Liaison, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW,

Room 9139-37, Washington, DC 20410; email darian.ziegler@hud.gov, or telephone (202) 402-4144. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>. Copies of available documents submitted to OMB may be obtained from Ms. Ziegler.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Housing Finance Agency Risk-Sharing Program.

OMB Approval Number: 2502-0500.

Type of Request: Revision of a currently approved collection.

Form Number(s): HUD-94192, HUD-94193, HUD-94195, HUD-94196.

Description of the need for the information and proposed use: Section 542 of the Housing and Community Development Act of 1992 directs the Secretary to implement risk sharing with State and local housing finance agencies (HFAs). Under this program, HUD provides full mortgage insurance on multifamily housing projects whose loans are underwritten, processed, and serviced by HFAs. The HFAs will reimburse HUD a certain percentage of any loss under an insured loan depending upon the level of risk the HFA contracts to assume.

Respondents: Business and others for profit.

Estimated Number of Respondents: 6,530.

Estimated Number of Responses: 22,374.

Frequency of Response: Annually, semi-annually, and on-occasion.

Average Hours per Response: 1-40 hours.

Total Estimated Burdens: 43,023.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
2502-0500	6,530	Annual, Semi-Annually, and on-occasion.	22,374	43,023	1-40	\$96.53	\$4,153,010

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Vance T. Morris,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2026–01399 Filed 1–23–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

[267A2100DD/AAKC001030/
A0A501010.000000]

Indian Gaming; Approval by Operation of Law of the Fourth Amendment to the Tribal-State Compact Between the State of California and the Picayune Rancheria of Chukchansi Indians of California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces the approval by operation of law of the fourth amendment to the Tribal-State Compact Between the State of California and the Picayune Rancheria of Chukchansi Indians of California (Amendment) governing the operation and regulation of class III gaming activities.

DATES: The Amendment takes effect on January 26, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Troy Woodward, Acting Director, Office

of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, *IndianGaming@bia.gov*; (202) 219–4066.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 *et seq.*, (IGRA) provides the Secretary of the Interior (Secretary) with 45 days to review and approve or disapprove the Tribal-State compact governing the conduct of class III gaming activity on the Tribe's Indian lands. *See* 25 U.S.C. 2710(d)(8). If the Secretary does not approve or disapprove a Tribal-State compact within the 45 days, IGRA provides the Tribal-State compact is considered to have been approved by the Secretary, but only to the extent the compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(D). The IGRA also requires the Secretary to publish in the **Federal Register** notice of the approved Tribal-State compacts for the purpose of engaging in class III gaming activities on Indian lands. *See* 25 U.S.C. 2710(d)(8)(D). As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary.

The Amendment extends the compact until December 31, 2026, and adds appendix C which permits off-track wagering. The Secretary took no action on the Amendment within the 45-day statutory review period. Therefore, the Amendment is considered to have been approved, but only to the extent it is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

William Henry Kirkland, III,

Assistant Secretary—Indian Affairs.

[FR Doc. 2026–01391 Filed 1–23–26; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

[267A2100DD/AAKC001030/
A0A501010.000000]

Indian Gaming; Approval by Operation of Law of the Seventh Amendment to the Tribal-State Compact for Class III Gaming Between the Puyallup Tribe of Indians and the State of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces the approval by operation of law of the seventh amendment to the Tribal-State Compact for Class III Gaming between the Puyallup Tribe of Indians and the State of Washington (Amendment)

governing the operation and regulation of class III gaming activities.

DATES: The amendment takes effect on January 26, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Troy M. Woodward, Acting Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, *IndianGaming@bia.gov*; (202) 208–6284.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 *et seq.*, (IGRA) provides the Secretary of the Interior (Secretary) with 45 days to review and approve or disapprove the Tribal-State compact governing the conduct of class III gaming activity on the Tribe's Indian lands. *See* 25 U.S.C. 2710(d)(8). If the Secretary does not approve or disapprove a Tribal-State compact within 45 days, IGRA provides the Tribal-State compact is considered to have been approved by the Secretary, but only to the extent the compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(D). The IGRA also requires the Secretary to publish in the **Federal Register** notice of the approved Tribal-State compacts for the purpose of engaging in class III gaming activities on Indian lands. *See* 25 U.S.C. (d)(8)(D). As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary.

The Secretary took no action on the Amendment within the 45-day statutory review period. Therefore, the Amendment is considered to have been approved, but only to the extent it is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

William Henry Kirkland, III,

Assistant Secretary—Indian Affairs.

[FR Doc. 2026–01394 Filed 1–23–26; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

[267A2100DD/AAKC001030/
A0A501010.000000]

Indian Gaming; Approval by Operation of Law of the Tribal-State Gaming Compact Between the State of California and the Cher-Ae Heights Indian Community of the Trinidad Rancheria

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces the approval by operation of law of the Tribal-State Gaming Compact between

the State of California and the Cher-Ae Heights Indian Community of the Trinidad Rancheria governing the operation and regulation of class III gaming activities.

DATES: The compact takes effect on January 26, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Troy M. Woodward, Acting Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, *IndianGaming@bia.gov*; (202) 219–4066.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 *et seq.*, (IGRA) provides the Secretary of the Interior (Secretary) with 45 days to review and approve or disapprove the Tribal-State compact governing the conduct of class III gaming activity on the Tribe's Indian lands. *See* 25 U.S.C. 2710(d)(8). If the Secretary does not approve or disapprove a Tribal-State compact within the 45 days, IGRA provides the Tribal-State compact is considered to have been approved by the Secretary, but only to the extent the compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(D). The IGRA also requires the Secretary to publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in class III gaming activities on Indian lands. *See* 25 U.S.C. (d)(8)(D). As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary.

The Secretary took no action on the Tribal-State Gaming Compact between the State of California and the Cher-Ae Heights Indian Community of the Trinidad Rancheria within the 45-day statutory review period. Therefore, the compact is considered to have been approved, but only to the extent it is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

William Henry Kirkland, III,

Assistant Secretary—Indian Affairs.

[FR Doc. 2026–01392 Filed 1–23–26; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[267A2100DD/AAKC001030/
A0A501010.000000]

Indian Gaming; Approval by Operation of Law of the Class III Tribal-State Gaming Compact Between the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation and the State of Montana

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces the approval by operation of law of the Class III Tribal-State Gaming Compact between the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation and the State of Montana (Compact) governing the operation and regulation of class III gaming activities.

DATES: The compact takes effect on January 26, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Troy M. Woodward, Acting Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, *IndianGaming@bia.gov*; (202) 219–4066.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 *et seq.*, (IGRA) provides the Secretary of the Interior (Secretary) with 45 days to review and approve or disapprove the Tribal-State compact governing the conduct of class III gaming activity on the Tribe's Indian lands. *See* 25 U.S.C. 2710(d)(8). If the Secretary does not approve or disapprove a Tribal-State compact within the 45 days, IGRA provides the Tribal-State compact is considered to have been approved by the Secretary, but only to the extent the compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(D). The IGRA also requires the Secretary to publish in the **Federal Register** notice of the approved Tribal-State compacts for the purpose of engaging in class III gaming activities on Indian lands. *See* 25 U.S.C. (d)(8)(D). As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary.

The Secretary took no action on the Compact within the 45-day statutory review period. Therefore, the Compact is considered to have been approved, but only to the extent it is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

William Henry Kirkland III,

Assistant Secretary—Indian Affairs.

[FR Doc. 2026–01390 Filed 1–23–26; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[267A2100DD/AAKC001030/
A0A501010.000000]

Indian Gaming; Approval by Operation of Law of the First Amendment to the Tribal-State Compact Between the State of California and the Pinoleville Pomo Nation, California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces the approval by operation of law of the first amendment to the Tribal-State Compact Between the State of California and the Pinoleville Pomo Nation, California (Amendment) governing the operation and regulation of class III gaming activities.

DATES: The Amendment takes effect on January 26, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Troy Woodward, Acting Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, *IndianGaming@bia.gov*; (202) 219–4066.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 *et seq.*, (IGRA) provides the Secretary of the Interior (Secretary) with 45 days to review and approve or disapprove the Tribal-State compact governing the conduct of class III gaming activity on the Tribe's Indian lands. *See* 25 U.S.C. 2710(d)(8). If the Secretary does not approve or disapprove a Tribal-State compact within the 45 days, IGRA provides the Tribal-State compact is considered to have been approved by the Secretary, but only to the extent the compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(D). The IGRA also requires the Secretary to publish in the **Federal Register** notice of the approved Tribal-State compacts for the purpose of engaging in class III gaming activities on Indian lands. *See* 25 U.S.C. 2710(d)(8)(D). As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary.

The Amendment details the Tribe's contribution requirements to the Special Distribution Fund, eliminates the payment to the Revenue Sharing Trust Fund, and creates an Impact Mitigation Fund.

The Secretary took no action on the Amendment within the 45-day statutory review period. Therefore, the Amendment is considered to have been

approved, but only to the extent it is consistent with IGRA. See 25 U.S.C. 2710(d)(8)(C).

William Henry Kirkland, III,

Assistant Secretary—Indian Affairs.

[FR Doc. 2026–01395 Filed 1–23–26; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–IEV–NPS0040381; OMB Control Number 1024–0288; PPWOIEADCO, PPMVSI1Y.Y00000 (255)]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Education Reservation Request Form

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS), are proposing to renew an information collection without change.

DATES: Interested persons are invited to submit comments, which NPS must receive on or before February 25, 2026.

ADDRESSES: Written comments and suggestions on the information collection requirements should be submitted by the date specified above in **DATES** to <http://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. Please provide a copy of your comments to the NPS Information Collection Clearance Officer (ADIR–ICCO), 13461 Sunrise Valley Drive, (MS–263) Herndon, VA 20191 (mail); or phadrea_ponds@nps.gov (email). Please include “1024–0288” in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Shauna Potocky, Education Strategist, by email at shauna_potocky@nps.gov, or by telephone at 202–641–8424. Please reference Office of Management and Budget (OMB) Control Number 1024–0288 in the subject line of your comments. 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. You may

also view the information collection request (ICR) at <https://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on July 9, 2025 (90 FR 30260). We did not receive any comments in response to that notice.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

(2) The accuracy of our estimate of the burden for this 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.

(4) How might the agency 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, e.g., permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to the Office of Management and Budget (OMB) to approve this ICR. Before including your address, phone number, email address, or other personal

identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: NPS is authorized by 54 U.S.C. 100701, “Protection, interpretation, and research in System,” to administer education programs for education audiences including but not limited to school groups, scouting groups, extracurricular groups, and home school groups. To effectively manage requests received for NPS educational programs, the NPS Washington Support Office, Division of Interpretation, Education, and Volunteers, seeks approval for the continued use of the approved NPS form 10–1750, “Education Reservation Request Form.”

The NPS form 10–1750 collects necessary reservation information, including (1) person(s) or organization(s) requesting education program services; (2) type of program requested; (3) logistical details including, date, time, grade level, number of students; (4) technology available to the group for distance learning programming; and (5) criteria for academic fee waiver eligibility.

This information facilitates operational aspects of scheduling groups for in-park education programs, ranger-in-classroom programs, and/or online distance learning programs. The form will be fully electronic and available on participating parks websites for the purpose of making group reservations and accommodating public requests for group education programming.

Title of Collection: “Education Reservation Request Form.”

OMB Control Number: 1024–0288.

Form Number: NPS 10–1750.

Type of Review: Renewal of a currently approved collection.

Respondents/Affected Public: Educators at public and private schools, homeschool groups, school-age clubs.

Total Estimated Number of Annual Responses: 39,000.

Total Estimated Number of Annual Responses: 7,150.

Estimated Completion Time per Response: 11 minutes.

Total Estimated Number of Annual Burden Hours: 7,150 hours.

Respondent’s Obligation: Required to obtain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

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.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

*Information Collection Clearance Officer,
National Park Service.*

[FR Doc. 2026–01427 Filed 1–23–26; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 751–TA–30]

Fresh Tomatoes From Mexico; Institution and Scheduling of Review Investigation Concerning the Commission's Affirmative Determination in Investigation No. 731–TA–747 (Final), Fresh Tomatoes From Mexico

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted an investigation pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)) (the Act) to review its determination in investigation No. 731–TA–747 (Final).¹ The purpose of the investigation is to determine whether revocation of the antidumping duty order on fresh tomatoes from Mexico is likely to lead to continuation or recurrence of material injury to an industry in the United States. Fresh tomatoes from Mexico are provided for in heading 0702.00 of the Harmonized Tariff Schedule of the United States.

DATES: Applicable January 21, 2026.

FOR FURTHER INFORMATION CONTACT: Lawrence Jones (202–205–3358), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—The antidumping petition concerning fresh tomatoes from Mexico was deemed by the Commission and Department of Commerce (Commerce) to be filed on April 1, 1996 by the Florida Tomato Growers Exchange, the Florida Tomato Exchange, the Tomato Committee of the Florida Fruit and Vegetable Association, the South Carolina Tomato Association, the Gadsden County Tomato Growers Association, and an *Ad Hoc* Group of Florida, California, Georgia, Pennsylvania, South Carolina, and Virginia Tomato Growers (61 FR 18377, April 25, 1996). On May 16, 1996, the Commission notified Commerce that it reached an affirmative preliminary determination in its antidumping duty investigation (61 FR 28890, June 6, 1996). On October 28, 1996, Commerce signed a suspension agreement with certain growers/exporters of fresh tomatoes from Mexico that accounted for substantially all imports of fresh tomatoes from Mexico, in which “each signatory producer/exporter . . . agreed to revise its prices to eliminate completely the injurious effects of exports” of fresh tomatoes to the United States (61 FR 56618, November 1, 1996). Effective November 1, 1996, the Commerce suspended its antidumping duty investigation on imports of fresh tomatoes from Mexico (61 FR 56618, November 1, 1996). Effective the same day, the Commission suspended the final phase of its investigation (61 FR 58217, November 13, 1996).

On October 1, 2001, Commerce initiated and the Commission instituted their first five-year reviews of the suspended investigations (66 FR 49926, 49975). After the withdrawal from the suspension agreement by certain Mexican tomato growers, Commerce terminated the suspension agreement (67 FR 50858, August 6, 2002), and both Commerce and the Commission terminated their first five-year reviews and resumed their antidumping investigations, effective July 30, 2002

(67 FR 53361, August 15, 2002; 67 FR 56854, September 5, 2002). On December 16, 2002, Commerce and the Commission suspended their resumed investigations when Commerce signed a new suspension agreement with certain growers/exporters of fresh tomatoes from Mexico (67 FR 77044, December 16, 2002; 67 FR 78815, December 26, 2002). On November 1, 2007, Commerce initiated and the Commission instituted their second five-year reviews of the suspended investigations (72 FR 61861, 61903, November 1, 2007). Once again, based on the withdrawal from the suspension agreement by certain Mexican tomato growers, Commerce terminated the suspension agreement (73 FR 2887, January 16, 2008), and both Commerce and the Commission terminated their second five-year reviews and resumed their antidumping investigations, effective January 18, 2008 (73 FR 2888, January 18, 2008; 73 FR 5869, January 31, 2008). The resumed antidumping investigations were again suspended by Commerce and the Commission when Commerce signed a new suspension agreement with certain growers/exporters of fresh tomatoes from Mexico, effective January 22, 2008 (73 FR 4831, January 28, 2008; 73 FR 7762, February 11, 2008). On December 1, 2012, Commerce initiated its third five-year review of the suspended investigation (77 FR 71684, December 3, 2012), and on December 3, 2012, the Commission instituted its third five-year review of the suspended investigation (77 FR 71629, December 3, 2012). Based on the withdrawal from the suspension agreement by certain Mexican tomato growers/exporters, Commerce terminated the suspension agreement and its third five-year review of the suspended investigation, and resumed its investigation, effective March 1, 2013 (78 FR 14771, March 7, 2013). On March 4, 2013, the Commission terminated its review of the suspended investigation and resumed the final phase of its investigation (78 FR 16529, March 15, 2013). Also on March 4, 2013, Commerce signed a new agreement with certain growers/exporters of fresh tomatoes from Mexico, and again suspended its resumed investigation (78 FR 14967, March 8, 2013). On March 5, 2013, the Commission suspended its resumed final phase investigation (78 FR 16530, March 15, 2013).

On February 1, 2018, Commerce initiated and the Commission instituted their fourth five-year reviews of the suspended investigations (83 FR 4641, 4676, February 1, 2018). After receipt of a request by the Florida Tomato

¹ Chair Karpel determined that the changed circumstances alleged by Mexican respondent interested parties in their request for a review are not sufficient to warrant institution of a review under section 751(b). Commissioner Kearns determined that the changed circumstances alleged by Mexican respondent interested parties are sufficient to warrant institution of a review under section 751(b). Commissioner Johanson did not participate in this proceeding. As one half of the number of Commissioners voting agree that the review should be initiated, the Commission is instituting that review. See 19 U.S.C. 1330(d)(5).

Exchange, an association of domestic growers and packers of fresh tomatoes and a petitioner in the original investigation, Commerce terminated the suspension agreement and resumed its investigation, effective May 13, 2019 (84 FR 20858, May 13, 2019). Also on May 7, 2019, the Commission terminated its review of the suspended investigation and resumed the final phase of its investigation (84 FR 21360, May 14, 2019; 84 FR 27805, June 14, 2019). On September 19, 2019, Commerce signed a new agreement with certain growers/exporters of fresh tomatoes from Mexico, and again suspended its resumed investigation (84 FR 49987, September 24, 2019). On September 24, 2019, the Commission suspended its resumed final phase investigation (84 FR 54639, October 10, 2019). Following requests submitted by the Florida Tomato Exchange and by Red Sun Farms Virginia LLC, Commerce resumed its final investigation and made an affirmative determination (84 FR 57401, October 25, 2019). On October 17, 2019, the Commission continued the final phase of its investigation (84 FR 56837, October 23, 2019) and, on December 9, 2019, made an affirmative determination (84 FR 67958, December 12, 2019). Because of the September 19, 2019 Suspension Agreement, no antidumping duty order was imposed as a result of the agencies' affirmative determinations.

On August 1, 2024, Commerce initiated its fifth five-year review of the suspended investigation (89 FR 62717, August 1, 2024, and 89 FR 62786, August 1, 2024). The Commission instituted a five-year review of the suspended investigation (89 FR 62786, August 1, 2024). Following a request filed by the Florida Tomato Exchange on June 16, 2023, Commerce announced its intention to terminate the 2019 Suspension Agreement on April 18, 2025 (90 FR 16499, April 18, 2025). Subsequently, effective July 14, 2025, Commerce withdrew from and terminated the 2019 Suspension Agreement and issued an antidumping duty order on imports of fresh tomatoes from Mexico (90 FR 33363, July 17, 2025). For this reason, the Commission terminated its five-year review effective July 14, 2025 (90 FR 35933, July 30, 2025).

On May 9, 2025, the Commission received a request to review its affirmative determination in the antidumping duty investigation, No. 731-TA-747 (Fifth Review), pursuant to section 751(b) of the Act (19 U.S.C. 1675(b)). The request was filed by the Bioparques de Occidente, S.A. de C.V., Agrícola La Primavera, S.A. de C.V., and

Kaliroy Fresh, LLC (collectively, the "Bioparques Group" or "Requestors"). The Requestors argued that the Commission should conduct a changed circumstances review of the Commission's affirmative threat of material injury determination regarding fresh tomatoes from Mexico if the 2019 Suspension Agreement expired without continuation on July 14, 2025. The Requestors further argued that there have been several significant changes since the Commission last examined the fresh tomatoes industry in 2019, namely with respect to changes in customer preferences and demand resulting in a segmented U.S. market for fresh tomatoes, significant investment by U.S. producers in greenhouse and other "protected culture" growing facilities outside of California and Florida, major investments by U.S. growers in Mexico to supplement their U.S. tomato production operations, major investments by growers of greenhouse tomatoes from Canada resulting in an increase in imports of nonsubject greenhouse and protected culture tomatoes in the U.S. market, and structural challenges facing open field U.S. growers based in Florida and California. On June 18, 2025, the Commission published a **Federal Register** notice (90 FR 26065) inviting comments from the public on whether changed circumstances exist sufficient to warrant the institution of a changed circumstances review investigation of the Commission's affirmative determination concerning fresh tomatoes from Mexico if Commerce terminates the 2019 Suspension Agreement.

The Commission received six submissions in response to its **Federal Register** notice soliciting comments. Commenters that supported institution of changed circumstances reviews include the Bioparques Group; NS Brands, Ltd. and Naturesweet Invernaderos S. de R.L. de C.V./NatureSweet Comercializadora, S. de R.L. de C.V.; Asociación Mexicana de Horticultura Protegida, A.C., Asociación de Productores de Hortalizas del Yaqui y Mayo, Confederación de Asociaciones Agrícolas del Estado de Sinaloa, A.C., Consejo Agrícola de Baja California, A.C., and Sistema Producto Tomate; Mastronardi Produce—USA, Inc., Mastronardi International, Ltd., and Mastronardi Produce, Ltd.; and the Fresh Produce Association of the Americas. The Florida Tomato Exchange filed comments opposing institution of a changed circumstances review.

On January 21, 2026, after reviewing the comments it received in response to

that request, the Commission determined that it had received information which showed changed circumstances sufficient to warrant instituting a review investigation.

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

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.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in these investigations will be placed in the nonpublic record on April 29, 2026, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on May 19, 2026, at the U.S. International

Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before 5:15 p.m. on May 14, 2026. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the review, may in their discretion for good cause shown, grant such a request. Requests to appear as remote witness due to illness or a positive COVID-19 test result may be submitted by 3 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website at <https://www.usitc.gov/calendarpad/calendar.html>.

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on May 15, 2026, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is 5:15 p.m. on May 8, 2026. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is 5:15 p.m. on May 28, 2026; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before 5:15 p.m. on May 28, 2026. On June 23, 2026, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may

submit final comments on this information on or before 5:15 p.m. on June 25, 2026, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on Filing Procedures, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings.

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.

Authority: This review investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.45 of the Commission's rules.²

By order of the Commission.

Issued: January 21, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-01387 Filed 1-23-26; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

² The Commission has determined the additional analysis needed to consider the asserted changed circumstances and cure data collected in its fifth review of the suspended final phase antidumping investigation was good cause to exercise its authority to waive the institution period pursuant to section 207.45(c) of the Commission's Rules of Practice and Procedure (19 CFR 207.45(c)).

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Gyro-Stabilized Electric Unicycles and Components Thereof and Products Containing the Same*, DN 3877; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf Inventist, Inc. and Alien Technology Group, Inc. d/b/a Alien Rides on January 21, 2026.

The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain gyro-stabilized electric unicycles and components thereof and products containing the same. The complaint names as respondents: Guangzhou Veteran Intelligent Technology Co., Ltd. d/b/a LeaperKim of China; Dong Guan BECODE Intelligent Technology Co., Ltd. d/b/a BECODE of China; Inmotion Technologies Co., Ltd. d/b/a Inmotion of China; Shenzhen King Song Intelligence Technology Co., Ltd. d/b/a Kingsong of China; and Guangzhou JiDongTai Intelligent Equipment Co., Ltd. d/b/a Nosfet of China. The complainant requests that the Commission issue a general exclusion order, or in the alternative a limited exclusion order, cease and desist orders, and impose a

bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice

are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3877") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). 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. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

By order of the Commission.

Issued: January 21, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-01333 Filed 1-23-26; 8:45 am]

BILLING CODE 7020-02-P

[INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1409]

Certain Storage Containers and Toolboxes, Organizers, Component Boxes, and Coolers; Commission Decision To Review an Initial Determination in Part; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commission has determined to review in part the Chief Administrative Law Judge's ("CALJ's") final initial determination ("FID") finding a violation of section 337 with respect to U.S. Patent Nos. 11,365,026 ("the '026 patent"); 11,794,952 ("the '952 patent"); and 11,952,167 ("the '167 patent") (collectively, "the Asserted Patents"). The Commission requests briefing from the parties on certain issues under review, as set forth in this notice. The Commission also requests briefing from the parties, interested persons, and government agencies on the issues of remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT:

Sidney A. Rosenzweig, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-2532. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 19, 2024, based upon a complaint filed on behalf of Milwaukee Electric Tool Corporation of Brookfield,

Wisconsin and Keter Home and Garden Products Ltd. of Israel (collectively, “Complainants”). 89 FR 58764–65 (July 19, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“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 storage containers and toolboxes, organizers, component boxes, and coolers by reason of infringement of certain claims of the ’026 patent, the ’952 patent, and the ’167 patent. The Commission’s notice of investigation named as the respondent Klein Tools, Inc. of Lincolnshire, Illinois. The Office of Unfair Import Investigations is not a party to this investigation.

Over the course of the investigation, Complainants withdrew certain asserted claims. See Order No. 15 (Jan. 24, 2025), *unreviewed by Comm’n Notice* (Feb. 18, 2025); Order No. 19 (Feb. 11, 2025), *unreviewed by Comm’n Notice* (Feb. 24, 2025); Order No. 20 (Feb. 27, 2025), *unreviewed by Comm’n Notice* (Mar. 13, 2025). The asserted claims that remain are claims 4 and 8 of the ’026 patent; claims 3, 4, 8, and 16 of the ’952 patent; and claims 2, 5, 8, 14, and 15 of the ’167 patent. See Order No. 20 at 2 n.1.

On August 1, 2025, the CALJ issued the FID, which finds a violation of section 337 finding all of the asserted patent claims recited above infringed and not invalid. The FID also finds that the domestic industry requirement has been satisfied for each of the Asserted Patents pursuant to section 337(a)(3)(A) and (B). The FID declined to make findings as to whether Complainants have satisfied the domestic industry requirement under section 337(a)(3)(C).

On August 15, 2025, Klein filed a petition for Commission review of the FID as to the economic and technical prongs of the domestic industry requirement, and invalidity based on certain prior art. On August 28, 2025, Complainants filed a response to the petition.

On September 2, 2025, Complainants filed a public interest submission pursuant to Commission Rule 210.50(a)(4)(i), 19 CFR 210.50(a)(4)(i). The Commission did not receive any submissions pursuant to the **Federal Register** notice published after issuance of the RD. See 90 FR 38175–76 (Aug. 7, 2025).

Having reviewed the record of the investigation, including the final FID, the parties’ submissions to the ALJ, the petition for Commission review and the response thereto, the Commission has determined to review the FID in part.

Specifically, the Commission has determined to review the FID’s findings concerning the economic prong of the domestic industry requirement, patent invalidity, and the technical prong of the domestic industry requirement, as well as any underlying claim construction findings. The Commission has determined not to review the remainder of the FID’s findings.

In accordance with its review, the Commission requests responses to the following questions. The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

(1) In connection with Complainants’ reliance on activities at Milwaukee’s Cookeville facility, if the Commission were to consider Keter’s foreign manufacturing of Milwaukee-branded domestic industry articles as part of the relevant contextual inquiry for the existence of a domestic industry, please explain whether Complainants presented sufficient evidence to the ALJ to show the existence of a domestic industry.

(2) Under a holistic approach to the domestic industry analysis consistent with the Federal Circuit’s holding in *Wuhan Healthgen Biotechnology Corp. v. Int’l Trade Comm’n*, 127 F.4th 1334, 1339 (Fed. Cir. 2025), please explain whether Complainants presented sufficient evidence to the ALJ to show the asserted investments significant pursuant to section 337(a)(3)(A) and (B). Under such a holistic approach, is Complainant required to compare its domestic investments in engineering, research, and design or in manufacturing of the DI products to its foreign manufacturing costs of the DI products, including Keter’s foreign manufacturing costs? See *Certain Soft Projectile Launching Devices, Components Thereof, Ammunition, and Products Containing Same*, Inv. No. 337–TA–1325 (Jan. 5, 2026) (including Separate Views of Chair Karpel in Dissent); *Certain Movable Barrier Operator Systems and Components Thereof*, Inv. No. 337–TA–1118, Comm’n Op. at 26 (Jan. 12, 2021).

(3) If the Commission were to set aside Milwaukee’s investment in its Olive Branch facility, please explain whether and why there is a domestic industry, under 19 U.S.C. 1337(a)(3)(A) or (a)(3)(B).

(4) Please explain whether Milwaukee has demonstrated substantial investment in the exploitation of the Asserted Patents under 19 U.S.C. 1337(a)(3)(C). Please explain the nexus between the asserted patents and the domestic investments, including in view of the asserted patents’ apparent

depiction of the domestic industry articles. Also please explain the relevance, if any, of the FID’s nexus findings for the commercial success factor of the objective indicia of nonobviousness as to the requisite nexus for a domestic industry under 19 U.S.C. 1337(a)(3)(C).

(5) Please explain whether and how the date of the 3/2015 catalog (RX–0183) affects the FID’s finding that Klein failed to demonstrate that the Auer system is prior art.

The parties are invited to brief only the discrete issues requested above. The parties are not to brief other issues on review, which are adequately presented in the parties’ existing filings.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm’n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and a cease and desist order would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission’s determination. See Presidential Memorandum of July 21,

2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In its initial submission, the complainants are also requested to identify the remedy sought and Complainants are requested to submit proposed remedial orders for the Commission's consideration. The complainants are further requested to state the dates that the asserted patents expire, to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. All initial written submissions, from the parties and/or third parties/interested government agencies, and proposed remedial orders from the parties must be filed no later than close of business on February 4, 2026. All reply submissions must be filed no later than the close of business on February 11, 2026. Opening submissions from the parties are limited to 35 pages. Reply submissions from the parties are limited to 25 pages. All submission from third parties and/or interested government agencies are limited to 10 pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337-TA-1409) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary, (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on January 21, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: January 21, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-01386 Filed 1-23-26; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-783-784 and 731-TA-1771-1772 (Preliminary)]

Citric Acid and Certain Citrate Salts From Canada and India; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701-TA-783-784 and 731-TA-1771-1772 (Preliminary) pursuant to the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of citric acid and certain citrate salts from Canada and India, provided for in subheadings 2918.14.00, 2918.15.10, 2918.15.50, and 3824.99.93 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Governments of Canada and India. Unless the Department of Commerce ("Commerce") extends the time for initiation, the Commission must reach preliminary determinations in antidumping and countervailing duty investigations in 45 days, or in this case by March 9, 2026. The Commission's views must be transmitted to Commerce within five business days thereafter, or by March 16, 2026.

DATES: January 21, 2026.

FOR FURTHER INFORMATION CONTACT: Julie Duffy (202-708-2579), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on January 21, 2026, by Archer-Daniels-Midland Company, Decatur, IL; Cargill, Incorporated, Wayzata, MN; and Primary Products Ingredients Americas LLC, Schaumburg, IL.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Office of Investigations will hold a staff conference in connection with the preliminary phase of these investigations beginning at 9:30 a.m. on February 11, 2026. Requests to appear at the conference should be emailed to preliminaryconferences@usitc.gov (DO NOT FILE ON EDIS) on or before noon on February 9, 2026. Please provide an email address for each conference

participant in the email. Information on conference procedures, format, and participation, including guidance for requests to appear as a witness via videoconference, will be available on the Commission's Public Calendar (Calendar (USITC) | United States International Trade Commission). A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

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.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before 5:15 p.m. on February 17, 2026, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than 4:00 p.m. on February 10, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the 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.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) by the Commission, its employees and Offices,

and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: January 22, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–01404 Filed 1–23–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—OpenGMSL Association

Notice is hereby given that, on December 11, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), OpenGMSL Association (“OpenGMSL”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, AnaPass, Inc., Seoul, REPUBLIC OF KOREA; Axonne, Inc., San Jose, CA; BitifEye Digital Test Solutions GmbH, Boblingen, FEDERAL REPUBLIC OF GERMANY; Garmin International Inc., Olathe, KS; Geely Automobile Research Institute, Zhejiang, PEOPLE'S REPUBLIC OF CHINA; Honda Motor Co., Ltd., Tochigi, JAPAN; Jasmin Infotech Private Limited, Chennai, REPUBLIC OF INDIA; KNIUlink Semiconductor Ltd., Shenzhen, PEOPLE'S REPUBLIC OF CHINA; Meritech Integrated Circuits Co., Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; Onelink Inc., Allex, TX; and Teledyne LeCroy, Inc., Chestnut Ridge, NY have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open and OpenGMSL intends to file additional written notifications disclosing all changes in membership.

On June 30, 2025, OpenGMSL filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on August 13, 2025 (90 FR 38998).

The last notification was filed with the Department of Justice on September 22, 2025. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 3, 2025 (90 FR 48058).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026-01445 Filed 1-23-26; 8:45 am]

BILLING CODE: P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Benefit Appeals Report

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL or Department) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, "Benefit Appeals Report." This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by March 27, 2026.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Noel Sukhram at OUI-PRA@dol.gov. For persons with a hearing or speech disability who need assistance using the telephone system, please dial 711 to access telecommunications relay services.

Submit written comments about, or requests for a copy of, this ICR by mail

or courier to the U.S. Department of Labor, Employment and Training Administration, Room S-4524, 200 Constitution Avenue NW, Washington, DC 20210; by email: OUI-PRA@dol.gov.

FOR FURTHER INFORMATION CONTACT:

Candace Edens by telephone at (202) 693-3195 (this is not a toll-free number), or by email at OUI-PRA@dol.gov.

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The ETA-5130, Benefit Appeals Report, contains information on the number of unemployment insurance appeals and the resultant decisions classified by program, appeals level, cases filed and disposed of (workflow), and decisions by level, appellant, and issue. The data on this report is used by DOL to monitor the benefit appeals process in the State Workforce Agencies (SWAs) and to develop any needed plans for remedial action. The data is also needed for workload forecasts and to determine administrative funding. If this information were not available, developing problems might not be discovered early enough to allow for timely solutions and avoidance of time consuming and costly corrective action. Section 302(a), Social Security Act (SSA); Section 303(a)(1), SSA; and Section 303(a)(3), SSA authorizes this information collection.

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 it is approved by OMB under the PRA 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 Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments

must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205-0172.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- 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, (e.g., permitting electronic submission of responses).

Agency: DOL-ETA.
Type of Review: Extension Without Changes.
Title of Collection: Benefit Appeals Report.
Form: ETA 5130.
OMB Control Number: 1205-0172.
Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 53.
Frequency: Monthly.
Total Estimated Annual Responses: 1272.

Estimated Average Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 1272 hours.

Total Estimated Annual Other Cost Burden: \$0.

(Authority: 44 U.S.C. 3506(c)(2)(A))

Henry Maklakiewicz,
Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2026-01384 Filed 1-23-26; 8:45 am]

BILLING CODE 4510-FW-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Benzene Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-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 25, 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: Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The standard requires employers to monitor worker exposure, to provide medical surveillance, and maintain accurate records of worker exposure to benzene. These records will be used by employers, workers, physicians and the Government to ensure that workers are not harmed by exposure to benzene in the workplace. For additional substantive information about this ICR, see the related notice published in the *Federal Register* on March 28, 2025 (90 FR 14169).

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–OSHA.

Title of Collection: Benzene Standard.

OMB Control Number: 1218–0129.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 12,270.

Total Estimated Number of Responses: 241,005.

Total Estimated Annual Time Burden: 114,146 hours.

Total Estimated Annual Other Costs Burden: \$12,067,635.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–01359 Filed 1–23–26; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control Number 1219–0019]

Proposed Extension of Information Collection: Slope and Shaft Sinking Plans, 30 CFR 77.1900 (Pertains to the Surface Work Areas of Underground Coal Mines)

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program for all information collections, to provide the public and Federal agencies with an opportunity to comment on proposed collections of information, in accordance with the Paperwork Reduction Act of 1995. This

program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection titled "Slope and Shaft Sinking Plans, 30 CFR 77.1900 (Pertains to the Surface Work Areas of Underground Coal Mines)."

DATES: All comments must be received on or before March 27, 2026.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below. Please note that comments received after the deadline will not be considered.

- *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for docket number MSHA–2025–0224.

- *Mail/Hand Delivery:* DOL–MSHA, Office of Standards, Regulations, and Variances, 200 Constitution Avenue NW, Room C3522, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

- MSHA will post all comments as well as any attachments, except for information submitted and marked as confidential, in the docket at <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at MSHA.information.collections@dol.gov (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:**I. Background***A. Legal Authority*

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended, 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811(a), authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise, as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal (MNM) mines.

The Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* governs

paperwork burdens imposed on the public by Federal agencies for using identical questions to collect information from 10 or more persons. The PRA defines paperwork burden in 44 U.S.C. 3502(2) as time, effort, or financial resources expended to generate, maintain, or provide information to or for a Federal agency. Under 44 U.S.C. 3507, the PRA also establishes policies and procedures of information collection for controlling paperwork burdens imposed by Federal agencies on the public, including evaluating public comments.

B. Information Collection

To fulfill its statutory mandate to promote miners' health and safety, MSHA requires information under the information collection request (ICR) titled "Slope and Shaft Sinking Plans, 30 CFR 77.1900 (Pertains to the Surface Work Areas of Underground Coal Mines)." This information collection is intended to ensure that mine operators have slope and shaft plans to provide a safe working environment for miners.

Burden costs associated with the ICR include:

1. Submitting and approving slope and shaft plans

The associated standard that authorizes the collection of information is described below.

1. Submitting and Approving Slope and Shaft Plans

Under 30 CFR 77.1900(a), each operator of a coal mine shall prepare and submit for approval by the District Manager for the district in which the mine is located, a plan providing for the safety of workmen in each slope or shaft that is commenced or extended after June 30, 1971. The plan shall be consistent with prudent engineering design. The methods employed by the operator shall be selected to minimize the hazards to those employed in the initial or subsequent development of any such slope or shaft, and the plan shall include the following:

- (1) The name and location of the mine, and the MSHA mine identification number, if known;
- (2) The name and address of the mine operator;
- (3) A description of the construction work and methods to be used in the construction of the slope or shaft, and whether part or all of the work will be performed by a contractor and a description of that part of the work to be performed by a contractor;
- (4) The elevation, depth and dimensions of the slope or shaft;
- (5) The location and elevation of the coalbed;

(6) The general characteristics of the strata through which the slope or shaft will be developed;

(7) The type of equipment which the operator proposes to use when the work is to be performed by the operator. When work is to be performed by a contractor the operator shall, as soon as known to him, supplement the plan with a description of the type of equipment to be used by the contractor;

(8) The system of ventilation to be used; and

(9) Safeguards for the prevention of caving during excavation.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection titled "Slope and Shaft Sinking Plans, 30 CFR 77.1900 (Pertains to the Surface Work Areas of Underground Coal Mines)." MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- 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, e.g., permitting electronic submission of responses.

The ICR is available on <https://www.regulations.gov>. MSHA cautions commenters against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on <https://www.regulations.gov> and <https://www.reginfo.gov>.

The public may also examine publicly available documents at DOL-MSHA, Office of Standards, Regulations and Variances, 200 Constitution Avenue NW, Room C3522, Washington, DC 20210. Before visiting MSHA in person, call 202-693-9440 to make an appointment.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This ICR concerns provisions for Slope and Shaft Sinking Plans, 30 CFR 77.1900 (Pertains to the Surface Work Areas of Underground Coal Mines). MSHA has updated the data with respect to the number of respondents, responses, time burden, and burden costs supporting this ICR from the previous ICR.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219-0019.

Affected Public: Business or other for-profit entity.

Number of Annual Respondents: 20.

Frequency: On occasion.

Number of Annual Responses: 50.

Annual Time Burden: 1,001 hours.

Annual Respondent or Recordkeeper Costs: \$30.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the proposed ICR; they will become a matter of public record and be available at <https://www.reginfo.gov>.

Jessica D. Senk,

Certifying Officer, Mine Safety and Health Administration.

[FR Doc. 2026-01385 Filed 1-23-26; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219-0144]

Proposed Extension of Information Collection: Mine Rescue Teams; Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program for all information collections, to provide the public and Federal agencies with an opportunity to comment on proposed collections of information, in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and

financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection titled “Mine Rescue Teams; Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements.”

DATES: All comments must be received on or before March 27, 2026.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below. Please note that comments received after the deadline will not be considered.

- *Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for docket number MSHA–2025–0290.

- *Mail/Hand Delivery:* DOL–MSHA, Office of Standards, Regulations, and Variances, 200 Constitution Avenue NW, Room C3522, Washington, DC 20210. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

- MSHA will post all comments as well as any attachments, except for information submitted and marked as confidential, in the docket at <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at MSHA.information.collections@dol.gov (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

A. Legal Authority

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended, 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811(a), authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise, as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal, metal and nonmetal (MNM) mines.

The Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) governs paperwork burdens imposed on the

public by Federal agencies for using identical questions to collect information from 10 or more persons. The PRA defines paperwork burden in 44 U.S.C. 3502(2) as time, effort, or financial resources expended to generate, maintain, or provide information to or for a Federal agency. Under 44 U.S.C. 3507, the PRA also establishes policies and procedures of information collection for controlling paperwork burdens imposed by Federal agencies on the public, including evaluating public comments.

B. Information Collection

To fulfill its statutory mandate to promote miners' health and safety, MSHA requires information collected under the ICR titled “Mine Rescue Teams; Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements.” This information collection is intended to ensure that underground mine operators and mine rescue teams are prepared for a mine emergency. The records assist those making decisions that ultimately impact the safety of all persons underground at a mine.

Burden costs associated with the ICR include:

1. Submitting and posting mine rescue team compliance statements;
2. Applying for alternative mine rescue capability and posting applications;
3. MSHA reviewing applications for alternative mine rescue capability;
4. Certifying inspections and recording corrective actions of mine rescue equipment;
5. Certifying medical fitness of mine rescue team members;
6. Recording training for mine rescue team members;
7. MSHA revoking training instructor's approvals;
8. Creating and posting mine emergency notification plans;
9. Certifying mine rescue teams at underground coal mines; and
10. Creating and posting arrangements for emergency medical assistance and transportation at coal mines.

The associated standards that authorize the collection of information are described below.

1. Submitting and Posting Mine Rescue Team Compliance Statements

Under 30 CFR 49.2(a) and 49.12(a), except where alternative compliance is permitted for small and remote mines, or MNM mines operating under special mining conditions, every operator of an underground mine shall establish at

least two mine rescue teams which are available at all times when miners are underground; or enter into an arrangement for mine rescue services which assures that at least two mine rescue teams are available at all times when miners are underground.

Under 30 CFR 49.2(b) and 49.12(b), each mine rescue team shall consist of five members and one alternate who are fully qualified, trained, and equipped for providing emergency mine rescue service. Mine rescue teams for anthracite coal mines, which have no electrical equipment at the face or working section, shall consist of at least three members per team and one alternate that may be shared between both teams.

Under 30 CFR 49.2(c) and 49.12(c), to be considered for membership on a mine rescue team, each person must have been employed in an underground mine for a minimum of 1 year within the past 5 years, except that members of contract mine rescue teams shall have a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team. For the purpose of mine rescue work only, miners who are employed on the surface but work regularly underground shall meet the experience requirement.

Under 30 CFR 49.2(h) and 49.12(h), each operator of an underground mine who provides rescue teams shall send the District Manager a statement describing the mine's method of compliance. The statement shall disclose whether the operator has independently provided mine rescue teams or entered into an agreement for the services of mine rescue teams. The name of the provider and the location of the services shall be included in the statement. A copy of the statement shall be posted at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the statement.

2. Applying for Alternative Mine Rescue Capability and Posting Applications Small and Remote Mines

Under 30 CFR 49.3(a) and 49.13(a), if an underground mine is small and remote, an operator may provide for an alternative mine rescue capability consistent with statutory requirements.

For the purposes of 30 CFR 49.3 only, consideration for small and remote MNM mines shall be given where the total underground employment of the operator's mine and any surrounding

mine(s) within 2 hours ground travel time of the operator's mine is less than 36.

For the purposes of 30 CFR 49.13 only, consideration for small and remote coal mines shall be given where the total underground employment of the operator's mine and any surrounding mine(s) within 1 hour ground travel time of the operator's mine is less than 36.

Under 30 CFR 49.3(b) and 49.13(b), an application for alternative mine rescue capability shall be submitted to the District Manager for the district in which the mine is located for review and approval.

Under 30 CFR 49.3(c) and 49.13(c), each application for an alternative mine rescue capability shall contain:

(i) The number of miners employed underground at the mine on each shift;

(ii) The distances from the two nearest mine rescue stations for MNM mines, or the location of the designated mine rescue station serving the mine for coal mines;

(iii) The total underground employment of mines within two hours ground travel time of the operator's mine for MNM mines, or within one hour ground travel time of the operator's mine for coal mines;

(iv) The operator's mine fire, ground, and roof control history;

(v) The operator's established escape and evacuation plan;

(vi) A statement by the operator evaluating the usefulness of additional refuge chambers to supplement those which may exist;

(vii) A statement by the operator as to the number of miners willing to serve on a mine rescue team;

(viii) The operator's alternative plan for assuring that a suitable mine rescue capability is provided at all times when miners are underground; and

(ix) Other relevant information about the operator's mine which may be requested by the District Manager.

Under 30 CFR 49.3(d) and 49.13(d), a copy of the operator's application shall be posted at the mine. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the application.

Under 30 CFR 49.3(f) and 49.13(f), where alternative compliance is approved by MSHA, the operator shall adopt the alternative plan and post a copy of the approved plan (with appropriate MSHA mine emergency telephone numbers) at the mine for the miners' information. Where a miners' representative has been designated, the

operator shall also provide the representative with a copy of the approved plan.

Under 30 CFR 49.3(g) and 49.13(g), the operator shall notify the District Manager of any changed condition or factor materially affecting information submitted in the application for alternative mine rescue capability.

