FEDERAL REGISTER

Vol. 91 Tuesday,

No. 17 January 27, 2026

Pages 3319–3632

OFFICE OF THE FEDERAL REGISTER

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Rules and Regulations

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DEPARTMENT OF STATE

2 CFR Part 602

[Public Notice: 12930]

RIN 1400–AG24

Protecting Life in Foreign Assistance

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: To implement the Presidential Memorandum of January 24, 2025, reinstating the Mexico City Policy in support of the foreign policy objective of the United States not to support abortion as a method of family planning overseas directly or indirectly, the U.S. Department of State (Department) is adding a new award term for grants, cooperative agreements, and voluntary contributions entitled ''Protecting Life in Foreign Assistance.'' The award term imposes certain abortion-related requirements on foreign nongovernmental organizations (NGOs), United States NGOs, public international organizations, foreign governments, and parastatals. The award term is issued consistent with authorities under the Foreign Assistance Act of 1961 (FAA) and other foreign assistance authorities, such as the FREEDOM Support Act, the Migration and Refugee Assistance Act of 1962, and the SEED Act of 1989, which authorize the Department to provide foreign assistance on such terms and conditions as the President, and by delegation, the Secretary of State, may determine. Consistent with past Mexico City Policy protocol, the provision will be incorporated as applicable into grants and cooperative agreements when new funds are added as well as into new awards.

DATES: The rule is effective February 26, 2026.

FOR FURTHER INFORMATION CONTACT: Bureau of Global Acquisition, Federal Assistance Division, *fedassistancepolicy@state.gov,* (202) 890–9795.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

To ensure that foreign aid is aligned with administration policy and promotes human flourishing, the President has directed the Secretary of State to reinstate the Mexico City Policy. In addition, the Secretary of State has directed that foreign assistance align with State Department policies opposing gender ideology, discriminatory equity ideology, and unlawful diversity, equity, and inclusion (DEI) programs. Consistent with these directives, as a condition of receiving foreign assistance, recipients must generally agree to the award terms pursuant to the following policies: Protecting Life in Foreign Assistance (PLFA), Combating Gender Ideology in Foreign Assistance (CGIFA), and the Combating Discriminatory Equity Ideology in Foreign Assistance (CDEIFA). These policies are referred to collectively as the Promoting Human Flourishing in Foreign Assistance (PHFFA) Policy.

Implementation of the PHFFA Policy is consistent with administration policy as embodied in numerous Presidential actions, including:

- Presidential Memorandum of January 24, 2025, *The Mexico City Policy;*
- Executive Order 14182 of January 24, 2025, *Enforcing the Hyde Amendment;*
- Executive Order 14150 of January 20, 2025, *America First Policy Directive to the Secretary of State;*
- Presidential Memorandum of February 6, 2025, *Advancing United States Interests When Funding Nongovernmental Organizations;*
- Presidential Memorandum of February 4, 2025, *Withdrawing the United States from and Ending Funding to Certain United Nations Organizations and Reviewing United States Support to all International Organizations;*
- Executive Order 14190 of January 29, 2025, *Ending Radical Indoctrination in K–12 Schooling;*
- Executive Order 14151 of January 20, 2025, *Ending Radical and Wasteful DEI Programs and Preferencing;*
- Executive Order 14168 of January 20, 2025, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government;*
- Executive Order 14173 of January 21, 2025, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity;*

II. Protecting Life in Foreign Assistance

For over forty years, since it was first established by President Reagan in 1984, the Mexico City Policy has stood as a pillar of American foreign policy, ensuring foreign assistance dollars do not support abortion providers overseas or any foreign non-governmental organizations that provide or promote abortion as a method of family planning overseas, and instead support organizations that care for both mother and child.

During his first term, in 2017 President Trump expanded the Mexico City Policy to apply to all global health assistance, including applying the policy to additional departments and agencies resulting in the Protecting Life in Global Health Assistance (PLGHA) policy (82 FR 8495). On January 24, 2025, the President reinstated the 2017 Presidential Memorandum (90 FR 8753).

This final rule implements the 2025 Presidential Memorandum, while further expanding the Mexico City Policy by closing loopholes in previous iterations of the policy that allowed taxpayer funding to continue subsidizing the provision or promotion of abortion. First, this rule expands the scope of entities that are required to agree to relevant terms and conditions, beyond foreign NGOs, to include U.S. NGOs, international organizations, and foreign governments and parastatals. The requirements are more narrowly tailored for foreign governments and parastatals as well as for U.S. NGOs. U.S. NGOs, for example, are required to agree that they will not provide abortions as a method of family planning overseas and to ensure physical and financial separation of U.S. foreign assistance-funded programs from abortion-related activities. Second, the final rule expands the scope of funds subject to the policy beyond global health assistance to include all non-military foreign assistance as defined herein. Third, the final rule makes changes to terms and conditions used in previous iterations of the Mexico City Policy, to provide greater clarity in the definitions and the scope of prohibited activities. Fourth, the final rule provides for a waiver of the policy

or its elements in specific cases if, in the Secretary of State's judgment, such a waiver is necessary for national security or foreign policy purposes. The Department of State will issue guidance on the waiver process. Consistent with past Mexico City Policy protocol, the provision will generally be incorporated as applicable into grants and cooperative agreements when new funds are added as well as into new awards.

Members of Congress have urged the Department of State to undertake the expansion of the Mexico City Policy implemented in this rule. *See* the letter from 59 members of Congress of January 23, 2020 to then-Secretary of State Mike Pompeo, led by Senator Mike Lee and Chris Smith (R–NJ) on applying the Mexico City Policy to U.S. NGOs.[1] *See also,* the letter from 60 members of Congress of August 13, 2020 to then-acting administrator of the United States Agency for International Development John Barsa, led by Senator James Lankford and Representative Cathy McMorris Rogers, on applying the Mexico City Policy to international organizations.[2] See also, S. 250/H.R. 1465 of the 119th Congress, *Protecting Life in Foreign Assistance Act,* sponsored by Senator Mike Lee (R–UT) and Representative Virginia Foxx (R–NC–5).[3]

This rule is necessary to secure the foreign policy goals of the United States enshrined in the Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family (the Declaration). The United States spearheaded the initial adoption of the Declaration in 2020, and rejoined as a signatory to the Declaration in 2025. The Declaration ''[r]eaffirm[s] that there is no international right to abortion, nor any international obligation on the part of States to finance or facilitate abortion, consistent with the long-standing international consensus that each nation has the sovereign right to implement programs and activities consistent with their laws and policies.'' It also ''[e]mphasize[s] that 'in no case should abortion be promoted as a method of family planning' and that 'any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process.''' The United States is concerned that, absent this rule, U.S. taxpayer funds may support abortion as a method of family planning overseas, and in addition, may do so in a manner that undermines the national laws and values of sovereign nations.

A. Foreign NGOs and International Organizations

Under this rule, any foreign NGO or international organization (IO) that receives or implements a foreign assistance grant or cooperative agreement will be required to agree that, during the period of the award, it will not, outside the United States, provide or promote abortion as a method of family planning, or provide financial support to any other foreign NGO or IO that engages in such activities. Applying this policy to international organizations, such as UN entities, is also consistent with section 301(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2221(a)), which authorizes the President to provide voluntary contributions to international organizations on ''such terms and conditions as he may determine.''

B. U.S. NGOs

Under this rule, a U.S. NGO that receives or implements a grant or cooperative agreement for foreign assistance will not be subject to the policy requirements for a foreign NGO. However, it will be required to agree that, during the period of the award, it will not, outside the United States, provide abortion as a method of family planning; it will not, within the scope of any program, project, or activity funded by foreign assistance, provide or promote abortion as a method of family planning; and it will ensure the physical and financial separation of its foreign assistance-funded programs, projects, and activities from the provision or promotion of abortion as a method of family planning.

Members of Congress expressed concern that under the previous iteration of the Mexico City Policy, ''U.S. NGOs, especially those that actively promote abortions overseas were integrating abortion-related activities into their taxpayer-funded global health programs and are restructuring in order to negate the impact of PLGHA [Protecting Life in Global Health Assistance] for their foreign NGO affiliates.'' (Letter of Senator Mike Lee et al.). In response, the letter urges the Department ''to create a wall of separation between abortion and health care in U.S. global health programs by ensuring that U.S. NGOs that work abroad meet abortion-related program integrity standards at least as strong as those in effect for the Title X family planning program at home.'' The Department shares these concerns and accordingly, under this rule, U.S. NGOs that provide abortion as a method of family planning, or fail to maintain physical and financial separation from abortion-related activities within funded foreign assistance programs, may no longer receive U.S. foreign assistance.

Under this rule, U.S. NGOs that agree to the award terms agree not to provide abortions outside the United States. The U.S. Constitution does not confer a right to abortion, let alone a right to provide abortion outside the United States. See *Dobbs* v. *Jackson Women's Health Organization* (2022). Accordingly, there is no constitutional barrier to restricting funding to organizations that provide abortions as provided for in this rule.

With respect to the promotion of abortion, this rule makes clear that with respect to United States non-governmental organizations, the award terms shall be construed consistent with the First Amendment to the United States Constitution, and shall not be construed to restrict the freedoms of speech or association of such organizations when using non-Federal funds outside the scope of a program, project, or activity for which foreign assistance is made available. This is consistent with the Supreme Court's holding in *Agency for International Development* v. *Alliance for Open Society International, Inc.,* 570 U.S. 205 (2013).

Consistent with the Supreme Court's guidance in *AID* v. *Alliance* and its ruling in *Rust* v. *Sullivan,* 500 U.S. 173 (1991), this rule imposes restrictions on the promotion of abortion as a method of family planning within the scope of programs, projects, and activities that receive Federal funds. In *Rust,* the Supreme Court upheld similar regulations in the Title X family planning program which prohibit Title X projects from engaging in counseling concerning, referrals for, and activities advocating abortion as a method of family planning, and require such projects to maintain an objective integrity and independence from the prohibited abortion activities by the use of separate facilities, personnel, and accounting records. Relevant here, in *Rust,* the Court held:

> The regulations do not violate the First Amendment free speech rights of private Title X fund recipients, their staffs, or their patients by impermissibly imposing viewpoint-discriminatory conditions on Government subsidies. There is no question but that § 1008's prohibition is constitutional, since the Government may make a value

[1] *https://www.lee.senate.gov/2020/1/pro-life-legislators-call-for-extension-of-mexico-city-policy.*

[2] *https://www.lankford.senate.gov/wp-content/uploads/media/doc/Lankford%20McMorris%20Rogers%20Letter%20to%20Barsa%208.13.20.pdf.*

[3] As explained in this rule, the Department has the authority to implement this rule under existing law without enactment of this legislation.

judgment favoring childbirth over abortion, and implement that judgment by the allocation of public funds. *Maher* v. *Roe,* 432 U.S. 464, 432 U.S. 474. In so doing, the Government has not discriminated on the basis of viewpoint; it has merely chosen to fund one activity to the exclusion of another. Similarly, implementing the statutory prohibition by forbidding counseling, referral, and the provision of information regarding abortion as a method of family planning, the regulations simply ensure that appropriated funds are not used for activities, including speech, that are outside the federal program's scope. *Arkansas Writers' Project, Inc.* v. *Ragland,* 481 U.S. 221, distinguished.

The imposition of physical and financial separation requirements from the provision and promotion of abortion in foreign assistance programs is constitutionally permissible, just as similar requirements were held to be constitutional under the Title X family planning program. In addition to the above, while U.S. NGOs must flow down the award terms under this rule to subrecipients, they are not subject to an additional requirement not to provide financial support using non-Federal funds to other organizations that provide or promote abortions outside the United States.

C. Foreign Governments and Parastatals

A foreign government or parastatal that receives or implements a grant or cooperative agreement for foreign assistance will not be subject to the same award terms as a foreign or U.S. NGO. The Department has elected this approach based on considerations relating to foreign policy. However, a foreign government or parastatal may be required to agree that, during the period of the award, it will not use foreign assistance funds under the award to provide or promote abortion as a method of family planning. Pursuant to a Department assessment that this award term should apply, in whole or in part, to an award to a foreign government or parastatal, that foreign government or parastatal will be required to place any foreign assistance funds under the award in a segregated account to ensure that such funds may not be used to support such activity to the extent the foreign government conducts or supports such activity.

D. Flow Down of Policy Requirements to Subrecipients

Foreign and U.S. NGOs, IOs, foreign governments, and parastatals will be required to flow down the award terms under this rule, as applicable, to subrecipients of foreign assistance. Unlike in previous iterations of the Mexico City Policy, the flow down requirement applies to all recipients of foreign assistance who issue sub-awards of foreign assistance to other organizations.

E. Scope of Foreign Assistance

The Department has determined that applying this rule to non-military foreign assistance broadly, rather than only to global health programs, is necessary to ensure that its foreign assistance programs do not support abortion as a method of family planning overseas, and to ensure the integrity of foreign assistance programs. This includes global health assistance, humanitarian assistance, civil society and democracy programs, and more. This rule will also allow for more foreign assistance funds to support organizations that promote the health and wellbeing of both pregnant mothers and their unborn children in their foreign assistance programs and help the Department to establish new partnerships.

Under this rule, ''foreign assistance'' subject to this policy is defined as federal funding administered by the Department under title III of, or under the ''International Narcotics Control and Law Enforcement,'' ''Nonproliferation, Anti-Terrorism, Demining and Related Programs,'' ''Peacekeeping Operations,'' and ''International Organizations and Programs'' headings of, the annual Department of State, Foreign Operations, and Related Programs Appropriations Act.

Accordingly, this rule covers non-military foreign assistance including, but not limited to: Global Health Programs, humanitarian assistance, economic and development assistance, stabilization assistance, civil society and democracy programming, Migration and Refugee Assistance, voluntary contributions to International Organizations funded from foreign assistance.

This rule does not cover military assistance and other assistance that falls outside the definition above.

For foreign assistance awards, the PLFA award term will be included in (i) all new grants and cooperative agreements that provide foreign assistance; and (ii) all existing grants and cooperative agreements that provide foreign assistance when such agreements are amended to add new funding.

State Department is working with other agencies that administer foreign assistance to implement the PHFFA standard provision in their foreign assistance grants and agreements, to the maximum extent allowable by federal law, consistent with the statutes and regulations on which they are based and that such agencies administer, as well as applicable grant-specific regulations.