Special Mining Conditions in MNM Mines

Under 30 CFR 49.4(a), if an underground MNM mine is operating under special mining conditions, the operator may provide an alternative mine rescue capability.

Under 30 CFR 49.4(b), an application for alternative mine rescue capability shall be submitted to the District Manager for the district in which the mine is located for review and approval.

Under 30 CFR 49.4(c), to be considered "operating under special mining conditions," the operator must show that all of the following conditions are present:

(i) The mine has multiple adits or entries;

(ii) The mined substance is noncombustible and the mining atmosphere nonexplosive;

(iii) There are multiple vehicular openings to all active mine areas, sufficient to allow fire and rescue vehicles full access to all parts of the mine in which miners work or travel;

(iv) Roadways or other openings are not supported or lined with combustible materials;

(v) The mine shall not have a history of flammable-gas emission or accumulation, and the mined substance shall not have a history associated with flammable or toxic gas problems; and

(vi) Any reported gas or oil well or exploratory drill hole shall be plugged to within 100 feet above and below the horizon of the ore body or seam.

Under 30 CFR 49.4(d), each application shall contain:

(i) An explanation of the special mining conditions;

(ii) The number of miners employed underground at the mine on each shift;

(iii) The distances from the two nearest mine rescue stations;

(iv) The operator's mine fire history;

(v) The operator's established escape and evacuation plan;

(vi) The operator's alternative plan for assuring that a suitable mine rescue capability is provided at all times when miners are underground; and

(vii) Other relevant information about the operator's mine which may be requested by the District Manager.

Under 30 CFR 49.4(e), a copy of the operator's application shall be posted at the mine. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the application.

Under 30 CFR 49.4(g), where alternative compliance is approved by MSHA the operator shall adopt the alternative plan and post a copy of the approved plan (with appropriate MSHA mine emergency telephone numbers) at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the alternative plan.

Under 30 CFR 49.4(h), the operator shall notify the District Manager of any changed condition or factor materially affecting information submitted in the application for alternative mine rescue capability.

3. MSHA Reviewing Applications for Alternative Mine Rescue Capability

Under 30 CFR 49.3(e), 49.13(e), and 49.4(f), in determining whether to approve an application for alternative compliance, the District Manager shall consider:

(i) The individual circumstances of the small and remote mine, or the individual circumstances of the MNM mine operating under special mining conditions;

(ii) Comments submitted by, or on behalf of, any affected miner; and

(iii) Whether the alternative mine rescue plan provides a suitable rescue capability at the operator's mine.

Under 30 CFR 49.3(h)(1), 49.13(h)(1), and 49.4(i)(1), an approved plan for alternative mine rescue capability shall be subject to revocation or modification for cause for small and remote mines, or subject to revocation or modification for MNM mines operating under special mining conditions by MSHA, where it is determined that a condition or factor has changed which would materially alter the operator's mine rescue capability. If such action is contemplated, the operator will be notified and given an opportunity to be heard before the appropriate District Manager.

Under 30 CFR 49.3(h)(2), 49.13(h)(2), and 49.4(i)(2), if an application for alternative compliance is denied or revoked, the District Manager shall provide the reason for such denial or revocation in writing to the operator. The operator may appeal this decision in writing to MSHA.

4. Certifying Inspections and Recording Corrective Actions of Mine Rescue Equipment Mine Rescue Stations

Mine Rescue Stations

Under 30 CFR 49.5(a) and 49.15(a), except where alternative compliance is permitted in MNM mines, every operator of an underground mine shall designate, in advance, the location of the mine rescue station serving the mine.

Under 30 CFR 49.5(b) and 49.15(b), mine rescue stations are to provide a centralized storage location for rescue equipment. This centralized storage location may be either at the mine site, affiliated mines, or a separate mine rescue structure.

Under 30 CFR 49.5(c) and 49.15(c), mine rescue stations shall also provide a proper storage environment to assure equipment readiness for immediate use.

Under 30 CFR 49.5(d) and 49.15(d), authorized representatives of the Secretary shall have the right of entry to inspect any designated mine rescue station.

Equipment and Maintenance Requirements

Under 30 CFR 49.6(a) and 49.16(a), each mine rescue station shall be provided with a specified list of equipment, including, in part, at least 12 self-contained breathing apparatus with a minimum of 4 hours capacity. Mine rescue stations serving underground anthracite coal mines, which have no electrical equipment at the face or working section, shall have at least the amount of equipment appropriate for the number of mine rescue team members.

Under 30 CFR 49.6(b) and 49.16(b), mine rescue apparatus and equipment shall be maintained in a manner that will ensure readiness for immediate use. A person trained in the use and care of breathing apparatus shall inspect and test the apparatus at intervals not exceeding 30 days and shall certify by signature and date that the inspections and tests were done. When the inspection indicates that a corrective action is necessary, the corrective action shall be made and the person shall record the corrective action taken. The certification and the record of corrective action shall be maintained at the mine rescue station for a period of one year and made available on request to an authorized representative of the Secretary.

5. Certifying Medical Fitness of Mine Rescue Team Members

Under 30 CFR 49.7(a) and 49.17(a), each member of a mine rescue team

shall be examined annually by a physician who shall certify that each person is physically fit to perform mine rescue and recovery work for prolonged periods under strenuous conditions. The first such physical examination shall be completed within 60 days prior to scheduled initial training. A team member requiring corrective eyeglasses will not be disqualified provided the eyeglasses can be worn securely within an approved facepiece.

Under 30 CFR 49.7(b) and 49.17(b), in determining whether a miner is physically capable of performing mine rescue duties, the physician shall take into consideration the list of medical conditions found in these sections.

Under 30 CFR 49.7(c) and 49.17(c), the operator shall have MSHA Form 5000-3 certifying medical fitness completed and signed by the examining physician for each member of a mine rescue team. These forms shall be kept on file at the mine rescue station for a period of one year.

6. Recording Training for Mine Rescue Team Members

Under 30 CFR 49.8(a) and 49.18(a), prior to serving on a mine rescue team each member shall complete, at a minimum, an initial 20-hour course of instruction as prescribed by MSHA, in the use, care, and maintenance of the type of breathing apparatus which will be used by the mine rescue team.

Under 30 CFR 49.8(b), upon completion of the initial training, all team members on teams serving MNM mines shall receive at least 40 hours of refresher training annually. This training shall be given at least 4 hours each month, or for a period of 8 hours every two months. The training shall include:

(i) Sessions underground at least once each 6 months;

(ii) The wearing and use of the breathing apparatus by team members for a period of at least two hours while under oxygen every two months;

(iii) Where applicable, the use, care, capabilities, and limitations of auxiliary mine rescue equipment, or a different breathing apparatus;

(vi) Advanced mine rescue training and procedures, as prescribed by MSHA; and

(v) Mine map training and ventilation procedures.

Under 30 CFR 49.18(b), upon completion of the initial training, all team members on teams serving coal mines shall receive at least 96 hours of refresher training annually, which shall include participation in local mine rescue contests and training at the covered mine. Training shall be given at

least 8 hours every 2 months and shall consist of:

(i) Sessions underground at least once each 6 months;

(ii) The wearing and use of the breathing apparatus by team members for a period of at least 2 hours while under oxygen every 2 months;

(iii) Where applicable, the use, care, capabilities, and limitations of auxiliary mine rescue equipment, or a different breathing apparatus;

(iv) Advanced mine rescue training and procedures, as prescribed by MSHA;

(v) Mine map training and ventilation procedures; and

(vi) The wearing of mine rescue apparatus while in smoke, simulated smoke, or an equivalent environment at least once during each 12-month period.

Under 30 CFR 49.8(c) and 49.18(c), a mine rescue team member will be ineligible to serve on a team if more than 8 hours of training is missed during 1 year, unless additional training is received to make up for the time missed.

Under 30 CFR 49.8(f) and 49.18(f), upon request from the District Manager, the operator shall provide information concerning the schedule of upcoming training.

Under 30 CFR 49.8(g) and 49.18(g), a record of training of each team member shall be on file at the mine rescue station for a period of one year.

7. MSHA Revoking Training Instructor's Approvals

Under 30 CFR 49.8(d), the training courses required for MNM mine rescue teams shall be conducted by instructors who have been employed in an underground mine for a minimum of one year within the past five years.

Under 30 CFR 49.18(d), the training courses required for coal mine rescue teams shall be conducted by instructors who have been employed in an underground mine and have had a minimum of 1 year experience as a mine rescue team member or a mine rescue instructor within the past 5 years.

Under 30 CFR 49.8(d) and 49.18(d), the instructors must have received MSHA approval through:

(i) Completion of an MSHA or State approved instructor's training course and the program of instruction in the subject matter to be taught.

(ii) Designation by the District Manager as approved instructors to teach specific courses, based on their qualifications and teaching experience. Previously approved instructors need not be re-designated to teach the approved courses as long as they have taught those courses within the 24

months prior to the effective date. For MNM mines where individuals are designated, the District Manager may waive the underground experience requirement.

Under 30 CFR 49.8(e) and 49.18(e), the District Manager may revoke an instructor's approval for good cause. A written statement revoking the approval together with reasons for revocation shall be provided to the instructor. The affected instructor may appeal the decision of the District Manager by writing to MSHA. MSHA shall issue a decision on the appeal.

8. Creating and Posting Mine Emergency Notification Plans

Under 30 CFR 49.9(a) and 49.19(a), each underground mine shall have a mine rescue notification plan outlining the procedures to follow in notifying the mine rescue teams when there is an emergency that requires their services.

Under 30 CFR 49.9(b) and 49.19(b), a copy of the mine rescue notification plan shall be posted at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the plan.

9. Certifying Mine Rescue Teams at Underground Coal Mines

Under 30 CFR 49.50(a), for each mine rescue team designated to provide mine rescue coverage at an underground coal mine, the mine operator shall send the District Manager an annual statement certifying that each team meets the requirements as listed in Table 49.50-A and Table 49.50-B of this section.

Under 30 CFR 49.50(b), the operator shall notify the District Manager within 60 days of any change in team membership.

10. Creating and Posting Arrangements for Emergency Medical Assistance and Transportation at Coal Mines

Under 30 CFR 75.1713-1(a) and 77.1702(a), each coal mine operator shall make arrangements with a licensed physician, medical service, medical clinic, or hospital to provide 24-hour emergency medical assistance for any person injured at the mine.

Under 30 CFR 75.1713-1(b) and 77.1702(b), each coal mine operator shall make arrangements with an ambulance service or otherwise provide for 24-hour emergency transportation for any person injured at the mine.

Under 30 CFR 75.1713-1(c) and 77.1702(c), each coal mine operator shall report to the District Manager for the district in which the mine is located

the name, title and address of the physician, medical service, medical clinic, hospital or ambulance service with whom arrangements have been made or otherwise provided.

Under 30 CFR 75.1713-1(d) and 77.1702(d), each coal mine operator shall, within 10 days after any change of the arrangements required to be reported, report such changes to the District Manager. If such changes involve a substitution of persons, the operator shall provide the name, title, and address of the person substituted together with the name and address of the medical service, medical clinic, hospital, or ambulance service with which such person or persons are associated.

Under 30 CFR 75.1713-1(e) and 77.1702(e), each coal mine operator shall, immediately after making a required arrangement, or immediately after any change of such arrangement, post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under such arrangements to provide medical assistance and transportation at the mine.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection titled "Mine Rescue Teams; Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements." MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection 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.

The ICR is available on <https://www.regulations.gov>. MSHA cautions commenters against providing any information in the submission that should not be publicly disclosed. Full

comments, including personal information provided, will be made available on <https://www.regulations.gov> and <https://www.reginfo.gov>.

The public may also examine publicly available documents at DOL-MSHA, Office of Standards, Regulations and Variances, 200 Constitution Avenue NW, Room C3522, Washington, DC 20210. Before visiting MSHA in person, call 202-693-9440 to make an appointment.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This ICR concerns provisions for Mine Rescue Teams; Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements. MSHA has updated the data with respect to the number of respondents, responses, time burden, and burden costs supporting this ICR from the previous ICR.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219-0144.

Affected Public: Business or other for-profit entity.

Number of Annual Respondents: 1,369.

Frequency: On occasion.

Number of Annual Responses: 37,236.

Annual Time Burden: 6,186 hours.

Annual Recordkeeping Costs: \$984.

MSHA Forms: MSHA Form 2000-224, Operator's Annual Certification of Mine Rescue Team Qualifications and MSHA Form 5000-3, Certificate of Physical Qualification for Mine Rescue Work.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the proposed ICR; they will become a matter of public record and be available at <https://www.reginfo.gov>.

Jessica D. Senk,

Certifying Officer, Mine Safety and Health Administration.

[FR Doc. 2026-01383 Filed 1-23-26; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR**Veterans' Employment and Training Service****Agency Information Collection Activities; Comment Request; Eligibility Data Form: Uniformed Services Employment and Reemployment Rights Act and Veterans' Preference****ACTION:** Notice; request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), DOL is soliciting public comments regarding the proposed extension of this Office of the Assistant Secretary for Veterans' Employment and Training Service (VETS) sponsored information collection for the authority to extend the information collection request (ICR) titled, "VETS USERRA/VP/VEOA Claim Form." This information collection is currently approved under Office of Management and Budget (OMB) Control Number 1293-0002.

DATES: Consideration will be given to all written comments received by March 27, 2026.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained for free by contacting William Coughlin by email at coughlin.william.e@dol.gov.

Electronic submission: You may submit comments and attachments electronically at [1010-FRN-2026-VETS@dol.gov](https://www.dol.gov/eoas/1010-FRN-2026-VETS). Include "VETS-1010 Form" in the subject line of the message, identified by OMB Control Number 1293-0002.

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) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency; (3) 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; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) 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. Comments

submitted in response to this notice will be summarized and included in the request for the Office of Management and Budget approval of the information collection request. Comments will become a matter of public record.

FOR FURTHER INFORMATION CONTACT:

William Coughlin, Investigative Analyst, Compliance and Investigations, by telephone at 202-693-4715, or by email at: 1010-FRN-2026-VETS@dol.gov.

SUPPLEMENTARY INFORMATION:

Form Description: The VETS USERRA/VP/VEOA Claim Form, VETS USERRA/VP/VEOA Form 1010 (VETS-1010) is used to file complaints with the DOL VETS under either the Uniformed Services Employment and Reemployment Rights Act (USERRA) or the laws and regulations related to Veterans' Preference (VP) or the Veterans' Employment Opportunities Act (VEOA) in Federal employment. On October 13, 1994, the Uniformed Services Employment and Reemployment Rights Act (USERRA), Public Law 103-353, 108 Stat. 3150 was signed into law. The purpose of USERRA is: (1) to minimize disruption to the lives of persons who perform service in the uniformed services (including the National Guard and Reserves), as well as to their employers, their fellow employees, and their communities, by providing for prompt reemployment of such persons upon completion of such service; (2) to encourage individuals to participate in uniformed service by eliminating and minimizing the disadvantages to civilian careers and employment which can result from such service; and (3) to prohibit discrimination in employment and acts of reprisal against persons because of their obligations in the uniformed services, prior service, intention to join the uniformed services, filing of a USERRA claim, seeking assistance concerning an alleged USERRA violation, testifying in a proceeding, or otherwise assisting in an investigation of a USERRA claim. The Veterans Employment Opportunities Act (VEOA) of 1998, Public Law 105-339, 12 Stat. 3182, contained in Title 5 U.S.C. 3330a-3330c, authorizes the Secretary of Labor to provide assistance to preference eligible individuals who believe their rights under the veterans' preference laws have been violated, and to investigate claims filed by those individuals. The purpose of VP and VEOA is: (1) to provide preference for certain veterans over others in Federal hiring from competitive lists of applicants; (2) to allow access to Federal job opportunities to veterans that might

otherwise be closed to the public; and (3) to provide preference eligible veterans with preference over others in retention during reductions in force (RIF) in Federal agencies.

Purpose of Request: DOL seeks PRA authorization to extend 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.

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.

Agency: DOL-VETS.

Type of Review: Extension without revision.

Title of Collection: Eligibility Data Form: Uniformed Services Employment and Reemployment Rights Act and Veterans' Preference.

OMB Control Number: 1293-0002.

Form: VETS/USERRA/VP (VETS-1010 Form).

Affected Public: Individuals or households.

Total Estimated Number of Respondents: 2,250.

Frequency: On occasion.

Total Estimated Number of Responses: 2,250.

Estimated Average Time per Response: 45 minutes, including 10 minutes estimated to collect the information needed to file a USERRA or VP claim, and 35 minutes estimated to complete the form.

Total Estimated Burden Hours: 1,688 hours.

Total Estimated Other Burden Costs (Operating and Maintenance): \$0.

(Authority: 44 U.S.C. 3506(c)(2)(A)).

Dated: January 22, 2026.

Jeremiah Workman,

Assistant Secretary, Veterans' Employment and Training Service, U.S. Department of Labor.

[FR Doc. 2026-01416 Filed 1-23-26; 8:45 am]

BILLING CODE 4510-79-P

NUCLEAR REGULATORY COMMISSION**[NRC–2025–0013]****Information Collection: Operators' Licenses****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, "Operators' Licenses."

DATES: Submit comments by February 25, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Heather Dempsey, Acting NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0856; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Obtaining Information and Submitting Comments****A. Obtaining Information**

Please refer to Docket ID NRC–2025–0013 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2025–0013.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact

the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov. The supporting statement and burden spreadsheet are available in ADAMS under Accession Nos. ML25248A237 and ML25132A201, respectively.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- **NRC's Clearance Officer:** A copy of the collection of information and related instructions may be obtained without charge by contacting the Acting NRC Clearance Officer, Heather Dempsey, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0856; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an

existing collection of information to OMB for review entitled, "Operators' Licenses." The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on September 3, 2025, 90 FR 42623.

1. *The title of the information collection:* Operators' Licenses.
2. *OMB approval number:* 3150–0018.
3. *Type of submission:* Revision.
4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* On occasion.

6. *Who will be required or asked to respond:* Holders of, and applicants for, facility (i.e., nuclear power and nonpower research and test reactor) operating licenses and individual operator licensees.

7. *The estimated number of annual responses:* 444 (350 reporting responses + 94 recordkeepers).

8. *The estimated number of annual respondents:* 94.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 171,299 (149,618 reporting + 21,681 recordkeeping).

10. *Abstract:* Part 55 of title 10 of the *Code of Federal Regulations* (10 CFR), "Operators' Licenses," specifies information and data to be provided by applicants and facility licensees so that the NRC may make determinations concerning the licensing and requalification of operators for nuclear reactors, as necessary to promote public health and safety. The reporting and recordkeeping requirements contained in 10 CFR part 55 are mandatory for the affected facility licensees and applicants.

Dated: January 21, 2026.

For the Nuclear Regulatory Commission.

Heather Dempsey,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2026–01393 Filed 1–23–26; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS**Privacy Act of 1974; System of Records**

AGENCY: Peace Corps.

ACTION: Notice of a modified system of records.

SUMMARY: As required by the Privacy Act of 1974 and the OMB Circular A–108 Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act (December 23, 2016) and Circular A–130, *Managing Information as a Strategic Resource*, the Peace Corps is publishing notice of a modification of the Peace Corps systems of records notices for the Peace Corps systems of records listed in Table 1 below. Pursuant to OMB Memorandum M–25–32, *Preventing Improper Payments and Protecting Privacy Through Do Not Pay* (August 20, 2025), and OMB Circular A–136, *Financial Reporting Requirements—Revised* (July 14, 2025), this Notice amends the Peace Corps General Routine Use List to ensure that the agency can more easily collaborate with the U.S. Department of the Treasury (Department of Treasury) to take action to defend against financial fraud and prevent improper payments.

DATES: This modified system of records notice will become applicable following the end of the public comment period on February 25, 2026.

ADDRESSES: Send written comments, identified by the docket number and title, to the Peace Corps, ATTN: James Olin, FOIA/Privacy Act Officer, 1275

First Street NE, Washington, DC 20526, or by email at pcfr@peacecorps.gov. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: James Olin, FOIA/Privacy Act Officer, 1275 First Street NE, Washington, DC 20526; pcfr@peacecorps.gov; or 202–692–2507.

SUPPLEMENTARY INFORMATION: On March 25, 2025, President Trump issued Executive Order (E.O.) 14249, *Protecting America’s Bank Account Against Fraud, Waste, and Abuse*, which requires executive branch agencies to take action to defend against financial fraud and prevent improper payments in collaboration with the Department of the Treasury, the Federal Government’s largest financial payment manager. On August 20, 2025, OMB also issued Memorandum M–25–32, “*Preventing Improper Payments and Protecting Privacy Through Do Not Pay*,” to the heads of all executive departments and agencies. Specifically, OMB Memorandum M–25–32 requires all Senior Agency Officials for Privacy to ensure that their agency’s system of records notices include a routine use for the disclosure of information to the Department of the Treasury, when

relevant and necessary for identifying, preventing, or recouping improper payments by reviewing payment and award eligibility through the Do Not Pay Working System, to the extent permissible by law. This Notice provides official notice to the public that the agency has added Routine Use O to the Peace Corps’ General Routine Use list of systems of records to comply with OMB Memorandum M–25–32. Routine Use O applies specifically to SORNs PC–1, PC–9, P–22 and PC–23, respectively (see Table 1 below). This new routine use will help to ensure that the agency can share data with the Treasury Department’s Do Not Pay (DNP) system to verify eligibility and prevent suspected fraud or improper payments and helps protect privacy by integrating privacy safeguards into the DNP initiative.

SYSTEM NAME AND NUMBER:

First, Routine Use O applies and modifies PC–1, PC–9, P–22 and PC–23, respectively (see Table 1 below). Please refer to the specific SORNs in the table to find specific routine uses that are unchanged by this Notice. Second, please refer to the appropriate individual SORN for any additional information unchanged by this Notice.

TABLE 1

System No. and name	Federal Register, citation(s)
PC–1 Accounts Receivable (Collection of Debts Claims Records)	65 FR 53772
PC–9 Travel and Transportation Payment	65 FR 53772
PC–22 Financial Management System (FMS)	72 FR 25343
PC–23 Health Benefits Program for Peace Corps Volunteers	65 FR 53772

SECURITY CLASSIFICATION:

The applicable security classification is identified in each notice.

SYSTEM LOCATION:

The applicable location is identified in each notice.

SYSTEM MANAGER(S):

The applicable system manager(s) is identified in each notice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Routine Use O: 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.

This routine use will be added to each SORN as they are updated and republished.

HISTORY:

The SORNs listed previously were last published in the **Federal Register** (FR), 65 FR 53773, on September 5, 2000, and 72 FR 25343, on May 4, 2007.

Dated: January 22, 2026.

James Olin,
FOIA/Privacy Act Officer.
[FR Doc. 2026–01444 Filed 1–23–26; 8:45 am]

BILLING CODE 6051–01–P

POSTAL SERVICE

Sunshine Act Meetings

TIME AND DATE: Thursday, February 5, 2026, at 9:00 a.m.; Thursday, February 5, 2026, at 3:00 p.m.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L’Enfant Plaza SW, in the Benjamin Franklin Room.

STATUS: Thursday, February 5, 2026, at 9:00 a.m.—Closed. Thursday, February 5, 2026, at 3:00 p.m.—Open.

MATTERS TO BE CONSIDERED:

Meeting of the Board of Governors

Thursday, February 5, 2026, at 9:00 a.m. (Closed)

1. Strategic Matters.
2. Financial and Operational Matters.
3. Administrative Matters.

Thursday, February 5, 2026, at 3:00 p.m.
(Open)

1. Remarks of the Chairwoman of the Board of Governors.
2. Remarks of the Postmaster General and CEO.
3. Committee Reports.
4. Quarterly Financial Report.
5. Quarterly Service Performance Report.
6. Approval of the Meeting Minutes.
7. Approval of Tentative Agenda for May 7 Open Meeting.

General Counsel Certification: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act, 5 U.S.C. 552b.

CONTACT PERSON FOR MORE INFORMATION: Lucy C. Trout, Secretary of the Board of Governors, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260-1000. Telephone: (202) 268-4800.

Lucy C. Trout,
Secretary.

[FR Doc. 2026-01492 Filed 1-22-26; 4:15 pm]

BILLING CODE 7710-12-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35908; 812-15923]

ProShares Private Equity Access Fund and ProShare Advisors LLC

January 22, 2026.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act, under sections 6(c) and 23(c) of the Act for an exemption from rule 23c-3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies to issue multiple classes of shares and to impose asset-based distribution and/or service fees and early withdrawal charges.

APPLICANTS: ProShares Private Equity Access Fund and ProShare Advisors LLC.

FILING DATE: The application was filed on October 23, 2025, and amended on December 29, 2025.

HEARING OR NOTIFICATION OF HEARING:

An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on February 17, 2026, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov*. Applicants: Richard Morris, ProShare Advisors LLC, 7272 Wisconsin Avenue, Bethesda, Maryland 20814, with copies to: Allison M. Fumai, Esq. and Mark Perlow, Esq., Dechert LLP, 1095 Avenue of the Americas, New York, NY 10036.

FOR FURTHER INFORMATION CONTACT:

Trace W. Rakestraw, Senior Special Counsel, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' amended application, dated December 29, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <https://www.sec.gov/edgar/search/>. You may also call the SEC's Public Reference Room at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-01448 Filed 1-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104645; File No. SR-CboeBZX-2026-007]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Short Term Option Series Program in Rule 19.6, Interpretation and Policy .05

January 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 16, 2026, Cboe BZX Exchange, Inc. ("Exchange" or "BZX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ 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

Cboe BZX Exchange, Inc. (the "Exchange" or "Cboe BZX Options") proposes to amend the Short Term Option Series Program in Rule 19.6, Interpretation and Policy .05. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/equities/regulation/rule_filings/bzx/), 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 Exchange 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 these 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

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Short Term Option Series Program in Rule 19.6, Interpretation and Policy .05. Specifically, the Exchange proposes to permit the listing of up to two Monday and Wednesday expirations for options on certain individual stocks or exchange-traded funds ("Fund Shares") (as defined in Rule 19.3(i)) (collectively, "Qualifying Securities"). This is a competitive filing based on a similar proposal submitted by Nasdaq ISE, LLC ("ISE"),⁵ which was recently approved by the Securities and Exchange Commission (the "Commission").⁶

Currently, as set forth in Rule 19.6, Interpretation and Policy .05(h), after an option class has been approved for listing and trading on the Exchange as a Short Term Option Series pursuant to Rule 19.6, Interpretation and Policy .05, the Exchange may open for trading on any Thursday or Friday that is a business day ("Short Term Option Opening Date") series of options on that class that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire ("Friday Short Term Option Expiration Dates"). The Exchange may have no more than a total of five Short Term Option Expiration Dates ("Short Term Option Weekly Expirations"). Further, if the Exchange is not open for business on the respective Thursday or Friday, the Short Term Option Opening Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that respective Thursday or Friday. Similarly, if the Exchange is not open for business on a Friday, the Short Term Option Expiration Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that Friday.

Additionally, the Exchange may open for trading series of options on the symbols provided in Table 1 of Rule 19.6, Interpretation and Policy .05(h) that expire at the close of business on

each of the next two Mondays, Tuesdays, Wednesdays, and Thursdays, respectively, that are business days beyond the current week and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire ("Short Term Option Daily Expirations").⁷ For those symbols listed in Table 1, the Exchange may have no more than a total of two Short Term Option Daily Expirations beyond the current week for each of Monday, Tuesday, Wednesday, and Thursday expirations, as applicable, at one time.

The Exchange proposes to expand the Short Term Option Series Program to permit certain Qualifying Securities to list up to two Monday and Wednesday expirations in addition to the Friday weekly expiration. The Exchange proposes to define Qualifying Securities as eligible individual stocks or Fund Shares, which are separate and apart from the symbols listed in Table 1, that have received approval to list additional expiries on specific symbols, that meet the following criteria on a quarterly basis:

(1) an underlying security, as measured on the last day of the prior calendar quarter, must have:

(A) a market capitalization of greater than 700 billion dollars for an individual stock based on the closing price,⁸ or

(B) Assets under Management ("AUM") greater than 50 billion dollars for a Fund Share based on net asset value ("NAV");

(2) monthly options volume, as measured by sides traded in the last month preceding the quarter end, of greater than 10 million options;

(3) a position limit of at least 250,000 contracts; and

⁷ As set forth in Table 1 of Rule 19.6, Interpretation and Policy .05(h), the Exchange currently permits expirations in SPY, IWM, QQQ on Mondays, Tuesdays, Wednesdays and Thursdays. Also, the Exchange permits expirations in GLD, SLV and TLT on Mondays and Wednesdays. Finally, the Exchange permits expirations in USO and UNG on Wednesdays. The Exchange proposes to update the introductory paragraph of Rule 19.6, Interpretation and Policy .05(h) to capitalize the term "Monthly Option Series" (as that is a defined term in Rule 19.6, Interpretation and Policy .08) and add in "standard expiration options series, to conform to the introductory language in Rule 19.6, Interpretation and Policy .05. While standard expiration options series generally expire on a Friday, if the Exchange is not open for business on a Friday, the standard expiration will fall on another day of the week, generally Thursday. This clarification provides that series that may be opened under the Short Term Option Series Program with expirations on these other days will not be opened if the standard expiration options series happens to fall on a day other than Friday.

⁸ The closing price and the opening price shall be that of the primary exchange where the security is listed.

(4) participate in the Penny Interval Program.

Each calendar quarter, the Exchange will apply the above criteria to individual stocks and Fund Shares to determine eligibility for the following quarter as a Qualifying Security. Beginning on the second trading day in the first month of each calendar quarter, the market capitalization of individual stocks shall be calculated based on the closing price established on the primary exchange on the last trading day of the prior calendar quarter and the AUM for Fund Shares shall be calculated based on the NAV established on the primary exchange on the last trading day of the prior calendar quarter. The data establishing the volume thresholds will be established by using data from the last month of the prior calendar quarter from The Options Clearing Corporation. For options listed on the first trading day of a given calendar quarter, the volume shall be calculated using the last month of the quarter prior to that calendar quarter.⁹ The Exchange will make the list of Qualifying Securities available by close of business on the first trading day of the quarter.¹⁰

Eligible Qualifying Securities would be permitted to list two Short Term Option Expiration Dates beyond the current week for each Monday and Wednesday expiration at one time. For Qualifying Securities, the Exchange would not list an expiry on a day when there will be an Earnings Announcement¹¹ that takes place after market close. For purposes of this rule proposal, earnings announcements shall include official public quarterly or yearly earnings filed with the Commission ("Earnings Announcement").¹² Not listing an expiry for a Qualifying Security on a day where there is an Earnings Announcement that takes place after market close will avoid permitting an additional expiry on a day where post-close price volatility may be impacted due to the Earnings Announcement.

Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list

⁹ OCC data becomes available for the end of a quarter on the first trading day of a new quarter. For example, if the Exchange were to list Qualifying Securities in Q1 of 2026, the Exchange would look at the volume, measured in sides, for the last month of Q4 of 2025 (or December 2025).

¹⁰ The Exchange will make this information available on its website. This information will be freely accessible to the public.

¹¹ An Earnings Announcement is an official public statement of a company's profitability for a specific period, typically a quarter or a year.

¹² For purposes of this rule proposal, pre-announcements or "guidance" shall not be considered an Earnings Announcement.

⁵ See Securities Exchange Act Release No. 103434 (July 10, 2025), 90 FR 31716 (July 15, 2025) (SR-ISE-2025-15) ("ISE Amendment No. 1").

⁶ See Securities Exchange Act Release No. 104624 (January 16, 2026) (SR-ISE-2025-15) ("ISE Approval").

Monday and Wednesday expiries beginning on the second day of the following quarter.¹³

The proposed Monday Qualifying Securities expirations will be similar to the current Monday Expirations in SPY, QQQ, and IWM (among other symbols that may list a Monday Expiration) in Short Term Option Daily Expirations set forth in Rule 19.6, Interpretation and Policy .05(h), such that the Exchange may open for trading on any Friday or Monday that is a business day (beyond the current week) series of options on Qualifying Securities to expire on any Monday of the month that is a business day and is not a Monday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire, provided that Monday expirations that are listed on a Friday must be listed at least one business week and one business day prior to the expiration (“Monday Qualifying Securities Expirations”).¹⁴ In the event Qualifying Securities expire on a Monday and that Monday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week’s listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Monday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The proposed Wednesday Qualifying Securities expirations will be similar to the current Wednesday SPY, QQQ, and IWM (among other symbols that may list a Wednesday Expiration) in Short Term Option Daily Expirations, as set forth in Rule 19.6, Interpretation and Policy .05(h), such that the Exchange may open for trading on any Tuesday or Wednesday that is a business day (beyond the current week) series of options on Qualifying Securities to expire on any Wednesday of the month that is a business day and is not a Wednesday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (“Wednesday Qualifying Securities Expirations”).¹⁵ In the event Qualifying Securities expire on a

Wednesday and that Wednesday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week’s listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Wednesday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The interval between strike prices for the proposed Monday and Wednesday Qualifying Securities Expirations will be the same as those currently applicable for SPY, QQQ, and IWM Monday and Wednesday Expirations (among other symbols that may list a Monday or Wednesday Expiration) in the Short Term Option Series Program.¹⁶ Specifically, the Monday and Wednesday Qualifying Securities Expirations will have a strike interval of (i) \$0.50 or greater for strike prices below \$100, and \$1 or greater for strike prices between \$100 and \$150 for all option classes that participate in the Short Term Option Series Program, (ii) \$0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program, or (iii) \$2.50 or greater for strike prices above \$150.¹⁷ As is the case with other equity options series listed pursuant to the Short Term Option Series Program, the Monday and Wednesday Qualifying Securities Expirations series will be P.M.-settled.

Pursuant to Rule 19.6, Interpretation and Policy .05(h), with respect to the Short Term Option Series Program, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday, and a Wednesday expiration series shall expire on the first business day immediately prior to that Wednesday, e.g., Tuesday of that week if the Wednesday is not a business day. Currently, for each option class eligible for participation in the Short Term Option Series Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class.¹⁸ The thirty (30) series restriction does not include series that are open by other securities exchanges under their respective weekly rules; the Exchange

may list these additional series that are listed by other options exchanges.¹⁹ With the proposed changes, this thirty (30) series restriction would apply to Monday and Wednesday Qualifying Securities Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list Monday and Wednesday Qualifying Securities Expirations.

With this proposal, Monday and Wednesday Qualifying Securities Expirations would be treated similar to existing SPY, QQQ, and IWM Monday and Wednesday Expirations. With respect to standard expiration option series, Monday and Wednesday Qualifying Securities Expirations will be permitted to expire in the same week in which standard expiration option series on the same class expire.²⁰ Not listing Monday and Wednesday Qualifying Securities Expirations for one week every month because there was a standard options series on that same class on the Friday of that week would create investor confusion.

Further, as with SPY, QQQ, and IWM Monday and Wednesday Expirations, the Exchange would not permit Monday and Wednesday Qualifying Securities Expirations to expire on a business day in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire.²¹ Therefore, all Monday and Wednesday Qualifying Securities Expirations would expire at the close of business on each of the next two Mondays and Wednesdays, respectively, that are business days and are not business days in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire. The Exchange believes that it is reasonable to not permit two expirations on the same day in which a standard expiration option series, Monthly Options Series, a Quarterly Options Series would expire because those options would be duplicative of each other. The Exchange does not believe that any market disruptions will be encountered with the introduction of Monday and Wednesday Qualifying Securities Expirations. The Exchange currently trades P.M.-settled Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols²² and has not

¹³ The Exchange has noted the additional expiries in a proposed Table 2 in Rule 19.6, Interpretation and Policy .05(h) along with the criteria for a Qualifying Security.

¹⁴ They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

¹⁵ See *id.*

¹⁶ See Rule 19.6, Interpretation and Policy .05(e). The Exchange notes that equity options which have an expiration of more than 21 days from the listing date would also be subject to the intervals as noted within Rule 19.6, Interpretation and Policy .05(f).

¹⁷ See Rule 19.6, Interpretation and Policy .05(e).

¹⁸ See Rule 19.6, Interpretation and Policy .05(c).

¹⁹ See Rule 19.6, Interpretation and Policy .05(a).

²⁰ See Rule 19.6, Interpretation and Policy .05(h).

²¹ See *id.*

²² Abandoning an option means electing not to take delivery of stock that would occur through

experienced any market disruptions nor issues with capacity. Today, the Exchange has surveillance programs in place to support and properly monitor trading in Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols.²³ The Exchange believes that it has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday and Wednesday Qualifying Securities Expirations.

In ISE Amendment No. 1, ISE presented data demonstrating that listings in the Short Term Option Series Program comprise a significant part of the standard listings in the options market based on data ISE sourced from OCC.²⁴ The percentage of weekly listings in the options industry compared to monthly, quarterly, and long-term option ("LEAPS") series for a 12-month period from February 11, 2024 to February 11, 2025 was 19% compared to 61%, 1%, and 19%, respectively.²⁵ While the proposed rule change would expand the Short Term Option Series Program to permit Monday and Wednesday Qualifying Securities Expirations, the Exchange anticipates that it would overall add a small number of weekly expiration dates because the Exchange will limit the number of Qualifying Securities Expirations to two Monday expirations and two Wednesday expirations. Based on data from January 2025, ISE indicated the following options would meet the criteria to be a Qualifying Security: NVIDIA Corp. ("NVDA"), Tesla Inc. ("TSLA"), Apple Inc. ("AAPL"), Amazon.com Inc. ("AMZN"),

Broadcom Inc. ("AVGO"), Alphabet Inc. ("GOOGL"), Microsoft Corp. ("MSFT"), Financial Select Sector SPDR Fund ("XLF"), and Meta Platforms Inc. ("META") (collectively, "Sample Qualifying Securities"). Utilizing the Sample Qualifying Securities as a data point, ISE indicated the Short Term Option Series Program would account for the addition of approximately 16% of strikes for the total number of strikes for each of the following symbols: NVDA, TSLA, AAPL, AMZN, AVGO, GOOGL, MSFT, and META.²⁶

For the same time period, ISE also indicated that weeklies comprised 52% of the total volume of option contracts (compared to 34%, 2%, and 12% for monthlys, quarterlys, and LEAPS, respectively).²⁷ The Exchange believes that inner weeklies (first two weeks) represent high volume as compared to outer weeklies (the last three weeks) and would be more attractive to market participants. In particular, ISE looked at the average daily contracts traded in options that met the criteria for a Qualifying Security. Specifically, for each of the Sample Qualifying Securities, ISE looked at pre-close movements between 3:30 and 4:00 p.m. Eastern Time ("ET") as well as post-close movements between 4:00 and 5:30 p.m. ET. ISE presented data presenting the number of trading days with at least one strike break post close (comparing 4:00 p.m. ET to 5:30 p.m. ET) from 2022 through 2024 for the Sample Qualifying Securities and SPY, QQQ, and IWM.²⁸ ISE further presented data referencing average annualized closing volatilities (as measured by the standard deviation of 30 seconds returns over the last 30 minutes of trading) for the Sample Qualifying Securities from 2022 through 2024, which data showed that the Sample Qualifying Securities had an averaged annualized closing volatility of

generally less than 20%.²⁹ This data demonstrated that the Sample Qualifying Securities are generally more volatile at the close than SPY, QQQ, and IWM.

Given that these are individual stocks it is reasonable to expect that they have idiosyncratic characteristics (increasing their volatility) relative to broad based Fund Shares like SPY, QQQ and IWM. None, however, are demonstrating average returns that are more than double that of IWM. Moreover, on Mondays and Wednesdays, the ISE data demonstrates that the Sample Qualifying Securities do not show any excessive propensity to penetrate³⁰ strikes post close (4:00pm–5:30 p.m. ET) in comparison to SPY, QQQ and IWM. Consequently, the burden of American-style option³¹ exercise management on investors is not overwhelming relative to SPY, QQQ and IWM which have the largest retail participation based on volume in the industry.

ISE also reviewed the number of strike breaks for calendar years 2022 through 2025 for the Sample Qualifying Securities between 4:00 p.m. and 5:30 p.m. ET to find the maximum³² number of strike breaks³³ as well as the mean³⁴ of the number of strike breaks as evidenced in the tables below:

²⁹ See ISE Amendment No. 1 at 31721 (Table 4).

³⁰ For purposes of this rule change, "penetrating a strike" refers to the underlying asset's price moving beyond the designated strike price of an option contract.

³¹ The term "American-style option" means an options contract that, subject to the provisions of Rule 23.1 (relating to the cutoff time for exercise instructions) and to OCC Rules, can be exercised on any business day prior to its expiration date and on its expiration date. See Rule 16.1 (definition of "American-style option").

³² The term "maximum" refers to the largest instance of strike breaks measured as the number of strikes crossed by the underlying security from the 4:00 p.m. ET closing price to the 9:30 a.m. ET opening price.

³³ A strike break is the existence of a strike between the closing price and the opening price on the following day when there has been a penetration of a strike post-close.

³⁴ The term "mean" refers to the average number of strike breaks when there has been a penetration of a strike post-close.

Auto Exercise at The Options Clearing Corporation ("OCC"). "Auto-exercise" or "automatic exercise" in options trading refers to the procedure where a long option (either a call or a put) that is in-the-money at the time of expiration is automatically exercised on the holder's behalf by OCC.

²³ See *id.*

²⁴ The information included time averaged data (the number of strikes by maturity date divided from the number of trading days) for all 18 options markets from February 11, 2024 to February 11, 2025. See ISE Amendment No. 1 at 31719.

²⁵ See *id.* (Table 1).

²⁶ See ISE Amendment No. 1 at 31720.

²⁷ ISE based this on industry volume in terms of overall contracts based on information sourced from OCC for all 18 options markets from February 11, 2024 to February 11, 2025. See *id.* (Table 2).

²⁸ See ISE Amendment No. 1 at 31721 (Table 3).

MONDAY, NON-EARNINGS ANNOUNCEMENT CHARTS

Security	Number of days with strike break through on non-earnings announcement Mondays (4:00 p.m. ET–5:30 p.m. ET)	Max (strikes moved through on non-earnings announcement Mondays from 4:00 p.m. to 9:30 a.m. next day) when strikes are penetrated from 4:00–5:30 p.m. ET	Max (percentage move overnight on non-earnings announcement Mondays when there is a strike break from 4:00 p.m. to 5:30 p.m. ET) (%)	Mean strikes moved through on a non-earnings announcement Monday when there is an instance of move through (from 4:00 p.m. to 5:30 p.m. on a non-earnings announcement Monday)
2022				
AAPL	1	2.33	1.63	2.33
AMZN	9	14.10	4.32	4.94
AVGO	3	2.76	1.36	1.80
FB	1	6.28	8.00	6.28
GOOGL	9	22.86	5.13	5.96
IWM	4	2.04	1.02	0.84
MSFT	0	N/A	N/A	N/A
NVDA	1	0.21	0.24	0.21
QQQ	4	5.30	1.81	2.31
SPY	7	8.33	2.27	2.68
TSLA	3	4.33	3.21	3.09
XLF	4	0.98	1.24	0.56
2023				
AAPL	0	N/A	N/A	N/A
AMZN	0	N/A	N/A	N/A
AVGO	6	5.18	2.03	3.24
GOOGL	1	2.78	1.02	2.78
IWM	0	N/A	N/A	N/A
META	1	0.18	0.15	0.18
MSFT	0	N/A	N/A	N/A
NVDA	1	3.24	1.85	3.24
QQQ	0	N/A	N/A	N/A
SPY	1	2.21	0.52	2.21
TSLA	1	0.66	0.46	0.66
XLF	0	N/A	N/A	N/A
2024				
AAPL	0	N/A	N/A	N/A
AMZN	0	N/A	N/A	N/A
AVGO	9	6.50	2.10	1.99
GOOGL	0	N/A	N/A	N/A
IWM	2	0.74	0.36	0.5
META	3	1.31	0.68	0.78
MSFT	1	1.94	1.22	1.94
NVDA	6	7.42	3.44	5.24
QQQ	2	2.35	0.54	1.62
SPY	1	2.2	0.43	2.2
TSLA	3	5.19	2.80	3.40
XLF	1	0.5	0.59	0.5
2025 *				
AAPL	0	N/A	N/A	N/A
AMZN	0	N/A	N/A	N/A
AVGO	4	13.95	9.05	4.63
GOOGL	1	0.00	0.01	0.00
IWM	1	0.22	0.10	0.22
META	2	1.91	0.69	1.23
MSFT	1	0.18	0.12	0.18
NVDA	5	6.16	6.31	2.72
QQQ	4	14.73	3.48	5.37
SPY	5	17.62	3.49	4.86
TSLA	3	4.35	2.81	2.38
XLF	0	N/A	N/A	N/A

* With respect to GOOGL, it had a strike break post-close but mean reverted to the closing price by the open the next day.

ISE further reviewed the number of strike breaks for calendar years 2022 through 2025 for the Sample Qualifying Securities,³⁵ excluding Wednesdays,³⁶

for scheduled Earnings Announcements between 4:00 p.m. and 5:30 p.m. ET to find the maximum number of strike breaks as well as the mean of the

number of strike breaks as evidenced in the tables below:

WEDNESDAY, NON-EARNINGS ANNOUNCEMENT CHARTS

Security	Number of days with strike break through on non-earnings announcement Wednesdays (4:00 p.m. ET–5:30 p.m. ET)	Max (strikes moved through on non-earnings announcement Wednesdays from 4:00 p.m. to 9:30 a.m. next day) when strikes are penetrated from 4:00–5:30 p.m. ET	Max (percentage move overnight on non-earnings announcement Wednesdays when there is a strike break from 4:00 p.m. to 5:30 p.m. ET) (%)	Mean strikes moved through on a non-earnings announcement Wednesday when there is an instance of move through (from 4:00 p.m. to 5:30 p.m. on a non-earnings announcement Wednesday)
2022				
AAPL	0	N/A	N/A	N/A
AMZN	14	35.50	5.89	8.35
AVGO	9	4.85	2.13	2.07
FB	2	31.20	24.15	21.22
GOOGL	10	8.73	1.86	4.22
IWM	7	3.71	1.80	2.07
MSFT	2	1.54	1.23	1.14
NVDA	6	8.88	6.20	5.05
QQQ	10	10.75	3.26	4.39
SPY	9	10.94	2.59	4.47
TSLA	8	12.73	8.33	3.45
XLF	6	0.84	1.04	0.42
2023				
AAPL	1	1.08	1.61	1.08
AMZN	3	5.30	5.04	3.05
AVGO	11	10.31	2.94	2.64
FB	6	7.32	5.35	3.59
GOOGL	2	1.09	0.63	0.87
IWM	1	1.70	1.45	1.70
MSFT	2	3.67	2.92	3.00
NVDA	3	4.20	2.48	2.06
QQQ	6	7.59	2.29	4.38
SPY	5	4.08	0.99	2.63
TSLA	4	6.39	7.88	2.50
XLF	1	0.12	0.19	0.12
2024				
AAPL	0	N/A	N/A	N/A
AMZN	1	2.77	3.92	2.77
AVGO	15	10.85	4.42	3.71
GOOGL	3	3.20	5.03	2.86
IWM	1	2.22	1.02	2.22
META	5	5.52	2.56	2.66
MSFT	2	6.09	3.72	4.11
NVDA	15	8.32	3.32	2.82
QQQ	16	11.16	2.37	4.16
SPY	7	9.67	1.72	4.79
TSLA	1	1.70	2.06	1.70
XLF	0	N/A	N/A	N/A
2025				
AAPL	1	7.36	8.21	7.36
AMZN	1	5.20	6.64	5.20
AVGO	5	11.45	6.65	6.19
GOOGL	1	2.38	3.79	2.38
IWM	2	9.52	4.70	7.39
META	3	15.55	6.66	7.17
MSFT	2	3.35	2.14	1.90

³⁵ Of note, not all Sample Qualifying Securities had Earnings Announcements on a Wednesday.

³⁶ There were no Earnings Announcements on Mondays for the Sample Qualifying Securities.

WEDNESDAY, NON-EARNINGS ANNOUNCEMENT CHARTS—Continued

Security	Number of days with strike break through on non-earnings announcement Wednesdays (4:00 p.m. ET–5:30 p.m. ET)	Max (strikes moved through on non-earnings announcement Wednesdays from 4:00 p.m. to 9:30 a.m. next day) when strikes are penetrated from 4:00–5:30 p.m. ET	Max (percentage move overnight on non-earnings announcement Wednesdays when there is a strike break from 4:00 p.m. to 5:30 p.m. ET) (%)	Mean strikes moved through on a non-earnings announcement Wednesday when there is an instance of move through (from 4:00 p.m. to 5:30 p.m. on a non-earnings announcement Wednesday)
NVDA	4	6.91	6.26	2.56
QQQ	7	19.87	4.17	7.22
SPY	5	19.45	3.45	8.35
TSLA	1	7.03	6.21	7.03
XLF	1	3.90	3.89	3.90

Because the Exchange proposes to limit the number of Monday and Wednesday Qualifying Securities Expirations to two expirations beyond the current week, the Exchange believes that the addition of these Monday and Wednesday Qualifying Securities Expirations should encourage Market-Makers to continue to deploy capital more efficiently and improve displayed market quality.³⁷ Utilizing the Sample Qualifying Securities as a proxy, ISE determined the marginal increase in the number of occurrences of strike breaks in 2024 would be 66 with the addition of these expirations. Further, there would be a marginal increase of 22 instances of strike breaks in 2024 on Monday expiries after regular trading hours, and a marginal increase of 44 instances of strike breaks in 2024 on Wednesday expiries without Earnings Announcements after regular trading hours.

Similar to SPY, QQQ and IWM Monday and Wednesday Expirations, the introduction of Monday and Wednesday Qualifying Securities Expirations will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that the proposal would permit only the most liquid securities to have the additional Monday and Wednesday Qualifying Security Expirations. The Exchange believes that offering these

additional expiries in the Qualifying Securities would permit Market Makers and other market participants to precisely hedge their positions in the underlying security with the additional expiries in lieu of hedging only with Friday expirations.

Finally, the Exchange considered ISE's analysis of the impact of a market participant's propensity to rationally exercise outstanding options contracts by the tender of an exercise notice ("Contrary Exercise Advice").³⁸ Specifically, ISE examined SPY data from April 2, 2025 (a day where there

³⁸ A Contrary Exercise Advice may be exercised during the time period specified in OCC Rules by the tender to OCC of an exercise notice in accordance with OCC Rules. An exercise notice may be tendered to OCC only by the Clearing Member in whose account such options contract is carried with OCC. Option Members may establish fixed procedures as to the latest time they will accept exercise instructions from customers. See Rule 23.1. Option holders have until 5:30 p.m. ET on the business day of expiration, or, in the case of a standardized equity option expiring on a day that is not a business day, on the business day immediately prior to the expiration date to make a final exercise decision to exercise or not exercise an expiring option. Option Members may not accept exercise instructions for customer or non-customer accounts after 5:30 p.m. ET. See FINRA Rule 2360(a)(23)(A)(iii). A Contrary Exercise Advice is a form approved by the national options exchanges, FINRA or OCC for use by a member to submit a final exercise decision committing an options holder to either: (1) not exercise an option position which would automatically be exercised pursuant to OCC's Ex-by-Ex procedure; or (2) to exercise a standardized equity option position which would not automatically be exercised pursuant to OCC's Ex-by-Ex procedure. See FINRA Rule 2360(a)(23)(A)(iv).

was a significant drop after the close).³⁹ On April 2, 2025, SPY settled at 4:00 p.m. at \$564.52.⁴⁰ At 5:00 p.m., SPY was trading at \$552.42.⁴¹ Every call option with a April 2, 2025 expiration date and a strike price below \$564 was automatically exercised by OCC, unless OCC received Contrary Exercise Advices from a market participant.⁴² ISE obtained the amount of long⁴³ open interest in the customer or "C" range⁴⁴ at OCC starting at the close of the prior trading day and added customer long activity that executed on April 2, 2025 to that figure. Next, ISE subtracted the liquidating activity for customers and examined the quantity of Contrary Exercise Advices received by OCC on April 2, 2025 and compared that figure to the number of customers that did not abandon their calls rationally relative to the number of customers who entered into options contracts. The data in the tables below (which should be read together) applies to calls in SPY in the customer range at OCC for expiration date April 2, 2025.

³⁹ On April 2, 2025, President Trump announced a series of tariffs on imports, which he called "Liberation Day." This news impacted markets generally.

⁴⁰ ISE obtained this data from OCC upon request.

⁴¹ See ISE Amendment No. 1 at 31725.

⁴² See *id.*

⁴³ The term "long position" means a person's interest as the holder of one or more options contracts. See Rule 16.1 (definition of "long position").

⁴⁴ The "C" range at OCC includes customer transactions, professional transactions and transactions executed by broker-dealers that are not affiliated with a clearing member that clear in the "C" range at OCC.

³⁷ Each Market-Maker is required to quote a specified time in their assigned options series. See Rule 22.6.

OPEN INTEREST

Strike	Longs held on 4/1/2025	Buys to open or expand a position	Aggregate longs held	Open contracts at EOD that are eligible for auto-ex on April 2, 2025 EOD
553	104	265	369	45
554	340	795	1135	258
555	2240	4135	6375	238
556	619	5582	6201	142
557	582	9235	9817	52
558	587	14683	15270	72
559	705	22931	23636	70
560	2218	49336	51554	316
561	2284	55318	57602	1014
562	1941	67057	68998	55
563	1339	83871	85210	87
564	1222	78612	79834	533

LIQUIDATING ACTIVITY

Strike	Aggregate liquidation of longs	Liquidation ratio	Contracts where abandon instructions were issued	Unabandoned and unliquidated contracts (auto-exercised by OCC)	Contracts unabandoned or unliquidated as a % of total long contracts held during the day	Percentage of unabandoned and unliquidated contracts as compared to open contracts
553	324	87.80	22	23	6.23	51.11
554	877	77.27	187	71	6.26	27.52
555	6137	96.27	53	185	2.90	77.73
556	6059	97.71	88	54	0.87	38.03
557	9765	99.47	2	50	0.51	96.15
558	15198	99.53	49	23	0.15	31.94
559	23566	99.70	26	44	0.19	62.86
560	51238	99.39	240	76	0.15	24.05
561	56588	98.24	994	20	0.03	1.97
562	68943	99.92	16	39	0.06	70.91
563	85123	99.90	25	62	0.07	71.26
564	79301	99.33	467	66	0.08	12.38

This data aggregated by ISE indicates⁴⁵ that the vast majority of open contracts (over 90%) were liquidated by customers prior to the close. Of the remaining open contracts, a substantial portion were rationally abandoned. In considering what constitutes rational activity on the part of a market participant in determining whether to exercise, especially in the strike near the 5:00 p.m. price, it must be taken into consideration that some market participants may elect to hold a contract given the illiquidity of the time

period, and the desire for long exposure despite a trade price that may be lower. In other words, it cannot be assumed that customers are unaware of the market conditions for SPY after the close on April 2, 2025, or their ability to liquidate. Also, it cannot be assumed that the customer would always liquidate in these circumstances. In reviewing the above tables together, customers with calls in SPY on April 2, 2025 had a very high liquidation ratio which is evidenced by comparing the unabandoned contracts to the entire

pool of long contracts throughout the day. Finally, the amount of unliquidated and unabandoned call contracts in the above table represents a de-minimis amount (less than 1%) when considering that SPY trades millions of contracts each day.

ISE also examined the out-of-the-money or “OTM” activity on the puts in SPY on April 2, 2025 for customers. The data in the below tables (which should be read together) applies to puts⁴⁶ in SPY in the customer range at OCC for expiration date April 2, 2025.

OTM OPEN INTEREST

Strike	Longs held on 4/1/2025	Buys to open or expand a posi- tion on 4/2/2025	Aggregate longs held on 4/2/2025	Open contracts at EOD on 4/2 that are eligible for OTM exercise
553	2008	17807	19815	1992
554	3575	23220	26795	2459

⁴⁵ See ISE Amendment No. 1 at 31725 (Tables 7 and 8).

⁴⁶ The term “put” means an options contract under which the holder of the option has the right,

in accordance with the terms and provisions of the option and the Rules of the OCC, to sell to the Clearing Corporation the number of units of the underlying security covered by the options contract,

at a price per unit equal to the exercise price, upon the timely exercise of such option. See Rule 16.1 (definition of “put”).

OTM OPEN INTEREST—Continued

Strike	Longs held on 4/1/2025	Buys to open or expand a position on 4/2/2025	Aggregate longs held on 4/2/2025	Open contracts at EOD on 4/2 that are eligible for OTM exercise
555	6271	67698	73969	5009
556	3177	37457	40634	2648
557	3094	47699	50793	1573
558	3091	66130	69221	7063
559	2492	82114	84606	16366
560	3382	118564	121946	17481
561	1707	76970	78677	5660
562	435	75447	75882	6552
563	581	75463	76044	6522
564	399	50724	51123	197

OTM LIQUIDATING ACTIVITY

Strike	Aggregate liquidation of longs	Liquidation ratio	Contracts where OTM exercise instructions were received by OCC	Puts where no OTM exercise instructions were given	Contracts not exercised as a % of long contracts held throughout the day	Percentage of put contracts where no OTM exercise instructions were given
553	17823	89.95	833	1159	5.85	58.18
554	24336	90.82	791	1668	6.23	67.83
555	68960	93.23	1436	3573	4.83	71.33
556	37986	93.48	1170	1478	3.64	55.82
557	49220	96.90	557	1016	2.00	64.59
558	62158	89.80	3064	3999	5.78	56.62
559	68240	80.66	15642	724	0.86	4.42
560	104465	85.66	16745	736	0.60	4.21
561	73017	92.81	5415	245	0.31	4.33
562	69330	91.37	6436	116	0.15	1.77
563	69522	91.42	6443	79	0.10	1.21
564	50926	99.61	180	17	0.03	8.63

With respect to this put data for SPY on April 2, 2025 gathered by ISE,⁴⁷ it can be observed that out-of-the-money options were either liquidated or exercised. Only a small percentage of options went unexercised. Additionally, it can be observed that very few puts remained unexercised at the higher strikes where opportunity for profit and less risk exists. This is in contrast to puts on lower strikes where opportunity for profit relative to the risk of the short is greater. In particular, with respect to the risk exposure of put writers, the exposure to an event similar to April 2, 2025 for the proposed Wednesday expirations would be substantially similar to the current risk that a put writer is exposed to with Friday expirations. In other words, the day of the expiry does not increase or decrease the amount of risk of a put writer, but for the premium difference. Additionally, the Exchange believes that since the rational abandonment and out-of-the-money exercise rates were so high, as evidenced in the above tables,

it is clear that customers are largely aware of the exposure between 4:00 and 5:00 p.m. ET and therefore, the risk from the unliquidated position is undertaken knowingly.

In determining the rational in-the-money abandonment or out-of-the-money exercise, ISE indicated it elected not to consider the amount of contracts rationally exercised/abandoned divided by the amount of open contracts at the end of the day. ISE indicated that it believed that this data point fails to consider the outsized amount of liquidation customers undertake prior to the Contrary Exercise Window.⁴⁸ In other words, the amount of liquidations taken by customers prior to the Contrary Exercise Window is evidence that

market participants are informed and electing to accept a premium in lieu of the potential to maximize the value of their option in the Contrary Exercise Window. ISE observed that the amount of open contracts in these options is de minimis and, therefore, any evidence of an option trader's failure to act rationally would skew the percentage in such a way to exaggerate the perception of the risk averting behaviors. For example, taken to an extreme, if three contracts are left open in an option that trades over 100,000 in a given day, and two options are not rationally exercised this would amount to 66.6% of non-rationally exercised/abandoned contracts. In this example, three options are not rationally exercised out of the three open contracts or 100%, which comparison did not yield a result that was insightful. For this reason, ISE indicated it opted to compare the amount of irrational failures to exercise/abandon to the total amount of contracts that were open during that trading day. The Exchange believes ISE's method of comparison provides a better risk determination.

⁴⁷ See ISE Amendment No. 1 at 31726–31727 (Tables 9 and 10).

⁴⁸ A “Contrary Exercise Window” refers to a specific timeframe during which an options holder can submit a Contrary Exercise Advice. Option holders who hold expiring options have until 5:30 p.m. ET on the day of expiration to make a final exercise decision to exercise or not exercise the option. Option Members may establish an earlier time to accept exercise instructions for customer or non-customer accounts (typically by 5:00 p.m. ET) but may not accept instructions after 5:30 p.m. ET. See <https://www.finra.org/rules-guidance/notices/information-notice-020321>.

The Options Disclosure Document (“ODD”) notes the risks of option exercises:

To exercise an option that is not subject to automatic exercise, the holder must direct his brokerage firm to give exercise instructions to OCC. In order to ensure that an option is exercised on a particular day, the holder must direct his brokerage firm to exercise before the firm’s cut-off time for accepting exercise instructions for that day. Different firms may have different cut-off times for accepting exercise instructions from customers, and those cut-off times may be different for different options.

A brokerage firm’s cut-off time for accepting exercise instructions becomes critical on the last trading day before an option expires. An option that expires unexercised becomes worthless. An option holder who intends to exercise an option before expiration must give exercise instructions to his brokerage firm before the firm’s cut-off time for accepting exercise instructions on the last trading day before expiration. If the expiration date of an option falls on a day on which an options market is open for trading in that option, a brokerage firm’s last cut-off time for accepting exercise instructions prior to the option’s expiration may be on the expiration date. Investors should be aware of their brokerage firm’s policies in this regard. Many brokerage firms accept standing instructions to exercise, or have procedures for the exercise of, every option which is in the money by a specified amount at expiration. These procedures often incorporate by reference OCC’s administrative procedures that provide for the exercise of every option that is in the money by a specified amount at expiration unless the Clearing Firm carrying the option in its accounts instructs OCC not to exercise the option. Investors should determine from their brokerage firm the applicable cut-off times, the firm’s procedures for submitting exercise instructions, and whether any of their options are subject to automatic exercise. Investors should also determine whether the exercise of their options is subject to standing instructions of their brokerage firm, and, if so, they should discuss with the firm the potential consequences of such instructions.⁴⁹

Market participants that elect to transact in options should receive a copy of the ODD from their broker-dealer.⁵⁰ The ODD explains the risks inherent in options trading.⁵¹ Broker-dealers must have a reasonable basis to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer.⁵² Suitability rules are

intended to distinguish the trading of customers with those of professional traders who are likely to have distinct risk/reward profiles, risk tolerance and capital.

Finally, the Exchange believes there is general demand for alternative expirations in Monday and Wednesday Qualifying Securities Expirations. ISE calculated the percentage of SPY options volume, from 2018 to 2025, versus the number of days until expiration, which demonstrated a clear preference for shorter-dated options trading.⁵³

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁵⁴ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁵⁵ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁵⁶ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, similar to Monday expirations in SPY, QQQ, and IWM, the proposal to permit Monday and Wednesday Qualifying Security Expirations, subject to the proposed limitation of two expirations beyond the current week, would protect investors and the public interest by providing the investing public and other market participants more choice and flexibility to closely tailor their investment and hedging decisions in these options and allow for a reduced premium cost of buying portfolio protection, thus allowing them to better manage their risk exposure. The Exchange believes that the proposed criteria for Qualifying Securities requires individual stocks

and Fund Shares to be highly liquid. A market capitalization measured on the last day of the prior calendar quarter based on the closing price of the underlying, of greater than 700 billion dollars for an individual stock, or AUM of 50 billion dollars for a Fund Share, in conjunction with the monthly options volume requirement of greater than 10 million options as measured by sides traded in the last month preceding the quarter end, is very restrictive. This requirement represents substantially less than 1% of individual stocks (only eight individual stocks existed as of January 1, 2025) and substantially less than 1% of Fund Shares (only seven Fund Shares existed as of January 1, 2025, of which five are eligible pursuant to Rule 19.6, Interpretation and Policy .05(h), Table 1 to trade additional expiries) traded.⁵⁷ Therefore, an individual stock or Fund Share that meets the aforementioned market capitalization and volume requirements are highly liquid and could be viewed as stable securities. Data gathered by ISE regarding the average daily options contracts traded compared to the average closing volatility in the last 30 minutes of the trading day⁵⁸ demonstrated a very low average realized volatility experienced by the Sample Qualifying Securities in the last 30 minutes of trading before the close in 2024 as compared to any security that traded an average of more than 100 options contracts per day.

The Exchange notes that with respect to position limits, Rule 18.7 provides that Options Members will be subject to position limits fixed by the Cboe Exchange, Inc. (“Cboe Options”). Cboe Options Rule 8.30, Interpretation and Policy .02(e) provides, that “[t]o be eligible for the 250,000 contract limit, either the most recent six-month trading volume of the underlying security must have totaled at least 100 million shares; or the most recent six-month trading volume of the underlying security must have totaled at least 75,000,000 shares and the underlying security must have at least 300,000,000 shares currently outstanding.” The 250,000 contract position limit is the highest position limit by Exchange rule. Options that qualify for the 250,000 position (and exercise) limit are highly liquid securities that have met the stringent requirements noted in Cboe Options Rule 8.30, Interpretation and Policy .02 to qualify for the highest position limit.

⁴⁹ The “How to Exercise” section in the ODD describes how to utilize the Contrary Exercise Advice. See <https://www.theocc.com/getmedia/a151a9ae-d784-4a15-bdeb-23a029f50b70/riskstoc.pdf>.

⁵⁰ See FINRA Rule 2360(b)(16)(A).

⁵¹ See generally <https://www.theocc.com/company-information/documents-and-archives/options-disclosure-document>.

⁵² See FINRA Rule 2111.

⁵³ See ISE Amendment No. 1 at 31728 (Table 11).

⁵⁴ 15 U.S.C. 78f(b).

⁵⁵ 15 U.S.C. 78f(b)(5).

⁵⁶ *Id.*

⁵⁷ As of January 15, 2026, the other two Fund Shares would be eligible to trade additional expiries pursuant to the proposed rule change.

⁵⁸ See ISE Amendment No. 1 at 31729 (Table 7).

Finally, a Qualifying Security must participate in the Penny Interval Program. In order to qualify for the Penny Interval Program, an options class must be among the 300 most actively traded multiply listed option classes overlying securities priced below \$200.⁵⁹ The most actively traded options classes are included in the Penny Interval Program based on certain objective criteria (trading volume thresholds and initial price tests).

The number of individual stocks currently meeting all four criteria for a Qualifying Security was eight, and the number of Fund Shares currently meeting all four criteria for a Qualifying Security that do not already have Monday and Wednesday expirations was one, as of June 27, 2025. Both totals represent less than 0.2% of all securities with options listed. The Exchange believes that since individual stocks are the dominant constituents of the broad-based indexes (e.g., S&P 500 Index and Nasdaq-100 Index), the improvement in price transparency brought about by Monday and Wednesday trading will offer Market Makers and investors better volatility pricing which will inform trading on the related products to these indexes. The Exchange believes that the proposed criteria for Qualifying Securities is consistent with the protection of investors and the general public because the criteria targets the most liquid individual stocks and Fund Shares.

The Exchange would not list an expiry on a Qualifying Security on a day where there will be an Earnings Announcement that takes place after market close to avoid post-close price volatility that may arise from the Earnings Announcement and which may impact exercise and/or assignment decisions.

Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list Monday and Wednesday expiries in the following quarter, although the Qualifying Security would potentially have two weeks of strikes already listed which will persist. These remaining listings could continue to be traded until they expire.

With this proposal, overall, the Exchange would add a small number of Monday and Wednesday Qualifying Security Expirations by limiting the addition of two Monday expirations and two Wednesday expirations beyond the current week. The addition of Monday

and Wednesday Qualifying Security Expirations would remove impediments to and perfect the mechanism of a free and open market by encouraging Market Makers to continue to deploy capital more efficiently and improve displayed market quality.⁶⁰ The Exchange believes that the proposal will allow Option Members to expand hedging tools and tailor their investment and hedging needs more effectively in Qualifying Securities as these funds are most likely to be utilized by market participants to hedge the underlying asset classes.

Similar to SPY, QQQ, and IWM Monday and Wednesday Expirations, the introduction of Monday and Wednesday Qualifying Security Expirations is consistent with the Act as it will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday and Wednesday Qualifying Security Expirations will allow market participants to purchase options on Qualifying Securities based on their timing as needed and allow them to tailor their investment and hedging needs more effectively, thus allowing them to better manage their risk exposure. Today, the Exchange lists other Monday and Wednesday expirations.⁶¹

In particular, the Exchange believes the Short Term Option Series Program has been successful to date and that Monday and Wednesday Qualifying Security Expirations should simply expand the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way that the Short Term Option Series Program has expanded the landscape of hedging.

There are no material differences in the treatment of SPY, QQQ and IWM Monday and Wednesday Expirations compared to the proposed Monday and Wednesday Qualifying Security Expirations. Given the similarities between SPY, QQQ and IWM Monday and Wednesday Expirations and the proposed Monday and Wednesday Qualifying Security Expirations, the Exchange believes that applying the provisions in 19.6, Interpretation and Policy .05(h) that currently apply to SPY, QQQ and IWM Monday and Wednesday Expirations is justified.

The data gathered by ISE in the tables above related to calls in SPY on April

2, 2025,⁶² indicates that the vast majority of open contracts (over 90%) were liquidated by customers prior to the close. Of the remaining open contracts, a substantial portion were rationally abandoned. In considering what constitutes rational activity on the part of a market participant in determining whether to exercise, especially in the strike near the 5:00 p.m. price, it must be taken into account that some market participants may elect to hold a contract given the illiquidity of the time period, and the desire for long exposure despite a trade price that may be lower. In other words, it cannot be assumed that customers are unaware of the market conditions, or their ability to liquidate. Also, it cannot be assumed that the customer would always liquidate in these circumstances. In reviewing these tables, ISE observed that customers with calls in SPY on April 2, 2025 had a very high liquidation ratio which is evidenced by comparing the unabandoned contracts to the entire pool of long contracts throughout the day. With respect to the put data for SPY on April 2, 2025, ISE observed in the data it gathered as presented above⁶³ that out-of-the-money options were either liquidated or exercised. Only a small percentage of put options went unexercised. Additionally, ISE observed that very few puts remained unexercised at the higher strikes where opportunity for profit and less risk exists. This is in contrast to puts on lower strikes where opportunity for profit relative to the risk of the short is greater. In particular, with respect to the risk exposure of put writers, the exposure to an event similar to April 2, 2025 for the proposed Wednesday expirations would be substantially similar to the current risk that a put writer is exposed to with Friday expirations. In other words, the day of the expiry does not increase or decrease the amount of risk of a put writer, but for the premium difference. Additionally, the Exchange believes that since the rational abandonment and out-of-the-money exercise rates were so high, as evidenced by the data gathered by ISE presented above,⁶⁴ it is clear that customers are largely aware of the exposure between 4:00 and 5:00 p.m. ET and therefore, the risk from the unliquidated position is undertaken knowingly.

Additionally, market participants that elect to utilize options receive a copy of

⁵⁹ See Rule 21.5(e). Each December OCC ranks all multiply listed option classes based on National Cleared Volume for the six full calendar months from June 1 through November 30 for determination of the most actively traded option classes.

⁶⁰ Today, Market-Makers are required to quote a specified time in their assigned options series. See Rule 22.6.

⁶¹ See Rule 19.6, Interpretation and Policy .05(h) Table 1.

⁶² See ISE Amendment No. 1 at 31725 (Tables 7 and 8).

⁶³ See ISE Amendment No. 1 at 31726–31727 (Tables 9 and 10).

⁶⁴ See *id.*

the ODD which explains the risks inherent in options trading. Also, broker-dealers must have a reasonable basis to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer.⁶⁵ Suitability rules are intended to distinguish the trading of customers with those of professional traders who are likely to have distinct risk/reward profiles, risk tolerance and capital. Regardless of whether the account is self-directed or options are being recommended, broker-dealers must perform due diligence on the customer and collect information about the customer to support a determination that options trading is appropriate for the customer. Options accounts are subject to specific supervisory reviews, including, among others, reviewing the compatibility of options transactions with investment objectives and with the types of transactions for which the account was approved, and are subject to other FINRA rules that apply when opening customer accounts, including among others, customer identification requirements under anti-money laundering rules.⁶⁶ Therefore, the Exchange does not believe that listing of up to two Monday and Wednesday expirations for options on certain individual stocks or Fund Shares is inconsistent with the Act.

The Exchange represents that it has the necessary systems capacity to support the new expirations. 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 with Monday and Wednesday expirations, including for any Qualifying Securities, in the same way that it monitors trading the current Short Term Option Series for SPY, QQQ, and IWM with Monday and Wednesday expirations. Finally, the Exchange does not believe that any market disruptions will be encountered with the introduction of these option expirations. As discussed above, the Exchange believes that its proposal is a modest expansion of weekly expiration dates for Monday and Wednesday Qualifying Security Expirations given that it will be limited to two Monday expirations and two Wednesday expirations beyond the current week.

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. 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, but rather will meet customer demand. The Exchange would uniformly apply the Qualifying Security criteria to options in individual stocks and Fund Shares. The Exchange believes that Options Members will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in the Qualifying Securities. All market participants will be treated in the same manner under this proposal.

Similar to SPY, QQQ and IWM Monday and Wednesday Expirations, the introduction of Monday and Wednesday Qualifying Security Expirations does not impose an undue burden on competition. The Exchange believes that it will, among other things, expand the hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday and Wednesday Qualifying Security Expirations will allow market participants to purchase options on Qualifying Securities based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

Further, not adding an expiry for a Qualifying Security on a day where there will be an Earnings Announcement that takes place after market close does not impose an undue burden on competition as the Exchange would uniformly apply this practice to the listing of all Qualifying Securities.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the Commission recently approved a substantively identical rule change of another options exchange.⁶⁷

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁶⁸ and Rule 19b-4(f)(6) thereunder.⁶⁹ Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁷⁰ and subparagraph (f)(6) of Rule 19b-4 thereunder.⁷¹

A proposed rule change filed under Rule 19b-4(f)(6)⁷² normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),⁷³ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing.

According to the Exchange, the proposed rule change is a competitive response to a substantively identical filing submitted by Nasdaq ISE that was recently approved by the Commission.⁷⁴ The Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change as operative upon filing.⁷⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if

⁶⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁶⁹ 17 CFR 240.19b-4(f)(6).

⁷⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

⁷¹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

⁷² 17 CFR 240.19b-4(f)(6).

⁷³ 17 CFR 240.19b-4(f)(6)(iii).

⁷⁴ See *supra* note 6.

⁷⁵ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁶⁵ See FINRA Rule 2111.

⁶⁶ See <https://www.finra.org/rules-guidance/notices/21-15>.

⁶⁷ See ISE Amendment No. 1 and ISE Approval.

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B) ⁷⁶ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2026-007 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-CboeBZX-2026-007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2026-007 and should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷⁷

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104646; File No. SR-CboeEDGX-2026-003]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Short Term Option Series Program in Rule 19.6, Interpretation and Policy .05

January 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 16, 2026, Cboe EDGX Exchange, Inc. ("Exchange" or "EDGX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ 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

Cboe EDGX Exchange, Inc. (the "Exchange" or "Cboe EDGX Options") proposes to amend the Short Term Option Series Program in Rule 19.6, Interpretation and Policy .05. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website () [sic] https://www.cboe.com/us/equities/regulation/rule_filings/bzx/, 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 Exchange 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 these 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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Short Term Option Series Program in Rule 19.6, Interpretation and Policy .05. Specifically, the Exchange proposes to permit the listing of up to two Monday and Wednesday expirations for options on certain individual stocks or exchange-traded funds ("Fund Shares") (as defined in Rule 19.3(i)) (collectively, "Qualifying Securities"). This is a competitive filing based on a similar proposal submitted by Nasdaq ISE, LLC ("ISE"),⁵ which was recently approved by the Securities and Exchange Commission (the "Commission").⁶

Currently, as set forth in Rule 19.6, Interpretation and Policy .05(h), after an option class has been approved for listing and trading on the Exchange as a Short Term Option Series pursuant to Rule 19.6, Interpretation and Policy .05, the Exchange may open for trading on any Thursday or Friday that is a business day ("Short Term Option Opening Date") series of options on that class that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire ("Friday Short Term Option Expiration Dates"). The Exchange may have no more than a total of five Short Term Option Expiration Dates ("Short Term Option Weekly Expirations"). Further, if the Exchange is not open for business on the respective Thursday or Friday, the Short Term Option Opening Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that respective Thursday or Friday. Similarly, if the Exchange is not open for business on a Friday, the Short Term Option Expiration Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that Friday.

Additionally, the Exchange may open for trading series of options on the symbols provided in Table 1 of Rule 19.6, Interpretation and Policy .05(h) that expire at the close of business on

⁵ See Securities Exchange Act Release No. 103434 (July 10, 2025) (SR-ISE-2025-15), 90 FR 31716 (July 15, 2025) ("ISE Amendment No. 1").

⁶ See Securities Exchange Act Release No. 104624 (January 16, 2026) (SR-ISE-2025-15) ("ISE Approval").

⁷⁶ 15 U.S.C. 78s(b)(2)(B).

⁷⁷ 17 CFR 200.30-3(a)(12), (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

each of the next two Mondays, Tuesdays, Wednesdays, and Thursdays, respectively, that are business days beyond the current week and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (“Short Term Option Daily Expirations”).⁷ For those symbols listed in Table 1, the Exchange may have no more than a total of two Short Term Option Daily Expirations beyond the current week for each of Monday, Tuesday, Wednesday, and Thursday expirations, as applicable, at one time.

The Exchange proposes to expand the Short Term Option Series Program to permit certain Qualifying Securities to list up to two Monday and Wednesday expirations in addition to the Friday weekly expiration. The Exchange proposes to define Qualifying Securities as eligible individual stocks or Fund Shares, which are separate and apart from the symbols listed in Table 1, that have received approval to list additional expiries on specific symbols, that meet the following criteria on a quarterly basis:

(1) an underlying security, as measured on the last day of the prior calendar quarter, must have:

(A) a market capitalization of greater than 700 billion dollars for an individual stock based on the closing price,⁸ or

(B) Assets under Management (“AUM”) greater than 50 billion dollars for a Fund Share based on net asset value (“NAV”);

(2) monthly options volume, as measured by sides traded in the last month preceding the quarter end, of greater than 10 million options;

(3) a position limit of at least 250,000 contracts; and

(4) participate in the Penny Interval Program.

Each calendar quarter, the Exchange will apply the above criteria to individual stocks and Fund Shares to determine eligibility for the following quarter as a Qualifying Security. Beginning on the second trading day in the first month of each calendar quarter, the market capitalization of individual stocks shall be calculated based on the closing price established on the primary exchange on the last trading day of the prior calendar quarter and the AUM for Fund Shares shall be calculated based on the NAV established on the primary exchange on the last trading day of the prior calendar quarter. The data establishing the volume thresholds will be established by using data from the last month of the prior calendar quarter from The Options Clearing Corporation. For options listed on the first trading day of a given calendar quarter, the volume shall be calculated using the last month of the quarter prior to that calendar quarter.⁹ The Exchange will make the list of Qualifying Securities available by close of business on the first trading day of the quarter.¹⁰

Eligible Qualifying Securities would be permitted to list two Short Term Option Expiration Dates beyond the current week for each Monday and Wednesday expiration at one time. For Qualifying Securities, the Exchange would not list an expiry on a day when there will be an Earnings Announcement¹¹ that takes place after market close. For purposes of this rule proposal, earnings announcements shall include official public quarterly or yearly earnings filed with the Commission (“Earnings Announcement”).¹² Not listing an expiry for a Qualifying Security on a day where there is an Earnings Announcement that takes place after market close will avoid permitting an additional expiry on a day where post-close price volatility may be impacted due to the Earnings Announcement.

Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list

Monday and Wednesday expiries beginning on the second day of the following quarter.¹³

The proposed Monday Qualifying Securities expirations will be similar to the current Monday Expirations in SPY, QQQ, and IWM (among other symbols that may list a Monday Expiration) in Short Term Option Daily Expirations set forth in Rule 19.6, Interpretation and Policy .05(h), such that the Exchange may open for trading on any Friday or Monday that is a business day (beyond the current week) series of options on Qualifying Securities to expire on any Monday of the month that is a business day and is not a Monday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire, provided that Monday expirations that are listed on a Friday must be listed at least one business week and one business day prior to the expiration (“Monday Qualifying Securities Expirations”).¹⁴ In the event Qualifying Securities expire on a Monday and that Monday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week’s listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Monday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The proposed Wednesday Qualifying Securities expirations will be similar to the current Wednesday SPY, QQQ, and IWM (among other symbols that may list a Wednesday Expiration) in Short Term Option Daily Expirations, as set forth in Rule 19.6, Interpretation and Policy .05(h), such that the Exchange may open for trading on any Tuesday or Wednesday that is a business day (beyond the current week) series of options on Qualifying Securities to expire on any Wednesday of the month that is a business day and is not a Wednesday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (“Wednesday Qualifying Securities Expirations”).¹⁵ In the event Qualifying Securities expire on a

⁷ As set forth in Table 1 of Rule 19.6, Interpretation and Policy .05(h), the Exchange currently permits expirations in SPY, IWM, QQQ on Mondays, Tuesdays, Wednesdays and Thursdays. Also, the Exchange permits expirations in GLD, SLV and TLT on Mondays and Wednesdays. Finally, the Exchange permits expirations in USO and UNG on Wednesdays. The Exchange proposes to update the introductory paragraph of Rule 19.6, Interpretation and Policy .05(h) to capitalize the term “Monthly Option Series” (as that is a defined term in Rule 19.6, Interpretation and Policy .08) and add in “standard expiration options series, to conform to the introductory language in Rule 19.6, Interpretation and Policy .05. While standard expiration options series generally expire on a Friday, if the Exchange is not open for business on a Friday, the standard expiration will fall on another day of the week, generally Thursday. This clarification provides that series that may be opened under the Short Term Option Series Program with expirations on these other days will not be opened if the standard expiration options series happens to fall on a day other than Friday.

⁸ The closing price and the opening price shall be that of the primary exchange where the security is listed.

⁹ OCC data becomes available for the end of a quarter on the first trading day of a new quarter. For example, if the Exchange were to list Qualifying Securities in Q1 of 2026, the Exchange would look at the volume, measured in sides, for the last month of Q4 of 2025 (or December 2025).

¹⁰ The Exchange will make this information available on its website. This information will be freely accessible to the public.

¹¹ An Earnings Announcement is an official public statement of a company’s profitability for a specific period, typically a quarter or a year.

¹² For purposes of this rule proposal, pre-announcements or “guidance” shall not be considered an Earnings Announcement.

¹³ The Exchange has noted the additional expiries in a proposed Table 2 in Rule 19.6, Interpretation and Policy .05(h) along with the criteria for a Qualifying Security.

¹⁴ They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

¹⁵ See *id.*

Wednesday and that Wednesday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week's listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Wednesday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The interval between strike prices for the proposed Monday and Wednesday Qualifying Securities Expirations will be the same as those currently applicable for SPY, QQQ, and IWM Monday and Wednesday Expirations (among other symbols that may list a Monday or Wednesday Expiration) in the Short Term Option Series Program.¹⁶ Specifically, the Monday and Wednesday Qualifying Securities Expirations will have a strike interval of (i) \$0.50 or greater for strike prices below \$100, and \$1 or greater for strike prices between \$100 and \$150 for all option classes that participate in the Short Term Option Series Program, (ii) \$0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program, or (iii) \$2.50 or greater for strike prices above \$150.¹⁷ As is the case with other equity options series listed pursuant to the Short Term Option Series Program, the Monday and Wednesday Qualifying Securities Expirations series will be P.M.-settled.

Pursuant to Rule 19.6, Interpretation and Policy .05(h), with respect to the Short Term Option Series Program, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday, and a Wednesday expiration series shall expire on the first business day immediately prior to that Wednesday, e.g., Tuesday of that week if the Wednesday is not a business day. Currently, for each option class eligible for participation in the Short Term Option Series Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class.¹⁸ The thirty (30) series restriction does not include series that are open by other securities exchanges under their respective weekly rules; the Exchange

may list these additional series that are listed by other options exchanges.¹⁹ With the proposed changes, this thirty (30) series restriction would apply to Monday and Wednesday Qualifying Securities Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list Monday and Wednesday Qualifying Securities Expirations.

With this proposal, Monday and Wednesday Qualifying Securities Expirations would be treated similar to existing SPY, QQQ, and IWM Monday and Wednesday Expirations. With respect to standard expiration option series, Monday and Wednesday Qualifying Securities Expirations will be permitted to expire in the same week in which standard expiration option series on the same class expire.²⁰ Not listing Monday and Wednesday Qualifying Securities Expirations for one week every month because there was a standard options series on that same class on the Friday of that week would create investor confusion.

Further, as with SPY, QQQ, and IWM Monday and Wednesday Expirations, the Exchange would not permit Monday and Wednesday Qualifying Securities Expirations to expire on a business day in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire.²¹ Therefore, all Monday and Wednesday Qualifying Securities Expirations would expire at the close of business on each of the next two Mondays and Wednesdays, respectively, that are business days and are not business days in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire. The Exchange believes that it is reasonable to not permit two expirations on the same day in which a standard expiration option series, Monthly Options Series, a Quarterly Options Series would expire because those options would be duplicative of each other. The Exchange does not believe that any market disruptions will be encountered with the introduction of Monday and Wednesday Qualifying Securities Expirations. The Exchange currently trades P.M.-settled Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols²² and has not

experienced any market disruptions nor issues with capacity. Today, the Exchange has surveillance programs in place to support and properly monitor trading in Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols.²³ The Exchange believes that it has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday and Wednesday Qualifying Securities Expirations.

In ISE Amendment No. 1, ISE presented data demonstrating that listings in the Short Term Option Series Program comprise a significant part of the standard listings in the options market based on data ISE sourced from OCC.²⁴ The percentage of weekly listings in the options industry compared to monthly, quarterly, and long-term option ("LEAPS") series for a 12-month period from February 11, 2024 to February 11, 2025 was 19% compared to 61%, 1%, and 19%, respectively.²⁵ While the proposed rule change would expand the Short Term Option Series Program to permit Monday and Wednesday Qualifying Securities Expirations, the Exchange anticipates that it would overall add a small number of weekly expiration dates because the Exchange will limit the number of Qualifying Securities Expirations to two Monday expirations and two Wednesday expirations. Based on data from January 2025, ISE indicated the following options would meet the criteria to be a Qualifying Security: NVIDIA Corp. ("NVDA"), Tesla Inc. ("TSLA"), Apple Inc. ("AAPL"), Amazon.com Inc. ("AMZN"), Broadcom Inc. ("AVGO"), Alphabet Inc. ("GOOGL"), Microsoft Corp. ("MSFT"), Financial Select Sector SPDR Fund ("XLF"), and Meta Platforms Inc. ("META") (collectively, "Sample Qualifying Securities"). Utilizing the Sample Qualifying Securities as a data point, ISE indicated the Short Term Option Series Program would account for the addition of approximately 16% of strikes for the total number of strikes for each of the following symbols:

("OCC"). "Auto-exercise" or "automatic exercise" in options trading refers to the procedure where a long option (either a call or a put) that is in-the-money at the time of expiration is automatically exercised on the holder's behalf by OCC.

²³ See *id.*

²⁴ The information included time averaged data (the number of strikes by maturity date divided from the number of trading days) for all 18 options markets from February 11, 2024 to February 11, 2025. See ISE Amendment No. 1 at 31719.

²⁵ See *id.* (Table 1).

¹⁶ See Rule 19.6, Interpretation and Policy .05(e). The Exchange notes that equity options which have an expiration of more than 21 days from the listing date would also be subject to the intervals as noted within Rule 19.6, Interpretation and Policy .05(f).

¹⁷ See Rule 19.6, Interpretation and Policy .05(e).

¹⁸ See Rule 19.6, Interpretation and Policy .05(c).

¹⁹ See 19.6, Interpretation and Policy .05(a).

²⁰ See Rule 19.6, Interpretation and Policy .05(h).

²¹ See *id.*

²² Abandoning an option means electing not to take delivery of stock that would occur through Auto Exercise at The Options Clearing Corporation

NVDA, TSLA, AAPL, AMZN, AVGO, GOOGL, MSFT, and META.²⁶

For the same time period, ISE also indicated that weeklies comprised 52% of the total volume of option contracts (compared to 34%, 2%, and 12% for monthlies, quarterlies, and LEAPS, respectively).²⁷ The Exchange believes that inner weeklies (first two weeks) represent high volume as compared to outer weeklies (the last three weeks) and would be more attractive to market participants. In particular, ISE looked at the average daily contracts traded in options that met the criteria for a Qualifying Security. Specifically, for each of the Sample Qualifying Securities, ISE looked at pre-close movements between 3:30 and 4:00 p.m. Eastern Time (“ET”) as well as post-close movements between 4:00 and 5:30 p.m. ET. ISE presented data presenting the number of trading days with at least one strike break post close (comparing

4:00 p.m. ET to 5:30 p.m. ET) from 2022 through 2024 for the Sample Qualifying Securities and SPY, QQQ, and IWM.²⁸ ISE further presented data referencing average annualized closing volatilities (as measured by the standard deviation of 30 seconds returns over the last 30 minutes of trading) for the Sample Qualifying Securities from 2022 through 2024, which data showed that the Sample Qualifying Securities had an averaged annualized closing volatility of generally less than 20%.²⁹ This data demonstrated that the Sample Qualifying Securities are generally more volatile at the close than SPY, QQQ, and IWM.

Given that these are individual stocks it is reasonable to expect that they have idiosyncratic characteristics (increasing their volatility) relative to broad based Fund Shares like SPY, QQQ and IWM. None, however, are demonstrating average returns that are more than

double that of IWM. Moreover, on Mondays and Wednesdays, the ISE data demonstrates that the Sample Qualifying Securities do not show any excessive propensity to penetrate³⁰ strikes post close (4:00 p.m.–5:30 p.m. ET) in comparison to SPY, QQQ and IWM. Consequently, the burden of American-style option³¹ exercise management on investors is not overwhelming relative to SPY, QQQ and IWM which have the largest retail participation based on volume in the industry.