For contracts, the Administration is developing a corresponding clause for all U.S. government departments and agencies to include in certain types of contracts for foreign assistance. Until that rule-making process is complete, no clause will be included in foreign assistance contracts. However, this rule covers grants made under contracts at this time.

F. Definitions

The definitions in this rule close loopholes in prior iterations of the Mexico City Policy, such as the allowance of so-called ''passive referrals,'' while bringing clarity to terms used.[4] The definition of ''abortion'' is consistent with definitions used in U.S. State laws currently in effect as well as proposed Federal legislation, and makes clear that treatment of an ectopic pregnancy or spontaneous loss of pregnancy (a miscarriage) is not an abortion, nor is treatment of injuries or illnesses caused by legal or illegal abortions restricted. The definition of ''abortion as a method of family planning'' continues to provide for limited exceptions as provided for in the Hyde Amendment, with appropriate deference to the sovereign nations to determine their own laws on abortion, consistent with the Siljander's Amendment prohibition on the use of certain funds to lobby for or against abortion.

For purposes of this rule, the following definitions apply:

Abortion means the use or prescription of any instrument, medicine, drug, or any other substance or device (A) to kill intentionally the unborn child of a woman known to be pregnant; or, (B) to terminate intentionally the pregnancy of a woman known to be pregnant, with an intention other than—(I) after viability to produce a live birth and preserve the life and health of the child born alive; or, (II) to remove an ectopic pregnancy or a dead unborn child. Excluded from this definition is the treatment of injuries or illnesses caused by legal or illegal abortions.

Abortion as a method of family planning is any abortion, except, provided that the abortion is lawful under local law— (I) if the pregnancy is the result of an act of rape or incest, or (II) in the case where a woman suffers from a physical disorder, physical

[4] In the event of a conflict between a term of this award term and local law, an exemption may be sought from such term from the Department of State to avoid a violation of this award term.

injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. The exceptions in this definition only apply for purposes of this rule.

To provide abortions as a method of family planning means any of the following activities:

(A) any act of performing or inducing an abortion as a method of family planning;

(B) any act of prescribing, dispensing, utilizing, selling, manufacturing, or distributing drugs, devices, or equipment for the purpose of performing or inducing abortion as a method of family planning; or

(C) any act of paying for, assisting in carrying out, or operating a facility that carries out, any of the activities described above.

To *promote abortion as a method of family planning* includes any of the following activities:

(A) Committing resources, financial or otherwise, to increase the availability, or use, of abortion as a method of family planning;

(B) Operating a service-delivery site that provides counseling, including advice and information, regarding the benefits and/or availability of abortion as a method of family planning (unless, in the case of a United States nongovernmental organization, the physical and financial separation requirements under this paragraph with respect to foreign assistance are satisfied);

(C) Providing advice that abortion as a method of family planning is an available option, or referring for, or encouraging women to consider, abortion as a method of family planning

(D) Lobbying, pressuring, or encouraging a foreign government to legalize or make available abortion as a method of family planning, or lobbying, pressuring, or encouraging such a government to continue the legality of abortion as a method of family planning;

(E) Conducting a public-information campaign in a foreign country regarding the benefits and/or availability of abortion as a method of family planning; and,

(F) Using or teaching sex education materials (including books, curricula, media, etc.) that promote abortion as a method of family planning.

Action by an individual who is acting in his or her personal capacity shall not be attributed to an organization with which the individual is associated, provided that the individual is neither on duty nor acting on the organization's premises, and provided that the organization neither endorses, nor provides financial support for, the action and takes reasonable steps to ensure the individual does not improperly represent that he or she is acting on behalf of the organization.

Foreign assistance is federal funding appropriated under title III of, or under the ''International Narcotics Control and Law Enforcement,'' ''Nonproliferation, Anti-Terrorism, Demining and Related Programs,'' ''Peacekeeping Operations,'' and ''International Organizations and Programs'' headings of, the annual Department of State, Foreign Operations, and Related Programs Appropriations Act.

To furnish foreign assistance means transferring foreign assistance funds provided under this award or goods financed with such funds to another entity. This does not include providing technical assistance or training (including costs directly related to such assistance or training for individuals), unless the entity receives a sub-award of foreign assistance funds under this award. Additionally, furnishing foreign assistance does not include purchasing goods or services from the entity.

To control an organization means to possess the power to direct, or cause the direction of, its management, personnel, and policies.

A foreign non-governmental organization is any non-governmental organization or entity, whether non-profit or profit-making (including any commercial firm and educational institution), not organized or existing under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

A United States non-governmental organization is any non-governmental organization or entity, whether non-profit or profit-making (including any commercial firm and educational institution), organized or existing under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

An international organization is—

(A) Any organization designated as being entitled to enjoy the privileges, exemptions, and immunities under the International Organizations Immunities Act;

(B) Any organization treated as a public international organization pursuant to the regulations or policies of the Department of State;

(C) Any organization established by international agreement and whose governing body is composed principally of representatives of national governments; or

(D) Any other multilateral entity in which sovereign nations participate.

To provide financial support means to provide funds from any source and for any purpose to a foreign NGO or IO through an award, sub-award, contract, sub-contract, grant under contract, or other written agreement or donation of funds.

A foreign government is any department, agency, independent establishment, or other entity of the government of a foreign country.

A parastatal is a foreign-government-owned organization operated as a commercial company or other organization, including non-profits, or enterprises in which foreign governments or foreign government agencies have a controlling interest.

G. Legal Authority

This rule amends 2 CFR chapter VI to add an award term at part 602, entitled ''Protecting Life in Foreign Assistance.'' The term, applicable to all solicitations, Federal assistance awards, and subawards, including grants under contracts, awarded with Department of State foreign assistance funds, including funds transferred to the United States Department of State from the U.S. Agency for International Development, provides certain abortion-related requirements intended to prohibit any support of abortion as a method of family planning.

Under the statutory regime governing foreign assistance, and consistent with his responsibilities regarding the conduct of U.S. foreign affairs, the President has broad discretion to set the terms and conditions on which the United States provides such assistance. Many of the authorities provided under the Foreign Assistance Act of 1961, and similar statutes, explicitly allow for the provision of assistance ''on such terms and conditions as [the President] may determine.'' *See, e.g.,* section 104(c)(1) of the FAA (22 U.S.C. 2151b(c)(1)) (health assistance); section 301(a) of the FAA (22 U.S.C. 2221(a)) (voluntary contributions to international organizations); section 481(a)(4) of the FAA (22 U.S.C. 2291(a)(4)) (counternarcotics and anti-crime assistance); section 531 of the FAA (22 U.S.C. 2346) (assistance to promote economic or political stability); section 541(a) of the FAA (22 U.S.C. 2347) (International Military Education and Training assistance); section 551 of the FAA (22 U.S.C. 2348) (Peacekeeping Operations); section 571 of the FAA (22 U.S.C. 2349aa) (anti-terrorism

assistance); *see also* section 2(c)(1) of the MRAA; section 201 of the SEED Act of 1989 (amending the FAA by inserting, inter alia, section 498b(i))).

Section 621(a) of the FAA provides that ''[t]he President may exercise any functions conferred upon him by this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions. . . .'' 22 U.S.C. 2381(a). The Secretary of State exercises authorities under the FAA as delegated by the President in Executive Order 12163, dated September 29, 1979, as amended. That includes the President's authority to ''issue and enforce regulations determining the eligibility of any person to receive funds made available under'' the FAA. 22 U.S.C. 2381(b).

This rule falls within the Department's authority, delegated to the Secretary of State by the President, to set conditions on the provision of foreign assistance, including on the implementers of such assistance. Courts have repeatedly recognized that the President has broad discretion in the conduct of foreign affairs to allocate foreign assistance funding for particular programs and to set the conditions on U.S. funding to implementers of those programs. *See, e.g., DKT Memorial Fund* v. *USAID,* 887 F.2d 275, 282 (D.C. Cir. 1989); *Planned Parenthood Federation of America* v. *USAID,* 915 F.2d 59 (2d Cir. 1990); *Center for Reproductive Law and Policy* v. *Bush,* 304 F.3d 183 (2d Cir. 2002). These courts recognized the President's broad discretion to allocate assistance funding for particular programs and to set the conditions on U.S. funding to non-governmental implementers of those programs. *See, e.g., Planned Parenthood* v. *USAID,* 838 F.2d 649, 654 (2d Cir. 1988) (in carrying out the policies under the Foreign Assistance Act, ''AID has 'broad discretionary power' to decide which, among numerous competing projects, will be given family planning funds''); *DKT,* 887 F.2d at 282 (''President acted under a congressional grant of discretion as broadly worded as any we are likely to see . . . .'').

Moreover, the Secretary has the authority to promulgate such rules and regulations as may be necessary to carry out his functions and the functions of the Department of State. *See* 22 U.S.C. 2651a(a)(4). This rule provides an award requirement for federal assistance award recipients to refrain from abortion-related activities to varying degrees. Under its grantmaking authority, the Department awards grants in the execution of foreign assistance programs. Prudent and responsible exercise of the Department's foreign assistance and grantmaking authority requires that award terms ensure that foreign assistance does not support the provision or promotion of abortion as a method of family planning. In addition to the Department's authority to promulgate regulations under the FAA, described above, 2 CFR 200.211(c), (d), and (e) also expressly authorize the agency to incorporate in an award general terms and conditions; Federal awarding agency, program, or Federal award specific terms and conditions; and Federal awarding agency requirements.

This rule implements President Trump's memorandum of January 24, 2025, reinstating the Mexico City Policy (90 FR 8753). Further expansions of the Mexico City Policy contained in this rule are issued pursuant to the Secretary's authorities described above.

The Department has additionally considered the potential reliance interests of funding recipients and others on this final rule. The Department understands that, as a result of this rule, some organizations may choose to no longer receive or seek foreign assistance funds rather than comply with the award term. We understand that compliance may require organizations to cease activities that they may have long carried out but are prohibited under the award term established under this rule. In the case of U.S. NGOs, we anticipate that some organizations will incur transition costs where certain other programs that shared facilities with foreign assistance programs must now establish separate physical facilities.

The Department believes that many organizations that are current recipients of foreign assistance will come into compliance as they obtain future grants or when funds are added to existing grants. However, the Department understands that certain organizations may decide to no longer accept foreign assistance in the future because of these award terms, which could in turn result in temporary disruptions in service delivery or impacts on program beneficiaries. In such cases, the Department will work to find new partners willing to agree to the award term, while minimizing any disruption of services. Moreover, the Department expects the quality and impact of foreign assistance programs to improve as programs are focused and prioritized, without being diverted for activities in violation of this rule.

The interests of organizations in maintaining continued taxpayer funding, while continuing activities that are inconsistent with this rule, do not outweigh the Department's foreign policy concerns and objectives outlined in this rule to ensure that foreign assistance funds do not support abortion as a method of family planning. Compliance with this rule is additionally necessary to remove confusion caused when U.S.-funded organizations act in a manner inconsistent with this rule, which can create confusion regarding the foreign policy priorities and objectives of the United States.

Finally, in the event that any portion of this final rule is declared invalid, the Department intends that the various aspects be severable; the Department intends the remaining features of the policy to stand. For example, if any terms adopted by the Secretary in the exercise of his discretionary authority are declared invalid, those terms adopted pursuant to the President's authority should remain in effect because they can function independently and would have been adopted even if any other aspect of this rule were not.

III Regulatory Analyses

A. Administrative Procedure Act

Pursuant to the Administrative Procedure Act (APA), this is final rule is published without prior notice and comment or a delayed effective date. Because this rule involves a matter relating to grants, it is not subject to 5 U.S.C. 553. *See* 5 U.S.C. 553(a)(2). In addition, this rule is exempt because it involves the foreign affairs functions of the United States. *See* 5 U.S.C. 553(a)(1).

B. Executive Orders 12866 (Regulatory Planning and Review), and 13563 (Improving Regulation and Regulatory Review)

The Office of Information and Regulatory Affairs has determined that this rulemaking is an economically significant regulatory action under section 3(f)(1) of Executive Order 12866 (Sep. 30, 1993). Accordingly, this rule has been submitted to the Office of Management and Budget (''OMB'') for review.

This regulation has been drafted and reviewed in accordance with Executive Order 12866 section 1(b), *id.* at 51735, and in accordance with Executive Order 13563 section 1(b) (Jan. 18, 2011), which supplements and reaffirms the principles of Executive Order 12866. These Executive Orders direct agencies to assess all costs and benefits of

available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. 58 FR at 51735; 76 FR at 3821. Executive Order 13563 also recognizes that some benefits and costs are difficult to quantify and provides that, where appropriate and permitted by law, agencies may consider and discuss qualitative values that are difficult or impossible to quantify. *Id.*

As explained in the preamble, the award terms under this rule are necessary to advance the United States' foreign policy objective not to support abortion as a method of family planning overseas.

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess the costs and benefits of the intended regulation. E.O. 13563 allows that in making this assessment, an agency ''may consider (and discuss qualitatively) values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.''

Including this award provision in grants and cooperative agreements funded by Department of State foreign assistance provides an explicit requirement that the Department's recipients and grantees not violate applicable undertakings relating to the provision or promotion of abortion as a method of family planning overseas. The benefits of the rule include protecting American taxpayers from supporting abortion as a method of family planning; advancing the foreign policy interests of the United States to protect human life at all stages of development; ensuring organizations funded by the United States foreign assistance do not provide abortion as a method of family planning overseas; and ensuring foreign assistance programs and foreign partners do not undermine the laws and values of foreign nations or pressure such nations to support abortion.

The Department recognizes there are costs associated with this rule. Potential one-time and recurring costs the Department identifies for recipients and grantees are for familiarization with the rule, development and delivery of organizational training and implementation guidance, routine compliance monitoring, and recordkeeping and reporting requirements.

The Department estimates that 2,500 recipients and grantees (including foreign NGOs, U.S. NGOs, international organizations, and foreign governments and parastatals) will be impacted by this rule. This estimate is derived from an analysis of the Department's current portfolio of funding recipients implementing activities with foreign assistance funds.

Based in part on the Department's previous experience, the agency estimates that recipients and grantees will first require 50 hours, on average, to familiarize themselves with the compliance requirements within this final rule, and revise internal policies and financial accounting systems to comply with said recordkeeping requirements. To quantify the total one-time familiarization costs, the Department used June 2025 data from the Bureau of Labor Statistics (BLS) National Compensation Survey,[5] reporting a mean fringe benefit factor of 1.46 for civilian workers in general. The Department assumes that impacted entities will employ an attorney to analyze the rule. Multiplying the BLS mean hourly wage for Lawyers, Standard Occupation Classification 23–1011 of $87.86 by the mean fringe benefit factor of 1.46 yields an estimated total compensation (wages and benefits) for Lawyers of $128.28 per hour ([$87.86 per hour] × 1.46).