ISE also reviewed the number of strike breaks for calendar years 2022 through 2025 for the Sample Qualifying Securities between 4:00 p.m. and 5:30 p.m. ET to find the maximum³² number of strike breaks³³ as well as the mean³⁴ of the number of strike breaks as evidenced in the tables below:

MONDAY, NON-EARNINGS ANNOUNCEMENT CHARTS

Security	Number of days with strike break through on non-earnings announcement Mondays (4:00 p.m. ET–5:30 p.m. ET)	Max (strikes moved through on non-earnings announcement Mondays from 4:00 p.m. to 9:30 a.m. next day) when strikes are penetrated from 4:00–5:30 p.m. ET	Max (percentage move overnight on non-earnings announcement Mondays when there is a strike break from 4:00 p.m. to 5:30 p.m. ET)	Mean strikes moved through on a non-earnings announcement Monday when there is an instance of move through (from 4:00 p.m. to 5:30 p.m. on a non-earnings announcement Monday)
2022				
AAPL	1	2.33	1.63	2.33
AMZN	9	14.10	4.32	4.94
AVGO	3	2.76	1.36	1.80
FB	1	6.28	8.00	6.28
GOOGL	9	22.86	5.13	5.96
IWM	4	2.04	1.02	0.84
MSFT	0	N/A	N/A	N/A
NVDA	1	0.21	0.24	0.21
QQQ	4	5.30	1.81	2.31
SPY	7	8.33	2.27	2.68
TSLA	3	4.33	3.21	3.09
XLF	4	0.98	1.24	0.56
2023				
AAPL	0	N/A	N/A	N/A
AMZN	0	N/A	N/A	N/A
AVGO	6	5.18	2.03	3.24
GOOGL	1	2.78	1.02	2.78
IWM	0	N/A	N/A	N/A
META	1	0.18	0.15	0.18
MSFT	0	N/A	N/A	N/A
NVDA	1	3.24	1.85	3.24
QQQ	0	N/A	N/A	N/A
SPY	1	2.21	0.52	2.21
TSLA	1	0.66	0.46	0.66
XLF	0	N/A	N/A	N/A
2024				
AAPL	0	N/A	N/A	N/A

²⁶ See ISE Amendment No. 1 at 31720.

²⁷ ISE based this on industry volume in terms of overall contracts based on information sourced from OCC for all 18 options markets from February 11, 2024 to February 11, 2025. See *id.* (Table 2).

²⁸ See ISE Amendment No. 1 at 31721 (Table 3).

²⁹ See ISE Amendment No. 1 at 31721 (Table 4).

³⁰ For purposes of this rule change, “penetrating a strike” refers to the underlying asset’s price

moving beyond the designated strike price of an option contract.

³¹ The term “American-style option” means an options contract that, subject to the provisions of Rule 23.1 (relating to the cutoff time for exercise instructions) and to OCC Rules, can be exercised on any business day prior to its expiration date and on its expiration date. See Rule 16.1 (definition of “American-style option”).

³² The term “maximum” refers to the largest instance of strike breaks measured as the number

of strikes crossed by the underlying security from the 4:00 p.m. ET closing price to the 9:30 a.m. ET opening price.

³³ A strike break is the existence of a strike between the closing price and the opening price on the following day when there has been a penetration of a strike post-close.

³⁴ The term “mean” refers to the average number of strike breaks when there has been a penetration of a strike post-close.

MONDAY, NON-EARNINGS ANNOUNCEMENT CHARTS—Continued

Security	Number of days with strike break through on non-earnings announcement Mondays (4:00 p.m. ET–5:30 p.m. ET)	Max (strikes moved through on non-earnings announcement Mondays from 4:00 p.m. to 9:30 a.m. next day) when strikes are penetrated from 4:00–5:30 p.m. ET	Max (percentage move overnight on non-earnings announcement Mondays when there is a strike break from 4:00 p.m. to 5:30 p.m. ET)	Mean strikes moved through on a non-earnings announcement Monday when there is an instance of move through (from 4:00 p.m. to 5:30 p.m. on a non-earnings announcement Monday)
AMZN	0	N/A	N/A	N/A
AVGO	9	6.50	2.10	1.99
GOOGL	0	N/A	N/A	N/A
IWM	2	0.74	0.36	0.5
META	3	1.31	0.68	0.78
MSFT	1	1.94	1.22	1.94
NVDA	6	7.42	3.44	5.24
QQQ	2	2.35	0.54	1.62
SPY	1	2.2	0.43	2.2
TSLA	3	5.19	2.80	3.40
XLF	1	0.5	0.59	0.5

2025 *

AAPL	0	N/A	N/A	N/A
AMZN	0	N/A	N/A	N/A
AVGO	4	13.95	9.05	4.63
GOOGL	1	0.00	0.01	0.00
IWM	1	0.22	0.10	0.22
META	2	1.91	0.69	1.23
MSFT	1	0.18	0.12	0.18
NVDA	5	6.16	6.31	2.72
QQQ	4	14.73	3.48	5.37
SPY	5	17.62	3.49	4.86
TSLA	3	4.35	2.81	2.38
XLF	0	N/A	N/A	N/A

* With respect to GOOGL, it had a strike break post-close but mean reverted to the closing price by the open the next day.

ISE further reviewed the number of strike breaks for calendar years 2022 through 2025 for the Sample Qualifying Securities,³⁵ excluding Wednesdays,³⁶ for scheduled Earnings Announcements between 4:00 p.m. and 5:30 p.m. ET to find the maximum number of strike breaks as well as the mean of the number of strike breaks as evidenced in the tables below:

WEDNESDAY, NON-EARNINGS ANNOUNCEMENT CHARTS

Security	Number of days with strike break through on non-earnings announcement Wednesdays (4:00 p.m. ET–5:30 p.m. ET)	Max (strikes moved through on non-earnings announcement Wednesdays from 4:00 p.m. to 9:30 a.m. next day) when strikes are penetrated from 4:00–5:30 p.m. ET	Max (percentage move overnight on non-earnings announcement Wednesdays when there is a strike break from 4:00 p.m. to 5:30 p.m. ET)	Mean strikes moved through on a non-earnings announcement Wednesday when there is an instance of move through (from 4:00 p.m. to 5:30 p.m. on a non-earnings announcement Wednesday)

2022

AAPL	0	N/A	N/A	N/A
AMZN	14	35.50	5.89	8.35
AVGO	9	4.85	2.13	2.07
FB	2	31.20	24.15	21.22
GOOGL	10	8.73	1.86	4.22
IWM	7	3.71	1.80	2.07
MSFT	2	1.54	1.23	1.14
NVDA	6	8.88	6.20	5.05
QQQ	10	10.75	3.26	4.39
SPY	9	10.94	2.59	4.47
TSLA	8	12.73	8.33	3.45
XLF	6	0.84	1.04	0.42

2023

AAPL	1	1.08	1.61	1.08
AMZN	3	5.30	5.04	3.05
AVGO	11	10.31	2.94	2.64
FB	6	7.32	5.35	3.59
GOOGL	2	1.09	0.63	0.87
IWM	1	1.70	1.45	1.70
MSFT	2	3.67	2.92	3.00
NVDA	3	4.20	2.48	2.06
QQQ	6	7.59	2.29	4.38
SPY	5	4.08	0.99	2.63

³⁵ Of note, not all Sample Qualifying Securities had Earnings Announcements on a Wednesday.

³⁶ There were no Earnings Announcements on Mondays for the Sample Qualifying Securities.

WEDNESDAY, NON-EARNINGS ANNOUNCEMENT CHARTS—Continued

Security	Number of days with strike break through on non-earnings announcement Wednesday (4:00 p.m. ET–5:30 p.m. ET)	Max (strikes moved through on non-earnings announcement Wednesday from 4:00 p.m. to 9:30 a.m. next day) when strikes are penetrated from 4:00–5:30 p.m. ET	Max (percentage move overnight on non-earnings announcement Wednesday when there is a strike break from 4:00 p.m. to 5:30 p.m. ET)	Mean strikes moved through on a non-earnings announcement Wednesday when there is an instance of move through (from 4:00 p.m. to 5:30 p.m. on a non-earnings announcement Wednesday)
TSLA	4	6.39	7.88	2.50
XLF	1	0.12	0.19	0.12
2024				
AAPL	0	N/A	N/A	N/A
AMZN	1	2.77	3.92	2.77
AVGO	15	10.85	4.42	3.71
GOOGL	3	3.20	5.03	2.86
IWM	1	2.22	1.02	2.22
META	5	5.52	2.56	2.66
MSFT	2	6.09	3.72	4.11
NVDA	15	8.32	3.32	2.82
QQQ	16	11.16	2.37	4.16
SPY	7	9.67	1.72	4.79
TSLA	1	1.70	2.06	1.70
XLF	0	N/A	N/A	N/A
2025				
AAPL	1	7.36	8.21	7.36
AMZN	1	5.20	6.64	5.20
AVGO	5	11.45	6.65	6.19
GOOGL	1	2.38	3.79	2.38
IWM	2	9.52	4.70	7.39
META	3	15.55	6.66	7.17
MSFT	2	3.35	2.14	1.90
NVDA	4	6.91	6.26	2.56
QQQ	7	19.87	4.17	7.22
SPY	5	19.45	3.45	8.35
TSLA	1	7.03	6.21	7.03
XLF	1	3.90	3.89	3.90

Because the Exchange proposes to limit the number of Monday and Wednesday Qualifying Securities Expirations to two expirations beyond the current week, the Exchange believes that the addition of these Monday and Wednesday Qualifying Securities Expirations should encourage Market Makers to continue to deploy capital more efficiently and improve displayed market quality.³⁷ Utilizing the Sample Qualifying Securities as a proxy, ISE determined the marginal increase in the number of occurrences of strike breaks in 2024 would be 66 with the addition of these expirations. Further, there would be a marginal increase of 22 instances of strike breaks in 2024 on Monday expiries after regular trading hours, and a marginal increase of 44 instances of strike breaks in 2024 on Wednesday expiries without Earnings Announcements after regular trading hours.

Similar to SPY, QQQ and IWM Monday and Wednesday Expirations, the introduction of Monday and

Wednesday Qualifying Securities Expirations will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that the proposal would permit only the most liquid securities to have the additional Monday and Wednesday Qualifying Security Expirations. The Exchange believes that offering these additional expiries in the Qualifying Securities would permit Market Makers and other market participants to precisely hedge their positions in the underlying security with the additional expiries in lieu of hedging only with Friday expirations.

Finally, the Exchange considered ISE's analysis of the impact of a market participant's propensity to rationally exercise outstanding options contracts by the tender of an exercise notice ("Contrary Exercise Advice").³⁸

³⁸ A Contrary Exercise Advice may be exercised during the time period specified in OCC Rules by the tender to OCC of an exercise notice in accordance with OCC Rules. An exercise notice may be tendered to OCC only by the Clearing Member in whose account such options contract is carried with OCC. Option Members may establish fixed procedures as to the latest time they will accept exercise instructions from customers. See

Specifically, ISE examined SPY data from April 2, 2025 (a day where there was a significant drop after the close).³⁹ On April 2, 2025, SPY settled at 4:00 p.m. at \$564.52.⁴⁰ At 5:00 p.m., SPY was trading at \$552.42.⁴¹ Every call option with a April 2, 2025 expiration date and a strike price below \$564 was automatically exercised by OCC, unless OCC received Contrary Exercise Advices

Rule 23.1. Option holders have until 5:30 p.m. ET on the business day of expiration, or, in the case of a standardized equity option expiring on a day that is not a business day, on the business day immediately prior to the expiration date to make a final exercise decision to exercise or not exercise an expiring option. Option Members may not accept exercise instructions for customer or non-customer accounts after 5:30 p.m. ET. See FINRA Rule 2360(a)(23)(A)(iii). A Contrary Exercise Advice is a form approved by the national options exchanges, FINRA or OCC for use by a member to submit a final exercise decision committing an options holder to either: (1) not exercise an option position which would automatically be exercised pursuant to OCC's Ex-by-Ex procedure; or (2) to exercise a standardized equity option position which would not automatically be exercised pursuant to OCC's Ex-by-Ex procedure. See FINRA Rule 2360(a)(23)(A)(iv).

³⁹ On April 2, 2025, President Trump announced a series of tariffs on imports, which he called "Liberation Day." This news impacted markets generally.

⁴⁰ ISE obtained this data from OCC upon request.

⁴¹ See ISE Amendment No. 1 at 31725.

³⁷ The term Market Makers includes Designated Primary Market Makers ("DPMs") and Preferred Market Makers ("PMMs."). Each Market Maker is required to quote a specified time in their assigned options series. See Rule 22.6.

from a market participant.⁴² ISE obtained the amount of long⁴³ open interest in the customer or “C” range⁴⁴ at OCC starting at the close of the prior trading day and added customer long activity that executed on April 2, 2025 to that figure. Next, ISE subtracted the

liquidating activity for customers and examined the quantity of Contrary Exercise Advices received by OCC on April 2, 2025 and compared that figure to the number of customers that did not abandon their calls rationally relative to the number of customers who entered

into options contracts. The data in the tables below (which should be read together) applies to calls in SPY in the customer range at OCC for expiration date April 2, 2025.

OPEN INTEREST

Strike	Longs held on 4/1/2025	Buys to open or expand a position	Aggregate longs held	Open contracts at EOD that are eligible for auto-ex on April 2, 2025 EOD
553	104	265	369	45
554	340	795	1,135	258
555	2,240	4,135	6,375	238
556	619	5,582	6,201	142
557	582	9,235	9,817	52
558	587	14,683	15,270	72
559	705	22,931	23,636	70
560	2,218	49,336	51,554	316
561	2,284	55,318	57,602	1,014
562	1,941	67,057	68,998	55
563	1,339	83,871	85,210	87
564	1,222	78,612	79,834	533

LIQUIDATING ACTIVITY

Strike	Aggregate liquidation of longs	Liquidation ratio (%)	Contracts where abandon instructions were issued	Unabandoned and unliquidated contracts (auto-exercised by OCC)	Contracts unabandoned or unliquidated as a of total long contracts held during the day	Percentage of unabandoned and unliquidated contracts as compared to open contracts
553	324	87.80	22	23	6.23	51.11
554	877	77.27	187	71	6.26	27.52
555	6,137	96.27	53	185	2.90	77.73
556	6,059	97.71	88	54	0.87	38.03
557	9,765	99.47	2	50	0.51	96.15
558	15,198	99.53	49	23	0.15	31.94
559	23,566	99.70	26	44	0.19	62.86
560	51,238	99.39	240	76	0.15	24.05
561	56,588	98.24	994	20	0.03	1.97
562	68,943	99.92	16	39	0.06	70.91
563	85,123	99.90	25	62	0.07	71.26
564	79,301	99.33	467	66	0.08	12.38

This data aggregated by ISE indicates⁴⁵ that the vast majority of open contracts (over 90%) were liquidated by customers prior to the close. Of the remaining open contracts, a substantial portion were rationally abandoned. In considering what constitutes rational activity on the part of a market participant in determining whether to exercise, especially in the strike near the 5:00 p.m. price, it must be taken into consideration that some market participants may elect to hold a contract given the illiquidity of the time

period, and the desire for long exposure despite a trade price that may be lower. In other words, it cannot be assumed that customers are unaware of the market conditions for SPY after the close on April 2, 2025, or their ability to liquidate. Also, it cannot be assumed that the customer would always liquidate in these circumstances. In reviewing the above tables together, customers with calls in SPY on April 2, 2025 had a very high liquidation ratio which is evidenced by comparing the unabandoned contracts to the entire

pool of long contracts throughout the day. Finally, the amount of unliquidated and unabandoned call contracts in the above table represents a de-minimis amount (less than 1%) when considering that SPY trades millions of contracts each day.

ISE also examined the out-of-the-money or “OTM” activity on the puts in SPY on April 2, 2025 for customers. The data in the below tables (which should be read together) applies to puts⁴⁶ in SPY in the customer range at OCC for expiration date April 2, 2025.

⁴² See *id.*

⁴³ The term “long position” means a person’s interest as the holder of one or more options contracts. See Rule 16.1 (definition of “long position”).

⁴⁴ The “C” range at OCC includes customer transactions, professional transactions and

transactions executed by broker-dealers that are not affiliated with a clearing member that clear in the “C” range at OCC.

⁴⁵ See ISE Amendment No. 1 at 31725 (Tables 7 and 8).

⁴⁶ The term “put” means an options contract under which the holder of the option has the right,

in accordance with the terms and provisions of the option and the Rules of the OCC, to sell to the Clearing Corporation the number of units of the underlying security covered by the options contract, at a price per unit equal to the exercise price, upon the timely exercise of such option. See Rule 16.1 (definition of “put”).

OTM OPEN INTEREST

Strike	Longs held on 4/1/2025	Buys to open or expand a position on 4/2/2025	Aggregate longs held on 4/2/2025	Open contracts at EOD on 4/2 that are eligible for OTM exercise
553	2,008	17,807	19,815	1,992
554	3,575	23,220	26,795	2,459
555	6,271	67,698	73,969	5,009
556	3,177	37,457	40,634	2,648
557	3,094	47,699	50,793	1,573
558	3,091	66,130	69,221	7,063
559	2,492	82,114	84,606	16,366
560	3,382	118,564	121,946	17,481
561	1,707	76,970	78,677	5,660
562	435	75,447	75,882	6,552
563	581	75,463	76,044	6,522
564	399	50,724	51,123	197

OTM LIQUIDATING ACTIVITY

Strike	Aggregate liquidation of longs	Liquidation ratio (%)	Contracts where OTM exercise instructions were received by OCC	Puts where no OTM exercise instructions were given	Contracts not exercised as a % of long contracts held throughout the day	Percentage of put contracts where no OTM exercise instructions were given
553	17,823	89.95	833	1,159	5.85	58.18
554	24,336	90.82	791	1,668	6.23	67.83
555	68,960	93.23	1,436	3,573	4.83	71.33
556	37,986	93.48	1,170	1,478	3.64	55.82
557	49,220	96.90	557	1,016	2.00	64.59
558	62,158	89.80	3,064	3,999	5.78	56.62
559	68,240	80.66	15,642	724	0.86	4.42
560	104,465	85.66	16,745	736	0.60	4.21
561	73,017	92.81	5,415	245	0.31	4.33
562	69,330	91.37	6,436	116	0.15	1.77
563	69,522	91.42	6,443	79	0.10	1.21
564	50,926	99.61	180	17	0.03	8.63

With respect to this put data for SPY on April 2, 2025 gathered by ISE,⁴⁷ it can be observed that out-of-the-money options were either liquidated or exercised. Only a small percentage of options went unexercised. Additionally, it can be observed that very few puts remained unexercised at the higher strikes where opportunity for profit and less risk exists. This is in contrast to puts on lower strikes where opportunity for profit relative to the risk of the short is greater. In particular, with respect to the risk exposure of put writers, the exposure to an event similar to April 2, 2025 for the proposed Wednesday expirations would be substantially similar to the current risk that a put writer is exposed to with Friday expirations. In other words, the day of the expiry does not increase or decrease the amount of risk of a put writer, but for the premium difference. Additionally, the Exchange believes that since the rational abandonment and out-of-the-money exercise rates were so high, as evidenced in the above tables,

it is clear that customers are largely aware of the exposure between 4:00 and 5:00 p.m. ET and therefore, the risk from the unliquidated position is undertaken knowingly.

In determining the rational in-the-money abandonment or out-of-the-money exercise, ISE indicated it elected not to consider the amount of contracts rationally exercised/abandoned divided by the amount of open contracts at the end of the day. ISE indicated that it believed that this data point fails to consider the outsized amount of liquidation customers undertake prior to the Contrary Exercise Window.⁴⁸ In other words, the amount of liquidations taken by customers prior to the Contrary Exercise Window is evidence that

market participants are informed and electing to accept a premium in lieu of the potential to maximize the value of their option in the Contrary Exercise Window. ISE observed that the amount of open contracts in these options is de minimis and, therefore, any evidence of an option trader's failure to act rationally would skew the percentage in such a way to exaggerate the perception of the risk averting behaviors. For example, taken to an extreme, if three contracts are left open in an option that trades over 100,000 in a given day, and two options are not rationally exercised this would amount to 66.6% of non-rationally exercised/abandoned contracts. In this example, three options are not rationally exercised out of the three open contracts or 100%, which comparison did not yield a result that was insightful. For this reason, ISE indicated it opted to compare the amount of irrational failures to exercise/abandon to the total amount of contracts that were open during that trading day. The Exchange believes ISE's method of comparison provides a better risk determination.

⁴⁷ See ISE Amendment No. 1 at 31726–31727 (Tables 9 and 10).

⁴⁸ A “Contrary Exercise Window” refers to a specific timeframe during which an options holder can submit a Contrary Exercise Advice. Option holders who hold expiring options have until 5:30 p.m. ET on the day of expiration to make a final exercise decision to exercise or not exercise the option. Option Members may establish an earlier time to accept exercise instructions for customer or non-customer accounts (typically by 5:00 p.m. ET) but may not accept instructions after 5:30 p.m. ET. See <https://www.finra.org/rules-guidance/notices/information-notice-020321>.

The Options Disclosure Document (“ODD”) notes the risks of option exercises:

To exercise an option that is not subject to automatic exercise, the holder must direct his brokerage firm to give exercise instructions to OCC. In order to ensure that an option is exercised on a particular day, the holder must direct his brokerage firm to exercise before the firm’s cut-off time for accepting exercise instructions for that day. Different firms may have different cut-off times for accepting exercise instructions from customers, and those cut-off times may be different for different options.

A brokerage firm’s cut-off time for accepting exercise instructions becomes critical on the last trading day before an option expires. An option that expires unexercised becomes worthless. An option holder who intends to exercise an option before expiration must give exercise instructions to his brokerage firm before the firm’s cut-off time for accepting exercise instructions on the last trading day before expiration. If the expiration date of an option falls on a day on which an options market is open for trading in that option, a brokerage firm’s last cut-off time for accepting exercise instructions prior to the option’s expiration may be on the expiration date. Investors should be aware of their brokerage firm’s policies in this regard. Many brokerage firms accept standing instructions to exercise, or have procedures for the exercise of, every option which is in the money by a specified amount at expiration. These procedures often incorporate by reference OCC’s administrative procedures that provide for the exercise of every option that is in the money by a specified amount at expiration unless the Clearing Firm carrying the option in its accounts instructs OCC not to exercise the option. Investors should determine from their brokerage firm the applicable cut-off times, the firm’s procedures for submitting exercise instructions, and whether any of their options are subject to automatic exercise. Investors should also determine whether the exercise of their options is subject to standing instructions of their brokerage firm, and, if so, they should discuss with the firm the potential consequences of such instructions.⁴⁹

Market participants that elect to transact in options should receive a copy of the ODD from their broker-dealer.⁵⁰ The ODD explains the risks inherent in options trading.⁵¹ Broker-dealers must have a reasonable basis to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer.⁵² Suitability rules are

intended to distinguish the trading of customers with those of professional traders who are likely to have distinct risk/reward profiles, risk tolerance and capital.

Finally, the Exchange believes there is general demand for alternative expirations in Monday and Wednesday Qualifying Securities Expirations. ISE calculated the percentage of SPY options volume, from 2018 to 2025, versus the number of days until expiration, which demonstrated a clear preference for shorter-dated options trading.⁵³

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁵⁴ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁵⁵ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁵⁶ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, similar to Monday expirations in SPY, QQQ, and IWM, the proposal to permit Monday and Wednesday Qualifying Security Expirations, subject to the proposed limitation of two expirations beyond the current week, would protect investors and the public interest by providing the investing public and other market participants more choice and flexibility to closely tailor their investment and hedging decisions in these options and allow for a reduced premium cost of buying portfolio protection, thus allowing them to better manage their risk exposure. The Exchange believes that the proposed criteria for Qualifying Securities requires individual stocks

and Fund Shares to be highly liquid. A market capitalization measured on the last day of the prior calendar quarter based on the closing price of the underlying, of greater than 700 billion dollars for an individual stock, or AUM of 50 billion dollars for a Fund Share, in conjunction with the monthly options volume requirement of greater than 10 million options as measured by sides traded in the last month preceding the quarter end, is very restrictive. This requirement represents substantially less than 1% of individual stocks (only eight individual stocks existed as of January 1, 2025) and substantially less than 1% of Fund Shares (only seven Fund Shares existed as of January 1, 2025, of which five are eligible pursuant to Rule 19.6, Interpretation and Policy .05(h), Table 1 to trade additional expiries) traded.⁵⁷ Therefore, an individual stock or Fund Share that meets the aforementioned market capitalization and volume requirements are highly liquid and could be viewed as stable securities. Data gathered by ISE regarding the average daily options contracts traded compared to the average closing volatility in the last 30 minutes of the trading day⁵⁸ demonstrated a very low average realized volatility experienced by the Sample Qualifying Securities in the last 30 minutes of trading before the close in 2024 as compared to any security that traded an average of more than 100 options contracts per day.

The Exchange notes that with respect to position limits, Rule 18.7 provides that Options Members will be subject to position limits fixed by the Cboe Exchange, Inc. (“Cboe Options”). Cboe Options Rule 8.30, Interpretation and Policy .02(e) provides, that “[t]o be eligible for the 250,000 contract limit, either the most recent six-month trading volume of the underlying security must have totaled at least 100 million shares; or the most recent six-month trading volume of the underlying security must have totaled at least 75,000,000 shares and the underlying security must have at least 300,000,000 shares currently outstanding.” The 250,000 contract position limit is the highest position limit by Exchange rule. Options that qualify for the 250,000 position (and exercise) limit are highly liquid securities that have met the stringent requirements noted in Cboe Options Rule 8.30, Interpretation and Policy .02 to qualify for the highest position limit.

⁴⁹ The “How to Exercise” section in the ODD describes how to utilize the Contrary Exercise Advice. See <https://www.theocc.com/getmedia/a151a9ae-d784-4a15-bdeb-23a029f50b70/riskstoc.pdf>.

⁵⁰ See FINRA Rule 2360(b)(16)(A).

⁵¹ See generally <https://www.theocc.com/company-information/documents-and-archives/options-disclosure-document>.

⁵² See FINRA Rule 2111.

⁵³ See ISE Amendment No. 1 at 31728 (Table 11).

⁵⁴ 15 U.S.C. 78f(b).

⁵⁵ 15 U.S.C. 78f(b)(5).

⁵⁶ *Id.*

⁵⁷ As of January 15, 2026, the other two Fund Shares would be eligible to trade additional expiries pursuant to the proposed rule change.

⁵⁸ See ISE Amendment No. 1 at 31729 (Table 7).

Finally, a Qualifying Security must participate in the Penny Interval Program. In order to qualify for the Penny Interval Program, an options class must be among the 300 most actively traded multiply listed option classes overlying securities priced below \$200.⁵⁹ The most actively traded options classes are included in the Penny Interval Program based on certain objective criteria (trading volume thresholds and initial price tests).

The number of individual stocks currently meeting all four criteria for a Qualifying Security was eight, and the number of Fund Shares currently meeting all four criteria for a Qualifying Security that do not already have Monday and Wednesday expirations was one, as of June 27, 2025. Both totals represent less than 0.2% of all securities with options listed. The Exchange believes that since individual stocks are the dominant constituents of the broad-based indexes (e.g., S&P 500 Index and Nasdaq-100 Index), the improvement in price transparency brought about by Monday and Wednesday trading will offer Market Makers and investors better volatility pricing which will inform trading on the related products to these indexes. The Exchange believes that the proposed criteria for Qualifying Securities is consistent with the protection of investors and the general public because the criteria targets the most liquid individual stocks and Fund Shares.

The Exchange would not list an expiry on a Qualifying Security on a day where there will be an Earnings Announcement that takes place after market close to avoid post-close price volatility that may arise from the Earnings Announcement and which may impact exercise and/or assignment decisions.

Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list Monday and Wednesday expiries in the following quarter, although the Qualifying Security would potentially have two weeks of strikes already listed which will persist. These remaining listings could continue to be traded until they expire.

With this proposal, overall, the Exchange would add a small number of Monday and Wednesday Qualifying Security Expirations by limiting the addition of two Monday expirations and two Wednesday expirations beyond the current week. The addition of Monday

and Wednesday Qualifying Security Expirations would remove impediments to and perfect the mechanism of a free and open market by encouraging Market Makers to continue to deploy capital more efficiently and improve displayed market quality.⁶⁰ The Exchange believes that the proposal will allow Option Members to expand hedging tools and tailor their investment and hedging needs more effectively in Qualifying Securities as these funds are most likely to be utilized by market participants to hedge the underlying asset classes.

Similar to SPY, QQQ, and IWM Monday and Wednesday Expirations, the introduction of Monday and Wednesday Qualifying Security Expirations is consistent with the Act as it will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday and Wednesday Qualifying Security Expirations will allow market participants to purchase options on Qualifying Securities based on their timing as needed and allow them to tailor their investment and hedging needs more effectively, thus allowing them to better manage their risk exposure. Today, the Exchange lists other Monday and Wednesday expirations.⁶¹

In particular, the Exchange believes the Short Term Option Series Program has been successful to date and that Monday and Wednesday Qualifying Security Expirations should simply expand the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way that the Short Term Option Series Program has expanded the landscape of hedging.

There are no material differences in the treatment of SPY, QQQ and IWM Monday and Wednesday Expirations compared to the proposed Monday and Wednesday Qualifying Security Expirations. Given the similarities between SPY, QQQ and IWM Monday and Wednesday Expirations and the proposed Monday and Wednesday Qualifying Security Expirations, the Exchange believes that applying the provisions in 19.6, Interpretation and Policy .05(h) that currently apply to SPY, QQQ and IWM Monday and Wednesday Expirations is justified.

The data gathered by ISE in the tables above related to calls in SPY on April

2, 2025,⁶² indicates that the vast majority of open contracts (over 90%) were liquidated by customers prior to the close. Of the remaining open contracts, a substantial portion were rationally abandoned. In considering what constitutes rational activity on the part of a market participant in determining whether to exercise, especially in the strike near the 5:00 p.m. price, it must be taken into account that some market participants may elect to hold a contract given the illiquidity of the time period, and the desire for long exposure despite a trade price that may be lower. In other words, it cannot be assumed that customers are unaware of the market conditions, or their ability to liquidate. Also, it cannot be assumed that the customer would always liquidate in these circumstances. In reviewing these tables, ISE observed that customers with calls in SPY on April 2, 2025 had a very high liquidation ratio which is evidenced by comparing the unabandoned contracts to the entire pool of long contracts throughout the day. With respect to the put data for SPY on April 2, 2025, ISE observed in the data it gathered as presented above⁶³ that out-of-the-money options were either liquidated or exercised. Only a small percentage of put options went unexercised. Additionally, ISE observed that very few puts remained unexercised at the higher strikes where opportunity for profit and less risk exists. This is in contrast to puts on lower strikes where opportunity for profit relative to the risk of the short is greater. In particular, with respect to the risk exposure of put writers, the exposure to an event similar to April 2, 2025 for the proposed Wednesday expirations would be substantially similar to the current risk that a put writer is exposed to with Friday expirations. In other words, the day of the expiry does not increase or decrease the amount of risk of a put writer, but for the premium difference. Additionally, the Exchange believes that since the rational abandonment and out-of-the-money exercise rates were so high, as evidenced by the data gathered by ISE presented above,⁶⁴ it is clear that customers are largely aware of the exposure between 4:00 and 5:00 p.m. ET and therefore, the risk from the unliquidated position is undertaken knowingly.

Additionally, market participants that elect to utilize options receive a copy of

⁵⁹ See Rule 21.5(e). Each December OCC ranks all multiply listed option classes based on National Cleared Volume for the six full calendar months from June 1 through November 30 for determination of the most actively traded option classes.

⁶⁰ Today, Market Makers are required to quote a specified time in their assigned options series. See Rule 22.6.

⁶¹ See Rule 19.6, Interpretation and Policy .05(h) Table 1.

⁶² See ISE Amendment No. 1 at 31725 (Tables 7 and 8).

⁶³ See ISE Amendment No. 1 at 31726–31727 (Tables 9 and 10).

⁶⁴ See *id.*

the ODD which explains the risks inherent in options trading. Also, broker-dealers must have a reasonable basis to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer.⁶⁵ Suitability rules are intended to distinguish the trading of customers with those of professional traders who are likely to have distinct risk/reward profiles, risk tolerance and capital. Regardless of whether the account is self-directed or options are being recommended, broker-dealers must perform due diligence on the customer and collect information about the customer to support a determination that options trading is appropriate for the customer. Options accounts are subject to specific supervisory reviews, including, among others, reviewing the compatibility of options transactions with investment objectives and with the types of transactions for which the account was approved, and are subject to other FINRA rules that apply when opening customer accounts, including among others, customer identification requirements under anti-money laundering rules.⁶⁶ Therefore, the Exchange does not believe that listing of up to two Monday and Wednesday expirations for options on certain individual stocks or Fund Shares is inconsistent with the Act.

The Exchange represents that it has the necessary systems capacity to support the new expirations. 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 with Monday and Wednesday expirations, including for any Qualifying Securities, in the same way that it monitors trading the current Short Term Option Series for SPY, QQQ, and IWM with Monday and Wednesday expirations. Finally, the Exchange does not believe that any market disruptions will be encountered with the introduction of these option expirations. As discussed above, the Exchange believes that its proposal is a modest expansion of weekly expiration dates for Monday and Wednesday Qualifying Security Expirations given that it will be limited to two Monday expirations and two Wednesday expirations beyond the current week.

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. 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, but rather will meet customer demand. The Exchange would uniformly apply the Qualifying Security criteria to options in individual stocks and Fund Shares. The Exchange believes that Options Members will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in the Qualifying Securities. All market participants will be treated in the same manner under this proposal.

Similar to SPY, QQQ and IWM Monday and Wednesday Expirations, the introduction of Monday and Wednesday Qualifying Security Expirations does not impose an undue burden on competition. The Exchange believes that it will, among other things, expand the hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday and Wednesday Qualifying Security Expirations will allow market participants to purchase options on Qualifying Securities based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

Further, not adding an expiry for a Qualifying Security on a day where there will be an Earnings Announcement that takes place after market close does not impose an undue burden on competition as the Exchange would uniformly apply this practice to the listing of all Qualifying Securities.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the Commission recently approved a substantively identical rule change of another options exchange.⁶⁷

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁶⁸ and Rule 19b-4(f)(6) thereunder.⁶⁹ Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁷⁰ and subparagraph (f)(6) of Rule 19b-4 thereunder.⁷¹

A proposed rule change filed under Rule 19b-4(f)(6)⁷² normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),⁷³ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing.

According to the Exchange, the proposed rule change is a competitive response to a substantively identical filing submitted by Nasdaq ISE that was recently approved by the Commission.⁷⁴ The Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change as operative upon filing.⁷⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if

⁶⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁶⁹ 17 CFR 240.19b-4(f)(6).

⁷⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

⁷¹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

⁷² 17 CFR 240.19b-4(f)(6).

⁷³ 17 CFR 240.19b-4(f)(6)(iii).

⁷⁴ See *supra* note 6.

⁷⁵ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁶⁵ See FINRA Rule 2111.

⁶⁶ See <https://www.finra.org/rules-guidance/notices/21-15>.

⁶⁷ See ISE Amendment No. 1 and ISE Approval.

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B) ⁷⁶ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGX-2026-003 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-CboeEDGX-2026-003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGX-2026-003 and should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷⁷

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-01377 Filed 1-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104642; File No. SR-FICC-2026-001]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the Schedule of ACS Triparty Trade Timeframes

January 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") ¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 15, 2026, Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. FICC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act ³ and Rule 19b-4(f)(4) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of modifications to the FICC Government Securities Division ("GSD") Rulebook ("Rules") ⁵ to extend the deadline set forth in the Schedule of ACS Triparty Trade Timeframes for (i) substitutions of Purchased ACS Triparty Repo Securities, and (ii) satisfaction of ACS Triparty Collateral Return Obligations and cash payment obligations associated with ACS Triparty Collateral Return Entitlements by ACS Triparty Funds Lenders and ACS Triparty Funds Borrowers.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B,

and C below, of the most significant aspects of such statements.

(A) *Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

FICC is proposing to extend the deadlines set forth in the Schedule of ACS Triparty Trade Timeframes for (i) substitutions of Purchased ACS Triparty Repo Securities, and (ii) satisfaction of ACS Triparty Collateral Return Obligations and cash payment obligations associated with ACS Triparty Collateral Return Entitlements by ACS Triparty Funds Lenders and ACS Triparty Funds Borrowers. The current deadline for these actions is 5:30 p.m., and the proposal would move this deadline to 7:00 p.m. (New York City times).

The proposed later deadline would align these deadlines with the close of the Fedwire Funds Service at the Federal Reserve Bank of New York and would also align with the deadline for full settlement of the Start Leg of the ACS Triparty Trade in order for such ACS Triparty Trade to be Novated on that day, which was recently adopted at 7:00 p.m.⁶

This proposed change would also align these deadlines with the parallel deadlines applicable to Sponsored GC Trades, as set forth in the Schedule of Sponsored GC Trade Timeframes, which were also recently extended to 7:00 p.m.⁷

Implementation Timeframe

FICC would implement the proposed rule change on January 26, 2026.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act requires, in part, that the Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions and to protect investors and the public interest.⁸ FICC believes the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act.

As described above, the proposed rule change would extend the deadline for GSD Members using the ACS Triparty Service to submit substitutions of Purchased ACS Triparty Repo Securities, and satisfy ACS Triparty Collateral Return Obligations and cash payment obligations associated with

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(4).

⁵ Capitalized terms not defined herein are defined in the Rules, available at <http://www.dtcc.com/legal/rules-and-procedures>.

⁶ Securities Exchange Act Release No. 104492 (Dec. 22, 2025), 90 FR 61200 (Dec. 30, 2025) (SR-FICC-2025-021).

⁷ Securities Exchange Act Release No. 104374A (Dec. 12, 2025), 90 FR 59225 (Dec. 18, 2025) (SR-FICC-2025-019).

⁸ 15 U.S.C. 78q-1(b)(3)(F).

⁷⁶ 15 U.S.C. 78s(b)(2)(B).

⁷⁷ 17 CFR 200.30-3(a)(12), (59).

ACS Triparty Collateral Return Entitlements by ACS Triparty Funds Lenders and ACS Triparty Funds Borrowers. By providing users of the ACS Triparty Service with more time to complete these end of day actions, the proposed change would further facilitate the settlement of activity. Therefore, FICC believes that the proposed rule change would help promote the prompt and accurate clearance and settlement of securities transactions, consistent with the requirements of the Act, in particular Section 17A(b)(3)(F) of the Act.⁹

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act¹⁰ requires that the rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the Act. FICC does not believe that the proposed rule change would impose a burden or otherwise have a significant impact on competition. As described above, the proposed rule change would extend the deadlines for Members using the ACS Triparty Service to take certain end of day actions with respect to ACS Triparty Service activity. These extended deadlines would facilitate the settlement of activity and would apply to all Members using this service. Thus, the proposed rule change should not have any competitive impact on Members or their use of FICC's services.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

FICC has not received or solicited any written comments relating to this proposal. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b-4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b-4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, available at www.sec.gov/rules-regulations/how-submit-comment.

submit-comment. General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at tradingandmarkets@sec.gov or 202-551-5777.

FICC reserves the right to not respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹¹ and paragraph (f) of Rule 19b-4 thereunder.¹² At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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 (www.sec.gov/rules/sro.shtml); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-FICC-2026-001 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR-FICC-2026-001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of FICC and on DTCC's website (<https://www.dtcc.com/legal/sec-rule-filings.aspx>). 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-FICC-2026-001 and should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-01373 Filed 1-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104649; File No. SR-NASDAQ-2026-002]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove Restrictions on Certain Crypto Assets

January 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 7, 2026, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II 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 The Nasdaq Options Market LLC's ("NOM") Position Limit Rules and Exercise Limit Rules in connection with the following options overlying Exchange-Traded Fund Shares: iShares Bitcoin Trust ETF, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, the Bitwise Bitcoin ETF, Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/>

⁹ *Id.*

¹⁰ 15 U.S.C. 78q-1(b)(3)(I).

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f).

¹³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

rulebook/nasdaq/rulefilings, 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 Exchange 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 these 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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NOM proposes to amend Options 9, Section 13, Position Limits; and Options 9, Section 15, Exercise Limits in connection with the following options overlying Exchange-Traded Fund Shares: iShares Bitcoin Trust ETF, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, the Bitwise Bitcoin ETF, Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust (collectively "the Crypto Assets"). Each change will be described below.

Background

On October 27, 2025, Nasdaq ISE, LLC's ("ISE") proposal to permit certain options on Exchange-Traded Fund Shares that meet certain generic requirements to be listed as a Commodity-Based Trust was deemed approved.³ NOM's Options 4 Listing Rules are incorporated by reference to ISE. As amended, Options 4, Section 3(h)(vi) specifies that NOM may list and trade interests in a Commodity-Based Trust that meet the generic criteria of The Nasdaq Stock Market LLC Rule 5711(d) provided the trust holds a single crypto asset.⁴ Further, a Commodity-

Based Trust that meets the requirements of Options 4, Section 3(h)(vi) must also satisfy the following requirements: (A) the total global supply of the underlying crypto asset held by the Commodity-Based Trust has an average daily market value of at least \$700 million over the last 12 months; and (B) the crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group.

Any option approved pursuant to Options 4, Section 3(h)(vi) is subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15. The Crypto Assets all qualify for listing pursuant to Options 4, Section 3(h)(vi). As such, similar to other options listed pursuant to Options 4, Section 3(h)(vi), the Crypto Assets should be subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15.

Proposal

NOM proposes to remove the 25,000 position and exercise limit restrictions for Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust from Options 9, Sections 13 and 15.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁵ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁶ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirement that

the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to permit the Crypto Assets, which qualify for listing pursuant to Options 4, Section 3(h)(vi), to be subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15 similar to all other options is consistent with the Act as this treatment promotes just and equitable principles of trade.

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.

The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because the Crypto Assets that qualify to be listed pursuant to Options 4, Section 3(h)(vi) would be treated similar to all other options for purposes of position and exercise limits.

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition as the proposal is not competitive in nature. The Exchange expects that all option exchanges will adopt substantively similar proposals, such that the Exchange's proposal would benefit competition. For these reasons, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section

³ See Securities Exchange Act Release No. 104210 (November 21, 2025), 90 FR 52727 (November 21, 2025) (SR-ISE-2025-08). See also <https://www.nasdaqtrader.com/MicroNews.aspx?id=OTA2025-48>.

⁴ The term "crypto asset" means an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network including, but not limited to, assets known as "tokens," "digital assets," "virtual currencies,"

and "coins" and that rely on cryptographic protocols. See Options 4, Section 3(h)(3).

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ 15 U.S.C. 78(f)(b)(5).

19(b)(3)(A)(iii) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹

A proposed rule change filed under Rule 19b-4(f)(6)¹⁰ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹¹ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the operative delay will allow the Exchange to treat Crypto Assets in the same manner as all other options that qualify for listing pursuant to Options 4, Section 3(h)(vi). The Exchange also states that the proposal does not significantly affect the protection of investors or the public interest because any Crypto Asset that qualifies for listing pursuant to Options 4, Section 3(h)(vi) is subject to the position and exercise limits set forth in Options 9, Sections 13 and 15. For these reasons, and because the proposal does not raise new or novel regulatory issues, the Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.¹²

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹³ of the Act to determine whether the proposed rule change should be approved or disapproved.

⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁰ 17 CFR 240.19b-4(f)(6).

¹¹ 17 CFR 240.19b-4(f)(6)(iii).

¹² For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹³ 15 U.S.C. 78s(b)(2)(B).

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-NASDAQ-2026-002 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-NASDAQ-2026-002. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NASDAQ-2026-002 and should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-01380 Filed 1-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104639; File No. SR-ICC-2026-001]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to ICC's New Initiatives Approval Policy and Procedural Framework

January 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 9, 2026, ICE Clear Credit LLC ("ICC" or "ICE Clear Credit") filed with the Securities and Exchange Commission the proposed rule change, security-based swap submission, or advance notice as described in Items I, II and III below, which Items have been primarily prepared by ICC. ICC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act³ and paragraph (f)(3) of Rule 19b-4⁴ thereunder, such that the proposed rule change was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, security-based swap submission, or aCdvance notice from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to revise the New Initiatives Approval Policy and Procedural Framework ("NIA Policy"). These revisions do not require any changes to the ICC Clearing Rules (the "Rules").⁵

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change, security-based swap submission, or advance notice and discussed any comments it received on the proposed rule change, security-based swap submission, or advance notice. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(3).

⁵ ICC's Rules are available on its public website: https://www.ice.com/publicdocs/clear_credit/ICE_Clear_Credit_Rules.pdf.

¹⁴ 17 CFR 200.30-3(a)(12) and (59).

summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICC proposes revising its NIA Policy, which sets forth ICC's policies and procedures for the review and approval of certain new initiatives to be offered or implemented by ICC ("New Initiatives"). The NIA Policy also describes the role of the New Initiative Approval Committee ("NIAC"), which is the group responsible for the identification, review and approval of New Initiatives. ICC proposes revisions to the NIA Policy to update the membership of the NIAC and make other minor clarification or clean-up changes. ICC believes the proposed revisions will facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible. ICC will not make the changes effective until all required regulatory actions are completed.⁶ The proposed rule change is described as follows.

NIA Policy Overview

The NIA Policy sets forth ICC's policies and procedures for the review and approval of New Initiatives, including the role of the NIAC. Projects meeting certain criteria are considered New Initiatives and require NIAC approval prior to launch. These include projects involving (1) new and material modifications to the risk and/or pricing methodology; (2) potential significant changes to the processing system, Rules, and/or clearing operating procedures; (3) new and material modifications to existing and significant capabilities provided by ICC to operate the clearing house or enable its Clearing Participants ("Participants") or their clients to clear trades and manage and price their cleared portfolios; or (4) certain material model changes under ICC's Model Validation Framework.⁷ The NIAC is responsible for the identification, review and approval of New Initiatives and is composed of the President, Chief Risk Officer ("CRO"), Head of Corporate Development, General Counsel, Chief

Compliance Officer, Chief Operating Officer, Regional CRO—North American Clearinghouses, Manager of Systems Operations, Head of Quality Systems, and Vice President of Technology.