Thus, the agency calculates a one-time cost for familiarization of $16,035,000 [(2,500 entities) times (50 hours per entity) times ($128.28/hour)].

For the development and delivery of organization-specific training, the Department estimates a cost of $37,984,700. The Department estimates that recipients subject to the rule will spend twenty one (21) hours annually to train their workforces: eight (8) hours developing training materials and twelve (12) hours each month to train newly hired staff, and one hour to train existing staff. The Department estimates that a lawyer will develop and conduct this training at a cost of $128.28 per hour, and that all recipient staff will attend a one-hour training. The Department estimates an average workforce size of 250 staff with an average hourly salary of $50.

For routine compliance monitoring costs, the Department estimates $76,968,000 annually. The Department estimates a minimum of 240 annual hours (20 hours monthly) to monitor prime and sub-recipient activities. Such monitoring activities may include development of monitoring tools such as checklists, discussion guides, and reference materials, conducting desk review of documents, reports, work plans, and budgets, and conducting site visits to inspect implementation of activities for compliance with policy requirements. The Department estimates that these activities will be conducted by lawyers and senior program managers with an average hourly salary of $128.28.

Finally, the Department recognizes that this final rule is likely to impose costs on some U.S. NGOs whose programs currently share facilities with foreign assistance programs, and now must establish separate physical facilities. The Department also understands that certain organizations may decide to no longer accept foreign assistance in the future because of these award terms, which could in turn result in temporary disruptions in service delivery, imposing costs on program beneficiaries. However, the Department is not able to quantitatively assess these costs.

In summary, the Department estimates this rule will impose one-time familiarization costs of $16,035,000, and annual costs related to training and compliance monitoring of $114,052,700.

C. Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. It requires a regulatory flexibility analysis if a rule is subject to the notice-and-comment provisions of the APA and would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. This rule is exempt from the notice and comment requirements of the APA, as a matter related to grants and foreign affairs functions, and thus the Department does not provide a regulatory flexibility analysis. *See* 5 U.S.C. 553(a)(2).

D. Unfunded Mandates Act of 1995

The Unfunded Mandates Act of 1995 requires agencies to prepare several analytical statements before proposing any rule that may result in annual expenditures of $100 million or more in State, local, or Indian Tribal governments. Since this final rule will not result in expenditures of this magnitude, the Department certifies that such statements are not necessary.

E. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

Executive Order 14192 requires an agency, unless prohibited by law, to identify at least 10 existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation. 90 FR 9065, 9065 (Jan. 31, 2025). In furtherance of this requirement, section 3(c) of the Order requires that ''any new incremental costs associated with new

[5] *https://www.bls.gov/news.release/pdf/ecec.pdf.*

regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.'' *Id.* Executive Order 14192 exempts from these requirements ''regulations issued with respect to a .. foreign affairs-related function of the United States.'' This rule is issued with respect to foreign affairs-related functions and is thus exempt from Executive Order 14192 requirements.

F. Executive Order 14294 (Fighting Overcriminalization in Federal Regulations)

Executive Order 14294 requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to ''explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the *mens rea* standard applicable to'' each element of those offenses. 90 FR 20363, 20363 (May 9, 2025). This rule does not impose a criminal regulatory penalty and is thus exempt from Executive Order 14294 requirements.

G. Executive Orders 12372 and 13132—Federalism

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this regulation.

H. Executive Order 13175—Consultation With Tribal Governments

The Department has determined that this rulemaking will not have Tribal implications, will not impose substantial direct compliance costs on Indian Tribal governments, and will not preempt Tribal law. Accordingly, the requirements of E.O. 13175 do not apply to this rule.

I. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) defines ''collection of information'' to mean ''the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format.'' 44 U.S.C. 3502(3)(A). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless OMB approves it and the agency displays a currently valid OMB control number. 44 U.S.C. 3507. Also, notwithstanding any other provision of law, no individual or organization shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number. 44 U.S.C. 3512. The Department will not enforce any information collection requirements described in this rule until OMB's approval and will publish separate 60- and 30-day notices in the **Federal Register** soliciting public comment on the burden estimates provided below.

Title of Information Collection: Foreign Assistance Requirements.

OMB Control Number: 1405–XXXX.

Type of Request: New collection.

Originating Office: Department of State, Bureau of Global Acquisitions.

Form Number: No form.

Respondents: Offerors and awardees of Department of State foreign assistance.

Estimated Number of Respondents: 2,500.

Estimated Number of Responses: 2,500.

Average Time per Response: 261 hours.

Total Estimated Burden Hours: 652,500 hours.

Estimated burden hour costs): $114,052,700.

Frequency: On occasion.

Obligation to Respond: Mandatory.

J. Congressional Review Act

The Office of Information and Regulatory Affairs has determined that this final rule meets the criteria in the Congressional Review Act (CRA) at 5 U.S.C. 804(2) and will comply with the applicable requirements at 5 U.S.C. 801. However, the Department has also determined that there is good cause to exempt this rule from the 60-day delay of effect at 5 U.S.C. 801(a)(3)(A). Specifically, the requirement for a delayed effective date does not apply because notice and public procedure are not required for this rule by the APA and thus are unnecessary for the purposes of the CRA under 5 U.S.C. 808(2). As noted above, this rule involves a matter relating to grants. *See* 5 U.S.C. 553(a)(2). In addition, this rule involves the foreign affairs functions of the United States. *See* 5 U.S.C. 553(a)(1).

List of Subjects in 2 CFR Part 602

Administrative practice and procedure, Grant programs.

For the reasons set forth above, the Department of State adds part 602 to title 2 of the Code of Federal Regulations to read as follows:

PART 602—PROTECTING LIFE IN FOREIGN ASSISTANCE

Sec.

Authority: 5 U.S.C. 301; 22 U.S.C. 2651a, 22 U.S.C. 2151, 22 U.S.C. 2451, 22 U.S.C. 1461; 2 CFR part 200.

PART 602—PROTECTING LIFE IN FOREIGN ASSISTANCE

§ 602.10 Applicability.

This part establishes an award term for recipients and subrecipients of Federal awards subsidized in whole or in part by foreign assistance funds administered by the Department of State. The award term under this part must generally be included in all foreign assistance solicitations and all resulting awards, including all grants, cooperative agreements, and voluntary contributions, whenever implementation of the activity involves foreign assistance to, or implemented by, foreign nongovernmental organizations, international organizations, and United States nongovernmental organizations. The award term under this part may but need not be included in whole or in part, as applicable, in agreements with foreign governments and parastatals (*e.g.,* government-to-government agreements, or other agreements with host governments), and agreements with bilateral governmental donors if the Department of State assesses such term is appropriate for that agreement.

§ 602.20 Award term.

The award term in appendix A to this part will be incorporated, as applicable, into awards for foreign assistance administered by the Department of State.

(a) The following definitions apply for purposes of the award term in appendix A to this part:

(1) *Abortion* means the use or prescription of any instrument, medicine, drug, or any other substance or device:

(i) To kill intentionally the unborn child of a woman known to be pregnant; or,

(ii) To terminate intentionally the pregnancy of a woman known to be pregnant, with an intention other than—

(A) After viability to produce a live birth and preserve the life and health of the child born alive; or,

(B) To remove an ectopic pregnancy or a dead unborn child. Excluded from this paragraph (a)(1) is the treatment of injuries or illnesses caused by legal or illegal abortions.

(2) *Abortion as a method of family planning* is any abortion, except, provided that the abortion is lawful under local law—

(i) If the pregnancy is the result of an act of rape or incest; or

(ii) In the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(iii) The exceptions in this paragraph (a)(2) only apply for purposes of this paragraph (a).

(3) To *provide abortions as a method of family planning* means any of the following activities:

(i) Any act of performing or inducing an abortion as a method of family planning;

(ii) Any act of prescribing, dispensing, utilizing, selling, manufacturing, or distributing drugs, devices, or equipment for the purpose of performing or inducing abortion as a method of family planning; or

(iii) Any act of paying for, assisting in carrying out, or operating a facility that carries out, any of the activities described in paragraphs (a)(3)(i) and (ii) of this section.

(4)(i) To *promote abortion as a method of family planning* includes any of the following activities:

(A) Committing resources, financial or otherwise, to increase the availability, or use, of abortion as a method of family planning;

(B) Operating a service-delivery site that provides counseling, including advice and information, regarding the benefits and/or availability of abortion as a method of family planning (unless, in the case of a United States nongovernmental organization, the physical and financial separation requirements under this paragraph (a) with respect to foreign assistance are satisfied);

(C) Providing advice that abortion as a method of family planning is an available option, or referring for, or encouraging women to consider, abortion as a method of family planning;

(D) Lobbying, pressuring, or encouraging a foreign government to legalize or make available abortion as a method of family planning, or lobbying, pressuring, or encouraging such a government to continue the legality of abortion as a method of family planning;

(E) Conducting a public-information campaign in a foreign country regarding the benefits and/or availability of abortion as a method of family planning; and,

(F) Using or teaching sex education materials (including books, curricula, media, etc.) that promote abortion as a method of family planning.

(ii) Action by an individual who is acting in his or her personal capacity shall not be attributed to an organization with which the individual is associated, provided that the individual is neither on duty nor acting on the organization's premises, and provided that the organization neither endorses, nor provides financial support for, the action and takes reasonable steps to ensure the individual does not improperly represent that he or she is acting on behalf of the organization.

(5) *Foreign assistance* is Federal funding administered by the Department of State appropriated under title III of, or under the ''International Narcotics Control and Law Enforcement,'' ''Nonproliferation, Anti-Terrorism, Demining and Related Programs,'' ''Peacekeeping Operations,'' and ''International Organizations and Programs'' headings of, the annual Department of State, Foreign Operations, and Related Programs Appropriations Act.

(6) To *furnish foreign assistance* means transferring foreign assistance funds provided under the award or goods financed with such funds to another entity. This does not include providing technical assistance or training (including costs directly related to such assistance or training for individuals), unless the entity receives a sub-award of foreign assistance funds under the award. Additionally, furnishing foreign assistance does not include purchasing goods or services from the entity.

(7) To *control an organization* means to possess the power to direct, or cause the direction of, its management, personnel, and policies.

(8) A *foreign non-governmental organization (NGO)* is any non-governmental organization or entity, whether non-profit or profit-making (including any commercial firm and educational institution), not organized or existing under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(9) A *United States non-governmental organization (NGO)* is any non-governmental organization or entity, whether non-profit or profit-making (including any commercial firm and educational institution), organized or existing under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(10) An *international organization (IO)* is—

(i) Any organization designated as being entitled to enjoy the privileges, exemptions, and immunities under the International Organizations Immunities Act;

(ii) Any organization treated as a public international organization pursuant to the regulations or policies of the Department of State;

(iii) Any organization established by international agreement and whose governing body is composed principally of representatives of national governments; or

(iv) Any other multilateral entity in which sovereign nations participate.

(11) To *provide financial support* means to provide funds from any source and for any purpose to a foreign NGO or IO through an award, sub-award, contract, sub-contract, grant under contract, or other written agreement or donation of funds.

(12) A *foreign government* is any department, agency, independent establishment, or other entity of the government of a foreign country.

(13) A *parastatal* is a foreign-government-owned organization operated as a commercial company or other organization, including non-profits, or enterprises in which foreign governments or foreign government agencies have a controlling interest.

(b) See appendix A to this part for the requirements and eligibility criteria for recipients of foreign assistance.

(c) With respect to United States non-governmental organizations, the award term shall be construed consistent with the First Amendment to the United States Constitution and shall not be construed to restrict the freedoms of speech or association of such organizations when using non-Federal funds outside the scope of a program, project or activity for which foreign assistance is made available.

(d) The Secretary of State or Under Secretary of State for Foreign Assistance, Humanitarian Affairs, and Religious Freedom may waive the application of this part or any of its elements if a waiver is deemed necessary for national security or foreign policy purposes.

(e) In the event of a conflict between a term of the award term and local law, an exemption may be sought from such

term from the Department of State to avoid a violation of the award term.

(f) In determining whether an entity is eligible to be a recipient or sub-recipient of foreign assistance under the award, the action of separate entities shall not be imputed to the recipient or sub-recipient, unless, in the judgment of the Department of State, a separate entity is being used purposefully to avoid the provisions of this part. Separate entities are those that have distinct legal existence in accordance with the laws of the countries in which they are organized. Entities that are separately organized shall not be considered separate, however, if one is controlled by the other. The recipient may request the approval of its Agreement Officer to treat as separate the activities of two or more entities, which would not be considered separate under the preceding sentence. The recipient must provide a written justification to the Department of State that the activities of the organizations are sufficiently distinct to warrant not imputing the activity of one to the other.

(g) If anything in the award term, or the application of this part to any person or circumstance, is held to be unconstitutional, the remainder of this part and the application of such to any person or circumstance shall not be affected thereby.

(h) The award term in appendix A to this part shall be inserted *verbatim* in sub-awards in accordance with the terms of paragraphs (a) and (b) of this section and subject to § 602.10.

Appendix A to Part 602—Requirements and Eligibility Criteria for Recipients of Foreign Assistance

I. Grants and Cooperative Agreements to Foreign Non-Governmental Organizations

(1) The recipient agrees that it will not, during the term of this award, provide or promote abortion as a method of family planning outside the United States (including its territories and possessions) or provide financial support to any other foreign NGO or IO that conducts such activities.

(2) The recipient agrees that authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the Code of Federal Regulations (CFR): (i) inspect the documents, trainings, and materials maintained or prepared by the recipient in the usual or required course of its operations that describe the priorities and activities of the recipient, including reports, brochures and service statistics; (ii) observe the activities conducted by the recipient, (iii) consult with personnel of the recipient and those who receive the services of the recipient; and, (iv) obtain a copy of audited financial statements or reports of the recipient, as applicable. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

(3) In the event authorized representatives of the U.S. Government have reasonable cause to believe that the recipient may have violated any undertaking required by these Requirements and Eligibility Criteria, the recipient must make available to the Department of State such books and records and other information as the Department of State may reasonably request to determine whether a violation of that undertaking has occurred, consistent with Part 200 of Title 2 of the CFR.

(4) The U.S. Government shall terminate foreign assistance furnished to the recipient under this award if the recipient violates any undertaking required by this award term, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(5) In addition to other remedies available to the U.S. Government, the recipient's failure to comply with the requirements of this award provision may result in—

(i) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(ii) Suspension or debarment.

(6) In the event of termination, the recipient must refund to the Department of State any unexpended amounts furnished to the recipient under this award, plus an amount equivalent to that used by the recipient to engage in any activity that violates this award term while receiving funding under this award. The amount to be refunded to the Department of State under this subparagraph (6) may not exceed the total amount of foreign assistance furnished under this award.

(7) The recipient may not furnish foreign assistance under this award to any other foreign NGO, IO, or any United States NGO (the sub-recipient), unless the recipient's agreement with the sub-recipient contains the same terms and conditions as described in sub-paragraph (8) below.

(8) Prior to entering into an agreement to furnish foreign assistance to any other foreign NGO or IO, any United States NGO, the recipient, must ensure that such agreement with the sub-recipient includes the following terms:

(i) While receiving foreign assistance under this award:

(A) If the sub-recipient is a foreign NGO or IO, the sub-recipient will not provide or promote abortion as a method of family planning outside the United States (including its territories and possessions) or provide financial support to any other foreign NGO or IO that conducts such activities.

(B) If the sub-recipient is a United States NGO:

(*1*) The sub-recipient will not, outside the United States (including its territories and possessions), provide abortion as a method of family planning;

(*2*) The sub-recipient will not, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award, provide or promote abortion as a method of family planning.

Subject to sub-paragraph (8)(i)(B)(*1*) above, the sub-recipient is not prohibited from lawfully promoting abortion as a method of family planning, outside the scope of a program, project, or activity for which funds are made available under this award, so long as the sub-recipient uses funds from sources other than the U.S. Government to do so.

(III) The sub-recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from the activities described in sub-paragraph (8)(i)(B)(*2*) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(*i*) The existence of separate, accurate accounting records;

(*ii*) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activities occurs and the extent of such prohibited activities;

(*iii*) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(*iv*) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(ii) The recipient and authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the CFR: (I) inspect the documents, trainings, and materials maintained or prepared by the sub-recipient in the usual or required course of its operations that describe the activities of the sub-recipient, including reports, brochures and service statistics; (II) observe activities conducted by the sub-recipient; (III) consult with personnel of the sub-recipient and those who receive the services of the sub-recipient; and, (IV) obtain a copy of audited financial statements or reports of the sub-recipient, as applicable.

(iii) In the event that the recipient or an authorized representative of the U.S. Government has reasonable cause to believe that a sub-recipient may have violated any of its undertakings under this award term, the recipient will review the foreign assistance program of the sub-recipient to determine whether a violation of such undertaking has occurred. The sub-recipient must make available to the recipient such books and records and other information as may be reasonably requested to conduct the review. Authorized representatives of the U.S. Government may review the foreign assistance program of the sub-recipient under these circumstances, and the sub-recipient must provide access on a timely basis to such authorized representatives to such books and records and other information upon request, consistent with Part 200 of Title 2 of the CFR.

(iv) The U.S. Government shall terminate foreign assistance provided to the sub-

recipient under this award if the sub-recipient violates any award terms under sub-paragraphs (8)(i)–(iii) above, unless the Department determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(v) In addition to other remedies available to the U.S. Government, the sub-recipient's failure to comply with the requirements of this award provision may result in—

(A) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(B) Suspension or debarment.

(vi) In the event of termination, the sub-recipient must refund to the recipient any unexpended amounts furnished to the sub-recipient under this award, plus an amount equivalent to that used by the sub-recipient for activities prohibited under the terms of this award, up to the total amount of foreign assistance furnished to the sub-recipient under this award. Where the Department of State is not otherwise engaged in the determination to terminate a sub-recipient's award, the recipient must notify the Department of State of any action taken for a violation of any undertaking required under sub-paragraphs (8)(i)–(iii) above.

(vii) The sub-recipient may furnish foreign assistance under this award to any foreign NGO, IO, or any U.S. NGO (the sub-sub-recipient), only if the sub-recipient's agreement with the sub-sub-recipient contains the same terms and conditions as those provided by the recipient to the sub-recipient as described in sub-paragraphs (8)(i)–(iv) above.

(9) Where the terms and conditions of the award require the approval of sub-awards by the Department of State, the recipient must, consistent with Part 200 of Title 2 of the CFR, include a description of the due diligence performed by the recipient on the sub-recipient before furnishing foreign assistance under this award.

(10) The recipient is liable to the U.S. Government for a refund for a violation by the sub-recipient of any requirement of this award term only if: (i) the recipient furnishes foreign assistance under this award to a subrecipient knowing that the subrecipient is in likely violation of the applicable award terms of this award term; (ii) the sub-recipient did not abide by the award terms required by sub-paragraphs (8)(i)–(iii) above, and the recipient failed to make reasonable due diligence efforts prior to furnishing foreign assistance to the sub-recipient; or, (iii) the recipient knows or has reason to know, by virtue of the monitoring that the recipient is required to perform under the terms of this award, that a sub-recipient has violated any of the award terms required by sub-paragraphs (8)(i)–(iii) above, and the recipient fails to terminate foreign assistance to the sub-recipient, or fails to require the sub-recipient to terminate foreign assistance furnished under a sub-award that violates any award terms required by sub-paragraphs (8)(i)–(iii), above, or fails to take other appropriate corrective action consistent with sub-paragraph (8)(iv) above.

(11) Recipient acknowledges that authorized representatives of the U.S. Government may make independent inquiries in the community served by the recipient or a sub-recipient under this award regarding whether it is in compliance with the award terms required by sub-paragraphs (8)(i)–(iii) above. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

II. Grants and Cooperative Agreements With U.S. Nongovernmental Organizations

(1) The recipient agrees that it will not, during the term of this award, outside the United States (including its territories and possessions), provide abortion as a method of family planning.

(2) The recipient agrees that, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award it will not provide or promote abortion as a method of family planning.

Subject to sub-paragraph (1), the recipient is not prohibited from promoting abortion as a method of family planning outside the scope of a program, project, or activity for which funds are made available under this award, so long as the recipient uses funds from sources other than the U.S. Government to do so.

(3) The recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from activities prohibited by sub-paragraph (2) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(i) The existence of separate, accurate accounting records;

(ii) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activities occur and the extent of such prohibited activities;

(iii) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(iv) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(4) The recipient agrees that authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the Code of Federal Regulations (CFR): (i) inspect the documents, trainings, and materials maintained or prepared by the recipient in the usual or required course of its operations that describe the priorities and activities of the recipient, including reports, brochures and service statistics; (ii) observe the activities conducted by the recipient, (iii) consult with personnel of the recipient and those who receive the services of the recipient; and, (iv) obtain a copy of audited financial statements or reports of the recipient, as applicable.

(5) In the event an authorized representative of the U.S. Government has reasonable cause to believe that the recipient may have violated any of its undertakings under this award term, the recipient must make available to such authorized representative such books and records and other information as the authorized representative may reasonably request to determine whether a violation of that undertaking has occurred, consistent with Part 200 of Title 2 of the CFR.

(6) U.S. foreign assistance furnished to the recipient under this award must be terminated if the recipient violates any undertaking required by this award term, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(7) In addition to other remedies available to the U.S. Government, the recipient's failure to comply with the requirements of this award provision may result in—

(i) Suspension of payments until the recipient has taken appropriate remedial action; and/or

(ii) Suspension or debarment.

(8) In the event of termination, the recipient must refund to the Department of State any unexpended amounts furnished to the recipient under this award, plus an amount equivalent to that used by the recipient to engage in activities prohibited under the terms of this award while receiving funding under this award. The amount to be refunded to the Department of State under this sub-paragraph (8) may not exceed the total amount of foreign assistance furnished under this award.

(9) The recipient agrees that it will not furnish foreign assistance under this award to any foreign NGO, IO, or United States NGO (the sub-recipient), unless the recipient's agreement with the sub-recipient contains the same terms and conditions as described in sub-paragraph (10), below.

(10) Prior to entering into an agreement to furnish foreign assistance to a foreign NGO, IO, or any United States NGO (the sub-recipient) under this award, the recipient must ensure that such agreement with the sub-recipient includes the following terms:

(i) While receiving foreign assistance under this award:

(A) If the sub-recipient is a foreign NGO or IO, the sub-recipient will not provide or promote abortion as a method of family planning outside the United States (including its territories and possessions) or provide financial support to any other foreign NGO or IO that conducts such activities.

(B) If the sub-recipient is a United States NGO:

(*1*) the sub-recipient will not, outside the United States (including its territories and possessions) provide abortion as a method of family planning, and

(*2*) the sub-recipient will not, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award, provide or promote abortion as a method of family planning.

Subject to sub-paragraph (10)(i)(B)(*1*) above, the sub-recipient is not prohibited

from lawfully promoting abortion as a method of family planning outside the scope of a program, project, or activity for which funds are made available under this award, so long as the sub-recipient uses funds from sources other than the U.S. Government to do so.

(*3*) The sub-recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from activities described in sub-paragraph (10)(i)(B)(*2*) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(*i*) The existence of separate, accurate accounting records;

(*ii*) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activities occur and the extent of such prohibited activities;

(*iii*) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(*iv*) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(ii) The recipient and authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the CFR: (I) inspect the documents, trainings, and materials maintained or prepared by the sub-recipient in the usual or required course of its operations that describe the priorities and activities of the sub-recipient, including reports, brochures and service statistics; (II) observe the activities conducted by the sub-recipient; (III) consult with personnel of the sub-recipient and those who receive the services of the sub-recipient; and, (IV) obtain a copy of audited financial statements or reports of the sub-recipient, as applicable.

(iii) In the event that the recipient or an authorized representative of the U.S. Government has reasonable cause to believe that a sub-recipient may have violated any of its undertakings under this award term, the recipient will review the foreign assistance program of the sub-recipient to determine whether a violation of such undertaking has occurred. The sub-recipient must make available to the recipient such books and records and other information as may be reasonably requested to conduct the review. Authorized representatives of the U.S. Government may review the foreign assistance program of the sub-recipient under these circumstances, and the sub-recipient must provide access to such authorized representatives on a timely basis to such books and records and other information upon request, consistent with Part 200 of Title 2 of the CFR.

(iv) The U.S. Government shall terminate foreign assistance provided to the sub-recipient under this award if the sub-recipient violates any award terms required by subparagraphs (10)(i)–(iii) above, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(v) In addition to other remedies available to the U.S. Government, the sub-recipient's failure to comply with the requirements of this award provision may result in—

(A) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(B) Suspension or debarment.

(vi) In the event of termination, the sub-recipient must refund to the recipient any unexpended amounts furnished to the sub-recipient under this award, plus an amount equivalent to that used by the sub-recipient for activities prohibited under the terms of this award, up to the total amount of foreign assistance furnished to the sub-recipient under this award. Where the Department of State is not otherwise engaged in the determination to terminate a recipient's sub-award, the recipient must notify the Department of State of any action taken for a violation of any undertaking required under subparagraphs (10)(i)–(iii) above; and

(vii) The sub-recipient may furnish foreign assistance under this award to a foreign NGO, IO, or a United States NGO (the sub-sub-recipient), only if the sub-recipient's sub-agreement with the sub-sub-recipient contains the same terms and conditions as those provided by the recipient to the sub-recipient as described in sub-paragraphs (10)(i)–(iv) above.

(11) Where the terms and conditions of the award require the approval of subawards by the Department of State, the recipient must, consistent with Part 200 of Title 2 of the CFR, include a description of the due diligence performed by the recipient on the sub-recipient before furnishing foreign assistance under this award.

(12) The recipient is liable to the Department of State for a refund for a violation by the sub-recipient of any requirement of this award term only if: (i) the recipient knowingly furnishes foreign assistance under this award to a sub-recipient, knowing that the subrecipient is in violation of the applicable award terms of this award term; or, (ii) the sub-recipient did not abide by its award terms required by subparagraphs (10)(i)–(iii) above, and the recipient failed to make reasonable due diligence efforts prior to furnishing foreign assistance to the sub-recipient; or, (iii) the recipient knows, or has reason to know, by virtue of the monitoring that the recipient is required to perform under the terms of this award, that a sub-recipient has violated any of the award terms required by subparagraphs (10)(i)–(iii) above, and the recipient fails to terminate foreign assistance to the sub-recipient, or fails to require the sub-recipient to terminate assistance furnished under a sub-award that violates any award terms required by subparagraphs (10)(i)–(iii) above, or fails to take other appropriate corrective action consistent with subparagraph (10)(iv) above.

(13) Recipient acknowledges that authorized representatives of the U.S. Government may make independent inquiries in the community served by a sub-recipient under this award regarding whether such sub-recipient is in compliance with its award terms required by subparagraphs (10)(i)–(iii) above. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

III. Grants and Cooperative Agreements With Foreign Governments and Parastatals

(1) The recipient agrees that foreign assistance funds it receives under this award will not be used to provide or promote abortion as a method of family planning.

(2) The recipient agrees that if it engages in any activity described in sub-paragraph (1) using funds from sources other than the U.S. Government, any foreign assistance funds under this award must be placed in a segregated account to ensure that such funds may not be used to support such activity of the government or parastatal.

(3) U.S. foreign assistance furnished to the recipient under this award must be terminated if the recipient violates any undertaking required by this award term, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(4) In addition to other remedies available to the U.S. Government, the recipient's failure to comply with the requirements of this award provision may result in—

(i) Suspension of payments until the recipient has taken appropriate remedial action; and/or (ii) Suspension or debarment.

(5) In the event of termination, the recipient must refund to the Department of State any unexpended amounts furnished to the recipient under this award, plus an amount equivalent to that used by the recipient to engage in activities prohibited under the terms of this award while receiving funding under this award. The amount to be refunded to the Department of State under this sub-paragraph (5) may not exceed the total amount of foreign assistance furnished under this award. The recipient agrees that it will not furnish foreign assistance under this award to any foreign non-governmental organization (NGO), international organization (IO), or United States NGO (the sub-recipient), unless the recipient's agreement with the sub-recipient contains the same terms and conditions as described in sub-paragraph (6), below.

(6) Prior to entering into an agreement to furnish foreign assistance to a foreign NGO, IO, or a United States NGO (the sub-recipient) under this award, the recipient must ensure that such agreement with the sub-recipient includes the following terms:

(i) While receiving foreign assistance under this award:

(A) If the sub-recipient is a foreign NGO or IO, the sub-recipient will not provide or promote abortion as a method of family planning outside the United States (including its territories and possessions) or provide financial support to any other foreign NGO or IO that conducts such activities.