The intention of the NIA Policy is to notify all relevant departments of the introduction of the New Initiative, facilitate information sharing between departments, ensure prior to the launch of a New Initiative that all required governance and regulatory filings have been completed and New Initiative risks are considered, and establish requirements for the pre-launch verification and testing of the New Initiative. To achieve this, the NIA Policy defines key terms, roles and responsibilities, outlines a procedural framework with activity steps, and includes policy administration details, along with various templates used by the NIAC.

Membership Updates

ICC proposes to update the membership of the NIAC to align with current roles and responsibilities. The proposed amendments add a new member to the NIAC, the Director, Treasury, North America Clearing Houses ("Treasury Director"), to capture any treasury-related considerations during the identification, review and approval of New Initiatives by the NIAC. This individual is responsible for treasury functions at ICC and adding this role to the NIAC would help ensure such considerations are appropriately represented at the NIAC. The proposed updates remove the Head of Corporate Development, as this individual now serves as the Chief Operating Officer, a role which is already represented on the NIAC. In addition, ICC proposes updating member titles to reflect current designations: Regional CRO—North American Clearinghouses would be Senior Director, Enterprise Risk; Manager of Systems Operations would be Director, Systems Operations; Head of Quality Systems would be Director, Quality Assurance; and Vice President of Technology would be Head of Technology. ICC also proposes to update the NIAC Secretary from Technology Project Manager or NIAC chair designee to the NIAC chair designee, such that the role is not tied to a position title that may change over time.

ICC proposes to make updates throughout the NIA Policy to effect these changes. Specifically, ICC proposes to update the membership composition, as described above, in the list of key definitions in Section II; list

of Functional Area Heads⁸ in Section IV; and list of NIAC members in Attachments C, D and F to the NIA Policy.

Additional Clarifications or Clean-Up Changes

ICC proposes additional clarifications or clean-up changes throughout the NIA Policy, including incorporating recent governance updates, and updating categories and rating guidelines in an internal risk assessment template. ICC proposes amendments to reflect recent governance updates in Section IV and Attachment A to the NIA Policy. Specifically, ICC proposes to reference the recently established Board Risk Committee when identifying stakeholders whose recommendation or approval may be required.⁹

ICC also proposes to update Attachment B to the NIA Policy, which contains a risk assessment template reviewed by the NIAC. This template describes key risks identified by the Functional Area department heads, mitigation plans, and residual impact ratings and comments. Currently, for each potential risk, ratings are provided for the following categories: Risk Management, Operations, Legal/Governance, Compliance, Technology, and Reputation. To reflect the addition of the Director of Treasury to the NIAC, ICC proposes a separate category for Treasury in the risk assessment template. ICC further proposes to clarify that Operations refers to "Business" Operations to better define the scope and to establish Systems Operations as a distinct category, separate from Technology, to promote more specific comments pertaining to Systems Operations. In general, such changes would improve clarity in the NIA Policy and promote ICC's ability to properly identify and address key risks by including additional specificity in the risk assessment.

ICC proposes related revisions to the rating guidelines to ensure consistency with the changes described above. ICC proposes updating "Operations" to "Business Operations" without changing the existing rating guidelines. ICC proposes adding rating guidelines for the new categories of Systems

⁶ The proposed rule change is filed for immediate effectiveness but will not be implemented until the change is certified in accordance with Commodity Futures Trading Commission Regulation 40.6.

⁷ See Securities Exchange Act Release No. 95214 (July 7, 2022), 87 FR 41776 (July 13, 2022) (File No. SR-ICC-2022-006) (containing additional information on ICC's Model Validation Framework and model change materiality).

⁸ Functional Areas are defined in Section II of the NIA Policy as any or all of Risk, Pricing, Compliance, Legal, Operations, Finance, Treasury, Accounting, and Information Technology ("IT").

⁹ ICC previously filed a proposed rule change to establish the Board Risk Committee. See Securities Exchange Act Release No. 103161 (May 30, 2025), 90 FR 23970 (June 5, 2025) (File No. SR-ICC-2025-006).

Operations¹⁰ and Treasury¹¹ noted above. ICC further proposes adding guidelines for the existing category of Reputation to ensure that such category noted in the risk assessment has documented rating guidelines.¹² Such changes would promote clarity when determining low, medium, and high ratings. ICC also proposes a non-substantive clean-up change to the Table of Contents to remove the titles of attachments, which are unnecessary in ICC's view. Such change would not alter the names of the attachments within the NIA Policy text.

(b) Statutory Basis

ICC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act¹³ and the regulations thereunder applicable to it, including the applicable standards under Rule 17Ad-22.¹⁴ In particular, Section 17A(b)(3)(F) of the Act¹⁵ requires that the rule change be designed to promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, to assure the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and to protect investors and the public interest.

As described above, the proposed revisions to the NIA Policy update the membership of the NIAC and make other minor clarification or clean-up changes. Such changes promote clarity in the NIA Policy and ICC's ability to properly identify and address key risks, including by adding a new member to the NIAC to capture any treasury-related considerations and including additional specificity and clarity in the risk assessment and related rating guidelines. Such sound policies, practices, and procedures are an important component of ICC's ability to comply with the requirements of

Section 17A of the Act¹⁶ because disruptions to operations resulting from a new offering or implementation can impair the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions; safeguarding of securities and funds which are in the custody or control of ICC or for which it is responsible; and protection of investors and the public interest. Accordingly, ICC believes that the proposed rule change is consistent with the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.¹⁷

Further, the proposed rule change is consistent with the relevant requirements of Rule 17Ad-22.¹⁸ Rule 17Ad-22(e)(2)(i) and (v)¹⁹ requires ICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to, in relevant part, provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility. The proposed amendments add the Head of Treasury to the NIAC to capture any treasury-related considerations during the identification, review and approval of New Initiatives, update member titles to reflect current designations, and incorporate reference to the Board Risk Committee. The NIA Policy will continue to clearly assign and document responsibility and accountability for the identification, review, and approval of New Initiatives by the NIAC. These governance arrangements continue to be clear and transparent, such that information relating to the assignment of responsibilities and the requisite involvement of department heads and the NIAC is clearly documented. In ICC's view, the proposed changes are therefore consistent with the requirements of Rule 17Ad-22(e)(2)(i) and (v).²⁰

Rule 17Ad-22(e)(17)(i)²¹ requires ICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to, in relevant part, manage its operational risks by identifying the plausible sources of

operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls. The proposed rule change provides additional clarity in the NIA Policy regarding the risk assessment template and related rating guidelines utilized by the NIAC. Such changes will enhance the review of New Initiatives, including by updating the risk assessment template and providing additional clarity with respect to rating guidelines, which serves to reduce the likelihood of a disruption in operations from a New Initiative. Moreover, the documentation of ICC's New Initiatives process will continue to improve ICC's ability to identify sources of operational risk and minimize them through the development of appropriate systems, policies, procedures, and controls, consistent with the requirements of Rule 17Ad-22(e)(17)(i).²²

(B) Clearing Agency's Statement on Burden on Competition

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The proposed changes update NIAC membership and make clarification or clean-ups to the NIA Policy. These changes relate to the governance and structure of an internal ICC committee and do not impact ICC's operational rules or Participant-facing processes. Moreover, ICC does not believe these amendments would affect the costs of clearing or the ability of market participants to access clearing. Therefore, ICC does not believe the proposed rule change imposes any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act²³ and paragraph (f) of Rule 19b-4²⁴ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if

¹⁰ Guidelines would include the following: low rating for potential infrequent, minor system performance degradation; medium rating for potential frequent, minor outages or infrequent, significant outages; and high rating for potential frequent, significant outages or system failures.

¹¹ Guidelines would include the following: low rating for minor impact on funds management or movement; medium rating for delays or disruptions in funds management or movement possible; and high rating for significant delays or disruptions in funds management or movement likely.

¹² Guidelines would include the following: low rating for immaterial impact on regulatory or public perception; medium rating for possible decline in stakeholder trust and heightened regulatory or public scrutiny; and high rating for likely and significant decline in stakeholder trust and adverse regulatory or public perception.

¹³ 15 U.S.C. 78q-1.

¹⁴ 17 CFR 240.17Ad-22.

¹⁵ 15 U.S.C. 78q-1(b)(3)(F).

¹⁶ 15 U.S.C. 78q-1.

¹⁷ 15 U.S.C. 78q-1(b)(3)(F).

¹⁸ 17 CFR 240.17Ad-22.

¹⁹ 17 CFR 270.17Ad-22(e)(2)(i) and (v).

²⁰ *Id.*

²¹ 17 CFR 240.17Ad-22(e)(17)(i).

²² *Id.*

²³ 15 U.S.C. 78s(b)(3)(A).

²⁴ 17 CFR 240.19b-4(f)(3).

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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-regulations/self-regulatory-organization-rulemaking>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-ICC-2026-001 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR-ICC-2026-001. 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 internet website (<https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking>). Copies of such filings will be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at <https://www.ice.com/clear-credit/regulation>.

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-ICC-2026-001 and should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁵

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-01371 Filed 1-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35909; 812-15911]

USVC Venture Capital Access Fund and AngelList Asset Management, LLC

January 22, 2026.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act, under sections 6(c) and 23(c) of the Act for an exemption from rule 23c-3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies to issue multiple classes of shares and to impose asset-based distribution and/or service fees and early withdrawal charges.

APPLICANTS: USVC Venture Capital Access Fund and AngelList Asset Management, LLC

FILING DATE: The application was filed on October 2, 2025 and amended on January 6, 2026.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at Secretaries-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on February 17, 2026, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: Secretaries-Office@sec.gov. Applicants: William J. Bielefeld, Esq., and Alexander Karamatsos, Esq., Dechert LLP, 1900 K Street NW, Washington, DC 20006, with a copy to: Huoy-Ming Yeh, AngelList

Asset Management, LLC, 140 Lakeside Avenue, Suite 100, Seattle, WA 98122.

FOR FURTHER INFORMATION CONTACT: Trace W. Rakestraw, Senior Special Counsel, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' application, dated January 6, 2026, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <https://www.sec.gov/edgar/search/>. You may also call the SEC's Office of Investor Education and Advocacy at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-01449 Filed 1-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104647; File No. SR-BX-2026-002]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove Restrictions on Certain Crypto Assets

January 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 7, 2026, Nasdaq BX, Inc. ("BX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II 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 its Position Limit Rules and Exercise Limit Rules in connection with the following options overlying Exchange-Traded

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

²⁵ 17 CFR 200.30-3(a)(12).

Fund Shares: iShares Bitcoin Trust ETF, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, the Bitwise Bitcoin ETF, Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/bx/rulefilings>, 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 Exchange 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 these 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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

BX proposes to amend Options 9, Section 13, Position Limits; and Options 9, Section 15, Exercise Limits in connection with the following options overlying Exchange-Traded Fund Shares: iShares Bitcoin Trust ETF, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, the Bitwise Bitcoin ETF, Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust (collectively "the Crypto Assets"). Each change will be described below.

Background

On October 27, 2025, Nasdaq ISE, LLC's ("ISE") proposal to permit certain options on Exchange-Traded Fund Shares that meet certain generic requirements to be listed as a Commodity-Based Trust was deemed approved.³ BX's Options 4 Listing Rules

are incorporated by reference to ISE. As amended, Options 4, Section 3(h)(vi) specifies that BX may list and trade interests in a Commodity-Based Trust that meet the generic criteria of The Nasdaq Stock Market LLC Rule 5711(d) provided the trust holds a single crypto asset.⁴ Further, a Commodity-Based Trust that meets the requirements of Options 4, Section 3(h)(vi) must also satisfy the following requirements: (A) the total global supply of the underlying crypto asset held by the Commodity-Based Trust has an average daily market value of at least \$700 million over the last 12 months; and (B) the crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group.

Any option approved pursuant to Options 4, Section 3(h)(vi) is subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15. The Crypto Assets all qualify for listing pursuant to Options 4, Section 3(h)(vi). As such, similar to other options listed pursuant to Options 4, Section 3(h)(vi), the Crypto Assets should be subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15.

Proposal

BX proposes to remove the 25,000 position and exercise limit restrictions for Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust from Options 9, Sections 13 and 15.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁵ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁶ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster

cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section (6)(b)(5)⁷ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to permit the Crypto Assets, which qualify for listing pursuant to Options 4, Section 3(h)(vi), to be subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15 similar to all other options is consistent with the Act as this treatment promotes just and equitable principles of trade.

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.

The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because the Crypto Assets that qualify to be listed pursuant to Options 4, Section 3(h)(vi) would be treated similar to all other options for purposes of position and exercise limits.

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition as the proposal is not competitive in nature. The Exchange expects that all option exchanges will adopt substantively similar proposals, such that the Exchange's proposal would benefit competition. For these reasons, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

www.nasdaqtrader.com/MicroNews.aspx?id=OTA2025-48.

⁴ The term "crypto asset" means an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network including, but not limited to, assets known as "tokens," "digital assets," "virtual currencies," and "coins" and that rely on cryptographic protocols. See Options 4, Section 3(h)(3).

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ 15 U.S.C. 78f(b)(5).

³ See Securities Exchange Act Release No. 104210 (November 21, 2025), 90 FR 52727 (November 21, 2025) (SR-ISE-2025-08). See also <https://>

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹

A proposed rule change filed under Rule 19b-4(f)(6)¹⁰ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹¹ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the operative delay will allow the Exchange to treat Crypto Assets in the same manner as all other options that qualify for listing pursuant to Options 4, Section 3(h)(vi). The Exchange also states that the proposal does not significantly affect the protection of investors or the public interest because any Crypto Asset that qualifies for listing pursuant to Options 4, Section 3(h)(vi) is subject to the position and exercise limits set forth in Options 9, Sections 13 and 15. For these reasons, and because the proposal does not raise new or novel regulatory issues, the Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.¹²

⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁰ 17 CFR 240.19b-4(f)(6).

¹¹ 17 CFR 240.19b-4(f)(6)(iii).

¹² For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹³ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-BX-2026-002 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-BX-2026-002. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-BX-2026-002 and should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-01378 Filed 1-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Securities Act of 1933, Release No. 33-11401/January 22, 2026; Securities Exchange Act of 1934, Release No. 34-104653/January 22, 2026]

Order Approving Public Company Accounting Oversight Board Budget and Annual Accounting Support Fee for Fiscal Year 2026

The Sarbanes-Oxley Act of 2002, as amended (the "Sarbanes-Oxley Act"),¹ established the Public Company Accounting Oversight Board ("PCAOB") to oversee the audits of companies that are subject to the securities laws, and related matters, in order to protect the interests of investors and further the public interest in the preparation of informative, accurate, and independent audit reports. Section 982 of the Dodd-Frank Wall Street Reform and Consumer Protection Act² amended the Sarbanes-Oxley Act to provide the PCAOB with explicit authority to oversee auditors of broker-dealers registered with the Securities and Exchange Commission (the "Commission"). The PCAOB accomplishes these investor protection and public interest goals through the registration of public accounting firms, standard setting, inspections, and investigation and disciplinary programs. The PCAOB is subject to the comprehensive oversight of the Commission.

Section 109 of the Sarbanes-Oxley Act provides that the PCAOB shall establish a reasonable annual accounting support fee, as may be necessary or appropriate to establish and maintain the PCAOB. Under Section 109(f) of the Sarbanes-Oxley Act, the aggregate annual accounting support fee shall not exceed the PCAOB's aggregate "recoverable budget expenses," which may include operating, capital, and accrued items. The PCAOB's annual budget and accounting support fee are subject to approval by the Commission. In addition, the PCAOB must allocate the annual accounting support fee among issuers and registered brokers and dealers.

¹⁴ 17 CFR 200.30-3(a)(12) and (59).

¹ 15 U.S.C. 7201 *et seq.*

² Public Law 111-203, 124 Stat. 1376 (2010).

¹³ 15 U.S.C. 78s(b)(2)(B).

Section 109(b) of the Sarbanes-Oxley Act directs the PCAOB to establish a budget for each fiscal year in accordance with the PCAOB's internal procedures, subject to approval by the Commission. Rule 190 of Regulation P (the "Budget Rule") governs the Commission's review and approval of PCAOB budgets and annual accounting support fees.³ The Budget Rule provides, among other things, a timetable for the preparation and submission of the PCAOB budget and for Commission actions related to each budget, a description of the information that should be included in each budget submission, limits on the PCAOB's ability to incur expenses and obligations except as provided in the approved budget, procedures relating to supplemental budget requests, requirements for the PCAOB to provide on a quarterly basis certain budget-related information, and a list of definitions that apply to the rule and to general discussions of PCAOB budget matters.

In accordance with the Budget Rule, in March 2025 the PCAOB provided the Commission with a narrative description of its program issues and outlook for the 2026 budget year. In response, the Commission provided the PCAOB with general budgetary guidance for the 2026 budget year. The PCAOB subsequently delivered a preliminary budget and budget justification to the Commission. Staff from the Commission's Office of the Chief Accountant and Office of Financial Management dedicated a substantial amount of time to the review and analysis of the PCAOB's programs, projects, and budget estimates and participated in a number of meetings with staff of the PCAOB to further develop an understanding of the PCAOB's budget and operations. During the course of this review, Commission staff relied upon representations and supporting documentation from the PCAOB. Based on this review, the Commission issued a "passback" letter to the PCAOB on November 26, 2025.⁴ On December 19, 2025, the PCAOB adopted its 2026 budget and accounting support fee during an open meeting and subsequently submitted that budget to the Commission for approval.

After considering the above, the Commission did not identify any proposed disbursements in the 2026 budget adopted by the PCAOB that are not properly recoverable through the

annual accounting support fee, and the Commission believes that the aggregate proposed 2026 annual accounting support fee does not exceed the PCAOB's aggregate recoverable budget expenses for 2026.

The Commission continues to emphasize the importance of the PCAOB's identification of efficiencies and process improvements. Accordingly, the Commission requests that the PCAOB continue to evaluate its operational efficiency, improvements, and budgetary needs and submit such assessments to the Commission in connection with the 2027 budget cycle.

Coordination between the Commission and PCAOB continues to be important. The Commission directs the PCAOB, during 2026, to continue to hold quarterly meetings, as necessary, with Commission staff to discuss important policy initiatives, changes related to program areas, and significant impacts to the PCAOB's 2026 budget, including significant differences between actual and budgeted amounts and anticipated cost-savings. Separately, the Commission directs the PCAOB to continue its written quarterly updates on recent activities, including strategic initiatives. The Commission expects the PCAOB to make itself available to meet with individual Commissioners on these and other topics. Further, the Commission requests that the PCAOB submit its 2025 annual report to the Commission by March 31, 2026.

The Commission understands that the Office of Management and Budget ("OMB") has determined that the 2026 budget of the PCAOB is subject to sequestration under the Budget Control Act of 2011.⁵ For 2025, the PCAOB sequestered \$22.8 million. That amount will become available in 2026. For 2026, the sequestration amount will be 5.7% or \$20.6 million. Accordingly, the PCAOB's 2026 accounting support fee will be reduced by the excess amount held for sequester, or \$2.2 million.

The Commission has determined that the PCAOB's 2026 budget and annual accounting support fee are consistent with Section 109 of the Sarbanes-Oxley Act. Accordingly,

It is ordered, pursuant to Section 109 of the Sarbanes-Oxley Act, that the PCAOB budget and annual accounting support fee for fiscal year 2026 are approved.

By the Commission.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2026-01437 Filed 1-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104650; File No. SR-Phlx-2026-02]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove Restrictions on Certain Crypto Assets

January 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 7, 2026, Nasdaq PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II 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 FLEX Options Trading Rules, Position Limit Rules and Exercise Limit Rules in connection with the following options overlying Exchange-Traded Fund Shares: iShares Bitcoin Trust ETF, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, the Bitwise Bitcoin ETF, Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings>, 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 Exchange included statements concerning the purpose of and basis for

³ 17 CFR 202.190.

⁴ The lapse in appropriations during October and early November 2025 resulted in the Commission's delay in providing the passback letter by the deadline prescribed by the Budget Rule.

⁵ OMB Report to the Congress on the BBEDCA 251A Sequestration for Fiscal Year 2026 (May 30, 2025), available at <https://www.whitehouse.gov/wp-content/uploads/2025/04/OMB-Report-to-the-Congress-on-the-BBEDCA-251A-Sequestration-for-Fiscal-Year-2026.pdf>.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

the proposed rule change and discussed any comments it received on the proposed rule change. The text of these 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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 3A, Section 3, FLEX Option Listings; Options 3A, Section 18, Position Limits; Options 9, Section 13, Position Limits; and Options 8, Section 34, FLEX Trading in connection with the following options overlying Exchange-Traded Fund Shares: iShares Bitcoin Trust ETF, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, the Bitwise Bitcoin ETF, Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust (collectively "the Crypto Assets"). Each change will be described below.

Background

On September 20, 2024, Nasdaq ISE, LLC ("ISE")³ received approval to list options on the iShares Bitcoin Trust ETF.⁴ On November 21, 2024, ISE filed to allow the Exchange to list and trade options the Fidelity Wise Origin Bitcoin Fund; ARK21Shares Bitcoin ETF; Grayscale Bitcoin Trust; Grayscale Bitcoin Mini Trust BTC; and Bitwise Bitcoin ETF.⁵ On August 7, 2025, ISE filed to allow the Exchange to list and trade options on the Van Eck Bitcoin ETF.⁶ On April 9, 2025, ISE received approval to list options on the iShares

Ethereum Trust ETF.⁷ On April 9, 2025, ISE filed to list and trade options on the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust.⁸ These aforementioned approvals and notices permitted ISE to trade the Crypto Assets subject to a 25,000 contract position and exercise limit and a restriction on the trading of FLEX Options. As a result of these rule filings, Phlx made corresponding changes to its position limit rules at Options 9, Section 13.⁹

On July 29, 2025, ISE received approval to amend the position and exercise limits for options on the iShares Bitcoin Trust ETF to eliminate the 25,000 contract position and exercise limits and apply the position and exercise limits in ISE Options 9, Sections 13 and 15 to IBIT options.¹⁰ On August 1, 2025, ISE filed to eliminate

⁷ See Securities Exchange Act Release No. 102798 (April 9, 2025), 90 FR 15757 (April 15, 2025) (SR-ISE-2024-35) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Permit the Listing and Trading of Options on the iShares Ethereum Trust).

⁸ See Securities Exchange Act Release No. 102823 (April 11, 2025), 90 FR 16388 (April 17, 2025) (SR-ISE-2025-11) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Rules To Allow the Exchange To List Options on the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust).

⁹ See Securities Exchange Act Release Nos. 101613 (November 13, 2024), 89 FR 91470 (November 19, 2024) (SR-Phlx-2024-53) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 9, Section 13, Position Limits, and Options 8, Section 34, FLEX Trading, Regarding Options on the iShares Bitcoin Trust ETF); and 101734 (November 25, 2024), 89 FR 95253 (December 2, 2024) (SR-Phlx-2024-64) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 9, Section 13, Position Limits, and Options 8, Section 34, FLEX Trading, Regarding Options on the Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the Grayscale Bitcoin Trust (BTC), the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF); and 102825 (April 11, 2025), 90 FR 16418 (April 17, 2025) (SR-Phlx-2025-18) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Rules To Allow the Exchange To List Options on the iShares Ethereum Trust, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust); and 103691 (August 12, 2025), 90 FR 39459 (August 15, 2025) (SR-Phlx-2025-36) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Position Limits and FLEX Trading for Options on the VanEck Bitcoin ETF). The Exchange notes that the exercise limit for an equity option is the same as the position limit established in Options 9, Section 13 for that equity options. See Options 9, Section 15.

¹⁰ See Securities Exchange Act Release No. 103564 (July 29, 2025), 90 FR 36229 (August 1, 2024) (SR-ISE-2024-62) (Order Approving a Proposed Rule Change, as Modified by Amendment Nos. 2 and 3, Regarding Position and Exercise Limits for Options on the iShares Bitcoin Trust ETF).

the 25,000 contract position and exercise limit for options on the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, the Bitwise Bitcoin ETF.¹¹ As a result of these rule filings, Phlx made corresponding changes to its position limit rules at Options 9, Section 13.¹² Thereafter, on July 29, 2025, ISE received approval to permit the trading of FLEX equity options on shares of the iShares Bitcoin Trust ETF to trade as cash-settled and physically settled FLEX equity options subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15 and those position limits are to be aggregated with positions on the same non-FLEX underlying ETF for the purpose of calculating the position limits set forth in Options 9, Section 13, and the exercise limits set forth in Options 9, Section 15.¹³ On August 1, 2025, ISE filed to permit the trading of FLEX equity options on shares of the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, the Bitwise Bitcoin ETF to trade as cash-settled and physically settled FLEX equity options subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15 aggregating those limits with the non-FLEX underlying ETF limits.¹⁴ As a result of these rule filings, Phlx made corresponding changes to its position limit rules at Options 9, Section 13.¹⁵

¹¹ See Securities Exchange Act Release No. 103643 (August 5, 2025), 90 FR 38529 *August 8, 2025) (SR-ISE-2025-22) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend FLEX, Position and Exercise Limit Rules for the Grayscale Bitcoin Mini Trust ETF, the Bitwise Bitcoin ETF, and the Grayscale Bitcoin Trust ETF).

¹² See Securities Exchange Act Release No. 103678 (August 11, 2025), 90 FR 39223 (August 14, 2025) (SR-Phlx-2025-34) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Options 9, Section 13 (Position Limits) and Options 8, Section 34 (FLEX Index, Equity and Currency Options) Regarding Options on Certain Exchange-Traded Products Holding Bitcoin).

¹³ See Securities Exchange Act Release No. 103563 (July 29, 2025), 90 FR 36242 (August 1, 2025) (SR-ISE-2025-12) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Permit the Trading of FLEX Options on Shares of the iShares Bitcoin Trust ETF).

¹⁴ See Securities Exchange Act Release No. 103643 (August 5, 2025), 90 FR 38529 *August 8, 2025) (SR-ISE-2025-22) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend FLEX, Position and Exercise Limit Rules for the Grayscale Bitcoin Mini Trust ETF, the Bitwise Bitcoin ETF, and the Grayscale Bitcoin Trust ETF).

¹⁵ See Securities Exchange Act Release No. 103678 (August 11, 2025), 90 FR 39223 (August 14, 2025) (SR-Phlx-2025-34) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Options 9, Section 13 (Position Limits) and Options 8, Section 34 (FLEX Index, Equity and

³ Phlx Options 4 Rules are incorporated by reference to ISE Options 4 Rules.

⁴ See Securities Exchange Act Release No. 101128 (September 20, 2024), 89 FR 78942 (September 26, 2024) (SR-ISE-2024-03) (Notice of Filing of Amendment Nos. 4 and 5 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1, 4, and 5, To Permit the Listing and Trading of Options on the iShares Bitcoin Trust).

⁵ See Securities Exchange Act Release No. 101744 (November 25, 2024), 89 FR 95309 (December 2, 2024) (SR-ISE-2024-54) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To List and Trade Various Bitcoin Options).

⁶ See Securities Exchange Act Release No. 103684 (August 12, 2025), 90 FR 39445 (August 15, 2025) (SR-ISE-2025-23) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To List and Trade Options on the VanEck Bitcoin ETF).

On October 27, 2025, ISE's proposal to permit certain options on Exchange-Traded Fund Shares that meet certain generic requirements to be listed as a Commodity-Based Trust was deemed approved.¹⁶ As amended, Options 4, Section 3(h)(vi) specifies that ISE may list and trade interests in a Commodity-Based Trust that meet the generic criteria of The Nasdaq Stock Market LLC Rule 5711(d) provided the trust holds a single crypto asset.¹⁷ Further, a Commodity-Based Trust that meets the requirements of Options 4, Section 3(h)(vi) must also satisfy the following requirements: (A) the total global supply of the underlying crypto asset held by the Commodity-Based Trust has an average daily market value of at least \$700 million over the last 12 months; and (B) the crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group.

Any option approved pursuant to Options 4, Section 3(h)(vi) is subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15. Further any option approved pursuant to Options 4, Section 3(h)(vi) is not restricted from trading as FLEX Options.

Proposal

The Crypto Assets all qualify for listing pursuant to Options 4, Section 3(h)(vi). As such, similar to other options listed pursuant to Options 4, Section 3(h)(vi), the Crypto Assets should be subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15. Also, the Crypto Assets should not be restricted from trading as FLEX Options.

Position Limits

To that end, the Exchange proposes to remove the 25,000 position and exercise limit restrictions for Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF,

the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust from Options 9, Section 13.

Additionally, the Exchange proposes to remove the rule text at Options 3A, Section 18(b)(1)(C) which states,

Position limits for FLEX Equity Options on the iShares Bitcoin Trust, Grayscale Bitcoin Trust, Grayscale Bitcoin Mini Trust, and Bitwise Bitcoin ETF shall be subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15 and shall be aggregated with positions on the same non-FLEX underlying ETF for the purpose of calculating the position limits set forth in Options 9, Section 13, and the exercise limits set forth in Options 9, Section 15.

Similar to all other options, FLEX equity options on the iShares Bitcoin Trust ETF, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF would no longer be aggregated with positions on the same non-FLEX underlying ETF for the purpose of calculating the position limits set forth in Options 9, Section 13, and the exercise limits set forth in Options 9, Section 15. The Exchange notes that similar to all other options, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF would not be subject to positions limits for FLEX Equity Options that are physically settled.

FLEX Options

Similar to all other options, the Exchange would permit the Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust to trade as FLEX Options. The Exchange proposes to remove the following text from Options 3A, Section 3(a), "(except the Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust)." Additionally, the Exchange proposes to amend Options 8, Section 34(a) and (e)(2) to remove corresponding rule text.¹⁸

¹⁸ Phlx, as part of a technology migration, relocated Options 8, Section 34(e) to a new subparagraph (i). The Exchange would remove this rule text from new subparagraph (i) as a result of the relocation. See Securities Exchange Act Release No. 97658 (June 7, 2023), 88 FR 38562 (June 13, 2023) (SR-Phlx-2023-22) (Notice of Filing and

With this proposal, Crypto Assets that qualify to be listed pursuant to Options 4, Section 3(h)(vi) would be treated similar to all other options for purposes of position and exercise limits and FLEX Option trading.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹⁹ in general, and furthers the objectives of Section 6(b)(5) of the Act,²⁰ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²¹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to permit the Crypto Assets, which qualify for listing pursuant to Options 4, Section 3(h)(vi), to be subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15 similar to all other options is consistent with the Act as this treatment promotes just and equitable principles of trade. Further, the Exchange's proposal to permit the Crypto Assets, which qualify for listing pursuant to Options 4, Section 3(h)(vi), to trade as FLEX Options, similar to all other options is consistent with the Act as this treatment promotes just and equitable principles of trade.

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.

The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because the Crypto Assets that qualify to be listed pursuant to Options 4, Section 3(h)(vi) would be treated similar to all other options for purposes of position

Immediate Effectiveness of Proposed Rule Change To Amend Various Options 8 Rules).

¹⁹ 15 U.S.C. 78f(b).

²⁰ 15 U.S.C. 78f(b)(5).

²¹ 15 U.S.C. 78f(b)(5).

Currency Options) Regarding Options on Certain Exchange-Traded Products Holding Bitcoin).

¹⁶ See Securities Exchange Act Release No. 104210 (November 21, 2025), 90 FR 52727 (November 21, 2025) (SR-ISE-2025-08). See also <https://www.nasdaqtrader.com/MicroNews.aspx?id=OTA2025-48>.

¹⁷ The term "crypto asset" means an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network including, but not limited to, assets known as "tokens," "digital assets," "virtual currencies," and "coins" and that rely on cryptographic protocols. See Options 4, Section 3(h)(3).

and exercise limits and FLEX Option trading.

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition as the proposal is not competitive in nature. The Exchange expects that all option exchanges will adopt substantively similar proposals, such that the Exchange's proposal would benefit competition. For these reasons, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act²² and Rule 19b-4(f)(6) thereunder.²³

A proposed rule change filed under Rule 19b-4(f)(6)²⁴ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²⁵ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the operative delay will allow the Exchange to treat Crypto Assets in the same manner as all other options that qualify for listing pursuant to Options 4,

Section 3(h)(vi). The Exchange also states that the proposal does not significantly affect the protection of investors or the public interest because any Crypto Asset that qualifies for listing pursuant to Options 4, Section 3(h)(vi) is subject to the position and exercise limits set forth in Options 9, Sections 13 and 15 and trade as FLEX Options. For these reasons, and because the proposal does not raise new or novel regulatory issues, the Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.²⁶

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²⁷ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-Phlx-2026-02 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-Phlx-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. 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-Phlx-2026-02 and should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-01381 Filed 1-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104643; File No. SR-CBOE-2026-007]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Short Term Option Series Program in Rule 4.5(d)

January 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 16, 2026, Cboe Exchange, Inc. ("Exchange" or "Cboe Options") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ 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

Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to amend

²² 15 U.S.C. 78s(b)(3)(A)(iii).

²³ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²⁴ 17 CFR 240.19b-4(f)(6).

²⁵ 17 CFR 240.19b-4(f)(6)(iii).

²⁶ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²⁷ 15 U.S.C. 78s(b)(2)(B).

²⁸ 17 CFR 200.30-3(a)(12) and (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

the Short Term Option Series Program in Rule 4.5(d). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/options/regulation/rule_filings/bzx/), 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 Exchange 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 these 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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Short Term Option Series Program in Rule 4.5(d). Specifically, the Exchange proposes to permit the listing of up to two Monday and Wednesday expirations for options on certain individual stocks or exchange-traded funds ("ETFs") (collectively, "Qualifying Securities"). This is a competitive filing based on a similar proposal submitted by Nasdaq ISE, LLC ("ISE"),⁵ which was recently approved by the Securities and Exchange Commission (the "Commission").⁶

Currently, as set forth in Rule 4.5(d), after an option class has been approved for listing and trading on the Exchange as a Short Term Option Series pursuant to Rule 4.5(d), the Exchange may open for trading on any Thursday or Friday that is a business day ("Short Term Option Opening Date") series of options on that class that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire ("Friday Short Term Option Expiration

Dates"). The Exchange may have no more than a total of five Short Term Option Expiration Dates ("Short Term Option Weekly Expirations"). Further, if the Exchange is not open for business on the respective Thursday or Friday, the Short Term Option Opening Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that respective Thursday or Friday. Similarly, if the Exchange is not open for business on a Friday, the Short Term Option Expiration Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that Friday.

Additionally, the Exchange may open for trading series of options on the symbols provided in Table 1 of Rule 4.5(d) that expire at the close of business on each of the next two Mondays, Tuesdays, Wednesdays, and Thursdays, respectively, that are business days beyond the current week and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire ("Short Term Option Daily Expirations").⁷ For those symbols listed in Table 1, the Exchange may have no more than a total of two Short Term Option Daily Expirations beyond the current week for each of Monday, Tuesday, Wednesday, and Thursday expirations, as applicable, at one time.

The Exchange proposes to expand the Short Term Option Series Program to permit certain Qualifying Securities to list up to two Monday and Wednesday expirations in addition to the Friday weekly expiration. The Exchange proposes to define Qualifying Securities as eligible individual stocks or ETFs, which are separate and apart from the symbols listed in Table 1, that have received approval to list additional expiries on specific symbols, that meet

⁷ As set forth in Table 1 of Rule 4.5(d), the Exchange currently permits expirations in SPY, IWM, QQQ on Mondays, Tuesdays, Wednesdays and Thursdays. Also, the Exchange permits expirations in GLD, SLV and TLT on Mondays and Wednesdays. Finally, the Exchange permits expirations in USO and UNG on Wednesdays. The Exchange proposes to update the introductory paragraph under "Short Term Option Daily Expirations" in Rule 4.5(d) to capitalize the term "Monthly Option Series" (as that is a defined term in Rule 4.5(g)) and add in "standard expiration options series, to conform to the introductory language in Rule 4.5(d). While standard expiration options series generally expire on a Friday, if the Exchange is not open for business on a Friday, the standard expiration will fall on another day of the week, generally Thursday. This clarification provides that series that may be opened under the Short Term Option Series Program with expirations on these other days will not be opened if the standard expiration options series happens to fall on a day other than Friday.

the following criteria on a quarterly basis:

(1) an underlying security, as measured on the last day of the prior calendar quarter, must have:

(A) a market capitalization of greater than 700 billion dollars for an individual stock based on the closing price,⁸ or

(B) Assets under Management ("AUM") greater than 50 billion dollars for an ETF based on net asset value ("NAV");

(2) monthly options volume, as measured by sides traded in the last month preceding the quarter end, of greater than 10 million options;

(3) a position limit of at least 250,000 contracts; and

(4) participate in the Penny Interval Program.

Each calendar quarter, the Exchange will apply the above criteria to individual stocks and ETFs to determine eligibility for the following quarter as a Qualifying Security. Beginning on the second trading day in the first month of each calendar quarter, the market capitalization of individual stocks shall be calculated based on the closing price established on the primary exchange on the last trading day of the prior calendar quarter and the AUM for ETFs shall be calculated based on the NAV established on the primary exchange on the last trading day of the prior calendar quarter. The data establishing the volume thresholds will be established by using data from the last month of the prior calendar quarter from The Options Clearing Corporation. For options listed on the first trading day of a given calendar quarter, the volume shall be calculated using the last month of the quarter prior to that calendar quarter.⁹ The Exchange will make the list of Qualifying Securities available by close of business on the first trading day of the quarter.¹⁰

Eligible Qualifying Securities would be permitted to list two Short Term Option Expiration Dates beyond the current week for each Monday and Wednesday expiration at one time. For Qualifying Securities, the Exchange would not list an expiry on a day when there will be an Earnings

⁸ The closing price and the opening price shall be that of the primary exchange where the security is listed.

⁹ OCC data becomes available for the end of a quarter on the first trading day of a new quarter. For example, if the Exchange were to list Qualifying Securities in Q1 of 2026, the Exchange would look at the volume, measured in sides, for the last month of Q4 of 2025 (or December 2025).

¹⁰ The Exchange will make this information available on its website. This information will be freely accessible to the public.

⁵ See Securities Exchange Act Release No. 103434 (July 10, 2025) (SR-ISE-2025-15) ("ISE Amendment No. 1").

⁶ See Securities Exchange Act Release No. 104624 (January 16, 2026) (SR-ISE-2025-15) ("ISE Approval").

Announcement¹¹ that takes place after market close. For purposes of this rule proposal, earnings announcements shall include official public quarterly or yearly earnings filed with the Commission (“Earnings Announcement”).¹² Not listing an expiry for a Qualifying Security on a day where there is an Earnings Announcement that takes place after market close will avoid permitting an additional expiry on a day where post-close price volatility may be impacted due to the Earnings Announcement.

Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list Monday and Wednesday expiries beginning on the second day of the following quarter.¹³

The proposed Monday Qualifying Securities expirations will be similar to the current Monday Expirations in SPY, QQQ, and IWM (among other symbols that may list a Monday Expiration) in Short Term Option Daily Expirations, as set forth in Rule 4.5(d), such that the Exchange may open for trading on any Friday or Monday that is a business day (beyond the current week) series of options on Qualifying Securities to expire on any Monday of the month that is a business day and is not a Monday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire, provided that Monday expirations that are listed on a Friday must be listed at least one business week and one business day prior to the expiration (“Monday Qualifying Securities Expirations”).¹⁴ In the event Qualifying Securities expire on a Monday and that Monday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week’s listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Monday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The proposed Wednesday Qualifying Securities expirations will be similar to the current Wednesday SPY, QQQ, and IWM (among other symbols that may list a Wednesday Expiration) in Short Term Option Daily Expirations set forth in Rule 4.5(d), such that the Exchange may open for trading on any Tuesday or Wednesday that is a business day (beyond the current week) series of options on Qualifying Securities to expire on any Wednesday of the month that is a business day and is not a Wednesday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (“Wednesday Qualifying Securities Expirations”).¹⁵ In the event Qualifying Securities expire on a Wednesday and that Wednesday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week’s listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Wednesday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The interval between strike prices for the proposed Monday and Wednesday Qualifying Securities Expirations will be the same as those currently applicable for SPY, QQQ, and IWM Monday and Wednesday Expirations (among other symbols that may list a Monday or Wednesday Expiration) in the Short Term Option Series Program.¹⁶ Specifically, the Monday and Wednesday Qualifying Securities Expirations will have a strike interval of (i) \$0.50 or greater for strike prices below \$100, and \$1 or greater for strike prices between \$100 and \$150 for all option classes that participate in the Short Term Option Series Program, (ii) \$0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program, or (iii) \$2.50 or greater for strike prices above \$150.¹⁷ As is the case with other equity options series listed pursuant to the Short Term Option Series Program, the Monday and Wednesday Qualifying Securities Expirations series will be P.M.-settled.

Pursuant to Rule 4.5(d), with respect to the Short Term Option Series Program, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday, and a Wednesday expiration series shall expire on the first business day immediately prior to that Wednesday, e.g., Tuesday of that week if the Wednesday is not a business day. Currently, for each option class eligible for participation in the Short Term Option Series Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class.¹⁸ The thirty (30) series restriction does not include series that are open by other securities exchanges under their respective weekly rules; the Exchange may list these additional series that are listed by other options exchanges.¹⁹ With the proposed changes, this thirty (30) series restriction would apply to Monday and Wednesday Qualifying Securities Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list Monday and Wednesday Qualifying Securities Expirations.

With this proposal, Monday and Wednesday Qualifying Securities Expirations would be treated similar to existing SPY, QQQ, and IWM Monday and Wednesday Expirations. With respect to standard expiration option series, Monday and Wednesday Qualifying Securities Expirations will be permitted to expire in the same week in which standard expiration option series on the same class expire.²⁰ Not listing Monday and Wednesday Qualifying Securities Expirations for one week every month because there was a standard options series on that same class on the Friday of that week would create investor confusion.

Further, as with SPY, QQQ, and IWM Monday and Wednesday Expirations, the Exchange would not permit Monday and Wednesday Qualifying Securities Expirations to expire on a business day in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire.²¹ Therefore, all Monday and Wednesday Qualifying Securities Expirations would expire at the close of business on each of the next two Mondays and Wednesdays, respectively, that are business days and are not business days in which standard expiration option series, Monthly Options Series, or

¹¹ An Earnings Announcement is an official public statement of a company’s profitability for a specific period, typically a quarter or a year.

¹² For purposes of this rule proposal, pre-announcements or “guidance” shall not be considered an Earnings Announcement.

¹³ The Exchange has noted the additional expiries in a proposed Table 2 in Rule 4.5(d) along with the criteria for a Qualifying Security.

¹⁴ They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

¹⁵ See *id.*

¹⁶ See Rule 4.5(d)(5). The Exchange notes that equity options which have an expiration of more than 21 days from the listing date would also be subject to the intervals as noted within Rule 4.5(d)(6).

¹⁷ See Rule 4.5(d)(5).

¹⁸ See Rule 4.5(d)(1).

¹⁹ See *id.*

²⁰ See Rule 4.5(d)(2).

²¹ See 4.5(d).

Quarterly Options Series expire. The Exchange believes that it is reasonable to not permit two expirations on the same day in which a standard expiration option series, Monthly Options Series, a Quarterly Options Series would expire because those options would be duplicative of each other. The Exchange does not believe that any market disruptions will be encountered with the introduction of Monday and Wednesday Qualifying Securities Expirations. The Exchange currently trades P.M.-settled Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols²² and has not experienced any market disruptions nor issues with capacity. Today, the Exchange has surveillance programs in place to support and properly monitor trading in Short Term Option Series that expire Monday, Tuesday, Wednesday and Thursday on several symbols.²³ The Exchange believes that it has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday and Wednesday Qualifying Securities Expirations.

In ISE Amendment No. 1, ISE presented data demonstrating that listings in the Short Term Option Series Program comprise a significant part of the standard listings in the options market based on data ISE sourced from OCC.²⁴ The percentage of weekly listings in the options industry compared to monthly, quarterly, and long-term option ("LEAPS") series for a 12-month period from February 11, 2024 to February 11, 2025 was 19% compared to 61%, 1%, and 19%, respectively.²⁵ While the proposed rule change would expand the Short Term Option Series Program to permit Monday and Wednesday Qualifying

Securities Expirations, the Exchange anticipates that it would overall add a small number of weekly expiration dates because the Exchange will limit the number of Qualifying Securities Expirations to two Monday expirations and two Wednesday expirations. Based on data from January 2025, ISE indicated the following options would meet the criteria to be a Qualifying Security: NVIDIA Corp. ("NVDA"), Tesla Inc. ("TSLA"), Apple Inc. ("AAPL"), Amazon.com Inc. ("AMZN"), Broadcom Inc. ("AVGO"), Alphabet Inc. ("GOOGL"), Microsoft Corp. ("MSFT"), Financial Select Sector SPDR Fund ("XLF"), and Meta Platforms Inc. ("META") (collectively, "Sample Qualifying Securities"). Utilizing the Sample Qualifying Securities as a data point, ISE indicated the Short Term Option Series Program would account for the addition of approximately 16% of strikes for the total number of strikes for each of the following symbols: NVDA, TSLA, AAPL, AMZN, AVGO, GOOGL, MSFT, and META.²⁶

For the same time period, ISE also indicated that weeklies comprised 52% of the total volume of option contracts (compared to 34%, 2%, and 12% for monthlies, quarterlies, and LEAPS, respectively).²⁷ The Exchange believes that inner weeklies (first two weeks) represent high volume as compared to outer weeklies (the last three weeks) and would be more attractive to market participants. In particular, ISE looked at the average daily contracts traded in options that met the criteria for a Qualifying Security. Specifically, for each of the Sample Qualifying Securities, ISE looked at pre-close movements between 3:30 and 4:00 p.m. Eastern Time ("ET") as well as post-close movements between 4:00 and 5:30 p.m. ET. ISE presented data presenting the number of trading days with at least one strike break post close (comparing 4:00 p.m. ET to 5:30 p.m. ET) from 2022 through 2024 for the Sample Qualifying Securities and SPY, QQQ, and IWM.²⁸ ISE further presented data referencing average annualized closing volatilities (as measured by the standard deviation

of 30 seconds returns over the last 30 minutes of trading) for the Sample Qualifying Securities from 2022 through 2024, which data showed that the Sample Qualifying Securities had an averaged annualized closing volatility of generally less than 20%.²⁹ This data demonstrated that the Sample Qualifying Securities are generally more volatile at the close than SPY, QQQ, and IWM.