(B) If the sub-recipient is a United States NGO:

(*1*) The sub-recipient will not, outside the United States (including its territories and

possessions), provide abortion as a method of family planning.

(*2*) The sub-recipient will not, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award, provide or promote abortion as a method of family planning.

Subject to sub-paragraph (6)(i)(B)(*1*) above, the sub-recipient is not prohibited from lawfully promoting abortion as a method of family planning outside the scope of a program, project, or activity for which funds are made available under this award, so long as the sub-recipient uses funds from sources other than the U.S. Government to do so.

(*3*) The sub-recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from activities described in sub-paragraph (6)(i)(B)(*2*) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(*i*) The existence of separate, accurate accounting records;

(*ii*) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services,) in which the prohibited activity occurs and the extent of such prohibited activities;

(*iii*) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(*iv*) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(ii) The recipient and authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the CFR: (I) inspect the documents, trainings, and materials maintained or prepared by the sub-recipient in the usual or required course of its operations that describe the priorities and activities of the sub-recipient, including reports, brochures and service statistics; (II) observe the activities conducted by the sub-recipient; (III) consult with personnel of the sub-recipient and those who receive the services of the sub-recipient; and, (IV) obtain a copy of audited financial statements or reports of the sub-recipient, as applicable.

(iii) In the event that the recipient or an authorized representative of the U.S. Government has reasonable cause to believe that a sub-recipient may have violated any of its undertakings under this award term, the recipient will review the foreign assistance program of the sub-recipient to determine whether a violation of such undertaking has occurred. The sub-recipient must make available to the recipient such books and records and other information as may be reasonably requested to conduct the review. Authorized representatives of the U.S. Government may review the foreign assistance program of the sub-recipient under these circumstances, and the sub-recipient must provide access to such authorized representatives on a timely basis to such books and records and other information upon request, consistent with Part 200 of Title 2 of the CFR.

(iv) The U.S. Government shall terminate foreign assistance provided to the sub-recipient under this award if the sub-recipient violates any award terms required by subparagraphs (6)(i)–(iii) above, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(v) In addition to other remedies available to the U.S. Government, the sub-recipient's failure to comply with the requirements of this award provision may result in—

(A) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(B) Suspension or debarment.

(vi) In the event of termination, the sub-recipient must refund to the recipient any unexpended amounts furnished to the sub-recipient under this award, plus an amount equivalent to that used by the sub-recipient for activities prohibited under the terms of this award, up to the total amount of foreign assistance furnished to the sub-recipient under this award. Where the Department of State is not otherwise engaged in the determination to terminate a recipient's sub-award, the recipient must notify the Department of State of any action taken for a violation of any undertaking required under subparagraphs (6)(i)–(iii) above.

(vii) The sub-recipient may furnish foreign assistance under this award to a foreign NGO, IO, or United States NGO (the sub-sub-recipient), only if the sub-recipient's sub-agreement with the sub-sub-recipient contains the same terms and conditions as those provided by the recipient to the sub-recipient as described in sub-paragraphs (6)(i)–(iv) above.

(*7*) Where the terms and conditions of the award require the approval of subawards by the Department of State, the recipient must, consistent with Part 200 of Title 2 of the CFR, include a description of the due diligence performed by the recipient on the sub-recipient before furnishing foreign assistance under this award.

(8) The recipient is liable to the Department of State for a refund for a violation by the sub-recipient of any requirement of this award term only if: (i) the recipient knowingly furnishes foreign assistance under this award to a sub-recipient that is a foreign NGO or IO, or to a United States NGO, knowing that the sub-recipient is in violation of the applicable award terms of this award term; or, (ii) the sub-recipient did not abide by its award terms required by subparagraphs (6)(i)–(iii) above, and the recipient failed to make reasonable due diligence efforts prior to furnishing foreign assistance to the sub-recipient; or, (iii) the recipient knows, or has reason to know, by virtue of the monitoring that the recipient is required to perform under the terms of this award, that a sub-recipient has violated any of the award terms required by subparagraphs (6)(i)–(iii) above, and the recipient fails to terminate foreign assistance to the sub-recipient, or fails to require the sub-recipient to terminate assistance furnished under a sub-award that violates any award terms required by subparagraphs (6)(i)–(iii) above, or fails to take other appropriate corrective action consistent with subparagraph (6)(iv) above.

(9) Recipient acknowledges that authorized representatives of the U.S. Government may make independent inquiries in the community served by a sub-recipient under this award regarding whether such sub-recipient is in compliance with its award terms required by subparagraphs (6)(i)–(iii) above. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

IV. Grants, Cooperative Agreements, and Voluntary Contributions to International Organizations

(1) The recipient agrees that it will not, during the term of this award, provide or promote abortion as a method of family planning outside the United States (including its territories and possessions) or provide financial support to any foreign NGO or IO that conducts such activities.

(2) The recipient agrees that authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the Code of Federal Regulations (CFR): (i) inspect the documents, trainings, and materials maintained or prepared by the recipient in the usual or required course of its operations that describe the priorities and activities of the recipient, including reports, brochures and service statistics; (ii) observe the activities conducted by the recipient, (iii) consult with personnel of the recipient and those who receive the services of the recipient; and, (iv) obtain a copy of audited financial statements or reports of the recipient, as applicable. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

(3) In the event authorized representatives of the U.S. Government have reasonable cause to believe that the recipient may have violated any undertaking required by this award term, the recipient must make available to the Department of State such books and records and other information as the Department of State may reasonably request to determine whether a violation of that undertaking has occurred, consistent with Part 200 of Title 2 of the CFR. In such an event, during the process of investigating any suspected violation, the Department of State may additionally suspend or withhold some or all payments of foreign assistance to the recipient.

(4) The U.S. Government shall terminate foreign assistance furnished to the recipient under this award if the recipient violates any undertaking required by this award term, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(5) In the event of termination, the recipient must refund to the Department of

State any unexpended amounts furnished to the recipient under this award, plus an amount equivalent to that used by the recipient to engage in any activity that violates this award term while receiving funding under this award. The amount to be refunded to the Department of State under this subparagraph (5) may not exceed the total amount of foreign assistance furnished under this award.

(6) The recipient may not furnish foreign assistance under this award to any foreign NGO, IO, or United States NGO (the sub-recipient), unless the recipient's agreement with the sub-recipient contains the same terms and conditions as described in sub-paragraph (7) below.

(7) Prior to entering into an agreement to furnish foreign assistance to any foreign NGO, IO, or United States NGO, the recipient, consistent with Part 200 of Title 2 of the CFR, must ensure that such agreement with the sub-recipient includes the following terms:

(i) While receiving foreign assistance under this award:

(A) If the sub-recipient is a foreign NGO or IO, the sub-recipient will not provide or promote abortion as a method of family planning outside the United States (including its territories and possessions) or provide financial support to any other foreign NGO or IO that conducts such activities.

(B) If the sub-recipient is a United States NGO:

(*1*) The sub-recipient will not, outside the United States (including its territories and possessions) provide abortion as a method of family planning.

(*2*) The sub-recipient will not, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award, provide or promote abortion as a method of family planning.

Subject to sub-paragraph (7)(i)(B)(*1*) above, the sub-recipient is not prohibited from lawfully promoting abortion as a method of family planning outside the scope of a program, project, or activity for which funds are made available under this award, so long as the sub-recipient uses funds from sources other than the U.S. Government to do so.

(*3*) The sub-recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from the activities described in sub-paragraph (7)(i)(B)(*2*) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(*i*) The existence of separate, accurate accounting records;

(*ii*) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activities occurs and the extent of such prohibited activities;

(*iii*) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(*iv*) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(ii) The recipient and authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the CFR: (I) inspect the documents, trainings, and materials maintained or prepared by the sub-recipient in the usual or required course of its operations that describe the activities of the sub-recipient, including reports, brochures and service statistics; (II) observe activities conducted by the sub-recipient; (III) consult with personnel of the sub-recipient and those who receive the services of the sub-recipient; and, (IV) obtain a copy of audited financial statements or reports of the sub-recipient, as applicable.

(iii) In the event that the recipient or an authorized representative of the U.S. Government has reasonable cause to believe that a sub-recipient may have violated any of its undertakings under this award term, the recipient will review the foreign assistance program of the sub-recipient to determine whether a violation of such undertaking has occurred. The sub-recipient must make available to the recipient such books and records and other information as may be reasonably requested to conduct the review. Authorized representatives of the U.S. Government may review the foreign assistance program of the sub-recipient under these circumstances, and the sub-recipient must provide access on a timely basis to such authorized representatives to such books and records and other information upon request, consistent with Part 200 of Title 2 of the CFR. In such an event, during the process of investigating any suspected violation, the Department of State may additionally order the recipient to suspend or withhold some or all payments of foreign assistance to the sub-recipient.

(iv) The U.S. Government shall terminate foreign assistance provided to the sub-recipient under this award if the sub-recipient violates any award terms under sub-paragraphs (7)(i)–(iii) above, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(v) In addition to other remedies available to the U.S. Government, the sub-recipient's failure to comply with the requirements of this award provision may result in—

(A) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(B) Suspension or debarment.

(vi) In the event of termination, the sub-recipient must refund to the recipient any unexpended amounts furnished to the sub-recipient under this award, plus an amount equivalent to that used by the sub-recipient for activities prohibited under the terms of this award, up to the total amount of foreign assistance furnished to the sub-recipient under this award. Where the Department of State is not otherwise engaged in the determination to terminate a sub-recipient's award, the recipient must notify the Department of State of any action taken for a violation of any undertaking required under sub-paragraphs (7)(i)–(iii) above.

(vii) The sub-recipient may furnish foreign assistance under this award to any foreign NGO, IO, or U.S. NGO (the sub-sub-recipient), only if the sub-recipient's agreement with the sub-sub-recipient contains the same terms and conditions as those provided by the recipient to the sub-recipient as described in sub-paragraphs (7)(i)–(iv) above.

(8) Where the terms and conditions of the award require the approval of sub-awards by the Department of State, the recipient must, consistent with Part 200 of Title 2 of the CFR, include a description of the due diligence performed by the recipient on the sub-recipient before furnishing foreign assistance under this award.

(9) The recipient is liable to the U.S. Government for a refund for a violation by the sub-recipient of any requirement of this award term only if: (i) the recipient furnishes foreign assistance under this award to a subrecipient knowing that the subrecipient is in likely violation of the applicable award terms of this award term; (ii) the sub-recipient did not abide by the award terms required by sub-paragraphs (7)(i)–(iii) above, and the recipient failed to make reasonable due diligence efforts prior to furnishing foreign assistance to the sub-recipient; or, (iii) the recipient knows or has reason to know, by virtue of the monitoring that the recipient is required to perform under the terms of this award, that a sub-recipient has violated any of the award terms required by sub-paragraphs (7)(i)–(iii) above, and the recipient fails to terminate foreign assistance to the sub-recipient, or fails to require the sub-recipient to terminate foreign assistance furnished under a sub-award that violates any award terms required by sub-paragraphs (7)(i)–(iii), above, or fails to take other appropriate corrective action consistent with sub-paragraph (7)(iv) above.

(10) Recipient acknowledges that authorized representatives of the U.S. Government may make independent inquiries in the community served by the recipient or a sub-recipient under this award regarding whether it is in compliance with the award terms required by sub-paragraphs (7)(i)–(iii) above. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

Christopher T. Landau,

Deputy Secretary of State, U.S. Department of State.

[FR Doc. 2026–01519 Filed 1–23–26; 4:15 pm]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

2 CFR Part 603

[Public Notice: 12931]

RIN 1400–AG25

Combating Gender Ideology in Foreign Assistance

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: To implement the foreign policy objective of the United States not to support the promotion of gender ideology overseas, the U.S. Department of State (Department) is adding a new award term for grants, cooperative agreements, and voluntary contributions entitled ''Combating Gender Ideology in Foreign Assistance.'' The award term imposes certain requirements relating to gender ideology on foreign nongovernmental organizations (NGOs), United States NGOs, international organizations, foreign governments, and parastatals. The award term is issued consistent with the Foreign Assistance Act of 1961 (FAA) and other foreign assistance authorities such as the FREEDOM Support Act, the Migration and Refugee Assistance Act of 1962, and the SEED Act of 1989, which authorize the Department to provide foreign assistance on such terms and conditions as the President, and by delegation, the Secretary of State, may determine. Consistent with past Mexico City Policy protocol, the provision will be incorporated as applicable into grants and cooperative agreements when new funds are added as well as into new awards.

DATES: The rule is effective February 26, 2026.

FOR FURTHER INFORMATION CONTACT: Bureau of Global Acquisitions, Federal Assistance Division, *fedassistancepolicy@state.gov,* (202) 890–9795.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

To ensure that foreign aid is aligned with administration policy and promotes human flourishing, the Secretary of State has directed that foreign assistance align with State Department policies opposing gender ideology, discriminatory equity ideology, unlawful diversity, equity, and inclusion (DEI) programs, and abortion as a method of family planning overseas. Consistent with this directive, as a condition of receiving foreign assistance, recipients must agree to the award terms pursuant to the following policies: Protecting Life in Foreign Assistance (PLFA), Combating Gender Ideology in Foreign Assistance (CGIFA), and the Combating Discriminatory Equity Ideology in Foreign Assistance (CDEIFA). These policies are referred to collectively as the Promoting Human Flourishing in Foreign Assistance (PHFFA) Policy.

Implementation of the PHFFA Policy is consistent with administration policy as embodied in numerous Presidential actions, including:

- Presidential Memorandum of January 24, 2025, *The Mexico City Policy;*
- Executive Order 14182 of January 24, 2025, *Enforcing the Hyde Amendment;*
- Executive Order 14150 of January 20, 2025, *America First Policy Directive to the Secretary of State;*
- Presidential Memorandum of February 6, 2025, *Advancing United States Interests When Funding Nongovernmental Organizations;*
- Presidential Memorandum of February 4, 2025, *Withdrawing the United States from and Ending Funding to Certain United Nations Organizations and Reviewing United States Support to all International Organizations.*
- Executive Order 14190 of January 29, 2025, *Ending Radical Indoctrination in K–12 Schooling*
- Executive Order 14151 of January 20, 2025, *Ending Radical and Wasteful DEI Programs and Preferencing*
- Executive Order 14168 of January 20, 2025, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*
- Executive Order 14173 of January 21, 2025, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*

II. Combating Gender Ideology in Foreign Assistance

Under previous administrations, U.S. foreign assistance was used to fund the denial of the biological reality of sex, promoting a radical ideology that permits men to self-identify as women, indoctrinate children with radical gender ideology, and allow men to gain access to intimate single-sex spaces and activities designed for women. Efforts to eradicate the biological reality of sex fundamentally attack women by depriving them of their dignity, safety, and well-being. It also threatens the wellbeing of children by encouraging them to undergo life-altering surgical and chemical interventions that carry serious risks of lifelong harms like infertility. The erasure of sex in language and policy has a corrosive impact not just on women and children but, as an attack on truth and human nature, it harms every nation. It is the purpose of this rule to prohibit the use of foreign assistance to support radical gender ideology, including by ending support for international organizations and multilateral organizations that pressure nations to embrace radical gender ideology, or otherwise promote gender ideology.

Similar to the Department's historical efforts to protect taxpayers from supporting abortion under the Protecting Life in Foreign Assistance Policy (often known as the Mexico City Policy), under this rule the Department seeks to protect taxpayers from funding gender ideology. Accordingly, under this rule the Department of State will defend the rights of women and children, and protect freedom of conscience and national sovereignty, by requiring recipients of foreign assistance to comply with certain restrictions relating to gender ideology.

The rule provides for a waiver of the policy or its elements in specific cases if, in the Secretary of State's judgment, such a waiver is necessary for national security or foreign policy purposes. The Department of State will issue guidance on the waiver process. Consistent with past Mexico City Policy protocol, the provision will generally be incorporated as applicable into grants and cooperative agreements when new funds are added as well as into new awards.

Members of Congress have sought in legislation for the Department of State to undertake restrictions on gender ideology as implemented in this rule. In the 118th Congress, the House of Representatives passed legislation that would implement the requirements of this rule, and has advanced similar legislation in the 119th Congress. *See* section 7067 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2026 (H.R. 4779), which reads as follows:

> (b) None of the funds appropriated or otherwise made available by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for drag queen workshops, performances, or documentaries.
>
> [. . .]
>
> (f) None of the funds made available by this Act or any other Act may be made available in contravention of Executive Order 14187, relating to Protecting Children From Chemical and Surgical Mutilation, or shall be used or transferred to another Federal agency, board, or commission to fund any domestic or international non-governmental organization or any other program, organization, or association coordinated or operated by such non-governmental organization that either offers counseling

regarding sex change surgeries, promotes sex change surgeries for any reason as an option, conducts or subsidizes sex change surgeries, promotes the use of medications or other substances to halt the onset of puberty or sexual development of minors, or otherwise promotes transgenderism.

However, it is not necessary for Congress to enact this legislation for the Department to act under its existing authorities under the Foreign Assistance Act of 1961 and other laws, as delegated to the Secretary of State by the President, to ensure taxpayer funds overseas do not support gender ideology.

This rule is necessary to secure the foreign policy goals of the United States enshrined in the Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family (the Declaration). The United States spearheaded the initial adoption of the Declaration in 2020, and rejoined as a signatory to the Declaration in 2025. The Declaration affirms the importance of the family, of protecting women, and of the right of sovereign nations to implement programs and activities consistent with their laws and policies—all of these goals are directly threatened by gender ideology. The United States is concerned that, absent this rule, U.S. taxpayer funds may support radical gender ideology and organizations engaged in harm to women and children, and further, may do so in a manner that undermines the national laws and values of sovereign nations.

A. Foreign NGOs and International Organizations

Under this rule, any foreign NGO or international organization (IO) that receives or implements a grant or cooperative agreement for foreign assistance will be required to agree that, during the period of the award, it will not, outside the United States, promote gender ideology, or provide financial support to any other foreign NGO or IO that promotes gender ideology.

B. U.S. NGOs

Under this rule, a U.S. NGO that receives or implements a foreign assistance grant or cooperative agreement will not be subject to the policy requirements for a foreign NGO. However, a U.S. NGO will be required to agree that, during the period of the award, it will not, outside the United States, provide sex-rejecting procedures, that it will not, within the scope of any program, project, or activity funded by foreign assistance, promote gender ideology, and that it will ensure the physical and financial separation of its foreign assistance-funded programs, projects, and activities from the promotion of gender ideology.

With respect to the promotion of gender ideology, this rule makes clear that with respect to United States non-governmental organizations, the award terms shall be construed consistent with the First Amendment to the United States Constitution, and shall not be construed to restrict the freedoms of speech or association of such organizations when using non-Federal funds outside the scope of a program, project or activity for which foreign assistance is made available. This is consistent with the Supreme Court's holding in *Agency for International Development* v. *Alliance for Open Society International, Inc.,* 570 U.S. 205 (2013). The limitations on the provision of sex-rejecting procedures apply to conduct, not protected speech, and thus do not implicate the First Amendment and so are not limited by this rule of construction.

Consistent with the Supreme Court's guidance in *AID* v. *Alliance* and its ruling in *Rust* v. *Sullivan,* 500 U.S. 173 (1991), this rule imposes restrictions on the promotion of gender ideology within the scope of programs, projects, and activities that receive Federal funds. These program integrity restrictions ensure that there is a bright line of separation of U.S. foreign assistance programs from gender ideology. In *Rust,* the Supreme Court upheld similar regulations in the Title X family planning program which prohibited Title X projects from engaging in counseling concerning, referrals for, and activities advocating abortion as a method of family planning, and required such projects to maintain an objective integrity and independence from the prohibited abortion activities by the use of separate facilities, personnel, and accounting records. Relevant here, in *Rust,* the Court held:

> The regulations do not violate the First Amendment free speech rights of private Title X fund recipients, their staffs, or their patients by impermissibly imposing viewpoint-discriminatory conditions on Government subsidies. There is no question but that § 1008's prohibition is constitutional, since the Government may make a value judgment favoring childbirth over abortion, and implement that judgment by the allocation of public funds. *Maher* v. *Roe*, 432 U. S. 464, 432 U. S. 474. In so doing, the Government has not discriminated on the basis of viewpoint; it has merely chosen to fund one activity to the exclusion of another. Similarly, implementing the statutory prohibition by forbidding counseling, referral, and the provision of information regarding abortion as a method of family planning, the regulations simply ensure that appropriated funds are not used for activities, including speech, that are outside the federal program's scope. *Arkansas Writers' Project, Inc.* v. *Ragland*, 481 U. S. 221, distinguished.

Imposition of physical and financial separation requirements from the provision and promotion of gender ideology in foreign assistance programs is constitutionally permissible, just as similar requirements with respect to abortion were held to be constitutional under the Title X family planning program. In addition to the above, while U.S. NGOs must flow down the award terms under this rule to subrecipients, they are not subject to an additional requirement not to provide financial support using non-Federal funds to other organizations that promote gender ideology outside the United States.

Recently, the U.S. Supreme Court in *United States* v. *Skrmetti,* 605 U.S. 495 (2025), upheld Tennessee's law restricting certain surgical and chemical interventions for minors diagnosed with gender dysphoria (and similar conditions). The Court found the law's prohibition of sex-rejecting procedures for minors diagnosed with gender dysphoria incorporates classifications based on age and medical use—not the minor's sex. Because the classifications turned on age and medical use rather than sex, the Court held that the law was not subject to heightened scrutiny under the Equal Protection Clause of the Fourteenth Amendment and went on to find the law satisfied rational basis review. Like the law at issue in *Skrmetti,* this rule would not discriminate on the basis of sex and it is not based on an invidious discriminatory purpose. This rule is animated by concerns that when sex-rejecting procedures are used for certain medical uses-that is, to align an individual's physical appearance or body with an asserted identity that differs from the individual's sex.

Sex-rejecting procedures bear particularly acute risks for children. On May 1, 2025, the United States Department of Health and Human Services (HHS) released a comprehensive review of the evidence and best practices for promoting the health of children and adolescents diagnosed with gender dysphoria.[1] On November 19, 2025, HHS published a final version of the review following conclusion of the peer review process

[1] HHS Review, 1. ''HHS Releases Comprehensive Review of Medical Interventions for Children and Adolescents with Gender Dysphoria,'' U.S. Department of Health and Human Services, released May 1, 2025, *https://www.hhs.gov/press-room/gender-dysphoria-report-release.html.*

(HHS Review).[2] The HHS Review, informed by an evidence-based medicine approach, indicated serious concerns about outcomes associated with certain medical interventions, such as puberty blockers, cross-sex hormones, and surgeries, that attempt to transition children and adolescents away from their sex.[3] The HHS Review highlights evidence pointing to significant risks associated with the use of these procedures, including irreversible harms such as infertility, and finds extremely weak evidence of benefit. Significantly, the HHS Review finds that the evidence base does not support conclusions about the effectiveness of medical and surgical interventions in improving mental health or reducing gender dysphoria symptoms, stating that ''[a]nalysis of the biological plausibility of harms is necessary, and suggests that some short- and long-term harms are likely (in some cases expected) sequalae of treatment.'' [4] Likewise, the data considered in the HHS Review indicate that the risk/benefit profile of medical and surgical interventions for children and adolescents diagnosed with gender dysphoria is unfavorable. While the HHS Review itself does not make clinical, policy, or legislative recommendations, it provides critical insights that should inform policymakers as they make decisions to promote health and safety, especially for vulnerable populations such as minors.

The Department does not believe taxpayer dollars should support sex-rejecting procedures, directly or indirectly for individuals of any age. A person's body (including its organs, organ systems, and processes natural to human development like puberty) are either healthy or unhealthy based on whether they are operating according to their biological functions. Organs or organ systems do not become unhealthy simply because the individual may experience psychological distress relating to his or her sexed body. For this reason, removing a patient's breasts as a treatment for breast cancer is fundamentally different from performing the same procedure solely to alleviate mental distress arising from gender dysphoria. The former procedure aims to restore bodily health and to remove cancerous tissue. In contrast, removing healthy breasts or interrupting normally occurring puberty to ''affirm'' one's ''gender identity'' involves the intentional destruction of healthy biological functions. There is also lack of clarity about what sex-rejecting procedures' fundamental aims are, unlike the broad consensus about the purpose of medical treatments for conditions like appendicitis, diabetes, or severe depression. These procedures lack strong evidentiary foundations, and our understanding of long-term health impacts is limited and needs to be better understood. Imposing restrictions, as this rule proposes, on sex-rejecting procedures for individuals of any age is necessary for the Department to protect taxpayer dollars from abuse in support of radical ideological aims.

C. Foreign Governments and Parastatals

A foreign government or parastatal that receives or implements a foreign assistance grant or cooperative agreement will not be subject to the same award terms as a foreign or U.S. NGO. The Department has elected this approach based on considerations relating to foreign policy. However, a foreign government or parastatal may be required to agree that, during the period of the award, it will not use foreign assistance funds under this award, to promote gender ideology. Pursuant to a Department assessment that this award term should apply, in whole or in part, to an award to a foreign government or parastatal, that foreign government or parastatal will be required to place any foreign assistance funds under this award in a segregated account to ensure that such funds may not be used to support such activity to the extent the foreign government conducts or supports such activity.

D. Flow Down of Policy Requirements to Subrecipients.

Foreign and U.S. NGOs, IOs, foreign governments, and parastatals will be required to flow down the award terms under this rule, as applicable, to subrecipients of foreign assistance.

E. Scope of Foreign Assistance

The Department has determined that applying this rule to non-military foreign assistance broadly is necessary to ensure that its foreign assistance programs do not support foreign NGOs and IOs that promote gender ideology, and U.S. NGOs that provide sex-rejecting procedures, and to ensure the integrity of programs such as humanitarian assistance, gender-related programs, and more, do not promote gender ideology. It is also necessary to unwind efforts by prior administrations to integrate gender ideology throughout foreign assistance programs (See, for example, the National Strategy on Gender Equity and Equality launched by the Biden Administration in 2021). This rule will also allow for more foreign assistance funds to support organizations that promote biological truth in their foreign assistance programs and help the Department to establish new partnerships.

Under this rule, ''foreign assistance'' subject to this policy is defined as federal funding administered by the Department under title III of, or under the ''International Narcotics Control and Law Enforcement,'' ''Nonproliferation, Anti-Terrorism, Demining and Related Programs,'' ''Peacekeeping Operations,'' and ''International Organizations and Programs'' headings of, the annual Department of State, Foreign Operations, and Related Programs Appropriations Act.

Accordingly, this rule covers non-military foreign assistance including, but not limited to: Global Health Programs, Humanitarian Assistance, economic and development assistance, stabilization assistance, civil society and democracy programming, Migration and Refugee Assistance, and voluntary contributions to international organizations, funded from foreign assistance. This rule does not cover military assistance and other assistance that falls outside the definition above.

For foreign assistance awards, the CGIFA award term will be included in (i) all new grants and cooperative agreements that provide foreign assistance; and (ii) all existing grants and cooperative agreements that provide foreign assistance when such agreements are amended to add new funding.

State Department is working with other agencies that administer foreign assistance to implement the CGIFA standard provision in their foreign assistance grants and agreements, to the maximum extent allowable by federal law, consistent with the statutes and regulations on which they are based and that such agencies administer, as well as applicable grant-specific regulations.

For contracts, the Administration is developing a corresponding clause for all U.S. government departments and agencies to include in certain types of contracts for foreign assistance. Until that rule-making process is complete, no clause will be included in foreign assistance contracts.

[2] ''HHS Releases Peer-Reviewed Report Discrediting Pediatric Sex-Rejecting Procedures,'' U.S. Department of Health and Human Services, released November 19, 2025, *https://www.hhs.gov/press-room/hhs-releases-peer-reviewed-report-discrediting-pediatric-sex-rejecting-procedures.html.*

[3] ''HHS Releases Peer-Reviewed Report Discrediting Pediatric Sex-Rejecting Procedures,'' U.S. Department of Health and Human Services, released November 19, 2025, *https://www.hhs.gov/press-room/hhs-releases-peer-reviewed-report-discrediting-pediatric-sex-rejecting-procedures.html.*

[4] HHS Review, 134.