Given that these are individual stocks it is reasonable to expect that they have idiosyncratic characteristics (increasing their volatility) relative to broad based ETFs like SPY, QQQ and IWM. None, however, are demonstrating average returns that are more than double that of IWM. Moreover, on Mondays and Wednesdays, the ISE data demonstrates that the Sample Qualifying Securities do not show any excessive propensity to penetrate³⁰ strikes post close (4:00 p.m.–5:30 p.m. ET) in comparison to SPY, QQQ and IWM. Consequently, the burden of American-style option³¹ exercise management on investors is not overwhelming relative to SPY, QQQ and IWM which have the largest retail participation based on volume in the industry.

ISE also reviewed the number of strike breaks for calendar years 2022 through 2025 for the Sample Qualifying Securities between 4:00 p.m. and 5:30 p.m. ET to find the maximum³² number of strike breaks³³ as well as the mean³⁴ of the number of strike breaks as evidenced in the tables below:

²⁹ See ISE Amendment No. 1 at 31721 (Table 4).

³⁰ For purposes of this rule change, "penetrating a strike" refers to the underlying asset's price moving beyond the designated strike price of an option contract.

³¹ The term "American-style option" means an options contract that, subject to the provisions of Rule 6.20 (relating to the cutoff time for exercise instructions) and to OCC Rules, can be exercised on any business day prior to its expiration date and on its expiration date. See Rule 1.1 (definition of "American-style option").

³² The term "maximum" refers to the largest instance of strike breaks measured as the number of strikes crossed by the underlying security from the 4:00 p.m. ET closing price to the 9:30 a.m. ET opening price.

³³ A strike break is the existence of a strike between the closing price and the opening price on the following day when there has been a penetration of a strike post-close.

³⁴ The term "mean" refers to the average number of strike breaks when there has been a penetration of a strike post-close.

²² Abandoning an option means electing not to take delivery of stock that would occur through Auto Exercise at The Options Clearing Corporation ("OCC"). "Auto-exercise" or "automatic exercise" in options trading refers to the procedure where a long option (either a call or a put) that is in-the-money at the time of expiration is automatically exercised on the holder's behalf by OCC.

²³ See *id.*

²⁴ The information included time averaged data (the number of strikes by maturity date divided from the number of trading days) for all 18 options markets from February 11, 2024 to February 11, 2025. See ISE Amendment No. 1 at 31719.

²⁵ See *id.* (Table 1).

²⁶ See ISE Amendment No. 1 at 31720.

²⁷ ISE based this on industry volume in terms of overall contracts based on information sourced from OCC for all 18 options markets from February 11, 2024 to February 11, 2025. See *id.* (Table 2).

²⁸ See ISE Amendment No. 1 at 31721 (Table 3).

MONDAY, NON-EARNINGS ANNOUNCEMENT CHARTS

Security	Number of days with strike break through on non-earnings announcement Mondays (4:00 p.m. ET–5:30 p.m. ET)	Max (strikes moved through on non-earnings announcement Mondays from 4:00 p.m. to 9:30 a.m. next day) when strikes are penetrated from 4:00–5:30 p.m. ET	Max (percentage move overnight on non-earnings announcement Mondays when there is a strike break from 4:00 p.m. to 5:30 p.m. ET) (%)	Mean strikes moved through on a non-earnings announcement Monday when there is an instance of move through (from 4:00 p.m. to 5:30 p.m. on a non-earnings announcement Monday)
2022				
AAPL	1	2.33	1.63	2.33
AMZN	9	14.10	4.32	4.94
AVGO	3	2.76	1.36	1.80
FB	1	6.28	8.00	6.28
GOOGL	9	22.86	5.13	5.96
IWM	4	2.04	1.02	0.84
MSFT	0	N/A	N/A	N/A
NVDA	1	0.21	0.24	0.21
QQQ	4	5.30	1.81	2.31
SPY	7	8.33	2.27	2.68
TSLA	3	4.33	3.21	3.09
XLF	4	0.98	1.24	0.56
2023				
AAPL	0	N/A	N/A	N/A
AMZN	0	N/A	N/A	N/A
AVGO	6	5.18	2.03	3.24
GOOGL	1	2.78	1.02	2.78
IWM	0	N/A	N/A	N/A
META	1	0.18	0.15	0.18
MSFT	0	N/A	N/A	N/A
NVDA	1	3.24	1.85	3.24
QQQ	0	N/A	N/A	N/A
SPY	1	2.21	0.52	2.21
TSLA	1	0.66	0.46	0.66
XLF	0	N/A	N/A	N/A
2024				
AAPL	0	N/A	N/A	N/A
AMZN	0	N/A	N/A	N/A
AVGO	9	6.50	2.10	1.99
GOOGL	0	N/A	N/A	N/A
IWM	2	0.74	0.36	0.5
META	3	1.31	0.68	0.78
MSFT	1	1.94	1.22	1.94
NVDA	6	7.42	3.44	5.24
QQQ	2	2.35	0.54	1.62
SPY	1	2.2	0.43	2.2
TSLA	3	5.19	2.80	3.40
XLF	1	0.5	0.59	0.5
2025				
AAPL	0	N/A	N/A	N/A
AMZN	0	N/A	N/A	N/A
AVGO	4	13.95	9.05	4.63
GOOGL	1	0.00	0.01	0.00
IWM	1	0.22	0.10	0.22
META	2	1.91	0.69	1.23
MSFT	1	0.18	0.12	0.18
NVDA	5	6.16	6.31	2.72
QQQ	4	14.73	3.48	5.37
SPY	5	17.62	3.49	4.86
TSLA	3	4.35	2.81	2.38
XLF	0	N/A	N/A	N/A

* With respect to GOOGL, it had a strike break post-close but mean reverted to the closing price by the open the next day.

ISE further reviewed the number of strike breaks for calendar years 2022 through 2025 for the Sample Qualifying Securities,³⁵ excluding Wednesdays,³⁶

for scheduled Earnings Announcements between 4:00 p.m. and 5:30 p.m. ET to find the maximum number of strike breaks as well as the mean of the

number of strike breaks as evidenced in the tables below:

WEDNESDAY, NON-EARNINGS ANNOUNCEMENT CHARTS

Security	Number of days with strike break through on non-earnings announcement Wednesdays (4:00 p.m. ET–5:30 p.m. ET)	Max (strikes moved through on non-earnings announcement Wednesdays from 4:00 p.m. to 9:30 a.m. next day) when strikes are penetrated from 4:00–5:30 p.m. ET	Max (percentage move overnight on non-earnings announcement Wednesdays when there is a strike break from 4:00 p.m. to 5:30 p.m. ET) (%)	Mean strikes moved through on a non-earnings announcement Wednesday when there is an instance of move through (from 4:00 p.m. to 5:30 p.m. on a non-earnings announcement Wednesday)
2022				
AAPL	0	N/A	N/A	N/A
AMZN	14	35.50	5.89	8.35
AVGO	9	4.85	2.13	2.07
FB	2	31.20	24.15	21.22
GOOGL	10	8.73	1.86	4.22
IWM	7	3.71	1.80	2.07
MSFT	2	1.54	1.23	1.14
NVDA	6	8.88	6.20	5.05
QQQ	10	10.75	3.26	4.39
SPY	9	10.94	2.59	4.47
TSLA	8	12.73	8.33	3.45
XLF	6	0.84	1.04	0.42
2023				
AAPL	1	1.08	1.61	1.08
AMZN	3	5.30	5.04	3.05
AVGO	11	10.31	2.94	2.64
FB	6	7.32	5.35	3.59
GOOGL	2	1.09	0.63	0.87
IWM	1	1.70	1.45	1.70
MSFT	2	3.67	2.92	3.00
NVDA	3	4.20	2.48	2.06
QQQ	6	7.59	2.29	4.38
SPY	5	4.08	0.99	2.63
TSLA	4	6.39	7.88	2.50
XLF	1	0.12	0.19	0.12
2024				
AAPL	0	N/A	N/A	N/A
AMZN	1	2.77	3.92	2.77
AVGO	15	10.85	4.42	3.71
GOOGL	3	3.20	5.03	2.86
IWM	1	2.22	1.02	2.22
META	5	5.52	2.56	2.66
MSFT	2	6.09	3.72	4.11
NVDA	15	8.32	3.32	2.82
QQQ	16	11.16	2.37	4.16
SPY	7	9.67	1.72	4.79
TSLA	1	1.70	2.06	1.70
XLF	0	N/A	N/A	N/A
2025				
AAPL	1	7.36	8.21	7.36
AMZN	1	5.20	6.64	5.20
AVGO	5	11.45	6.65	6.19
GOOGL	1	2.38	3.79	2.38
IWM	2	9.52	4.70	7.39
META	3	15.55	6.66	7.17
MSFT	2	3.35	2.14	1.90

³⁵ Of note, not all Sample Qualifying Securities had Earnings Announcements on a Wednesday.

³⁶ There were no Earnings Announcements on Mondays for the Sample Qualifying Securities.

WEDNESDAY, NON-EARNINGS ANNOUNCEMENT CHARTS—Continued

Security	Number of days with strike break through on non-earnings announcement Wednesdays (4:00 p.m. ET–5:30 p.m. ET)	Max (strikes moved through on non-earnings announcement Wednesdays from 4:00 p.m. to 9:30 a.m. next day) when strikes are penetrated from 4:00–5:30 p.m. ET	Max (percentage move overnight on non-earnings announcement Wednesdays when there is a strike break from 4:00 p.m. to 5:30 p.m. ET) (%)	Mean strikes moved through on a non-earnings announcement Wednesday when there is an instance of move through (from 4:00 p.m. to 5:30 p.m. on a non-earnings announcement Wednesday)
NVDA	4	6.91	6.26	2.56
QQQ	7	19.87	4.17	7.22
SPY	5	19.45	3.45	8.35
TSLA	1	7.03	6.21	7.03
XLF	1	3.90	3.89	3.90

Because the Exchange proposes to limit the number of Monday and Wednesday Qualifying Securities Expirations to two expirations beyond the current week, the Exchange believes that the addition of these Monday and Wednesday Qualifying Securities Expirations should encourage Market-Makers to continue to deploy capital more efficiently and improve displayed market quality.³⁷ Utilizing the Sample Qualifying Securities as a proxy, ISE determined the marginal increase in the number of occurrences of strike breaks in 2024 would be 66 with the addition of these expirations. Further, there would be a marginal increase of 22 instances of strike breaks in 2024 on Monday expiries after regular trading hours, and a marginal increase of 44 instances of strike breaks in 2024 on Wednesday expiries without Earnings Announcements after regular trading hours.

Similar to SPY, QQQ and IWM Monday and Wednesday Expirations, the introduction of Monday and Wednesday Qualifying Securities Expirations will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that the proposal would permit only the most liquid securities to have

the additional Monday and Wednesday Qualifying Security Expirations. The Exchange believes that offering these additional expiries in the Qualifying Securities would permit Market Makers and other market participants to precisely hedge their positions in the underlying security with the additional expiries in lieu of hedging only with Friday expirations.

Finally, the Exchange considered ISE's analysis of the impact of a market participant's propensity to rationally exercise outstanding options contracts by the tender of an exercise notice ("Contrary Exercise Advice").³⁸ Specifically, ISE examined SPY data from April 2, 2025 (a day where there

³⁸ A Contrary Exercise Advice may be exercised during the time period specified in OCC Rules by the tender to OCC of an exercise notice in accordance with OCC Rules. An exercise notice may be tendered to OCC only by the Clearing TPH in whose account such options contract is carried with OCC. TPHs may establish fixed procedures as to the latest time they will accept exercise instructions from customers. See Rule 6.20. Option holders have until 5:30 p.m. ET on the business day of expiration, or, in the case of a standardized equity option expiring on a day that is not a business day, on the business day immediately prior to the expiration date to make a final exercise decision to exercise or not exercise an expiring option. TPHs may not accept exercise instructions for customer or non-customer accounts after 5:30 p.m. ET. See FINRA Rule 2360(a)(23)(A)(iii). A Contrary Exercise Advice is a form approved by the national options exchanges, FINRA or OCC for use by a member to submit a final exercise decision committing an options holder to either: (1) not exercise an option position which would automatically be exercised pursuant to OCC's Ex-by-Ex procedure; or (2) to exercise a standardized equity option position which would not automatically be exercised pursuant to OCC's Ex-by-Ex procedure. See FINRA Rule 2360(a)(23)(A)(iv).

was a significant drop after the close).³⁹ On April 2, 2025, SPY settled at 4:00 p.m. at \$564.52.⁴⁰ At 5:00 p.m., SPY was trading at \$552.42.⁴¹ Every call option with a April 2, 2025 expiration date and a strike price below \$564 was automatically exercised by OCC, unless OCC received Contrary Exercise Advices from a market participant.⁴² ISE obtained the amount of long⁴³ open interest in the customer or "C" range⁴⁴ at OCC starting at the close of the prior trading day and added customer long activity that executed on April 2, 2025 to that figure. Next, ISE subtracted the liquidating activity for customers and examined the quantity of Contrary Exercise Advices received by OCC on April 2, 2025 and compared that figure to the number of customers that did not abandon their calls rationally relative to the number of customers who entered into options contracts. The data in the tables below (which should be read together) applies to calls in SPY in the customer range at OCC for expiration date April 2, 2025.

³⁹ On April 2, 2025, President Trump announced a series of tariffs on imports, which he called "Liberation Day." This news impacted markets generally.

⁴⁰ ISE obtained this data from OCC upon request.

⁴¹ See *id.*

⁴² See *id.*

⁴³ The term "long position" means a person's interest as the holder of one or more options contracts. See Rule 1.1 (definition of "long position").

⁴⁴ The "C" range at OCC includes customer transactions, professional transactions and transactions executed by broker-dealers that are not affiliated with a clearing member that clear in the "C" range at OCC.

³⁷ Market-Makers include Designated Primary Market-Makers ("DPMs"), Lead Market-Makers ("LMMs"), and Preferred Market-Makers ("PMMs"). Each Market-Maker is required to quote a specified time in their assigned options series. See Rules 5.52 (Market-Makers Quotes), 5.54 (DPMs), 5.55 (LMMs), and 5.56 (PMMs).

OPEN INTEREST

Strike	Longs held on 4/1/2025	Buys to open or expand a position	Aggregate longs held	Open contracts at EOD that are eligible for auto-ex on April 2, 2025 EOD
553	104	265	369	45
554	340	795	1,135	258
555	2,240	4,135	6,375	238
556	619	5,582	6,201	142
557	582	9,235	9,817	52
558	587	14,683	15,270	72
559	705	22,931	23,636	70
560	2,218	49,336	51,554	316
561	2,284	55,318	57,602	1,014
562	1,941	67,057	68,998	55
563	1,339	83,871	85,210	87
564	1,222	78,612	79,834	533

LIQUIDATING ACTIVITY

Strike	Aggregate liquidation of longs	Liquidation ratio (%)	Contracts where abandon instructions were issued	Unabandoned and unliquidated contracts (auto-exercised by OCC)	Contracts unabandoned or unliquidated as a % of total long contracts held during the day (%)	Percentage of unabandoned and unliquidated contracts as compared to open contracts (%)
553	324	87.80	22	23	6.23	51.11
554	877	77.27	187	71	6.26	27.52
555	6,137	96.27	53	185	2.90	77.73
556	6,059	97.71	88	54	0.87	38.03
557	9,765	99.47	2	50	0.51	96.15
558	15,198	99.53	49	23	0.15	31.94
559	23,566	99.70	26	44	0.19	62.86
560	51,238	99.39	240	76	0.15	24.05
561	56,588	98.24	994	20	0.03	1.97
562	68,943	99.92	16	39	0.06	70.91
563	85,123	99.90	25	62	0.07	71.26
564	79,301	99.33	467	66	0.08	12.38

This data aggregated by ISE indicates⁴⁵ that the vast majority of open contracts (over 90%) were liquidated by customers prior to the close. Of the remaining open contracts, a substantial portion were rationally abandoned. In considering what constitutes rational activity on the part of a market participant in determining whether to exercise, especially in the strike near the 5:00 p.m. price, it must be taken into consideration that some market participants may elect to hold a contract given the illiquidity of the time period, and the desire for long exposure

despite a trade price that may be lower. In other words, it cannot be assumed that customers are unaware of the market conditions for SPY after the close on April 2, 2025, or their ability to liquidate. Also, it cannot be assumed that the customer would always liquidate in these circumstances. In reviewing the above tables together, customers with calls in SPY on April 2, 2025 had a very high liquidation ratio which is evidenced by comparing the unabandoned contracts to the entire pool of long contracts throughout the day. Finally, the amount of unliquidated and unabandoned call contracts in the above table represents a de-minimis amount (less than 1%) when

considering that SPY trades millions of contracts each day.

ISE also examined the out-of-the-money or “OTM” activity on the puts in SPY on April 2, 2025 for customers. The data in the below tables (which should be read together) applies to puts⁴⁶ in SPY in the customer range at OCC for expiration date April 2, 2025.

⁴⁵ See ISE Amendment No. 1 at 31725 (Tables 7 and 8).

⁴⁶ The term “put” means an option contract under which the holder of the option has the right, in accordance with the terms and provisions of the option and OCC Rules, to sell to OCC (a) for equity options, the number of units of the underlying security covered by the option contract, at a price per unit equal to the exercise price, or (b) for index options, the current index value times the index multiplier upon the timely exercise of the option. See Rule 1.1 (definition of “put”).

OTM OPEN INTEREST

Strike	Longs held on 4/1/2025	Buys to open or expand a position on 4/2/2025	Aggregate longs held on 4/2/2025	Open contracts at EOD on 4/2 that are eligible for OTM exercise
553	2,008	17,807	19,815	1,992
554	3,575	23,220	26,795	2,459
555	6,271	67,698	73,969	5,009
556	3,177	37,457	40,634	2,648
557	3,094	47,699	50,793	1,573
558	3,091	66,130	69,221	7,063
559	2,492	82,114	84,606	16,366
560	3,382	118,564	121,946	17,481
561	1,707	76,970	78,677	5,660
562	435	75,447	75,882	6,552
563	581	75,463	76,044	6,522
564	399	50,724	51,123	197

OTM LIQUIDATING ACTIVITY

Strike	Aggregate liquidation of longs	Liquidation ratio (%)	Contracts where OTM exercise instructions were received by OCC	Puts where no OTM exercise instructions were given	Contracts not exercised as a % of long contracts held throughout the day (%)	Percentage of put contracts where no OTM exercise instructions were given (%)
553	17,823	89.95	833	1,159	5.85	58.18
554	24,336	90.82	791	1,668	6.23	67.83
555	68,960	93.23	1,436	3,573	4.83	71.33
556	37,986	93.48	1,170	1,478	3.64	55.82
557	49,220	96.90	557	1,016	2.00	64.59
558	62,158	89.80	3,064	3,999	5.78	56.62
559	68,240	80.66	15,642	724	0.86	4.42
560	104,465	85.66	16,745	736	0.60	4.21
561	73,017	92.81	5,415	245	0.31	4.33
562	69,330	91.37	6,436	116	0.15	1.77
563	69,522	91.42	6,443	79	0.10	1.21
564	50,926	99.61	180	17	0.03	8.63

With respect to this put data for SPY on April 2, 2025 gathered by ISE,⁴⁷ it can be observed that out-of-the-money options were either liquidated or exercised. Only a small percentage of options went unexercised. Additionally, it can be observed that very few puts remained unexercised at the higher strikes where opportunity for profit and less risk exists. This is in contrast to puts on lower strikes where opportunity for profit relative to the risk of the short is greater. In particular, with respect to the risk exposure of put writers, the exposure to an event similar to April 2, 2025 for the proposed Wednesday expirations would be substantially similar to the current risk that a put writer is exposed to with Friday expirations. In other words, the day of the expiry does not increase or decrease the amount of risk of a put writer, but for the premium difference.

Additionally, the Exchange believes that since the rational abandonment and out-of-the-money exercise rates were so high, as evidenced in the above tables, it is clear that customers are largely aware of the exposure between 4:00 and 5:00 p.m. ET and therefore, the risk from the unliquidated position is undertaken knowingly.

In determining the rational in-the-money abandonment or out-of-the-money exercise, ISE indicated it elected not to consider the amount of contracts rationally exercised/abandoned divided by the amount of open contracts at the end of the day. ISE indicated that it believed that this data point fails to consider the outsized amount of liquidation customers undertake prior to the Contrary Exercise Window.⁴⁸ In

other words, the amount of liquidations taken by customers prior to the Contrary Exercise Window is evidence that market participants are informed and electing to accept a premium in lieu of the potential to maximize the value of their option in the Contrary Exercise Window. ISE observed that the amount of open contracts in these options is de minimis and, therefore, any evidence of an option trader's failure to act rationally would skew the percentage in such a way to exaggerate the perception of the risk averting behaviors. For example, taken to an extreme, if three contracts are left open in an option that trades over 100,000 in a given day, and two options are not rationally exercised this would amount to 66.6% of non-rationally exercised/abandoned contracts. In this example, three options

⁴⁷ See ISE Amendment No. 1 at 31726–31727 (Tables 9 and 10).

⁴⁸ A “Contrary Exercise Window” refers to a specific timeframe during which an options holder can submit a Contrary Exercise Advice. Option holders who hold expiring options have until 5:30 p.m. ET on the day of expiration to make a final exercise decision to exercise or not exercise the option. TPHs may establish an earlier time to accept

exercise instructions for customer or non-customer accounts (typically by 5:00 p.m. ET) but may not accept instructions after 5:30 p.m. ET. See <https://www.finra.org/rules-guidance/notices/information-notice-020321>.

are not rationally exercised out of the three open contracts or 100%, which comparison did not yield a result that was insightful. For this reason, ISE indicated it opted to compare the amount of irrational failures to exercise/abandon to the total amount of contracts that were open during that trading day. The Exchange believes ISE's method of comparison provides a better risk determination.

The Options Disclosure Document ("ODD") notes the risks of option exercises:

To exercise an option that is not subject to automatic exercise, the holder must direct his brokerage firm to give exercise instructions to OCC. In order to ensure that an option is exercised on a particular day, the holder must direct his brokerage firm to exercise before the firm's cut-off time for accepting exercise instructions for that day. Different firms may have different cut-off times for accepting exercise instructions from customers, and those cut-off times may be different for different options.

A brokerage firm's cut-off time for accepting exercise instructions becomes critical on the last trading day before an option expires. An option that expires unexercised becomes worthless. An option holder who intends to exercise an option before expiration must give exercise instructions to his brokerage firm before the firm's cut-off time for accepting exercise instructions on the last trading day before expiration. If the expiration date of an option falls on a day on which an options market is open for trading in that option, a brokerage firm's last cut-off time for accepting exercise instructions prior to the option's expiration may be on the expiration date. Investors should be aware of their brokerage firm's policies in this regard. Many brokerage firms accept standing instructions to exercise, or have procedures for the exercise of, every option which is in the money by a specified amount at expiration. These procedures often incorporate by reference OCC's administrative procedures that provide for the exercise of every option that is in the money by a specified amount at expiration unless the Clearing Firm carrying the option in its accounts instructs OCC not to exercise the option. Investors should determine from their brokerage firm the applicable cut-off times, the firm's procedures for submitting exercise instructions, and whether any of their options are subject to automatic exercise. Investors should also determine whether the exercise of their options is subject to standing instructions of their brokerage firm, and, if so, they should discuss with the firm the potential consequences of such instructions.⁴⁹

Market participants that elect to transact in options should receive a copy of the ODD from their broker-

dealer.⁵⁰ The ODD explains the risks inherent in options trading.⁵¹ Broker-dealers must have a reasonable basis to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer.⁵² Suitability rules are intended to distinguish the trading of customers with those of professional traders who are likely to have distinct risk/reward profiles, risk tolerance and capital.

Finally, the Exchange believes there is general demand for alternative expirations in Monday and Wednesday Qualifying Securities Expirations. ISE calculated the percentage of SPY options volume, from 2018 to 2025, versus the number of days until expiration, which demonstrated a clear preference for shorter-dated options trading.⁵³

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁵⁴ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁵⁵ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁵⁶ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, similar to Monday expirations in SPY, QQQ, and IWM, the proposal to permit Monday and Wednesday Qualifying Security Expirations, subject to the proposed limitation of two expirations beyond the current week, would protect investors

and the public interest by providing the investing public and other market participants more choice and flexibility to closely tailor their investment and hedging decisions in these options and allow for a reduced premium cost of buying portfolio protection, thus allowing them to better manage their risk exposure. The Exchange believes that the proposed criteria for Qualifying Securities requires individual stocks and ETFs to be highly liquid. A market capitalization measured on the last day of the prior calendar quarter based on the closing price of the underlying, of greater than 700 billion dollars for an individual stock, or AUM of 50 billion dollars for an ETF, in conjunction with the monthly options volume requirement of greater than 10 million options as measured by sides traded in the last month preceding the quarter end, is very restrictive. This requirement represents substantially less than 1% of individual stocks (only eight individual stocks existed as of January 1, 2025) and substantially less than 1% of ETFs (only seven ETFs existed as of January 1, 2025, of which five are eligible pursuant to Rule 4.5(d) to trade additional expiries) traded.⁵⁷ Therefore, an individual stock or ETF that meets the aforementioned market capitalization and volume requirements are highly liquid and could be viewed as stable securities. Data gathered by ISE regarding the average daily options contracts traded compared to the average closing volatility in the last 30 minutes of the trading day⁵⁸ demonstrated a very low average realized volatility experienced by the Sample Qualifying Securities in the last 30 minutes of trading before the close in 2024 as compared to any security that traded an average of more than 100 options contracts per day.

The Exchange notes that with respect to position limits, Rule 8.30, Interpretation and Policy .02(e) provides, that "[t]o be eligible for the 250,000 contract limit, either the most recent six-month trading volume of the underlying security must have totaled at least 100 million shares; or the most recent six-month trading volume of the underlying security must have totaled at least 75,000,000 shares and the underlying security must have at least 300,000,000 shares currently outstanding." The 250,000 contract position limit is the highest position limit by Exchange rule. Options that qualify for the 250,000 position (and

⁵⁰ See FINRA Rule 2360(b)(16)(A).

⁵¹ See generally <https://www.theocc.com/company-information/documents-and-archives/options-disclosure-document>.

⁵² See FINRA Rule 2111.

⁵³ See ISE Amendment No. 1 at 31728 (Table 11).

⁵⁴ 15 U.S.C. 78f(b).

⁵⁵ 15 U.S.C. 78f(b)(5).

⁵⁶ *Id.*

⁵⁷ As of January 15, 2026, the other two ETFs would be eligible to trade additional expiries pursuant to the proposed rule change.

⁵⁸ See ISE Amendment No. 1 at 31729 (Table 7).

⁴⁹ The "How to Exercise" section in the ODD describes how to utilize the Contrary Exercise Advice. See <https://www.theocc.com/getmedia/a151a9ae-d784-4a15-bdeb-23a029f50b70/riskstoc.pdf>.

exercise) limit are highly liquid securities that have met the stringent requirements noted in Rule 8.30, Interpretation and Policy .02 to qualify for the highest position limit.

Finally, a Qualifying Security must participate in the Penny Interval Program. In order to qualify for the Penny Interval Program, an options class must be among the 300 most actively traded multiply listed option classes overlying securities priced below \$200.⁵⁹ The most actively traded options classes are included in the Penny Interval Program based on certain objective criteria (trading volume thresholds and initial price tests).

The number of individual stocks currently meeting all four criteria for a Qualifying Security was eight, and the number of ETFs currently meeting all four criteria for a Qualifying Security that do not already have Monday and Wednesday expirations was one, as of June 27, 2025. Both totals represent less than 0.2% of all securities with options listed. The Exchange believes that since individual stocks are the dominant constituents of the broad-based indexes (e.g., S&P 500 Index and Nasdaq-100 Index), the improvement in price transparency brought about by Monday and Wednesday trading will offer Market Makers and investors better volatility pricing which will inform trading on the related products to these indexes. The Exchange believes that the proposed criteria for Qualifying Securities is consistent with the protection of investors and the general public because the criteria targets the most liquid individual stocks and ETFs.

The Exchange would not list an expiry on a Qualifying Security on a day where there will be an Earnings Announcement that takes place after market close to avoid post-close price volatility that may arise from the Earnings Announcement and which may impact exercise and/or assignment decisions.

Qualifying Securities that do not continue to meet the above criteria would no longer be permitted to list Monday and Wednesday expiries in the following quarter, although the Qualifying Security would potentially have two weeks of strikes already listed which will persist. These remaining listings could continue to be traded until they expire.

With this proposal, overall, the Exchange would add a small number of Monday and Wednesday Qualifying

Security Expirations by limiting the addition of two Monday expirations and two Wednesday expirations beyond the current week. The addition of Monday and Wednesday Qualifying Security Expirations would remove impediments to and perfect the mechanism of a free and open market by encouraging Market Makers to continue to deploy capital more efficiently and improve displayed market quality.⁶⁰ The Exchange believes that the proposal will allow TPHs to expand hedging tools and tailor their investment and hedging needs more effectively in Qualifying Securities as these funds are most likely to be utilized by market participants to hedge the underlying asset classes.

Similar to SPY, QQQ, and IWM Monday and Wednesday Expirations, the introduction of Monday and Wednesday Qualifying Security Expirations is consistent with the Act as it will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday and Wednesday Qualifying Security Expirations will allow market participants to purchase options on Qualifying Securities based on their timing as needed and allow them to tailor their investment and hedging needs more effectively, thus allowing them to better manage their risk exposure. Today, the Exchange lists other Monday and Wednesday expirations.⁶¹

In particular, the Exchange believes the Short Term Option Series Program has been successful to date and that Monday and Wednesday Qualifying Security Expirations should simply expand the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way that the Short Term Option Series Program has expanded the landscape of hedging.

There are no material differences in the treatment of SPY, QQQ and IWM Monday and Wednesday Expirations compared to the proposed Monday and Wednesday Qualifying Security Expirations. Given the similarities between SPY, QQQ and IWM Monday and Wednesday Expirations and the proposed Monday and Wednesday Qualifying Security Expirations, the Exchange believes that applying the provisions in Rule 4.5(d) that currently

apply to SPY, QQQ and IWM Monday and Wednesday Expirations is justified.

The data gathered by ISE in the tables above related to calls in SPY on April 2, 2025,⁶² indicates that the vast majority of open contracts (over 90%) were liquidated by customers prior to the close. Of the remaining open contracts, a substantial portion were rationally abandoned. In considering what constitutes rational activity on the part of a market participant in determining whether to exercise, especially in the strike near the 5:00 p.m. price, it must be taken into account that some market participants may elect to hold a contract given the illiquidity of the time period, and the desire for long exposure despite a trade price that may be lower. In other words, it cannot be assumed that customers are unaware of the market conditions, or their ability to liquidate. Also, it cannot be assumed that the customer would always liquidate in these circumstances. In reviewing these tables, ISE observed that customers with calls in SPY on April 2, 2025 had a very high liquidation ratio which is evidenced by comparing the unabandoned contracts to the entire pool of long contracts throughout the day. With respect to the put data for SPY on April 2, 2025, ISE observed in the data it gathered as presented above⁶³ that out-of-the-money options were either liquidated or exercised. Only a small percentage of put options went unexercised.

Additionally, ISE observed that very few puts remained unexercised at the higher strikes where opportunity for profit and less risk exists. This is in contrast to puts on lower strikes where opportunity for profit relative to the risk of the short is greater. In particular, with respect to the risk exposure of put writers, the exposure to an event similar to April 2, 2025 for the proposed Wednesday expirations would be substantially similar to the current risk that a put writer is exposed to with Friday expirations. In other words, the day of the expiry does not increase or decrease the amount of risk of a put writer, but for the premium difference.

Additionally, the Exchange believes that since the rational abandonment and out-of-the-money exercise rates were so high, as evidenced by the data gathered by ISE presented above,⁶⁴ it is clear that customers are largely aware of the exposure between 4:00 and 5:00 p.m. ET and therefore, the risk from the

⁵⁹ See Rule 5.4(d). Each December OCC ranks all multiply listed option classes based on National Cleared Volume for the six full calendar months from June 1 through November 30 for determination of the most actively traded option classes.

⁶⁰ Today, Designated Primary Market-Makers and Market-Makers are required to quote a specified time in their assigned options series. See Rules 5.52(d) and 5.54(a).

⁶¹ See Rule 4.5(d), Table 1.

⁶² See ISE Amendment No. 1 at 31725 (Tables 7 and 8).

⁶³ See ISE Amendment No. 1 at 31726–31727 (Tables 9 and 10).

⁶⁴ See *id.*

unliquidated position is undertaken knowingly.

Additionally, market participants that elect to utilize options receive a copy of the ODD which explains the risks inherent in options trading. Also, broker-dealers must have a reasonable basis to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer.⁶⁵ Suitability rules are intended to distinguish the trading of customers with those of professional traders who are likely to have distinct risk/reward profiles, risk tolerance and capital. Regardless of whether the account is self-directed or options are being recommended, broker-dealers must perform due diligence on the customer and collect information about the customer to support a determination that options trading is appropriate for the customer. Options accounts are subject to specific supervisory reviews, including, among others, reviewing the compatibility of options transactions with investment objectives and with the types of transactions for which the account was approved, and are subject to other FINRA rules that apply when opening customer accounts, including among others, customer identification requirements under anti-money laundering rules.⁶⁶ Therefore, the Exchange does not believe that listing of up to two Monday and Wednesday expirations for options on certain individual stocks or ETFs is inconsistent with the Act.

The Exchange represents that it has the necessary systems capacity to support the new expirations. 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 with Monday and Wednesday expirations, including for any Qualifying Securities, in the same way that it monitors trading the current Short Term Option Series for SPY, QQQ, and IWM with Monday and Wednesday expirations. Finally, the Exchange does not believe that any market disruptions will be encountered with the introduction of these option expirations. As discussed above, the Exchange believes that its proposal is a modest expansion of weekly expiration dates for Monday and Wednesday Qualifying Security Expirations given that it will be limited to two Monday

expirations and two Wednesday expirations beyond the current week.

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. 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, but rather will meet customer demand. The Exchange would uniformly apply the Qualifying Security criteria to options in individual stocks and ETFs. The Exchange believes that Trading Permit Holders ("TPHs") will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in the Qualifying Securities. All market participants will be treated in the same manner under this proposal.

Similar to SPY, QQQ and IWM Monday and Wednesday Expirations, the introduction of Monday and Wednesday Qualifying Security Expirations does not impose an undue burden on competition. The Exchange believes that it will, among other things, expand the hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday and Wednesday Qualifying Security Expirations will allow market participants to purchase options on Qualifying Securities based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

Further, not adding an expiry for a Qualifying Security on a day where there will be an Earnings Announcement that takes place after market close does not impose an undue burden on competition as the Exchange would uniformly apply this practice to the listing of all Qualifying Securities.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the Commission recently approved a substantively identical rule change of another options exchange.⁶⁷

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁶⁸ and Rule 19b-4(f)(6) thereunder.⁶⁹ Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁷⁰ and subparagraph (f)(6) of Rule 19b-4 thereunder.⁷¹

A proposed rule change filed under Rule 19b-4(f)(6)⁷² normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),⁷³ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing.

According to the Exchange, the proposed rule change is a competitive response to a substantively identical filing submitted by Nasdaq ISE that was recently approved by the Commission.⁷⁴ The Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and

⁶⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁶⁹ 17 CFR 240.19b-4(f)(6).

⁷⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

⁷¹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

⁷² 17 CFR 240.19b-4(f)(6).

⁷³ 17 CFR 240.19b-4(f)(6)(iii).

⁷⁴ See *supra* note 6.

⁶⁵ See FINRA Rule 2111.

⁶⁶ See <https://www.finra.org/rules-guidance/notices/21-15>.

⁶⁷ See ISE Amendment No. 1 and ISE Approval.

designates the proposed rule change as operative upon filing.⁷⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B) ⁷⁶ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CBOE-2026-007 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-CBOE-2026-007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CBOE-2026-007 and should be submitted on or before February 17, 2026.

⁷⁵ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁷⁶ 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷⁷

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104640; File No. SR-24X-2026-02]

Self-Regulatory Organizations; 24X National Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the CAT Compliance Rule

January 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that, on January 14, 2026, 24X National Exchange LLC ("24X" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 4.7 of the Exchange's compliance rule ("CAT Compliance Rule") regarding the National Market System Plan Governing the Consolidated Audit Trail (the "CAT NMS Plan" or "Plan")³ to be consistent with the amendment to the CAT NMS Plan that requires broker-dealers with a reporting obligation to CAT to report whether an original receipt or origination of an order to sell an equity security is a short sale for which a market maker is claiming the bona fide market making exception in Rule 203(b)(2)(iii) of Regulation SHO ("BFMM Locate Exception").⁴ The proposed rule change is available on the Exchange's website at <https://equities>.

⁷⁷ 17 CFR 200.30-3(a)(12), (59).

¹ 15 U.S.C. 78a.

² 17 CFR 240.19b-4.

³ Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule.

⁴ See Securities Exchange Act Rel. No. 98738 (Oct. 13, 2023), 88 FR 75100 (Nov. 1, 2023); Securities Exchange Act Rel. No. 98739 (Oct. 13, 2023), 88 FR 75079 (Nov. 1, 2023).

24exchange.com/regulation 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 Rule 4.7 of the CAT Compliance Rule to be consistent with the amendment to the CAT NMS Plan related to the BFMM Locate Exception. In 2023, the Commission amended the CAT NMS Plan to require the reporting to the CAT of reliance on the BFMM Locate Exception.⁵ Specifically, the Commission added paragraph (D) to Section 6.4(d)(ii) of the CAT NMS Plan, which requires each Participant, through its Compliance Rule, to require its Industry Members to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect this additional CAT reporting requirement. Specifically, the Exchange proposes to add paragraph (G) to Rule 4.7, which would require each Industry Member to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with

⁵ *Id.*

Section 6(b) of the Exchange Act⁶ in general, and furthers the objectives of Section 6(b)(5) of the Exchange Act⁷ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, 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. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(8) of the Exchange Act,⁸ which requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate.

The Exchange believes that this proposal is consistent with the Exchange Act because it is consistent with the amendment to the CAT NMS Plan approved by the Commission, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan "is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act."⁹ To the extent that this proposal implements the Plan as amended, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Exchange Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Exchange notes that the proposed rule change is consistent with the amendment to the CAT NMS Plan approved by the Commission, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade equity

securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

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

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁰ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹¹

A proposed rule change filed under Rule 19b-4(f)(6)¹² normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹³ the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the requirement in the CAT NMS Plan that industry members report for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is

claimed.¹⁴ The proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.¹⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-24X-2026-02 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-24X-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. 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-24X-2026-02 and

⁶ 15 U.S.C. 78f.

⁷ 15 U.S.C. 78f(b)(5).

⁸ 15 U.S.C. 78f(b)(8).

⁹ See Securities Exchange Act Release No. 79318 (Nov. 15, 2016), 81 FR 84696, 84697 (Nov. 23, 2016).

¹⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

¹¹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹² 17 CFR 240.19b-4(f)(6).

¹³ 17 CFR 240.19b-4(f)(6)(iii).

¹⁴ See *supra* note 4.

¹⁵ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–01372 Filed 1–23–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104648; File No. SR–ISE–2026–01]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove Restrictions on Certain Crypto Assets

January 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on January 7, 2026, Nasdaq ISE, LLC (“ISE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II 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 FLEX Options Trading Rules, Position Limit Rules and Exercise Limit Rules in connection with the following options overlying Exchange-Traded Fund Shares: iShares Bitcoin Trust ETF, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, the Bitwise Bitcoin ETF, Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/ise/rulefilings>, 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 Exchange 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 these 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 aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 3A, Section 3, FLEX Option Listings; Options 3A, Section 18, Position Limits; Options 9, Section 13, Position Limits; and Options 9, Section 15, Exercise Limits in connection with the following options overlying Exchange-Traded Fund Shares: iShares Bitcoin Trust ETF, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, the Bitwise Bitcoin ETF, Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust (collectively “the Crypto Assets”). Each change will be described below.

Background

On September 20, 2024, ISE received approval to list options on the iShares Bitcoin Trust ETF.³ On November 21, 2024, ISE filed to allow the Exchange to list and trade options the Fidelity Wise Origin Bitcoin Fund; ARK21Shares Bitcoin ETF; Grayscale Bitcoin Trust; Grayscale Bitcoin Mini Trust BTC; and Bitwise Bitcoin ETF.⁴ On August 7, 2025, ISE filed to allow the Exchange to list and trade options on the Van Eck

Bitcoin ETF.⁵ On April 9, 2025, ISE received approval to list options on the iShares Ethereum Trust ETF.⁶ On April 9, 2025, ISE filed to list and trade options on the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust.⁷ These aforementioned approvals and notices permitted ISE to trade the Crypto Assets subject to a 25,000 contract position and exercise limit and a restriction on the trading of FLEX Options.

On July 29, 2025, ISE received approval to amend the position and exercise limits for options on the iShares Bitcoin Trust ETF to eliminate the 25,000 contract position and exercise limits and apply the position and exercise limits in ISE Options 9, Sections 13 and 15 to IBIT options.⁸ On August 1, 2025, ISE filed to eliminate the 25,000 contract position and exercise limit for options on the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, the Bitwise Bitcoin ETF.⁹ Thereafter, on July 29, 2025, ISE received approval to permit the trading of FLEX equity options on shares of the iShares Bitcoin Trust ETF to trade as cash-settled and physically settled FLEX equity options subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15 and those position limits are to be aggregated with positions on the same non-FLEX underlying ETF for the purpose of calculating the position limits set forth in Options 9, Section 13, and the exercise limits set forth in

⁵ See Securities Exchange Act Release No. 103684 (August 12, 2025), 90 FR 39445 (August 15, 2025) (SR–ISE–2025–23) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To List and Trade Options on the VanEck Bitcoin ETF).

⁶ See Securities Exchange Act Release No. 102798 (April 9, 2025), 90 FR 15757 (April 15, 2025) (SR–ISE–2024–35) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Permit the Listing and Trading of Options on the iShares Ethereum Trust).

⁷ See Securities Exchange Act Release No. 102823 (April 11, 2025), 90 FR 16388 (April 17, 2025) (SR–ISE–2025–11) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Rules To Allow the Exchange To List Options on the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust).

⁸ See Securities Exchange Act Release No. 103564 (July 29, 2025), 90 FR 36229 (August 1, 2024) (SR–ISE–2024–62) (Order Approving a Proposed Rule Change, as Modified by Amendment Nos. 2 and 3, Regarding Position and Exercise Limits for Options on the iShares Bitcoin Trust ETF).

⁹ See Securities Exchange Act Release No. 103643 (August 5, 2025), 90 FR 38529 *August 8, 2025) (SR–ISE–2025–22) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend FLEX, Position and Exercise Limit Rules for the Grayscale Bitcoin Mini Trust ETF, the Bitwise Bitcoin ETF, and the Grayscale Bitcoin Trust ETF).

³ See Securities Exchange Act Release No. 101128 (September 20, 2024), 89 FR 78942 (September 26, 2024) (SR–ISE–2024–03) (Notice of Filing of Amendment Nos. 4 and 5 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1, 4, and 5, To Permit the Listing and Trading of Options on the iShares Bitcoin Trust).

⁴ See Securities Exchange Act Release No. 101744 (November 25, 2024), 89 FR 95309 (December 2, 2024) (SR–ISE–2024–54) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To List and Trade Various Bitcoin Options).

¹⁶ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

Options 9, Section 15.¹⁰ On August 1, 2025, ISE filed to permit the trading of FLEX equity options on shares of the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, the Bitwise Bitcoin ETF to trade as cash-settled and physically settled FLEX equity options subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15 aggregating those limits with the non-FLEX underlying ETF limits.¹¹

On October 27, 2025, ISE's proposal to permit certain options on Exchange-Traded Fund Shares that meet certain generic requirements to be listed as a Commodity-Based Trust was deemed approved.¹² As amended, Options 4, Section 3(h)(vi) specifies that ISE may list and trade interests in a Commodity-Based Trust that meet the generic criteria of The Nasdaq Stock Market LLC Rule 5711(d) provided the trust holds a single crypto asset.¹³ Further, a Commodity-Based Trust that meets the requirements of Options 4, Section 3(h)(vi) must also satisfy the following requirements: (A) the total global supply of the underlying crypto asset held by the Commodity-Based Trust has an average daily market value of at least \$700 million over the last 12 months; and (B) the crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group.

Any option approved pursuant to Options 4, Section 3(h)(vi) is subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15. Further any option approved pursuant

to Options 4, Section 3(h)(vi) is not restricted from trading as FLEX Options.