F. Definitions

The definitions of female, male, and sex in this rule are appropriately rooted in biological reality. A landmark study of and model for anisogamy established that differences in gamete size, and the associated differences in gamete production time, lead to stable sexual dimorphism and the establishment of two biological sexes: ovum producers (females) and sperm producers (males).[5] Additionally, more recent literature acknowledges differences in sex roles but maintains that such differences can still be traced to the concept of anisogamy and the resultant sexual dimorphism that remain the root cause of sex specific selection, the sex roles, and the determination of biological sex.[6]

For purposes of this rule, the following definitions apply:

Gender ideology is an ideology that replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become females and vice versa, and requiring all institutions of society to regard this false claim as true. Gender ideology includes the idea that there is a vast spectrum of genders that are disconnected from one's sex. Gender ideology is internally inconsistent, in that it diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body.

Gender identity is an individual's fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum. Gender identity does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

To promote gender ideology includes any activity to promote gender ideology. Such term includes:

(I) The provision or promotion of sex-rejecting procedures or sex-rejecting social transition;

(II) Committing resources, financial or other to increase the availability, or use of sex-rejecting procedures or sex-rejecting social transition;

(III) Operating a service-delivery site that provides counseling, including advice and information, regarding the benefits and/or availability of sex-rejecting procedures or sex-rejecting social transition (unless, in the case of a United States nongovernmental organization, the physical and financial separation requirements under this paragraph (a) with respect to foreign assistance are satisfied);

(IV) Providing advice that sex-rejecting procedures or sex-rejecting social transition is an available option for treatment of gender dysphoria, or referring for, or encouraging individuals to consider, such activities;

(V) Lobbying, pressuring, or encouraging a foreign government to provide special legal status or protections based on gender identity, to legalize or make available sex-rejecting procedures or sex-rejecting social transition, or otherwise to promote gender ideology, or lobbying, pressuring, or encouraging such a government to continue the legality of any such activities or otherwise to change policies to reflect gender ideology;

(VI) Conducting a public-information campaign in foreign countries regarding acceptance of gender ideology, or the benefits and/or availability of sex-rejecting procedures or sex-rejecting social transition;

(VII) Using or teaching sex education materials (including books, curricula, media, etc.) that include gender ideology, such as the idea that it is possible to change one's sex, to be born in the wrong body, or instructing on the use of pronouns that do not correspond to an individual's sex; and

(VIII) Conducting drag queen workshops, performances, or documentaries.

Action by an individual who is acting in his or her personal capacity shall not be attributed to an organization with which the individual is associated, provided that the individual is neither on duty nor acting on the organization's premises, and provided that the organization neither endorses, nor provides financial support for, the action and takes reasonable steps to ensure the individual does not improperly represent that he or she is acting on behalf of the organization.

Sex-rejecting procedure is any pharmaceutical or surgical intervention that is provided for the purpose of attempting to align an individual's physical appearance or body with an asserted identity that differs from the individual's sex either by:

(I) intentionally disrupting or suppressing the normal development of natural biological functions, including primary or secondary sex-based traits; or

(II) intentionally altering an individual's physical appearance or body, including amputating, minimizing or destroying primary or secondary sex-based traits such as the sexual and reproductive organs.

Such term does not include procedures undertaken (I) to treat a person with a medically verifiable disorder of sexual development, (II) for purposes other than attempting to align an individual's physical appearance or body with an asserted identity that differs from the individual's sex, or (III) to treat complications of, including any infection, injury, disease, or disorder that has been caused by or exacerbated by, the performance of, such a sex rejecting procedure.

To provide a sex-rejecting procedure means any act of performing any procedure, or prescribing, dispensing, or utilizing any drug or device, for a sex-rejecting procedure, and any act of paying for, assisting in carrying out, or operating a facility that carries out, any such activities.

Female is a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing eggs (ova).

Male is a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing sperm.

Sex is a person's immutable biological classification as either male or female.

Social transition is the process of adopting a ''gender identity'' or ''gender marker'' that differs from a person's sex. This process can include psychological or psychiatric counseling or treatment by a counselor or other provider; modifying a person's name (*e.g.,* ''Jane'' to ''James'') or pronouns (*e.g.,* ''him'' to ''her''); calling a person ''nonbinary''; use of intimate facilities and accommodations such as bathrooms or locker rooms specifically designated for persons of the opposite sex; and participating in athletic competitions or other activities specifically designated for persons of the opposite sex; and the use of non-medical physical sex-rejecting interventions such as binders used to flatten female breasts. ''Social transition'' does not include the provision of sex-rejecting procedures.

Foreign assistance is federal funding appropriated under title III of, or under the ''International Narcotics Control and Law Enforcement,'' ''Nonproliferation, Anti-Terrorism, Demining and Related Programs,'' ''Peacekeeping Operations,'' and ''International Organizations and Programs'' headings of, the annual Department of State, Foreign Operations, and Related Programs Appropriations Act.

[5] G.A. Parker et al., ''The origin and evolution of gamete dimorphism and the male-female phenomenon,'' *Journal of Theoretical Biology* 36, no. 3 (1972): 529–553, *https://doi.org/10.1016/0022-5193(72)90007-0.*

[6] Lukas Schärer et al., ''Anisogamy, chance and the evolution of sex roles,'' *Trends in Ecology & Evolution* 27, no. 5 (2012): 260–264, *https://doi.org/10.1016/j.tree.2011.12.006.*

To furnish foreign assistance means transferring foreign assistance funds provided under this award or goods financed with such funds to another entity. This does not include providing technical assistance or training (including costs directly related to such assistance or training for individuals), unless the entity receives a sub-award of foreign assistance funds under this award. Additionally, furnishing foreign assistance does not include purchasing goods or services from the entity.

To control an organization means to possess the power to direct, or cause the direction of, its management, personnel, and policies.

A foreign non-governmental organization is any non-governmental organization or entity, whether non-profit or profit-making (including any commercial firm and educational institution), not organized or existing under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

A United States non-governmental organization is any non-governmental organization or entity, whether non-profit or profit-making (including any commercial firm and educational institution), organized or existing under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

An international organization is—

(A) Any organization designated as being entitled to enjoy the privileges, exemptions, and immunities under the International Organizations Immunities Act;

(B) Any organization treated as a public international organization pursuant to the regulations or policies of the Department of State;

(C) Any organization established by international agreement and whose governing body is composed principally of representatives of national governments; or

(D) Any other multilateral entity in which sovereign nations participate.

To provide financial support means to provide funds from any source and for any purpose to a foreign NGO or IO through an award, sub-award, contract, sub-contract, grant under contract, or other written agreement or donation of funds.

A foreign government is any department, agency, independent establishment, or other entity of the government of a foreign country.

A parastatal is a foreign-government-owned organization operated as a commercial company or other organization, including non-profits, or enterprises in which foreign governments or foreign government agencies have a controlling interest.

III. Legal Authority

This rule amends 2 CFR chapter VI to add an award term at part 603, entitled ''Combating Gender Ideology in Foreign Assistance.'' The term, applicable to all solicitations, Federal assistance awards, and subawards, including grants under contracts, awarded with Department of State foreign assistance funds, including funds transferred to the United States Department of State from the U.S. Agency for International Development, provides certain gender ideology-related requirements intended to prohibit any direct or indirect support of gender ideology.

Under the statutory regime governing foreign assistance, and consistent with his responsibilities regarding the conduct of U.S. foreign affairs, the President has broad discretion to set the terms and conditions on which the United States provides such assistance. Many of the authorities provided under the Foreign Assistance Act of 1961, and similar statutes, explicitly allow for the provision of assistance ''on such terms and conditions as [the President] may determine.'' *See, e.g.,* section 104(c)(1) of the FAA (22 U.S.C. 2151b(c)(1)) (health assistance); section 301(a) of the FAA (22 U.S.C. 2221(a)) (voluntary contributions to international organizations); section 481(a)(4) of the FAA (22 U.S.C. 2291(a)(4)) (counternarcotics and anti-crime assistance); section 531 of the FAA (22 U.S.C. 2346) (assistance to promote economic or political stability); section 541(a) of the FAA (22 U.S.C. 2347) (International Military Education and Training assistance); section 551 of the FAA (22 U.S.C. 2348) (Peacekeeping Operations); section 571 of the FAA (22 U.S.C. 2349aa) (anti-terrorism assistance); *see also* section 2(c)(1) of the MRAA; section 201 of the SEED Act of 1989 (amending the FAA by inserting, inter alia, section 498b(i))).

Section 621(a) of the FAA provides that ''[t]he President may exercise any functions conferred upon him by this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions. . . .'' 22 U.S.C. 2381(a). The Secretary of State exercises authorities under the FAA as delegated by the President in Executive Order 12163, dated September 29, 1979, as amended. That includes the President's authority to ''issue and enforce regulations determining the eligibility of any person to receive funds made available under'' the FAA. 22 U.S.C. 2381(b).

This rule falls within the Department's authority, delegated to the Secretary of State by the President, to set conditions on the provision of foreign assistance, including on the implementers of such assistance. Courts have repeatedly recognized that the President has broad discretion in the conduct of foreign affairs to allocate foreign assistance funding for particular programs and to set the conditions on U.S. funding to implementers of those programs. *See, e.g., DKT Memorial Fund* v. *USAID,* 887 F.2d 275, 282 (D.C. Cir. 1989); *Planned Parenthood Federation of America* v. *USAID,* 915 F.2d 59 (2d Cir. 1990); *Center for Reproductive Law and Policy* v. *Bush,* 304 F.3d 183 (2d Cir. 2002). These courts recognized the President's broad discretion to allocate assistance funding for particular programs and to set the conditions on U.S. funding to non-governmental implementers of those programs. *See, e.g., Planned Parenthood* v. *USAID,* 838 F.2d 649, 654 (2d Cir. 1988) (in carrying out the policies under the Foreign Assistance Act, ''AID has 'broad discretionary power' to decide which, among numerous competing projects, will be given family planning funds''); *DKT,* 887 F.2d at 282 (''President acted under a congressional grant of discretion as broadly worded as any we are likely to see. . . .'').

Moreover, the Secretary has the authority to promulgate such rules and regulations as may be necessary to carry out his functions and the functions of the Department of State. *See* 22 U.S.C. 2651a(a)(4). This rule provides an award requirement for federal assistance award recipients to refrain from gender ideology-related activities to varying degrees. Under its grantmaking authority, the Department awards grants in the execution of foreign assistance programs. Prudent and responsible exercise of the Department's foreign assistance and grantmaking authority requires that award terms ensure that foreign assistance does not support, directly or indirectly, the provision or promotion of gender ideology. In addition to the Department's authority to promulgate regulations under the FAA, described above, 2 CFR 200.211(c), (d), and (e) also expressly authorize the agency to incorporate in an award general terms and conditions; Federal awarding agency, program, or Federal award specific terms and

conditions; and Federal awarding agency requirements.

This rule is issued pursuant to the Secretary's authorities described above.

The Department has additionally considered the potential reliance interests of funding recipients and others on this final rule. The Department understands that, as a result of this rule, some organizations may choose to no longer receive or seek foreign assistance funds rather than comply with the award term. We understand that compliance may require organizations to cease activities that they may have long carried out, but are prohibited under the award term established under this rule. In the case of U.S. NGOs, we anticipate that some organizations will incur transition costs where certain other programs that shared facilities with foreign assistance programs must now establish separate physical facilities.

The Department believes that many organizations that are current recipients of foreign assistance will come into compliance as they obtain future grants or when funds are added to existing grants. However, the Department understands that certain organizations may decide to no longer accept foreign assistance in the future because of these award terms, which could in turn result in temporary disruptions in service delivery or impacts on program beneficiaries. In such cases, the Department will work to find new partners willing to agree to the award term, while minimizing any disruption of services. Moreover, the Department expects the quality and impact of foreign assistance programs to improve as programs are focused and prioritized, without being diverted for activities in violation of this rule.

The interests of organizations in maintaining continued taxpayer funding, while continuing activities that are inconsistent with this rule, do not outweigh the Department's foreign policy concerns and objectives outlined in this rule to ensure that foreign assistance funds do not directly or indirectly support discriminatory equity ideology. Compliance with this rule is additionally necessary to remove confusion caused when U.S.-funded organizations act in a manner inconsistent with this rule, which can create confusion regarding the foreign policy priorities and objectives of the United States.

Finally, in the event that any portion of this final rule is declared invalid, the Department intends that the various aspects be severable; the Department intends the remaining features of the policy to stand.

IV. Regulatory Analyses

A. Administrative Procedure Act

Pursuant to the Administrative Procedure Act (APA), this is final rule is published without prior notice and comment or a delayed effective date. Because this rule involves a matter relating to grants, it is not subject to 5 U.S.C. 553. *See* 5 U.S.C. 553(a)(2). In addition, this rule is exempt because it involves the foreign affairs functions of the United States. *See* 5 U.S.C. 553(a)(1).

B. Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)

The Office of Information and Regulatory Affairs has determined that this rulemaking is an economically significant regulatory action under section 3(f)(1) of Executive Order 12866 (Sep. 30, 1993). Accordingly, this rule has been submitted to the Office of Management and Budget (''OMB'') for review.

This regulation has been drafted and reviewed in accordance with Executive Order 12866 section 1(b), *id.* at 51735, and in accordance with Executive Order 13563 section 1(b) (Jan. 18, 2011), which supplements and reaffirms the principles of Executive Order 12866. These Executive Orders direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. 58 FR at 51735; 76 FR at 3821. Executive Order 13563 also recognizes that some benefits and costs are difficult to quantify and provides that, where appropriate and permitted by law, agencies may consider and discuss qualitatively values that are difficult or impossible to quantify. *Id.*

As explained in the preamble, the award terms under this rule are necessary to advance the United States' foreign policy objective not to support gender ideology directly or indirectly.

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess the costs and benefits of the intended regulation. E.O. 13563 allows that in making this assessment, an agency ''may consider (and discuss qualitatively) values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.''

Including this award provision in foreign assistance grants and cooperative agreements provides an explicit requirement that recipients and grantees not violate applicable undertakings relating to the provision or promotion of gender ideology. The benefits of the rule include protecting American taxpayers from supporting gender ideology and advancing the foreign policy interests of the United States to promote biological truth, and to ensure foreign assistance programs and foreign partners are not undermining the laws and values of foreign nations or pressuring such nations to support gender ideology.

The Department recognizes there are costs associated with this rule. Potential one-time and recurring costs the Department identifies for recipients and grantees are for familiarization with the rule, development and delivery of organizational training and implementation guidance, routine compliance monitoring, and recordkeeping and reporting requirements.