Proposal

The Crypto Assets all qualify for listing pursuant to Options 4, Section 3(h)(vi). As such, similar to other options listed pursuant to Options 4, Section 3(h)(vi), the Crypto Assets should be subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15. Also, the Crypto Assets should not be restricted from trading as FLEX Options.

Position Limits

To that end, the Exchange proposes to remove the 25,000 position and exercise limit restrictions for Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust from Options 9, Sections 13 and 15.

Additionally, the Exchange proposes to remove the rule text at Options 3A, Section 18(b)(1)(C) which states,

Notwithstanding the foregoing, the position limit for FLEX equity options on the iShares Bitcoin Trust ETF, the Grayscale Bitcoin Trust (BTC), the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF shall be subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15 and shall be aggregated with positions on the same non-FLEX underlying ETF for the purpose of calculating the position limits set forth in Options 9, Section 13, and the exercise limits set forth in Options 9, Section 15.

Similar to all other options, FLEX equity options on the iShares Bitcoin Trust ETF, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF would no longer be aggregated with positions on the same non-FLEX underlying ETF for the purpose of calculating the position limits set forth in Options 9, Section 13, and the exercise limits set forth in Options 9, Section 15. The Exchange notes that similar to all other options, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF would not be subject to positions limits for FLEX Equity Options that are physically settled. The Exchange would also remove references to Options 3A, Section 18(b)(1)(C) at Options 3A, Section 18(b)(1)(A) and (c).

FLEX Options

Similar to all other options, the Exchange would permit the Fidelity

Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust to trade as FLEX Options. The Exchange proposes to remove the following text from Options 3A, Section 3(a), "(except the Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the VanEck Bitcoin ETF, the iShares Ethereum Trust ETF, the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust)."

With this proposal, Crypto Assets that qualify to be listed pursuant to Options 4, Section 3(h)(vi) would be treated similar to all other options for purposes of position and exercise limits and FLEX Option trading.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹⁴ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁵ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section (6)(b)(5)¹⁶ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to permit the Crypto Assets, which qualify for listing pursuant to Options 4, Section 3(h)(vi), to be subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15 similar to all other options is consistent with the Act as this treatment promotes just and equitable principles of trade. Further, the Exchange's proposal to permit the Crypto Assets, which qualify for listing pursuant to Options 4, Section 3(h)(vi), to trade as FLEX Options, similar to all other options is consistent with the Act as this treatment promotes just and equitable principles of trade.

¹⁴ 15 U.S.C. 78f(b).

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ 15 U.S.C. 78(f)(b)(5).

¹⁰ See Securities Exchange Act Release No. 103563 (July 29, 2025), 90 FR 36242 (August 1, 2025) (SR-ISE-2025-12) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Permit the Trading of FLEX Options on Shares of the iShares Bitcoin Trust ETF).

¹¹ See Securities Exchange Act Release No. 103643 (August 5, 2025), 90 FR 38529 *August 8, 2025) (SR-ISE-2025-22) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend FLEX, Position and Exercise Limit Rules for the Grayscale Bitcoin Mini Trust ETF, the Bitwise Bitcoin ETF, and the Grayscale Bitcoin Trust ETF).

¹² See Securities Exchange Act Release No. 104210 (November 21, 2025), 90 FR 52727 (November 21, 2025) (SR-ISE-2025-08). See also <https://www.nasdaqtrader.com/MicroNews.aspx?id=OTA2025-48>.

¹³ The term "crypto asset" means an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network including, but not limited to, assets known as "tokens," "digital assets," "virtual currencies," and "coins" and that rely on cryptographic protocols. See Options 4, Section 3(h)(3).

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.

The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because the Crypto Assets that qualify to be listed pursuant to Options 4, Section 3(h)(vi) would be treated similar to all other options for purposes of position and exercise limits and FLEX Option trading.

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition as the proposal is not competitive in nature. The Exchange expects that all option exchanges will adopt substantively similar proposals, such that the Exchange's proposal would benefit competition. For these reasons, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁷ and Rule 19b-4(f)(6) thereunder.¹⁸

A proposed rule change filed under Rule 19b-4(f)(6)¹⁹ normally does not become operative prior to 30 days after

the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²⁰ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the operative delay will allow the Exchange to treat Crypto Assets in the same manner as all other options that qualify for listing pursuant to Options 4, Section 3(h)(vi). The Exchange also states that the proposal does not significantly affect the protection of investors or the public interest because any Crypto Asset that qualifies for listing pursuant to Options 4, Section 3(h)(vi) is subject to the position and exercise limits set forth in Options 9, Sections 13 and 15 and trade as FLEX Options. For these reasons, and because the proposal does not raise new or novel regulatory issues, the Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.²¹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²² of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or

²⁰ 17 CFR 240.19b-4(f)(6)(iii).

²¹ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²² 15 U.S.C. 78s(b)(2)(B).

- Send an email to rule-comments@sec.gov. Please include file number SR-ISE-2026-01 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-ISE-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. 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-ISE-2026-01 and should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-01379 Filed 1-23-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104644; File No. SR-CBOE-2026-005]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Rules 4.13 and 5.1 To Permit Options on the Dow Jones Industrial Average To Be P.M.-Settled

January 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 8, 2026, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") 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.

²³ 17 CFR 200.30-3(a)(12) and (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁷ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁸ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁹ 17 CFR 240.19b-4(f)(6).

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

Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to amend Rules 4.13 and 5.1 to permit options on the Dow Jones Industrial Average to be P.M.-settled ("DJX options"). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/options/regulation/rule_filings/bzx/), 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 Exchange 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 these 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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

This proposed rule change amends certain rules to permit the Exchange to list P.M.-settled³ DJX options. Specifically, the Exchange proposes to amend (1) Rule 4.13, Interpretation and Policy .13 to permit the listing of P.M.-settled DJX options that expire on the standard third Friday-of-the-month ("Expiration Friday");⁴ (2) amend Rule 4.13(c) to permit the listing of DJX options with Quarterly Index Expirations ("QIXs");⁵ (3) permit the

Exchange to list DJX options with Nonstandard Expirations pursuant to Rule 4.13(e).⁶

The Exchange may currently list P.M.-settled series that expire on Expiration Friday, Nonstandard Expirations, and QIXs for several different broad-based indexes. This proposed rule change would permit the Exchange to list P.M.-settled DJX options that expire on Expiration Fridays, Nonstandard Expirations, and QIXs. The availability of P.M.-settled DJX options with these various expirations will provide market participants with opportunities to trade those options in a manner more aligned with specific timing needs and more effectively tailor their investment and hedging strategies related to the Dow Jones Industrial Average and manage their portfolios. In particular, the proposed rule change will allow market participants to roll their positions in DJX options with regularity and more precision, to spread risk across more trading days, and incorporate daily, weekly, monthly, and quarterly changes in the markets, which may reduce the premium cost of hedging.

First, the Exchange proposes to list DJX options pursuant to the Nonstandard Expirations Program ("Program") under Rule 4.13(e), which would permit P.M.-settled DJX options that expire any Monday, Tuesday, Wednesday, Thursday, or Friday (other than the third Friday-of-the-month ("Expiration Friday") or days that coincide with an end-of-month expiration) ("Weekly Expirations") and that expire on the last trading day of the month ("EOMs"). Currently, under this Program, the Exchange is permitted to list P.M.-settled options on any broad-based index eligible for standard trading and the Cboe Bitcoin U.S. ETF Index ("CBTX options"), the Mini-Cboe Bitcoin U.S. ETF Index ("MBTX options"), and the Cboe Magnificent 10 Index ("MGTN options") (which are narrow-based indexes) that expire on: (1) any Monday, Tuesday, Wednesday, Thursday, or Friday (other than the third Friday-of-the-month or days that

options"), Cboe Mini-Bitcoin U.S. ETF Index ("MBTX options"), and Cboe Magnificent 10 Index ("MGTN options").

⁶ Rule 4.13(e) permits the Exchange to open for trading Weekly Expirations on any broad-based index eligible for standard options trading on any Monday, Tuesday, Wednesday, Thursday, or Friday (other than Expiration Fridays or days that coincide with an end-of-month ("EOM") expiration) or EOM expirations on any broad-based index eligible for standard options trading. While the Exchange believes it has the authority under this rule to list DJX options with Nonstandard Expirations, Commission staff informed the Exchange that it must submit a rule filing pursuant to Section 19(b)(2) under the Act before it may list Nonstandard Expirations for these classes.

coincide with an EOM expiration) and (2) the last trading day of the month.⁷ The proposal expands the availability of Weekly and EOM expirations to DJX options, which are broad-based index options eligible for standard options trading.⁸

The Nonstandard Expirations Program will apply to DJX options in the same manner as it currently applies to other index options. Weekly and EOM Expirations are subject to all provisions of Rule 4.13 and treated the same as options on the same underlying index that expire on the third Friday of the expiration month; provided, however, that Weekly and EOM Expirations are P.M.-settled, and new series in Weekly and EOM Expirations may be added up to and including on the expiration date for an expiring Weekly or EOM Expiration.

The maximum number of expirations that may be listed for each Weekly Expiration (*i.e.*, a Monday expiration, Tuesday expiration, Wednesday expiration, Thursday expiration, or Friday expiration, as applicable) and each EOM expiration in a given class is the same as the maximum number of expirations permitted in Rule 4.13(a)(2) for standard options on the same index (which is currently six for DJX options). Weekly Expirations need not be for consecutive Monday, Tuesday, Wednesday, Thursday, or Friday expirations as applicable; however, the expiration date of a nonconsecutive expiration may not be beyond what would be considered the last expiration date if the maximum number of expirations were listed consecutively. Weekly Expirations that are first listed in a given class may expire up to four weeks from the actual listing date. Similarly, EOM expirations need not be for consecutive end of month expirations; however, the expiration date of a nonconsecutive expiration may not be beyond what would be considered the last expiration date if the maximum number of expirations were listed consecutively. EOM Expirations that are first listed in a given class may expire up to four weeks from the actual listing date. If the Exchange lists EOMs and Weekly Expirations in a given class, the Exchange will list an EOM instead

⁷ See Rule 4.13(e).

⁸ The Exchange notes DJX options are eligible for the Monthly Options Series program pursuant to Rule 4.13(a)(2)(C), which permits p.m.-settled options that expire on the last trading day of the month (as do options with EOM expirations). The Exchange proposes to make these options eligible for the EOM expirations pursuant to the Nonstandard Expiration for consistency since the Exchange is proposing to make these options eligible for the Weekly Expirations, which are part of the Nonstandard Expiration Program.

³ An option with P.M.-settlement has its exercise settlement value derived from the closing prices on the expiration date.

⁴ Rule 4.13, Interpretation and Policy .13 permits the Exchange to list P.M.-settled

⁵ Rule 4.13(c) permits the Exchange to list QIXs on options on the S&P 100 Index ("OEX options"), S&P 500 Index ("SPX options"), Mini-SPX Index ("XSP options"), S&P 500 Equal Weight Index (full-value) ("SPEQF options"), S&P 500 Equal Weight Index (1/10th) ("SPEXQ options"), Russell 2000 Index ("RUT options"), Mini-RUT Index ("MRUT options"), Cboe Bitcoin U.S. ETF Index ("CBTX

of a Weekly Expiration that expires on the same day in the given class. Other expirations in the same class are not counted as part of the maximum number of Weekly or EOM Expirations for an applicable index class.

If the Exchange is not open for business on a respective Monday, the normally Monday expiring Weekly Expirations will expire on the following business day. If the Exchange is not open for business on a respective Tuesday, Wednesday, Thursday, or Friday, the normally Tuesday, Wednesday, Thursday, or Friday expiring Weekly Expirations will expire on the previous business day. If two different Weekly Expirations on an index would expire on the same day because the Exchange is not open for business on a certain weekday, the Exchange will list only one of such Weekly Expirations. In addition, pursuant to Rule 4.13(e)(3), transactions in expiring index options with Weekly and EOM Expirations may be effected on the Exchange between the hours of 9:30 a.m. and 4:00 p.m. on their last trading day (Eastern Time).

Second, the Exchange proposes to amend Rule 4.13(c) to permit the Exchange to list P.M.-settled QIXs on DJX options.⁹ Pursuant to Rule 4.13(c), there may be up to eight near-term quarterly expirations open for trading in a class, and these options will be P.M.-settled. The QIX program will apply to DJX options in the same manner as it currently applies to the other options currently eligible for those expirations. QIXs are subject to all provisions of Rule 4.13 and treated the same as options on the same underlying index that expire on the third Friday of the expiration month, except that QIXs, are P.M.-settled.

Third, the Exchange proposes to amend Rule 4.13, Interpretation and Policy .13 to permit the listing of P.M.-settled DJX options that expire on Expiration Fridays. Combined with the proposed rule changes above to permit the Exchange to list P.M.-settled DJX options with Weekly Expirations, the Exchange would be permitted to list P.M.-settled DJX options with expirations on all Fridays (in addition to all other days of the week). DJX options that are P.M.-settled and expire on Expiration Fridays are subject to all

provisions of Rule 4.13 and treated the same as A.M.-settled DJX options, except that they are P.M.-settled.

In connection with the proposed rule changes to Rule 4.13, Interpretation and Policy .13, the Exchange proposes to amend Rule 5.1, which governs trading days and hours, in conjunction with the proposed addition of DJX options that are P.M.-settled and expire on Expiration Friday. Rule 5.1(b)(2)(C) currently provides that on their last trading day, Regular Trading Hours for index options with Nonstandard Expirations and QIXs, as well as expiring P.M.-settled SPX, XSP, RUT, MRUT, CBTX, MBTX, and MGTN options, may be effected on the Exchange between 9:30 a.m. and 4:00 p.m. Eastern Time¹⁰ (as opposed to the 9:30 a.m. to 4:15 p.m. Regular Trading Hours for options with those expirations that are non-expiring). The proposed rule change amends Rule 5.1(b)(2)(C) to include DJX P.M.-settled options.¹¹ The primary listing markets for the component securities that comprise the Dow Jones Industrial Average close trading in those securities at 4:00 p.m., just as the primary listing markets for the component securities that comprise the S&P 500, Mini-S&P 500, Russell 2000, Mini-Russell 2000, Cboe Bitcoin U.S. ETF, Cboe Mini-Bitcoin U.S. ETF, and Cboe Magnificent 10 Indexes close trading at 4:00 p.m. The primary listing exchanges for the component securities disseminate closing prices for the component securities, which are used to calculate the exercise settlement value of these indexes. The Exchange believes that, under normal trading circumstances, the primary listing markets have sufficient bandwidth to prevent any data queuing that may cause any trades that are executed prior to the closing time from being reported after 4:00 p.m. If trading in expiring DJX P.M.-settled options continued an additional fifteen minutes until 4:15 p.m. on their last trading day, these expiring options would be trading after the settlement index value for those expiring options was calculated. Therefore, in order to mitigate potential investor confusion and the potential for increased costs to investors as a result of potential pricing divergence at the end of the trading day, the Exchange believes that it is appropriate to cease trading in the expiring DJX P.M.-Settled

options at 4:00 p.m., as it already does for expiring P.M.-settled SPX, XSP, RUT, MRUT, CBTX, MBTX, and MGTN options that expire on Expiration Fridays and for expiring indexes with Nonstandard Expirations (which are P.M.-settled) for the same aforementioned reasons.¹² The Exchange does not believe that the proposed rule change will impact volatility on the underlying cash market comprising the Dow Jones Industrial Average at the close on Expiration Fridays, as it already closes trading on the last trading day for expiring P.M.-settled index options at 4:00 p.m., which the Exchange does not believe has had an adverse impact on fair and orderly markets on Expiration Fridays for the underlying securities comprising the corresponding indexes (as further discussed below).¹³

As noted above, current Rules permit the Exchange to list P.M.-settled DJX options with expirations on the last calendar of the month and quarter.¹⁴ As a result, it is already possible under the Rules for options on the Dow Jones Industrial Average to be P.M.-settled and to expire on any day of the week (as the end of the month or the end of a quarter may fall on any day of the week). The Rules also already allow options on the Dow Jones Industrial Average to expire on Thursdays for normally Friday expiring options when the Exchange is not open for business on a respective Friday. Further, options on the Dow Jones Industrial Average are available for FLEX trading pursuant to Rule 4.20, which permit market participants to select expiration dates for these FLEX options for any day of the week and may select P.M.-settlement.

The Exchange believes that the introduction of Weekly Expirations and Expiration Friday expirations for options on the Dow Jones Industrial Average that are P.M.-settled will provide market participants with additional hedging tools and greater trading opportunities, regardless of in which index option market they

¹² See Securities Exchange Act Release Nos. 68888 (February 8, 2013), 78 FR 10668 (February 14, 2013) (SR-CBOE-2012-120) (“SPXPM Pilot Approval Order”); 70087 (July 31, 2013), 78 FR 47809 (August 6, 2013) (SR-CBOE-2013-055) (“XSPM Pilot Approval Order”); and 91067 (February 5, 2021), 86 FR 9108 (February 11, 2021) (SR-CBOE-2020-116) (“MRUTPM Pilot Approval Order”).

¹³ See Securities Exchange Act Release Nos. 98454 (September 20, 2023), 88 FR 66103 (September 26, 2023) (SR-CBOE-2023-005) (“SPXPM Permanent Approval Order”); and 98455 (September 20, 2023), 88 FR 66073 (September 26, 2023) (SR-CBOE-2023-019) (“XSPM and MRUTPM Permanent Approval Order”).

¹⁴ See Rule 4.13(a)(2)(C) and (B), respectively.

⁹ The Exchange notes DJX options are currently eligible for the Quarterly Options Series program pursuant to Rule 4.13(a)(2)(B), which permits P.M.-settled options that expire on the last trading day of the quarter (as do QIXs). The Exchange proposes to make these options eligible for QIXs for consistency, since QIXs are currently available for certain index options available for trading on the Exchange (which options are also eligible for the Nonstandard Expirations Program).

¹⁰ See Rule 1.6, which states that unless otherwise specified, all times in the Rules are Eastern Time.

¹¹ Current Rule 5.1(b)(2)(C) would apply to DJX options with Nonstandard Expirations and QIXs, as proposed; therefore, the addition of DJX P.M.-settled options to the list of options set forth in this Rule covers these options that expire on Expiration Fridays.

participate. By offering expanded expirations along with the current standard A.M.-settled expirations (as well as P.M.-settled monthly and quarterly expirations that are permitted under the Rules), the proposed rule change will allow market participants to purchase options on the Dow Jones Industrial Average available for trading on the Exchange in a manner more aligned with specific timing needs (such as to hedge special events) and more effectively tailor their investment and hedging strategies and manage their portfolios. In particular, the proposed rule change will allow market participants to roll their positions on more trading days, thus with more precision, spread risk across more trading days and incorporate daily changes in the markets, which may reduce the premium cost of buying protection. For example, the Exchange believes that market participants may pay for more protection than they need if they are seeking to hedge weekend or special event risk that occurs. Therefore, the Exchange believes that P.M.-settled daily expirations (including on all Fridays) would allow market participants to purchase an option based on their needed timing and allow them to tailor their investment or hedging needs more effectively. In addition, because P.M.-settlement permits trading throughout the day on the day the contract expires, the Exchange believes this will permit market participants to more effectively manage overnight risk and trade out of their positions up until the time the contract settles.

The Exchange believes there is sufficient investor interest and demand in Weekly Expirations and Expiration Friday P.M.-settled expirations for options on the Dow Jones Industrial Average to warrant inclusion in the Program and in the Rules, and that the Program and the Rules, as amended, will continue to provide investors with additional means of managing their risk exposures and carrying out their investment objectives.¹⁵

The Exchange notes, as is the case for other p.m.-settled options, that DJX options will be aggregated with all other option contracts for those options for purposes of determining compliance with the applicable position (and exercise) limit, as well as determining position limit reporting requirements.¹⁶

¹⁵ The Exchange currently may list Weekly, EOM, QIX, and Expiration Friday P.M.-Settled Expirations for SPX, XSP, RUT, MRUT, CBTX, MBTX, and MGTN options.

¹⁶ See Rules 8.31(b), 8.35(b) and (d), and 8.42(b) and (g). There are no position and exercise limits for DJX options. Rule 8.35(b) requires Trading Permit Holders to report certain information

P.M.-settled DJX options will trade in the same manner as other P.M.-settled index options listed on the Exchange. The Exchange Rules that currently apply to the listing and trading of p.m.-settled index options on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, position and exercise limits, margin requirements, customer accounts, and trading halt procedures, will apply to the listing and trading of P.M.-settled DJX options on the Exchange in the same manner as they apply to other P.M.-settled index options that are listed and traded on the Exchange.

The Exchange has analyzed its capacity and represents that it believes that the Exchange has the necessary systems capacity to handle any potential additional message traffic associated with the listing of new series that would result from the introduction of the DJX options up to the proposed number of possible p.m.-settled expirations. The Options Price Reporting Authority (“OPRA”) also informed the Exchange it believes it has the necessary systems capacity to handle the additional traffic associated with the listing of new series that would result from this proposed rule change. The Exchange does not believe that its Trading Permit Holders (“TPHs”) will experience any capacity issues as a result of this proposal and represents that it will monitor the trading volume associated with any possible additional series of DJX options listed as a result of this proposal and the effect (if any) of these additional series on market fragmentation and on the capacity of the Exchange’s automated systems. In addition to this, the Exchange believes that its existing surveillance and reporting safeguards in place are adequate to deter and detect possible manipulative behavior which might arise from listing and trading P.M.-settled DJX options and will support the protection of investors and the public interest.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹⁷ Specifically,

regarding FLEX positions in FLEX index options that are subject to no position limits if they maintain in excess of 100,000 contracts in those options. Additionally, Rule 8.43 imposes various reporting obligations with respect to options (including index options), even for index options subject to no position limits.

¹⁷ 15 U.S.C. 78f(b).

the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁸ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, because it will provide investors with additional means to manage their risk exposures and carry out their investment objectives with more flexibility. The Exchange believes that P.M.-settled Weekly and Expiration Friday expirations for DJX options will provide investors with expanded hedging tools and greater trading opportunities and flexibility for an additional index option.²⁰ As a result, investors will have additional means to manage their risk exposures and carry out their investment objectives. By offering expanded expirations for options on the Dow Jones Industrial Average (along with standard A.M.-settled options), the proposed rule change will allow market participants to purchase options on an additional index in a manner more aligned with specific timing needs and more effectively tailor their investment and hedging strategies and manage their portfolios. For example, the proposed rule change will allow market participants to roll their positions in options on the Dow Jones Industrial Average on more trading days, thus with more precision, spread

¹⁸ 15 U.S.C. 78f(b)(5).

¹⁹ *Id.*

²⁰ Options on the Dow Jones Industrial Average may already be listed with P.M.-settlement and expirations on the last calendar day of the month or quarter pursuant to Rule 4.13(a)(2)(C) and (B), respectively; therefore, the additional series that this proposed rule would permit to be listed are P.M.-settled Weeklys and Expiration Friday expirations. The proposed rule change merely adds these options to different programs within the Rules that permit these same expirations for consistency within the Rules.

risk across more trading days and incorporate daily changes in the markets, which may reduce the premium cost of buying protection.

The Exchange does not believe that the addition of DJX options to the Nonstandard Expirations Program, to the P.M.-settled Expiration Friday program, or the QIX program will raise any prohibitive regulatory concerns, nor adversely impact fair and orderly markets on expiration days. The Exchange has not experienced any meaningful regulatory concerns, nor adverse impact on fair and orderly markets, in connection with these programs and is unaware of any reason why adding P.M.-settled options with expirations each day of the week for DJX options would create such concerns or impact. Particularly, the Exchange does not believe increases in the number of P.M.-settled options series and expirations will have any significant adverse economic impact on the futures, index, or underlying index component securities markets. The Exchange believes that the proposed rule change will provide investors with greater trading and hedging opportunities and flexibility, allowing them to transact in options on the Dow Jones Industrial Average in a manner more aligned with specific timing needs and more effectively tailor their investment and hedging objectives by listing these options that expire each trading day of the week, in addition to options that expire at the end of calendar month and quarter.

As noted above, current Rules permit the Exchange to list P.M.-settled options on the Dow Jones Industrial Average that expire on the last calendar day of the month and quarter; the proposed rule change merely permits these listings to occur under different programs within the Rules for consistency within the Exchange's Rules.²¹ Therefore, it is already possible under the Rules for options on the Dow Jones Industrial Average to be P.M.-settled and to expire on any day of the week (as the end of the month or the end of a quarter may fall on any day of the week). The Rules already allow options on the Dow Jones Industrial Average to expire on Thursdays for normally Friday expiring options when the Exchange is not open for business on a respective Friday. Further, options

on the Dow Jones Industrial Average are available for FLEX trading pursuant to Rule 4.20, and thus, market participants will be able to select expiration dates for these FLEX options for any day of the week and may select p.m.-settlement. The Exchange has no reason to believe this proposed rule change will cause any significant adverse economic impact on the futures, index, or underlying index component securities markets as a result of these listings.

The Commission previously recognized that listing P.M.-settled index options with Weekly Expirations and Expiration Friday expirations (in addition to EOM Expirations (which would include expirations on the last day of calendar quarters)) was consistent with the Act.²² The Commission noted that expirations in those index options would "offer additional investment options to investors and may be useful for their investment or hedging objectives" ²³ The Exchange also notes it previously listed P.M.-settled broad-based index options with Weekly, EOM, and Expiration Friday expirations pursuant to pilot programs, so the Commission could monitor the impact of P.M.-settlement of cash-settled index derivatives on the underlying cash markets (while recognizing that these risks may have been mitigated given enhanced closing procedures in use in the primary equity markets); however, the Commission approved proposed rule changes to make those pilot programs permanent. The Commission noted that the data it reviewed in connection with the pilot demonstrated that these options "benefitted investors and other market participants by providing more flexible trading and hedging opportunities while also having

no disruptive impact on the market" and were thus consistent with the Act.²⁴ The proposed rule change is consistent with these findings, as it will benefit investors and other market participants that participate in the markets for additional index options in the same manner by providing them with more flexible trading and hedging opportunities.

While the Commission's prior determination was based on data specific to SPX options, the Exchange believes it is appropriate to extrapolate the data to apply to P.M.-settled DJX options.²⁵ The components of the Dow Jones Industrial Average are all components of the S&P 500 Index. Additionally, the three largest components (by market capitalization) of the Dow Jones Industrial Average (which represent more than 80% of the total market capitalization of that index) represent more than 26% of the total market capitalization of the S&P 500 Index. Therefore, the Exchange believes extrapolating the data results to an index comprised of the a subset of those components (including some of the largest components of the S&P 500 Index) is more than appropriate, as the Commission has already considered the impact of P.M.-settled options on futures overlying an index that includes the same components, concluding P.M.-settled options had minimal economic impact on that future, index, and constituents.²⁶ Overall, the Commission concluded that the "analysis of pilot data did not identify any significant economic impact on the underlying component securities surrounding the close as a result of expiring p.m.-settled options, nor did it indicate a deterioration in market quality . . . for an existing product when a new p.m.-settled expiration was introduced.

²² See Securities Exchange Act Release Nos. 98454 (September 20, 2023), 88 FR 66103 (September 26, 2023) (SR-CBOE-2023-005) ("SPXPM Permanent Approval Order"); 98455 (September 20, 2023), 88 FR 66073 (September 26, 2023) (SR-CBOE-2023-019) ("XSPPM and MRUTPM Permanent Approval Order") (the Exchange initially listed P.M.-Settled SPX, XSP, and MRUT options that expire on Expiration Fridays pursuant to pilot programs, so the Commission could monitor the impact of P.M. settlement of cash-settled index derivatives on the underlying cash markets (while recognizing that these risks may have been mitigated given enhanced closing procedures in use in the primary equity markets); 94682 (April 12, 2022), 87 FR 22993, 22994 (April 18, 2022) (SR-CBOE-2022-005) (approval of proposed rule change to list P.M.-settled SPX options that expire on Tuesdays and Thursdays) ("Daily SPX Option Approval"); and 95795 (September 15, 2022), 87 FR 57745, 57746 (September 21, 2022) (SR-CBOE-2022-039) (approval of proposed rule change to list P.M.-settled XSP options that expire on Tuesdays and Thursdays) ("Daily XSP Option Approval").

²³ See Daily SPX Option Approval at 22995; and Daily XSP Option Approval at 57746.

²⁴ See SPXPM Permanent Approval Order at 66106; and XSPPM and MRUTPM Permanent Approval Order at 66076 (citing data the Commission reviewed in connection with the pilot programs);

²⁵ See XSPPM and MRUTPM Permanent Approval at n. 31; and Nonstandard Permanent Approval Order at n. 37 (at the time of that approval order, the Exchange had listed Nonstandard Expirations for RUT and MRUT options) ("The Commission agrees it is appropriate to extrapolate the data to [p.m.-settled third Friday-of-the-month XSP and MRUT options], as the Exchange's analysis examines liquidity and volatility dynamics around the market close, which may be associated with typical hedging activities tied to expiring p.m.-settled index options.") Ultimately, the Commission found that the Exchange's filing, pilot data, and analysis demonstrated these p.m.-settled products had no significant economic impact on the respective underlying indexes or other products. See *id.*

²⁶ See XSPPM and MRUTPM Permanent Approval at 66075; and Nonstandard Permanent Approval Order at 66093-66094.

²¹ For example, it may be confusing to list Weeklys under the Nonstandard Expirations Program but monthlys under the Monthly program rather than the Nonstandard Expirations Program. As proposed, all index options the Exchange lists with expirations other than Expiration Fridays would be eligible for those expirations under the same programs.

Further significant changes in closing procedures in the decades since index options moved to a.m. settlement may also serve to mitigate the potential impact of p.m.-settled index options on the underlying cash markets.”²⁷

The Exchange understands that investors may use other instruments (such as futures overlying the same index and ETFs designed to track the same index) to hedge their positions in options overlying this index given potential investment challenges and risk, as well as cost, of hedging with the underlying constituents (which would entail obtaining positions in each of the 30 individual stocks that comprise the index). With respect to these markets linked to DJX options, such as securities underlying the index, futures overlying the same index,²⁸ and ETFs designed to track the same index,²⁹ the Exchange believes these markets can withstand any additional pressure that listing these options may place on these markets. Additionally, trading within this complex of other correlated instruments that track the performance of the underlying components, in addition to the underlying components themselves (e.g., options on the components, ETFs that track the most active stocks (including the components), and futures on the Dow Jones Industrial Average), reduces the risk that listing these options would strain liquidity providers.

Similar to the S&P 500 Index, all components of the Dow Jones Industrial Average are highly liquid securities with substantial market capitalizations ranging from approximately \$10.36 billion to \$4.57 trillion, with a combined market capitalization of approximately \$14.48 trillion (as of December 29, 2025),³⁰ and are

components of the S&P 500 Index. The size of the markets of the underlying components make it unlikely the proposed rule change would materially impact the component markets, the index value, or the broader market. The Exchange, therefore, believes the constituents would not be materially impacted by any additional pressure resulting from the listing of these options given their significant market capitalization and liquidity.

As is the case for options on other indexes eligible for P.M.-settlement, the Exchange does not believe the listing of additional P.M.-settled options on the Dow Jones Industrial Average will have any significant economic impact (such as on market quality or volatility) on the component securities underlying the index surrounding the close as a result of expiring p.m.-settled options or impact market quality. This is based on the data provided to and reviewed by the Commission (and the Commission’s own conclusions with respect to broad-based indexes based on that review, as noted above) and due to the significant changes in closing procedures in the decades since index options moved to a.m.-settlement.³¹ Therefore, because, as noted above, the Commission found no material impact with respect to certain broad-based index options (including SPX options), the Exchange believes that it is reasonable to infer that no material impact would occur with respect to DJX options for the reasons described above (including the significant liquidity of the components and correlation of the component securities and the availability of multiple correlated instruments for hedging). The Exchange believes this to be particularly true given that the components of the Dow Jones Industrial Average are also components of the S&P 500 Index, which was the index the Commission considered in those findings. Additionally, as described above, the constituents of the Dow Jones Industrial Average are large, highly capitalized, and heavily traded, which further reduce the potential for manipulation of the index.

the Commission staff if: (1) the market value of any component stock is less than \$75 million and that component is not options eligible; (2) less than 80% of the weight of the index is represented by component stocks that are eligible for options trading; (3) 10% or more of the weight of the index is represented by component stocks trading less than 20,000 shares per day; (4) the largest component stock accounts for more than 15% of the weight of the index or the largest five components in the aggregate account for more than 50% of the weight of the index; and (5) if the index decreases to less than 20 component stocks. *Id.*

³¹ See *id.*

Further, the Exchange believes that because DJX options listed with Nonstandard Expirations, QIXs, and P.M.-settlement on Third Fridays will be aggregated with other options within those classes for purposes of position (and exercise) limits, will further prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, and thus protect investors. This aggregation is consistent with the treatment of positions for purposes of position (and exercise) limits for other classes that may be listed with Nonstandard Expirations, QIXs, and third Friday P.M.-settlement.³² Therefore, the current position and exercise limits that apply to DJX options will continue to apply, as the proposed additional expirations for these options would have no impact on the number of positions that may be held (or exercised) within a single account.

In addition, the Exchange believes that the proposal to end trading at 4:00 p.m. on the last trading day for transactions in expiring P.M.-settled DJX options will prevent continued trading on a product after the exercise settlement value has been fixed, thereby mitigating potential investor confusion and the potential for increased costs to investors as a result of potential pricing divergence at the end of the trading day.

The Exchange represents that it has the necessary systems capacity to support the proposed new option series given. The Exchange believes that its existing surveillance and reporting safeguards (including with respect to p.m.-settled index option series) in place are adequate to deter and detect possible manipulative behavior which might arise from listing and trading P.M.-settled DJX options (as the Exchange currently applies to other P.M.-settled index options with the same expiration) and will support the protection of investors and the public interest.³³ Additionally, the Exchange is a member of the Intermarket Surveillance Group (“ISG”) under the Intermarket Surveillance Group Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition to obtaining information from its affiliated markets, the Exchange would be able to obtain information from other markets through ISG. In addition, the Exchange has a Regulatory

³² See Rule 8.31(b).

³³ The surveillance program includes surveillance patterns for price and volume movements as well as patterns for potential manipulation (e.g., spoofing and marking the close).

²⁷ See XSPPM and MRUTPM Permanent Approval at 66076; and Nonstandard Permanent Approval Order at 66094.

²⁸ E-mini Dow futures currently trade on the Chicago Mercantile Exchange.

²⁹ For example, the SPDR Dow Jones Industrial Average ETF Trust (“DIA”).

³⁰ The components of the Dow Jones Industrial Average are 30 large, established, blue-chip U.S. companies that are deemed industry leaders. When the Commission approved the listing of DJX options on the Exchange, it found that DJX options would provide investors with an important trading and hedging mechanism. See Securities Exchange Act Release No. 39011 (September 3, 1997), 62 FR 47840, 47843 (September 11, 1997) (SR-CBOE-97-26). The Commission found the general broad diversification, capitalization, and highly liquid markets of the Dow Jones Industrial Average represents a broad cross-section of domestically traded high capitalization stocks, with no single industry group or stock dominating the index, significantly minimized the potential for manipulation of the index. See *id.* While there is no specific maintenance listing criteria codified in the Rules, the Exchange represented it would notify

Services Agreement with the Financial Industry Regulatory Authority ("FINRA") for certain market surveillance, investigation and examinations functions. Pursuant to a multi-party 17d-2 joint plan, all options exchanges allocate amongst themselves and FINRA responsibilities to conduct certain options-related market surveillance that are common to rules of all options exchanges.³⁴ The Exchange further notes that current Exchange Rules that apply to the trading of other p.m.-settled index options traded on the Exchange, such as SPX and XSP options, would also apply to the trading of p.m.-settled SPEQF and SPEQX options, such as, for example, Exchange Rules governing customer accounts, margin requirements, position and exercise limits,³⁵ and trading halt procedures, which are designed to prevent fraudulent and manipulative acts.

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. 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 because P.M.-settled options on the Dow Jones Industrial Average with Weekly and Expiration Friday expirations will be available to all market participants. By listing options on the Dow Jones

Industrial Average with these expirations (in addition to the monthly, quarterly, and standard Expiration Friday expirations (A.M.-settled) that are currently permitted under the Rules), the proposed rule change will provide all investors that participate in the markets for these index options available for trading on the Exchange with greater trading and hedging opportunities and flexibility to meet their investment and hedging needs, which are already available for several other index options (both broad-based and narrow-based). Further, the proposed change to make options on the Dow Jones Industrial Average that are P.M.-settled and expire on the last business day of the month or quarter eligible for listing under different programs under the Rules will have any burden on competition, as this proposed rule change is intended to maintain consistency within the Rules and will result in the same series being listed. The proposed 4:00 p.m. closing time for expiring P.M.-settled DJX options on their expiration dates will apply equally to all market participants trading these options.

The Exchange does not believe that the proposal to list P.M.-options on the Dow Jones Industrial Average with Weekly and Expiration Friday expirations will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because these options are proprietary Exchange products. The Exchange may currently list the same expirations for other index options, so the proposed rule change merely expands the availability of these expiration programs to additional products. Other exchanges offer similar expirations for index options as well as short-term options programs for certain equity options that expire each day of the week, at the end of the calendar month, at the end of the calendar quarter, and on Expiration Fridays³⁶ and are welcome to similarly propose to list options on those index or equity products with similar expirations. To the extent that the addition of these expirations for options on the Dow Jones Industrial Average makes 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, options on the Dow Jones Industrial Average with these expirations will trade in the same manner as other options with these expirations currently do.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on 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-CBOE-2026-005 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-CBOE-2026-005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable

³⁴ Section 19(g)(1) of the Act, among other things, requires every self-regulatory organization ("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 ("common members"). 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.

³⁵ See Rules 8.31(b), 8.35(b) and (d), and 8.42(b) and (g). There are no position and exercise limits for DJX options. Rule 8.35(b) requires Trading Permit Holders to report certain information regarding FLEX positions in FLEX index options that are subject to no position limits if they maintain in excess of 100,000 contracts in those options. Additionally, Rule 8.43 imposes various reporting obligations with respect to options (including index options), even for index options subject to no position limits.

³⁶ See, e.g., Nasdaq PHLX, LLC Options 4A, Section 12 (permitting nonstandard expirations, including daily expirations for Nasdaq-100 index options and Nasdaq 100-Micro index options); and Nasdaq ISE, LLC Options 4, Section 5, Supplementary Material .03 (permitting short-term options series with daily expirations for SPY and QQQ options).

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–CBOE–2026–005 and should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁷

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026–01375 Filed 1–23–26; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 12921]

Proposal To Extend the Cultural Property Agreement Between the United States and Greece

SUMMARY: Proposal to extend the *Memorandum of Understanding Between the Government of the United States of America and the Government of the Hellenic Republic Concerning the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Material of the Hellenic Republic* (“the Greece Agreement”).

FOR FURTHER INFORMATION CONTACT: Andrew Zonderman, Cultural Heritage Center, Bureau of Educational and Cultural Affairs: (771) 204–6071; culprop@state.gov; include “Greece” in the subject line.

SUPPLEMENTARY INFORMATION: Pursuant to the authority vested in the Under Secretary of State for Public Diplomacy, and pursuant to 19 U.S.C. 2602(f)(1), an extension of the Greece Agreement is hereby proposed. The Cultural Heritage Center website will provide instructions for public comment: <https://www.state.gov/cultural-property-advisory-committee-meeting-march-3-5-2026/>.

A copy of the Greece Agreement, the Designated List of categories of material currently restricted from import into the United States, and related information can be found at the Cultural Heritage Center website: <https://www.state.gov/>

current-agreements-and-import-restrictions/.

Andrew L. Zonderman,
Designated Federal Officer, Cultural Property Advisory Committee, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2026–01405 Filed 1–23–26; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12924]

Cultural Property Advisory Committee; Notice of Meeting

SUMMARY: The Department of State announces the location, dates, times, and agenda for the next meeting of the Cultural Property Advisory Committee (“the Committee”).

DATES: The Committee will meet from March 3–5, 2026, from 8:30 a.m. to 5:00 p.m. (EST).

ADDRESSES: The Committee will meet in person. The public will participate via videoconference.

Participation: The public may participate in, or observe, the virtual open session on March 3, 2026, from 2:00 p.m. to 3:00 p.m. (EST). More information below.

FOR FURTHER INFORMATION CONTACT: Andrew Zonderman, Cultural Heritage Center, Bureau of Educational and Cultural Affairs: (771) 204–6071; culprop@state.gov.

SUPPLEMENTARY INFORMATION: The Under Secretary of State for Public Diplomacy calls a meeting of the Cultural Property Advisory Committee (“the Committee”) in accordance with the Convention on Cultural Property Implementation Act (19 U.S.C. 2601–2613) (“the Act”). A portion of this meeting will be closed to the public pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h).

Meeting Agenda: The Committee will review proposed extensions of agreements with the Government of the Plurinational State of Bolivia, the Government of the Arab Republic of Egypt, and the Government of the Hellenic Republic.

The Open Session: The public can observe the virtual open session on March 3, 2026 from 2:00 p.m. to 3:00 p.m. (EST). Registered participants may provide oral comments during this session. The Department provides specific instructions on how to observe or provide oral comments at the open session at <https://www.state.gov/cultural-property-advisory-committee-meeting-march-3-5-2026/>.

Oral Comments: Register to speak at the open session by sending an email

with your name and organizational affiliation, as well as any requests for reasonable accommodation, by February 20, 2026. Those who submit written comments in advance of the meeting are not required to make an oral comment during the open session.

The Committee will review written comments if received by 11:59 p.m. (EST) on February 20, 2026. Written comments may be submitted in two ways, depending on whether they contain confidential information:

General Comments: For general comments, use <https://www.regulations.gov>, enter the docket DOS–2026–0133, and follow the prompts.

■ **Confidential Comments:** For comments that contain privileged or confidential information (within the meaning of 19 U.S.C. 2605(i)(1)), please email submissions to culprop@state.gov. Include “Bolivia,” “Egypt,” and/or “Greece” in the subject line.

■ **Disclaimer:** The Cultural Heritage Center website contains additional information about each agenda item, including categories of archaeological and ethnological material that may be included in import restrictions: <https://www.state.gov/cultural-property-advisory-committee-meeting-march-3-5-2026/>. Comments should relate specifically to the determinations specified in the Act at 19 U.S.C. 2602(a)(1). Written comments submitted via [regulations.gov](https://www.regulations.gov) are not private and are posted at <https://www.regulations.gov>. Because written comments cannot be edited to remove any personally identifying or contact information, we caution against including any such information in an electronic submission without appropriate permission to disclose that information (including trade secrets and commercial or financial information that is privileged or confidential within the meaning of 19 U.S.C. 2605(i)(1)). We request that any party soliciting or aggregating written comments from other persons inform those persons that the Department will not edit their comments to remove any identifying or contact information and that they therefore should not include any such information in their comments that they do not want publicly disclosed.

Andrew L. Zonderman,
Designated Federal Officer, Cultural Property Advisory Committee, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2026–01409 Filed 1–23–26; 8:45 am]

BILLING CODE 4710–05–P

³⁷ 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 12923]

Proposal To Extend the Cultural Property Agreement Between the United States and Bolivia

SUMMARY: Proposal to extend the Memorandum of Understanding Between the Government of the United States of America and the Government of the Plurinational State of Bolivia Concerning the Imposition of Import Restrictions on Categories of Archaeological Material from the Pre-Columbian Cultures and Certain Ethnological Material from the Colonial and Republican Periods of the Plurinational State of Bolivia (“the Bolivia Agreement”).

FOR FURTHER INFORMATION CONTACT: Idabelle Paterson, Cultural Heritage Center, Bureau of Educational and Cultural Affairs: (771) 204-6071; culprop@state.gov; include “Bolivia” in the subject.

SUPPLEMENTARY INFORMATION: Pursuant to the authority vested in the Under Secretary of State for Public Diplomacy, and pursuant to 19 U.S.C. 2602(f)(1), an extension of the Bolivia Agreement is hereby proposed. The Cultural Heritage Center website will provide instructions for public comment: <https://www.state.gov/cultural-property-advisory-committee-meeting-march-3-5-2026/>.

A copy of the Bolivia Agreement, the Designated List of categories of material currently restricted from import into the United States, and related information can be found at the Cultural Heritage Center website: <https://www.state.gov/current-agreements-and-import-restrictions/>.

Andrew L. Zonderman,

Designated Federal Officer, Cultural Property Advisory Committee, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2026-01396 Filed 1-23-26; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice: 12915]

Advisory Committee on International Law

ACTION: Notice of open meeting.

SUMMARY: Meeting of the Department of State’s Advisory Committee on International Law.

DATES: A meeting of the Department of State’s Advisory Committee on International Law (“ACIL”) will take place on February 12, 2026, from 10:00 a.m. to 3:00 p.m.

ADDRESSES: The George Washington University Law School, Michael K. Young Faculty Conference Center, 716 20th Street NW, Fifth Floor, Washington, DC. An option to join virtually will also be available.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to attend should contact the Office of the Legal Adviser by February 4, 2026, at rogerssa2@state.gov or (771) 205-4995 and provide their name, professional affiliation (if any), email address, and phone number, along with any request for reasonable accommodation.

SUPPLEMENTARY INFORMATION: Legal Adviser Reed D. Rubinstein will chair the meeting, which will be open to the public up to the capacity of the meeting room. Priority for in-person seating will be given to members of the Advisory Committee, and remaining seating will be reserved based upon when persons contact the Office of the Legal Adviser. Individuals who wish to attend virtually may request a link to the virtual meeting platform. Attendees who require reasonable accommodation should make their requests by February 6, 2026. Requests received after that date will be considered but might not be possible to accommodate. The meeting will include discussions on international law topics. These topics include: (1) how international law intersects with artificial intelligence and can be used to advance America’s Artificial Intelligence Action Plan; and (2) how international law intersects with burgeoning commercial activities in outer space.

Authority: 5 U.S.C. 1009 and 41 CFR 102-3.150.

Shana A. Rogers,

Attorney-Adviser, Office of the Legal Adviser, Department of State.

[FR Doc. 2026-01415 Filed 1-23-26; 8:45 am]

BILLING CODE 4710-08-P

DEPARTMENT OF STATE

[Public Notice: 12911]

Notice of Department of State Sanctions Actions

ACTION: Notice.

SUMMARY: The U.S. Department of State is publishing the names of one or more persons that have been placed on the Department of the Treasury’s List of Specially Designated Nationals and Blocked Persons (SDN List) administered by the Office of Foreign Asset Control (OFAC) based on the Department of State’s determination, in consultation with other departments, as appropriate, that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on April 10, 2025. See **SUPPLEMENTARY INFORMATION** section for applicable dates.

FOR FURTHER INFORMATION CONTACT: Aaron P. Forsberg, Director, Office of Economic Sanctions Policy and Implementation, Bureau of Economic, Energy, and Business Affairs, Department of State, Washington, DC 20520, tel.: (202) 647 7677, email: ForsbergAP@state.gov.

SUPPLEMENTARY INFORMATION:**Electronic Availability**

The SDN List and additional information concerning sanctions programs are available on OFAC’s website, <https://ofac.treasury.gov/sanctions-programs-and-country-information/iran-sanctions>.

Notice of Department of State Actions

On April 10, 2025, the Department of State, in consultation with other departments, as appropriate, determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Entities

BILLING CODE 4710-07-P

1. VALIANT MARINE VENTURES FZE (Arabic: فاليانت مارين فينتشرز م م ح) X2-49, 3rd Floor, SAIF Suite, al-Dhaid Road, SAIF Zone, Sharjah, United Arab Emirates; Executive Order 13846 information: BLOCKING PROPERTY AND INTERESTS IN PROPERTY. Sec. 5(a)(iv); Organization Established Date 14 Oct 2021; Identification Number IMO 6268870; License 19639 (United Arab Emirates); Economic Register Number (CBLS) 11767973 (United Arab Emirates) [IRAN-EO13846].

Designated pursuant to section 3(a)(ii) of Executive Order 13846, “Reimposing Certain Sanctions With Respect to Iran” (E.O. 13846), for knowingly engaging in a significant transaction for the purchase, acquisition, sale, transport, or marketing of petroleum or petroleum products from Iran.

2. GUANGSHA ZHOUSHAN ENERGY GROUP CO., LTD. (Chinese Simplified: 广厦舟山能源集团有限公司) (a.k.a. GUANGXIA ZHOUSHAN ENERGY SOURCES GROUP CO., LTD.), No. 285 Renmin Road, Queshan Town, Daishan, Zhoushan, Zhejiang 316200, China; Organization Established Date 14 Apr 2004; Unified Social Credit Code (USCC) 91330921761310329G (China) [IRAN-EO13846].

Designated pursuant to section 3(a)(ii) of E.O. 13846, for knowingly engaging in a significant transaction for the purchase, acquisition, sale, transport, or marketing of petroleum or petroleum products from Iran.

Designated pursuant to section 3(a)(ii) of E.O. 13846, for knowingly engaging in a significant transaction for the purchase, acquisition, sale, transport, or marketing of petroleum or petroleum products from Iran.

4. MARZIYA SHIPPING OPC PVT LTD, A-1, S A Hasan, Langar Khana Chowk, Lucknow, Uttar Pradesh 226003, India; Executive Order 13846 information: BLOCKING PROPERTY AND INTERESTS IN PROPERTY. Sec. 5(a)(iv); Organization Established Date 06 May 2021; C.I.N. U61200UP2021OPC145965 (India); Identification Number IMO 6227200; Business Registration Number 145965 (India) [IRAN-EO13846].

Designated pursuant to section 3(a)(ii) of E.O. 13846, for knowingly engaging in a significant transaction for the purchase, acquisition, sale, transport, or marketing of petroleum or petroleum products from Iran.

Vessels

1. AMOR (TJMC800) Crude Oil Tanker Cameroon flag; Vessel Registration Identification IMO 9182291; MMSI 613884000 (vessel) [IRAN-EO13846] (Linked To: VALIANT MARINE VENTURES FZE).

Identified as property in which VALIANT MARINE VENTURES FZE, an entity designated pursuant to E.O. 13846, has an interest.

2. VIRGO (C5J448) Crude Oil Tanker Gambia flag; Vessel Registration Identification IMO 9236250; MMSI 629009436 (vessel) [IRAN-EO13846] (Linked To: RISING PHOENIX PROVIDER NV).

Identified as property in which RISING PHOENIX PROVIDER NV, an entity designated pursuant to E.O. 13846, has an interest.

Hugo Y. Yon,

Principal Deputy Assistant Secretary, Bureau of Economic, Energy, and Business Affairs, Department of State.

[FR Doc. 2026-01366 Filed 1-23-26; 8:45 am]

BILLING CODE 4710-07-P

DEPARTMENT OF STATE

[Public Notice: 12922]

Proposal To Extend the Cultural Property Agreement Between the United States and Egypt

SUMMARY: Proposal to extend the *Memorandum of Understanding Between the Government of the United States of America and the Government of the Arab Republic of Egypt Concerning the Imposition of Import Restrictions on Categories of Cultural Property of Egypt* (“the Egypt Agreement”).

FOR FURTHER INFORMATION CONTACT: Virginia Herrmann, Cultural Heritage Center, Bureau of Educational and Cultural Affairs: (771) 204-6071; culprop@state.gov; include “Egypt” in the subject.

SUPPLEMENTARY INFORMATION: Pursuant to the authority vested in the Under Secretary of State for Public Diplomacy, and pursuant to 19 U.S.C. 2602(f)(1), an extension of the Egypt Agreement is hereby proposed. The Cultural Heritage Center website will provide instructions for public comment: <https://www.state.gov/cultural-property-advisory-committee-meeting-march-3-5-2026/>.

A copy of the Egypt Agreement, the Designated List of categories of material currently restricted from import into the United States, and related information can be found at the Cultural Heritage Center website: <https://www.state.gov/current-agreements-and-import-restrictions/>.

Andrew L. Zonderman,

Designated Federal Officer, Cultural Property Advisory Committee, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2026-01397 Filed 1-23-26; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice: 12912]

Notice of Department of State Sanctions Actions

ACTION: Notice.

SUMMARY: The U.S. Department of State is publishing the names of one or more persons that have been placed on the Department of the Treasury’s List of Specially Designated Nationals and Blocked Persons (SDN List) administered by the Office of Foreign Asset Control (OFAC) based on the Department of State’s determination, in consultation with other departments, as appropriate, that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on March 31, 2025. See **SUPPLEMENTARY INFORMATION** section for applicable dates.

FOR FURTHER INFORMATION CONTACT: Aaron P. Forsberg, Director, Office of Economic Sanctions Policy and Implementation, Bureau of Economic, Energy, and Business Affairs, Department of State, Washington, DC 20520, tel.: (202) 647 7677, email: ForsbergAP@state.gov.

SUPPLEMENTARY INFORMATION:

Notice of Department of State Action

On March 31, 2025, the Department of State, in consultation with other departments, as appropriate, determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

BILLING CODE 4710-07-P

1. LAM, Paul Ting Kwok (a.k.a. LAM, Ting Kwok (Chinese Traditional: 林定國); a.k.a. LAM, Ting Kwok Paul; a.k.a. LIN, Dingguo (Chinese Simplified: 林定国)), Hong Kong, China; DOB 26 Mar 1968; POB Hong Kong, China; nationality China; citizen China; Gender Male; Passport 610884285 (China); National ID No. 265113530948 (China) (individual) [HK-EO13936].

Designated pursuant to section 4(a)(i) of Executive Order 13936, “The President’s Executive Order on Hong Kong Normalization” (E.O. 13936), for being a foreign person determined to be or have been involved, directly or indirectly, in the coercing, arresting, detaining, or imprisoning of individuals under the authority of, or to be or have been responsible for or involved in developing, adopting, or implementing, the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Administrative Region.

2. AU, Sonny Chi Kwong (a.k.a. AU, Chi Kwong (Chinese Traditional: 區志光); a.k.a. AU, Chi Kwong Sonny; a.k.a. OU, Zhiguang (Chinese Simplified: 区志光)), Hong Kong, China; DOB 16 Aug 1961; nationality China; citizen China; Gender Male (individual) [HK-EO13936].

Designated pursuant to section 4(a)(iii)(A) of E.O. 13936, for being a foreign person determined to be or have been a leader or official of an entity, including

any government entity, that has engaged in, or whose members are or have been involved, directly or indirectly, in the coercing, arresting, detaining, or imprisoning of individuals under the authority of, or to be or have been responsible for or involved in developing, adopting, or implementing, the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Administrative Region.

3. CHIU, Margaret Wing Lan (a.k.a. CHIU, Wing Lan (Chinese Simplified: 赵咏兰; Chinese Traditional: 趙詠蘭)), No. 20, 3rd Street, Section D, Fairview Park, Yuen Long, Hong Kong, China; DOB 22 Aug 1974; POB Hong Kong, China; nationality China; Gender Female; Passport KJ0760266 (China) issued 17 Jan 2019 expires 17 Jan 2029; National ID No. K3117588 (China) (individual) [HK-EO13936].

Designated pursuant to section 4(a)(iii)(A) of E.O. 13936, for being a foreign person determined to be or have been a leader or official of an entity, including any government entity, that has engaged in, or whose members are or have been involved, directly or indirectly, in the coercing, arresting, detaining, or imprisoning of individuals under the authority of, or to be or have been responsible for or involved in developing, adopting, or implementing, the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Administrative Region.

4. DONG, Jingwei (Chinese Traditional: 董經緯; Chinese Simplified: 董经纬),

Hong Kong, China; DOB Nov 1963; nationality China; citizen China; Gender Male (individual) [HK-EO13936].

Designated pursuant to section 4(a)(iii)(A) of E.O. 13936, for being a foreign person determined to be or have been a leader or official of an entity, including any government entity, that has engaged in, or whose members are or have been involved, directly or indirectly, in the coercing, arresting, detaining, or imprisoning of individuals under the authority of, or to be or have been responsible for or involved in developing, adopting, or implementing, the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Administrative Region.

5. SIU, Raymond Chak Yee (a.k.a. SIU, Chak Yee (Chinese Traditional: 蕭澤頤);

a.k.a. SIU, Chak Yee Raymond; a.k.a. XIAO, Zeyi (Chinese Simplified: 萧泽颐

)), Hong Kong, China; DOB 02 Apr 1966; POB Hong Kong, China; nationality China; citizen China; Gender Male; Passport 610338855 (China); National ID No. 561834197328 (China) (individual) [HK-EO13936].

Designated pursuant to section 4(a)(iii)(A) of E.O. 13936, for being a foreign person determined to be or have been a leader or official of an entity, including any government entity, that has engaged in, or whose members are or have been involved, directly or indirectly, in the coercing, arresting, detaining, or imprisoning of individuals under the authority of, or to be or have been

responsible for or involved in developing, adopting, or implementing, the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Administrative Region.

6. WONG, Dick Chung Chun (a.k.a. WONG, Chung Chun (Chinese Traditional: 王忠巡); a.k.a. WONG, Chung Chun Dick), Flat B, 29 Floor, Tower 3, The Riverpark, 8 Che Kung Miu Road, Shatin, Hong Kong, China; DOB 10 Oct 1973; POB Hong Kong, China; nationality Hong Kong; Gender Male; Passport K00021646 (China) issued 28 Feb 2007 expires 28 Feb 2017; National ID No. K212288A (China) (individual) [HK-EO13936].

Designated pursuant to section 4(a)(iii)(A) of E.O. 13936, for being a foreign person determined to be or have been a leader or official of an entity, including any government entity, that has engaged in, or whose members are or have been involved, directly or indirectly, in the coercing, arresting, detaining, or imprisoning of individuals under the authority of, or to be or have been responsible for or involved in developing, adopting, or implementing, the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Administrative Region.

Hugo Y. Yon,
Principal Deputy Assistant Secretary, Bureau
of Economic, Energy, and Business Affairs,
Department of State.
[FR Doc. 2026-01364 Filed 1-23-26; 8:45 am]
BILLING CODE 4710-07-C

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

**[Docket No.: FAA-2025-2959; Summary
Notice No. 2026-02]**

**Petition for Exemption; Summary of
Petition Received; Remnant
Technology Inc.**

AGENCY: Federal Aviation
Administration (FAA), Department of
Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and

must be received on or before February 17, 2026.

ADDRESSES: Send comments identified by docket number FAA–2025–2959 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 267–2928, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2025–2959.

Petitioner: Remnant Technology Inc.

Section(s) of 14 and 49 CFR Affected:

§§ 61.3(a)(1)(i), 91.7(a), 91.119(c), 91.121, 91.151(b), 91.405(a), 91.407(a)(1), 91.409(a)(1), 91.409 (a)(2), 91.417(a), 91.417(b) and 49 CFR part 175.

Description of Relief Sought: Remnant Technology Inc. seeks relief for the carriage and aerial application of non-economic poison hazardous materials, specifically Classes 3, 5.1, 5.2, 8, and 9, as defined by 49 CFR part 175, onto structures using unmanned aircraft system (UAS) platforms weighing 55 pounds (lbs.) or more at takeoff. The proposed operations maybe be conducted in conjunction with a Hazardous Materials (HAZMAT) Special Permit issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) under the authority of 49 U.S.C. 5117.

[FR Doc. 2026–01430 Filed 1–23–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–0024]

Notice of Intent To Designate as Abandoned R.J. Schroers Supplemental Type Certificate Nos. SA91NW, SA152NW, and SA2472WE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to designate supplemental type certificate as abandoned; request for comments.

SUMMARY: This notice announces the FAA’s intent to designate R.J. Schroers Supplemental Type Certificate (STC) Nos. SA91NW, SA152NW, and SA2472WE as abandoned and make the related engineering data available upon request. The FAA has received a request to provide engineering data concerning these STCs. The FAA has been unsuccessful in contacting R.J. Schroers concerning the STCs. This action is intended to enhance aviation safety.

DATES: The FAA must receive all comments by July 27, 2026.

ADDRESSES: You may send comments on this notice by any of the following methods:

- *Federal eRulemaking Portal:* Go to [regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.

- *Mail:* Ed Mills, AIR–771, FAA, West Certification Branch, 2200 216th Street, Des Moines, WA 98189.

- *Email:* Ed.Mills@faa.gov. Include “Docket No. FAA–2026–0024” in the subject line of the message.

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

FOR FURTHER INFORMATION CONTACT: Ed Mills, Program Manager, AIR–771, FAA;

telephone: 206–231–3515; email: Ed.Mills@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested parties to provide comments, written data, views, or arguments relating to this notice. Send your comments using a method listed under the **ADDRESSES** section. Include “Docket No. FAA–2026–0024” at the beginning of your comments. The FAA will consider all comments received on or before the closing date. All comments received will be available in the docket for examination by interested persons.

Background

The FAA is posting this notice to inform the public that the FAA intends to designate R.J. Schroers STC Nos. SA91NW, SA152NW, and SA2472WE as abandoned and subsequently release the related engineering data. STC No. SA91NW is for the installation of a strobe light flashtube system installation, on Univair Aircraft Corporation (Stinson) Model 108–3 airplanes. STC No. SA152NW is for the installation of a deck and glare shield (with and without instrument lights), on Textron Aviation Inc. (type certificate formerly held by Cessna Aircraft Company) Model 170, 170A, 170B, 172, 172A, 180, 180A, 180B, 180C, 180D, 180E, 180F, 180G, 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 185, 185A, 185B, and 185C airplanes; Textron Aviation Inc. (type certificate formerly held by Beechcraft Corporation) Model 35, A35, B35, C35, D35, E35, F35, G35, 35R, 35–33, 35–A33, 35–B33, 35–C33, 35–C33A, E33, E33A, E33C, F33, F33A, F33C, G33, H35, J35, K35, M35, N35, P35, S35, V35, V35A, and V35B airplanes; and Mooney International Corporation (type certificate previously held by Mooney Aviation Company) Model M20, M20A, M20B, M20C, M20D, M20E, M20F, and M20G airplanes. STC No. SA2472WE is for the installation of a high intensity anti-collision light system, on Textron Aviation Inc. Model 170, 170A, and 170B airplanes.

The FAA has received a third-party request for the release of the engineering data for STC No. SA152NW under the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552. The FAA cannot release commercial or financial information under FOIA without the permission of the data owner. However, in accordance with title 49 of the United States Code § 44704(a)(5), the FAA can provide STC “engineering data” it possesses for STC

maintenance or improvement, upon request, if the following conditions are met:

1. The FAA determines the STC has been inactive for 3 years or more;
2. Using due diligence, the FAA is unable to locate the owner of record or the owner of record's heir; and
3. The availability of such data will enhance aviation safety.

There has been no activity on this STC for more than 3 years.

On July 18, 2025, the FAA sent a certified letter to R.J. Schroers at his last known address: 4479 139th Ave. SE, Bellevue, Washington 98006. The letter was returned, unclaimed, and unable to be forwarded. The letter informed R.J. Schroers that the FAA had received a request for engineering data related to STC No. SA152NW and was conducting a due diligence search to determine whether the STC was inactive and may be considered abandoned. The letter further requested that R.J. Schroers respond in writing within 60 days and state whether he is the holder of the STC. The FAA also attempted to make contact with R.J. Schroers by other means, including telephone communication, without success.

Information Requested

If you are the owner or heir or a transferee of STC No. SA91NW, SA152NW, or SA2472WE or have any knowledge regarding who may now hold STC No. SA91NW, SA152NW, or SA2472WE, please contact Ed Mills using a method described in this notice under **FOR FURTHER INFORMATION CONTACT**. If you are the heir of the owner, or the owner by transfer, of STC No. SA91NW, SA152NW, or SA2472WE, you must provide a notarized copy of your government-issued identification with a letter and background establishing your ownership of the STC and, if applicable, your relationship as the heir to the deceased holder of the STC.

Conclusion

If the FAA does not receive any response by July 27, 2026, the FAA will consider STC Nos. SA91NW, SA152NW, and SA2472WE abandoned, and the FAA will proceed with the release of the requested data. This action is for the purpose of maintaining the airworthiness of an aircraft and enhancing aviation safety.

Issued on January 22, 2026.

Steven W. Thompson,

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

[FR Doc. 2026-01446 Filed 1-23-26; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2010-0062]

Belt Railway Company of Chicago's Request To Amend Its Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on January 12, 2026, Belt Railway Company of Chicago (BRC) submitted a request for amendment (RFA) to its FRA-certified positive train control (PTC) system, to request FRA's approval of planned, temporary outages to its Mixed PTC System for maintenance on its Back Office Subsystem (BOS) during the months of March and April 2026. FRA is publishing this notice and inviting public comment on BRC's RFA to its PTC system.

DATES: FRA will consider comments received by February 17, 2026. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES:

Comments: Comments 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 the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA-2010-0062. For convenience, all active PTC dockets are hyperlinked on FRA's website at <https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets>. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816-516-7168, email: Gabe.Neal@dot.gov.

SUPPLEMENTARY INFORMATION: In general, title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated

in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTC Safety Plan (PTCSP), a host railroad must submit, and obtain FRA's approval of, an RFA to its PTC system or PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal or train control system. Accordingly, this notice informs the public that, on January 12, 2026, BRC submitted an RFA to its PTC system, the Interoperable Electronic Train Management System, which seeks FRA's approval for a temporary outage to conduct BOS upgrades in March and April 2026. That RFA is available in Docket No. FRA-2010-0062.

Interested parties are invited to comment on BRC's RFA by submitting written comments or data. During FRA's review of BRC's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. See 49 CFR 236.1021; see also 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](https://www.regulations.gov). To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,
Director, Office of Railroad Systems and Technology.

[FR Doc. 2026-01467 Filed 1-23-26; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION**Federal Transit Administration****Limitation on Claims Against Proposed Public Transportation Projects—Austin Light Rail Phase 1 Project, Austin, Travis County, Texas, and 175 Park Ave Project, New York, New York**

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) regarding two projects: the Austin Light Rail Phase 1 Project in Austin, Texas; and 175 Park Avenue Project in New York, New York. The purpose of this notice is to publicly announce FTA's environmental decisions on the subject projects, and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before June 25, 2026.

FOR FURTHER INFORMATION CONTACT:

Kathryn Loster, Assistant Chief Counsel, Office of Chief Counsel, (202) 360–2322, or Saadat Khan, Environmental Protection Specialist, Office of Environmental Policy and Programs, (202) 366–6385. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions subject to 23 U.S.C. 139(l) by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA environmental project files for the project. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at <https://www.transit.dot.gov/about/regional-offices/regional-offices>.

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA (42 U.S.C. 4321–4347), Section 4(f)

requirements (49 U.S.C. 303), Section 6(f) of the Land and Water Conservation Fund Act (54 U.S.C. 200305), Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), the Endangered Species Act (16 U.S.C. 1531), the Clean Water Act (33 U.S.C. 1251), the Uniform Relocation and Real Property Acquisition Policies Act (42 U.S.C. 4601), and the Clean Air Act (42 U.S.C. 7401–7671q). This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project actions that are the subject of this notice follow:

1. *Project name and location:* Austin Light Rail Phase 1 Project (Austin Project), Austin, Travis County, Texas.

Project Sponsor: Austin Transit Partnership, Austin, Texas.

Project description: The Austin Project includes construction of approximately 9.8-miles of new light rail transit (LRT) beginning at the intersection of Guadalupe Street and 38th Street, continuing south through downtown Austin before crossing Lady Bird Lake on a new dedicated LRT bridge. South of Lady Bird Lake, the corridor splits into two branches with one continuing further south along South Congress Avenue to Oltorf Street and the other extending east along East Riverside Drive, ending just west of State Highway 71. The Austin Project also includes the construction of 15 new stations, an operations and maintenance facility, one maintenance of way shop, and three park and ride facilities.

Final agency action: Section 4(f) use determination, dated January 7, 2026; Section 6(f) use determination, dated January 7, 2026; Section 106 Programmatic Agreement, dated January 7, 2026; and Austin Light Rail Phase 1 Combined Final Environmental Impact Statement (FEIS)/Record of Decision (ROD), dated January 16, 2026.

Supporting documentation: Austin Light Rail Phase 1 Combined FEIS/ROD, dated January 16, 2026, and Austin Light Rail Phase 1 Draft Environmental Impact Statement (DEIS), dated January 10, 2025. The Combined FEIS/ROD, DEIS, and supporting documents can be viewed and downloaded from: <https://www.atptx.org/milestones/atp-releases-final-environmental-impact-statement-record-of-decision>.

2. *Project name and location:* 175 Park Avenue Project (New York Project), New York, New York.

Project sponsor: Commodore Owner LLC.

Project description: The New York Project would redevelop 175 Park Avenue, located adjacent to Grand

Central Terminal in New York, New York. The New York Project includes the leasehold acquisition of the site, demolition of the existing hotel, and construction of a new, mixed-use office and hotel building with retail, public space, and large-scale transit and public concourse improvements.

Final agency action: Section 106 No Adverse Effect determination, dated October 16, 2025; Section 4(f) no use determination, dated October 16, 2025; 175 Park Avenue Project Finding of No Significant Impact (FONSI), dated January 9, 2026.

Supporting documentation: 175 Park Avenue Environmental Assessment (EA), dated October 16, 2025. The EA, and associated documents can be viewed and downloaded from: <https://175parkproject.nyc>.

(Authority: 23 U.S.C. 139(l)(1).)

Megan Blum,

Deputy Associate Administrator for Planning and Environment.

[FR Doc. 2026–01367 Filed 1–23–26; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials Safety Administration**

[Docket No. PHMSA–2026–0133]

Best Practices Webinar Series Presented by the National Center of Excellence for Liquefied Natural Gas Safety

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of public webinar.

SUMMARY: The National Center of Excellence for Liquefied Natural Gas Safety (National LNG Center) will host a series of informational webinars on best practices for LNG safety, titled “Prioritizing Safety: Best Practices in LNG.” The webinars are free, will be hosted virtually, and will require advance registration. The series will be held monthly using Zoom. Each webinar will be one hour in length and will be recorded. The National LNG Center will provide electronic access to all materials, including recordings, transcripts, and presentations, after conclusion of each webinar. The webinars will cover a different best practice each session.

DATES: The first informational webinar will be held in February 2026. Subsequent webinar dates will be announced and posted as they become

available at <https://primis-meetings.phmsa.dot.gov>, along with additional information about these informational webinars, including how to register.

ADDRESSES:

Meeting Location, Presentation Format: This webinar series of LNG best practices will be held virtually. Visit <https://service.govdelivery.com/accounts/USDOTPHMSA/subscriber/new> to sign up and receive notifications of the LNG best practices webinar dates. Recordings and transcripts will be posted following each webinar. Links will be provided on the PHMSA Public Meetings page, which can be found at <https://primis-meetings.phmsa.dot.gov>. Links will also be available on the National LNG Center website, located at <https://www.phmsa.dot.gov/lng/national-center-of-excellence-for-lng-safety>.

Submitting Comments: You may submit general questions and comments identified by Docket No. PHMSA–2026–0133 using any of the following methods:

E-Gov Website: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Please include docket number PHMSA–2026–0133 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov> including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: DOT solicits comments from the public regarding certain general notices. DOT posts these comments without edit, including any personal information the commenter provides, to <https://www.regulations.gov> as described in the system of records

notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT:

Sentho White, Director of the National Center of Excellence for Liquefied Natural Gas Safety, by phone at 202–366–2415 or by email at LNGCenter@dot.gov.

SUPPLEMENTARY INFORMATION: The National LNG Center is required by section 111(d) of the Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2020 (Pub. L. 116–260) to “further[] the expertise of the Federal Government in the operations, management, and regulatory practices of LNG facilities through . . . increased communication with LNG experts to learn and support state-of-the-art operational practices,” and to “act[] as a repository of information on best practices for the operation of LNG facilities.”

The National LNG Center will use the best practices webinars to promote information-sharing between LNG industry stakeholders, supporting continuous improvements in LNG facility safety and operational performance while complementing minimum regulatory requirements. The best practices include—but are not limited to—LNG facility management, fire protection and safety, operations, maintenance, system/process design, and other leading industry practices. The best practices may be implemented by various LNG facility types, including—but not limited to—baseload facilities (import/export terminals), peak shavers, satellite, temporary/mobile, transportation fuel, and bunkering.

Identified best practices can be applied in the form of a procedure, technique, process, program, consensus standard, or recommended practice and may merit consideration by organizations for implementation because they have demonstrated value in improving safety or reliability; in offering superior performance beyond compliance; or in introducing innovative methods to enhance effectiveness. Delivering these practices via webinars enables a formal process of sharing information with LNG

stakeholders.¹ Webinars also facilitate broad outreach, interactive questions and answers, and subsequent measurement of impact.

Issued in the Washington, DC, on January 21, 2026 under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2026–01360 Filed 1–23–26; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2025–0013]

Pipeline Safety: Request for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); U.S. Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for special permit received from Algonquin Gas Transmission, LLC (AGT). The special permit request is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

DATES: Submit any comments regarding this special permit request by February 25, 2026.

ADDRESSES: Comments should reference the docket number for this special permit request and may be submitted in the following ways:

- **E-Gov Website:** <http://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- **Fax:** 1–202–493–2251.
- **Mail:** Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

¹ LNG sector stakeholders, as defined in section 111 of the PIPES Act of 2020, are defined as Federal regulatory agencies of jurisdiction, LNG facilities operating in the United States, State governments, Indian tribes, units of local government, post-secondary educational institutions, labor organizations, and safety organizations.

• **Hand Delivery:** Docket Management System: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at <http://www.regulations.gov>.

Note: There is a privacy statement published on <http://www.regulations.gov>. Comments, including any personal information provided, are posted without changes or edits to <http://www.regulations.gov>.

Confidential Business Information: 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 United States Code 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) § 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Ms. Jamie Huff, DOT, PHMSA-PHP-80, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT:

General: Ms. Jamie Huff by telephone at 812-677-8809, or by email at jamie.huff@dot.gov.

Technical: Mr. Vincent Holohan by telephone at 202-360-6615, or by email at vincent.holohan@dot.gov.

References: A copy of the Second Edition of American Petroleum Institute (API) 15S will be made available for review at PHMSA’s headquarters in Washington, DC, for individuals seeking to comment on this notice. To coordinate scheduling review, contact Timothy O’Shea, Attorney-Advisor, PHMSA, at timothy.o’shea@dot.gov.

SUPPLEMENTARY INFORMATION: On December 13, 2024, PHMSA received a special permit application from AGT, owned by affiliates of Enbridge Inc. In its application, AGT seeks a waiver of the Federal pipeline safety regulations at 49 CFR 192.53(c), 192.121, 192.144, 192.149, 192.150, 192.619(a), 192.624, 192.710, and 192.714, to authorize the use of Smartpipe pipe and fittings in a regulated interstate gas transmission pipeline located in Class 1, Class 2, and Class 3 locations.

Specifically, AGT proposes to insert 8.79-inch diameter Smartpipe composite pipe and components into approximately 0.95 miles of an existing 10.75-inch diameter steel gas transmission pipeline located in Hartford County, Connecticut. Because AGT’s existing regulated steel gas transmission pipeline is un-piggable and subject to maximum allowable operating pressure (MAOP) reconfirmation, AGT wants to use the steel carrier pipe as added protection from excavation damage, and to insert the new Smartpipe composite pipe. The 8.79-inch diameter Smartpipe will allow AGT to maintain the current MAOP of 750 pounds per square inch gauge. Smartpipe is a type of flexible reinforced thermoplastic pipe that is not authorized by the regulations for use in gas transmission pipelines but which both PHMSA and the operator have experience safely managing through previous special permits and state waivers.

PHMSA developed the draft conditions to ensure that the special permit is not inconsistent with pipeline safety. The special permit application, draft proposed special permit with conditions, and draft environmental assessment are available for review and public comment in Docket Number PHMSA-2025-0013. PHMSA invites interested persons to review and submit comments on these documents in the docket. Please submit comments on any potential safety, environmental, and other relevant considerations implicated

by the special permit request. Comments may include relevant data.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or before the comments closing date. PHMSA will consider each relevant comment it receives in making its decision to grant or deny this special permit request.

Issued in Washington, DC, on January 21, 2026, under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2026-01369 Filed 1-23-26; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC’s Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC’s determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. OFAC is also publishing the names of one or more properties or persons who have been removed from the SDN List.

DATES: This action was issued on January 21, 2026. See Supplementary Information for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant Director for Licensing, 202-622-2480; Assistant Director for Sanctions Compliance, 202-622-2490 or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC’s website: <https://ofac.treasury.gov>.

Notice of OFAC Action

On January 21, 2026, OFAC determined that the property and

interests in property subject to U.S.
jurisdiction of the following persons are

blocked under the relevant sanctions
authority listed below.

Individual

BILLING CODE 4810-AL-P

1. BIRAWI, Zaher Khaled Hassan (Arabic: زاهر خالد حسن بيرواي) (a.k.a. "Abu Hasan"), United Kingdom; DOB Oct 1961; POB Asira al-Shimaliya Village, West Bank, Palestinian Territories; nationality Palestinian; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: POPULAR CONFERENCE FOR PALESTINIANS ABROAD).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism," 66 FR 49079, 3 CFR, 2001 Comp., p. 786, as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," 84 FR 48041, 3 CFR, 2019 Comp., p. 356 (E.O. 13224, as amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, POPULAR CONFERENCE FOR PALESTINIANS ABROAD, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Entities

1. AL-SALAMEH SOCIETY GAZA (Arabic: جمعية السلامة) (a.k.a. AL-SALAMA CHARITABLE SOCIETY FOR THE CARE OF THE WOUNDED AND DISABLED; a.k.a. "AL-SALAMEH SOCIETY"), Gaza; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2006; Organization Type: Other human health activities; Target Type Charity or Nonprofit Organization [SDGT] (Linked To: HAMAS).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, HAMAS, a person whose property and interests in property are blocked pursuant to E.O. 13224.

2. MERCIFUL HANDS GAZA (a.k.a. MERCIFUL HANDS CHARITY; a.k.a. THE MERCIFUL HANDS CHARITABLE SOCIETY; a.k.a. "MERCIFUL HANDS ASSOCIATION" (Arabic: "جمعية الأيدي الرحيمة")), Gaza; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2005; Organization Type: Other human health activities; Target Type Charity or Nonprofit Organization [SDGT] (Linked To: HAMAS).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, HAMAS, a person whose property and interests in property are blocked pursuant to E.O. 13224.

3. WAED CAPTIVE AND LIBERATORS SOCIETY (a.k.a. VAED ASSOCIATION FOR PRISONERS AND RELEASED PERSONS; a.k.a. WAED SOCIETY GAZA (Arabic: جمعية واعد)), Al-Sina'a Street, Gaza; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2006; Organization Type: Other human health activities; Target Type Charity or Nonprofit Organization [SDGT] (Linked To: HAMAS).

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HAMAS, a person whose property and interests in property are blocked pursuant to E.O. 13224.

4. AL-FALAH SOCIETY GAZA (Arabic: جمعية الفلاح) (a.k.a. AL FALAH BENEVOLENT SOCIETY; a.k.a. AL-FALAH CHARITABLE ORGANIZATION), Gaza; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 1999; Organization Type: Other human health activities; Target Type Charity or Nonprofit Organization [SDGT] (Linked To: HAMAS).

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HAMAS, a person whose property and interests in property are blocked pursuant to E.O. 13224.

5. AL-NUR SOCIETY GAZA (Arabic: جمعية النور) (a.k.a. AL NOOR PRISONER SOCIETY; a.k.a. AL-NUR PRISONER ASSOCIATION; a.k.a. EL-NUR SOCIETY; a.k.a. JAMA'TT ELANUR AL-KHIRIYA), Gaza; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2001; Organization Type: Other human health activities; Target Type Charity or Nonprofit Organization [SDGT] (Linked To: HAMAS).

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HAMAS, a person whose property and interests in property are blocked pursuant to E.O. 13224.

6. QAWAFIL SOCIETY GAZA (Arabic: جمعية قوافل) (a.k.a. QAWAFIL ALKHAIR ASSOCIATION), Gaza; Website <https://qawafilalkhair.net>; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2015; Organization Type: Other human health activities; Target Type Charity or Nonprofit Organization [SDGT] (Linked To: HAMAS).

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HAMAS, a person whose property and interests in property are blocked pursuant to E.O. 13224.

7. POPULAR CONFERENCE FOR PALESTINIANS ABROAD (Arabic: المؤتمر الشعبي لفلسطينيي الخارج) Beirut, Lebanon; Istanbul, Turkey; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2017; Organization Type: Advocacy organization [SDGT] (Linked To: HAMAS).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, HAMAS, a person whose property and interests in property are blocked pursuant to E.O. 13224.

On January 21, 2026, OFAC determined that the following property and interests in property subject to U.S. jurisdiction of the following person are unblocked and that property and person have been removed from the SDN List.

Entity

1. ALTOMARE S.A., 5 Aitolikou, Piraeus 18545, Greece; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive

Order 13886; Organization Established Date 10 Dec 2001; Identification Number IMO 5033025; Registration Number 999902991 (Greece) [SDGT] [IFSR] (Linked To: SEPEHR ENERGY JAHAN NAMA PARS COMPANY).

Vessel

1. KALLISTA (3E3407) Crude Oil Tanker Panama flag; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive

Order 13886; Vessel Year of Build 2010; Vessel Registration Identification IMO 9411965; MMSI 352001127 (vessel) [SDGT] (Linked To: ALTOMARE S.A.). (Authority: E.O. 13224, as amended.)

Bradley T. Smith,

Director, Office of Foreign Assets Control.
[FR Doc. 2026-01332 Filed 1-23-26; 8:45 am]

BILLING CODE 4810-AL-C



FEDERAL REGISTER

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January 26, 2026

Part II

The President

Notice of January 20, 2026—Continuation of the National Emergency With Respect to the International Criminal Court

Notice of January 20, 2026—Continuation of the National Emergency With Respect to the Widespread Humanitarian Crisis in Afghanistan and the Potential for a Deepening Economic Collapse in Afghanistan

Presidential Documents

Title 3—

Notice of January 20, 2026

The President

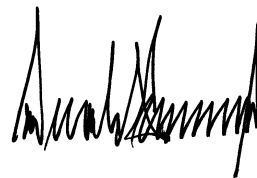
Continuation of the National Emergency With Respect to the International Criminal Court

On February 6, 2025, by Executive Order 14203, I declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by efforts by the International Criminal Court (ICC) to investigate, arrest, detain, or prosecute protected persons, as defined in section 8(d) of Executive Order 14203.

The ICC, as established by the Rome Statute, has engaged in illegitimate and baseless actions targeting America and our close ally Israel. The ICC has, without a legitimate basis, asserted jurisdiction over and opened preliminary investigations concerning personnel of the United States and certain of its allies, including Israel, and has further abused its power by issuing baseless arrest warrants targeting Israeli Prime Minister Benjamin Netanyahu and Former Minister of Defense Yoav Gallant. The ICC has no jurisdiction over the United States or Israel, as neither country is party to the Rome Statute or a member of the ICC. Neither country has ever recognized the ICC's jurisdiction, and both nations are thriving democracies with militaries that strictly adhere to the laws of war. The ICC's recent actions against Israel and the United States set a dangerous precedent, directly endangering current and former United States personnel, including active service members of the Armed Forces, by exposing them to harassment, abuse, and possible arrest. This malign conduct in turn threatens to infringe upon the sovereignty of the United States and undermines the critical national security and foreign policy work of the United States Government and our allies, including Israel.

Efforts by the ICC to investigate, arrest, detain, or prosecute protected persons, as defined in section 8(d) of Executive Order 14203, continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in Executive Order 14203 of February 6, 2025, must continue in effect beyond February 6, 2026. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 14203 with respect to the ICC.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

A handwritten signature in black ink, appearing to be a stylized name, possibly "Donald Trump", written in a cursive, slanted style.

THE WHITE HOUSE,
January 20, 2026.

[FR Doc. 2026-01544
Filed 1-23-26; 11:15 am]
Billing code 3395-F4-P

Presidential Documents

Notice of January 20, 2026

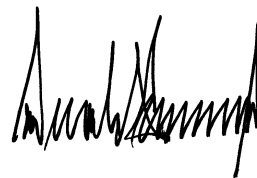
Continuation of the National Emergency With Respect to the Widespread Humanitarian Crisis in Afghanistan and the Potential for a Deepening Economic Collapse in Afghanistan

On February 11, 2022, by Executive Order 14064, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the widespread humanitarian crisis in Afghanistan and the potential for a deepening economic collapse in Afghanistan.

The widespread humanitarian crisis in Afghanistan—including the urgent needs of the people of Afghanistan for food security, livelihoods support, water, sanitation, health, hygiene, and shelter and settlement assistance, among other basic human needs—and the potential for a deepening economic collapse in Afghanistan continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. In addition, the preservation of certain property of Da Afghanistan Bank (DAB) held in the United States by United States financial institutions is of the utmost importance to addressing this national emergency and the welfare of the people of Afghanistan. Various parties, including representatives of victims of terrorism, have asserted legal claims against certain property of DAB or indicated in public court filings an intent to make such claims. This property is blocked under Executive Order 14064.

For these reasons, the national emergency declared in Executive Order 14064 of February 11, 2022, must continue in effect beyond February 11, 2026. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 14064 with respect to the widespread humanitarian crisis in Afghanistan and the potential for a deepening economic collapse in Afghanistan.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

A handwritten signature in black ink, appearing to be a stylized name, possibly "Donald Trump", written in a cursive, slanted style.

THE WHITE HOUSE,
January 20, 2026.

[FR Doc. 2026-01547
Filed 1-23-26; 11:15 am]
Billing code 3395-F4-P



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Part III

The President

Proclamation 11005—National Day of Patriotic Devotion, 2026

Presidential Documents

Title 3—

Proclamation 11005 of January 20, 2026

The President

National Day of Patriotic Devotion, 2026

By the President of the United States of America

A Proclamation

One year ago today, I stood in the majestic rotunda of our Nation's Capitol and pledged to the American people that we would reclaim our national sovereignty, restore our safety, rebalance the scales of justice, and rebuild a country that is proud, prosperous, and free. Over the last 12 months, my Administration has swiftly delivered on these promises in epic fashion, ushering in a new era of peace, prosperity, and strength, and reclaiming the values and way of life that have made our Republic the envy of the world for 250 years. On this National Day of Patriotic Devotion, we unite as one people to honor our most sacred American ideals, celebrate our victories, and reaffirm our solemn mission to make our country greater than ever before.

When I took office 1 year ago, our country was in a state of chaos and decline. Our borders were wide open, allowing criminals, drug dealers, and violent gang members to pour in and poison our communities. Crime was surging, law enforcement was under siege, and Christians, conservatives, and other innocent Americans were being viciously persecuted. Inflation was crushing families, wages were stagnant, and the cost of living was out of control. American democracy had been undermined by lawlessness, government abuse, and a collapse of accountability at the highest levels. Men were competing in women's sports and invading women's locker rooms. Extremist left-wing ideologies were being forced into classrooms. The worst trade deals in our history had hollowed out American industry, and our leaders were undermining our strength on the world stage.

On day one, I immediately began working to fight for the law-abiding, hardworking men and women who built our Nation, who defend our Nation, and who make our Nation run.

One of my most urgent duties was to confront the worst border crisis in American history. Shortly after I took the oath of office, I declared a national emergency at the southern border, designated cartels as Foreign Terrorist Organizations and Specially Designated Global Terrorists, resumed border wall construction, reinstated the Remain in Mexico policy, halted the practice of catch-and-release, ended asylum for illegal border crossers, deployed thousands of American soldiers to defend and protect our southern border, and began carrying out the largest deportation operation in the history of our country.

In just a few short months, we turned the worst border crisis into the most secure border ever recorded. The flood of illegal aliens entering our country has come to a screeching halt. Illegal border crossings over the year have plummeted by 92 percent, and U.S. Customs and Border Patrol seized more than half a million pounds of drugs.

I have also spared no time in rebuilding our economy. On the first day of my Administration, I signed a Presidential Memorandum to secure emergency price relief for families—ordering Federal departments to free the American economy from regulatory restraints, restore affordability, and lower the cost of living. I have further taken action to restore American dominance in energy production, and deliver energy abundance that brought down

the cost of gas and electricity prices to levels not seen in decades. As a result, inflation is down 70 percent from its peak rate during the previous administration, the affordability gap is swiftly closing, real wages are soaring, and housing costs are falling.

Additionally, my Administration has rebuilt American manufacturing and put an end to the policies that forced our workers and businesses to compete against foreign nations that exploit our markets. We have secured historic investment, infrastructure, and technology deals that strengthen our supply chains, protect American innovation, and ensure the future is built by American hands and proud American hearts.

Less than 6 months into my term, we passed the historic One Big Beautiful Bill—one of the greatest legislative triumphs in American history—which made the largest tax cuts ever enacted permanent; delivered no tax on tips, no tax on Social Security, and no tax on overtime; increased the child tax credit; invested in American infrastructure; lowered energy costs; and permanently secures the border.

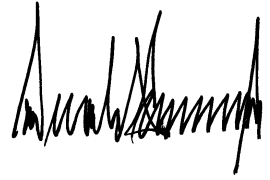
I have also moved swiftly to reassert American strength on the world stage. On my first day back in office, I signed an Executive Order directing the Secretary of State to ensure that all policies, programs, personnel, and operations at the Department of State defend America's interests and champion the needs of the American people. I have also rebuilt the most powerful and capable military anywhere in the world. Guided by a foreign policy of peace through strength, my Administration has already secured major peace agreements between nations torn by decades of fighting—including in the Middle East—and we will continue to pursue peaceful resolutions that put America first, protect our citizens, and promote stability and prosperity both at home and abroad. The full might of the American spirit is being fully restored, and our work is only just beginning.

As President, I have worked to restore the enduring American values that bind us together as one Nation under God: Equal justice under the law, freedom of speech, merit over the sinister “DEI” agenda, and reverence for our heritage, history, and heroes. My Administration has ended the era of government weaponization, strengthened the integrity of our elections, and reaffirmed that the law applies equally to every citizen. Most importantly, we are renewing our civic culture. Under my leadership, children are once again being taught to love their country and always respect our great American flag.

January 20, 2025, will forever be remembered as the day our Nation was restored to its full greatness and glory. Never again will America surrender her sovereignty, silence her people, apologize for her strength, or suppress the rights and God-given potential of her citizens. This National Day of Patriotic Devotion, as we celebrate 250 years since our Nation's founding, we stand renewed, resolute, and unafraid, carrying forward the same defiant spirit of July 4, 1776, that forged our Republic and will secure our future for generations to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 20, 2026, as National Day of Patriotic Devotion, in order to strengthen our bonds to each other and to our country, and to renew the duties of Government to the people.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fiftieth.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the lower right quadrant of the page.

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Federal Register

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Monday, January 26, 2026

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