The Department estimates that 2,500 recipients and grantees (including foreign NGOs, U.S. NGOs, international organizations, and foreign governments and parastatals) will be impacted by this rule. This estimate is derived from an analysis of the Department's current portfolio of funding recipients implementing activities with foreign assistance funds.

Based in part on the Department's previous experience, the agency estimates that recipients and grantees will first require 50 hours, on average, to familiarize themselves with the recordkeeping requirements within this final rule, and revise internal policies and financial accounting systems to comply with said recordkeeping requirements. To quantify the total one-time familiarization costs, The Department used June 2025 data from the Bureau of Labor Statistics (BLS) National Compensation Survey,[7] reporting a mean fringe benefit factor of 1.46 for civilian workers in general. The Department assumes that impacted entities will employ an attorney to analyze the rule. Multiplying the BLS mean hourly wage for Lawyers, Standard Occupation Classification 23–1011 of $87.86 by the mean fringe benefit factor of 1.46 yields an estimated total compensation (wages and benefits) for Lawyers of $128.28 per hour ([$87.86 per hour] × 1.46).

Thus, the agency calculates a one-time cost for familiarization of $16,035,000[(2,500 entities) times (50 hours per entity) times ($128.28/hour)].

For the development and delivery of organization-specific training, the Department estimates a cost of $37,984,700. The Department estimates that recipients subject to the rule will spend twenty one (21) hours annually to train their workforces: eight (8) hours

[7] *https://www.bls.gov/news.release/pdf/ecec.pdf.*

developing training materials and twelve (12) hours each month to train newly hired staff, and one hour to train existing staff. The Department estimates that a lawyer will develop and conduct this training at a cost of $128.28 per hour, and that all recipient staff will attend a one-hour training. The Department estimates an average workforce size of 250 staff with an average hourly salary of $50.

For routine compliance monitoring costs, the Department estimates $76,968,000 annually. The Department estimates a minimum of 240 annual hours (20 hours monthly) to monitor prime and sub-recipient activities. Such monitoring activities may include development of monitoring tools such as checklists, discussion guides, and reference materials, conducting desk review of documents, reports, work plans, and budgets, and conducting site visits to inspect implementation of activities for compliance with policy requirements. The Department estimates that these activities will be conducted by lawyers and senior program managers with an average hourly salary of $128.28.

Finally, the Department recognizes that this final rule is likely to impose costs on some U.S. NGOs whose programs currently share facilities with foreign assistance programs, and now must establish separate physical facilities. The Department also understands that certain organizations may decide to no longer accept foreign assistance in the future because of these award terms, which could in turn result in temporary disruptions in service delivery, imposing costs on program beneficiaries. However, the Department is not able to quantitatively assess these costs.

In summary, the Department estimates this rule will impose one-time familiarization costs of $16,035,000, and annual costs related to training and compliance monitoring of $114,052,700.

C. Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. It requires a regulatory flexibility analysis if a rule is subject to the notice-and-comment provisions of the APA and would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. This rule is exempt from the notice and comment requirements of the APA, as a matter related to grants and foreign affairs functions, and thus the Department does not provide a regulatory flexibility analysis. *See* 5 U.S.C. 553(a)(2).

D. Unfunded Mandates Act of 1995

The Unfunded Mandates Act of 1995 requires agencies to prepare several analytical statements before proposing any rule that may result in annual expenditures of $100 million or more in State, local, or Indian Tribal governments. Since this final rule will not result in expenditures of this magnitude, the Department certifies that such statements are not necessary.

E. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

Executive Order 14192 requires an agency, unless prohibited by law, to identify at least 10 existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation. In furtherance of this requirement, section 3(c) of the Order 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.'' *Id.* Executive Order 14192 exempts from these requirements ''regulations issued with respect to a foreign affairs-related function of the United States.'' This rule is issued with respect to foreign affairs-related functions and is thus exempt from Executive Order 14192 requirements.

F. Executive Order 14294 (Fighting Overcriminalization in Federal Regulations)

Executive Order 14294 requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to ''explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to'' each element of those offenses. This rule does not impose a criminal regulatory penalty and is thus exempt from Executive Order 14294 requirements.

G. Executive Orders 12372 and 13132—Federalism

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this regulation.

H. Executive Order 13175—Consultation With Tribal Governments

The Department has determined that this rulemaking will not have Tribal implications, will not impose substantial direct compliance costs on Indian Tribal governments, and will not preempt Tribal law. Accordingly, the requirements of E.O. 13175 do not apply to this rule.

I. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) defines ''collection of information'' to mean ''the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format.'' 44 U.S.C. 3502(3)(A). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless OMB approves it and the agency displays a currently valid OMB control number. 44 U.S.C. 3507. Also, notwithstanding any other provision of law, no individual or organization shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number. 44 U.S.C. 3512. The Department will not enforce any information collection requirements described in this rule until OMB's approval and will publish separate 60- and 30-day notices in the **Federal Register** soliciting public comment on the burden estimates provided below.

Title of Information Collection: Foreign Assistance Requirements.

OMB Control Number: 1405–XXXX.

Type of Request: New collection.

Originating Office: Department of State, Bureau of Global Acquisitions.

Form Number: No form.

Respondents: Offerors and awardees of Department of State foreign assistance.

Estimated Number of Respondents: 2,500.

Estimated Number of Responses: 2,500.

Average Time per Response: 261 hours.

Total Estimated Burden Hours: 652,500 hours.

Estimated burden hour costs: $114,052,700.

Frequency: On occasion.

Obligation to Respond: Mandatory.

J. Congressional Review Act

The Office of Information and Regulatory Affairs has determined that this final rule meets the criteria in the Congressional Review Act (CRA) at 5 U.S.C. 804(2) and will comply with the applicable requirements at 5 U.S.C. 801. However, the Department has also determined that there is good cause to exempt this rule from the 60-day delay of effect at 5 U.S.C. 801(a)(3)(A). Specifically, the requirement for a delayed effective date does not apply because notice and public procedure are not required for this rule by the APA and thus are unnecessary for the purposes of the CRA under 5 U.S.C. 808(2). As noted above, this rule involves a matter relating to grants. *See* 5 U.S.C. 553(a)(2). In addition, this rule involves the foreign affairs functions of the United States. *See* 5 U.S.C. 553(a)(1).

List of Subjects in 2 CFR Part 603

Administrative practice and procedure, Grant programs.

■ For the reasons set forth above, the Department of State adds part 603 to title 2 of the Code of Federal Regulations to read as follows:

PART 603—COMBATING GENDER IDEOLOGY IN FOREIGN ASSISTANCE

Sec.

Authority: 5 U.S.C. 301; 22 U.S.C. 2651a, 22 U.S.C. 2151, 22 U.S.C. 2451, 22 U.S.C. 1461; 2 CFR part 200.

PART 603—COMBATING GENDER IDEOLOGY IN FOREIGN ASSISTANCE

§ 603.10 Applicability.

This part establishes an award term for recipients and subrecipients of Federal awards subsidized in whole or in part by foreign assistance funds administered by the Department of State. The award term under this part must generally be included in all foreign-assistance solicitations and all resulting awards, including all grants, cooperative agreements, and voluntary contributions, whenever implementation of the activity involves foreign assistance, to, or implemented by, foreign nongovernmental organizations, international organizations, and United States nongovernmental organizations. The award term under this part may but need not be included in whole or in part, as applicable, in agreements with foreign governments and parastatals (*e.g.,* government-to-government agreements, strategic or other agreements with host governments), and agreements with bilateral governmental donors if the Department of State assesses such term is appropriate for that agreement.

§ 603.20 Award term.

The award term in appendix A to this part will be incorporated, as applicable, in awards for foreign assistance administered by the Department of State.

(a) The following definitions apply for purposes of the award term in appendix A to this part:

(1) *Gender ideology* is an ideology that replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become females and vice versa, and requiring all institutions of society to regard this false claim as true. Gender ideology includes the idea that there is a vast spectrum of genders that are disconnected from one's sex. Gender ideology is internally inconsistent, in that it diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body.

(2) *Gender identity* is an individual's fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum. Gender identity does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

(3)(i) To *promote gender ideology* includes any activity to promote gender ideology. Such term includes:

(A) The provision or promotion of sex-rejecting procedures or sex-rejecting social transition;

(B) Committing resources, financial or other to increase the availability, or use of sex-rejecting procedures or sex-rejecting social transition;

(C) Operating a service-delivery site that provides counseling, including advice and information, regarding the benefits and/or availability of sex-rejecting procedures or sex-rejecting social transition (unless, in the case of a United States nongovernmental organization, the physical and financial separation requirements under this paragraph (a) with respect to foreign assistance are satisfied);

(D) Providing advice that sex-rejecting procedures or sex-rejecting social transition is an available option for treatment of gender dysphoria, or referring for, or encouraging individuals to consider, such activities;

(E) Lobbying, pressuring, or encouraging a foreign government to provide special legal status or protections based on gender identity, to legalize or make available sex-rejecting procedures or sex-rejecting social transition, or otherwise to promote gender ideology, or lobbying, pressuring, or encouraging such a government to continue the legality of any such activities or otherwise to change policies to reflect gender ideology;

(F) Conducting a public-information campaign in foreign countries encouraging acceptance of gender ideology, or the benefits and/or availability of sex-rejecting procedures or sex-rejecting social transition;

(G) Using or teaching sex education materials (including books, curricula, media, etc.) that include gender ideology, such as the idea that it is possible to change one's sex, to be born in the wrong body, or instructing on the use of pronouns that do not correspond to an individual's sex; and

(H) Conducting drag queen workshops, performances, or documentaries.

(ii) Action by an individual who is acting in his or her personal capacity shall not be attributed to an organization with which the individual is associated, provided that the individual is neither on duty nor acting on the organization's premises, and provided that the organization neither endorses, nor provides financial support for, the action and takes reasonable steps to ensure the individual does not improperly represent that he or she is acting on behalf of the organization.

(4)(i) *Sex-rejecting procedure* is any pharmaceutical or surgical intervention that is provided for the purpose of attempting to align an individual's physical appearance or body with an asserted identity that differs from the individual's sex either by:

(A) Intentionally disrupting or suppressing the normal development of natural biological functions, including primary or secondary sex-based traits; or

(B) Intentionally altering an individual's physical appearance or body, including amputating, minimizing or destroying primary or secondary sex-based traits such as the sexual and reproductive organs.

(ii) Such term does not include procedures undertaken:

(A) To treat a person with a medically verifiable disorder of sexual development;

(B) For purposes other than attempting to align an individual's physical appearance or body with an asserted identity that differs from the individual's sex; or

(C) To treat complications of, including any infection, injury, disease, or disorder that has been caused by or exacerbated by, the performance of, such a sex rejecting procedure.

(5) To *provide a sex-rejecting procedure* means any act of performing any procedure, or prescribing, dispensing, or utilizing any drug or device, for a sex-rejecting procedure, and any act of paying for, assisting in carrying out, or operating a facility that carries out, any such activities.

(6) *Female* is a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing eggs (ova).

(7) *Male* is a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing sperm.

(8) *Sex* is a person's immutable biological classification as either male or female.

(9) *Social transition* is the process of adopting a ''gender identity'' or ''gender marker'' that differs from a person's sex. This process can include psychological or psychiatric counseling or treatment by a counselor or other provider; modifying a person's name (*e.g.,* ''Jane'' to ''James'') or pronouns (*e.g.,* ''him'' to ''her''); calling a person ''nonbinary''; use of intimate facilities and accommodations such as bathrooms or locker rooms specifically designated for persons of the opposite sex; and participating in athletic competitions or other activities specifically designated for persons of the opposite sex; and the use of non-medical physical sex-rejecting interventions such as binders used to flatten female breasts. ''Social transition'' does not include the provision of sex-rejecting procedures.

(10) *Foreign assistance* is Federal funding administered by the Department of State appropriated under title III of, or under the ''International Narcotics Control and Law Enforcement,'' ''Nonproliferation, Anti-Terrorism, Demining and Related Programs,'' ''Peacekeeping Operations,'' and ''International Organizations and Programs'' headings of, the annual Department of State, Foreign Operations, and Related Programs Appropriations Act.

(11) To *furnish foreign assistance* means transferring foreign assistance funds provided under the award or goods financed with such funds to another entity. This does not include providing technical assistance or training (including costs directly related to such assistance or training for individuals), unless the entity receives a sub-award of foreign assistance funds under the award. Additionally, furnishing foreign assistance does not include purchasing goods or services from the entity.

(12) To *control an organization* means to possess the power to direct, or cause the direction of, its management, personnel, and policies.

(13) A *foreign non-governmental organization (NGO)* is any non-governmental organization or entity, whether non-profit or profit-making (including any commercial firm and educational institution), not organized or existing under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(14) A *United States non-governmental organization (NGO)* is any non-governmental organization or entity, whether non-profit or profit-making (including any commercial firm and educational institution), organized or existing under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(15) An *international organization (IO)* is—

(i) Any organization designated as being entitled to enjoy the privileges, exemptions, and immunities under the International Organizations Immunities Act;

(ii) Any organization treated as a public international organization pursuant to the regulations or policies of the Department of State;

(iii) Any organization established by international agreement and whose governing body is composed principally of representatives of national governments; or

(iv) Any other multilateral entity in which sovereign nations participate.

(16) To *provide financial support* means to provide funds from any source and for any purpose to a foreign NGO or IO through an award, sub-award, contract, sub-contract, grant under contract, or other written agreement or donation of funds.

(17) A *foreign government* is any department, agency, independent establishment, or other entity of the government of a foreign country.

(18) A *parastatal* is a foreign-government-owned organization operated as a commercial company or other organization, including non-profits, or enterprises in which foreign governments or foreign government agencies have a controlling interest.

(b) See appendix A to this part for the requirements and eligibility criteria for recipients of foreign assistance.

(c) With respect to United States non-governmental organizations, the award term shall be construed consistent with the First Amendment to the United States Constitution and shall not be construed to restrict the freedoms of speech or association of such organizations when using non-Federal funds outside the scope of a program, project or activity for which foreign assistance is made available.

(d) The Secretary of State or Under Secretary of State for Foreign Assistance, Humanitarian Affairs, and Religious Freedom may waive the application of this part or any of its elements if a waiver is deemed necessary for national security or foreign policy purposes.

(e) In the event of a conflict between a term of the award term and local law, an exemption may be sought from such term from the Department of State to avoid a violation of the award term.

(f) In determining whether an entity is eligible to be a recipient or sub-recipient of foreign assistance under the award, the action of separate entities shall not be imputed to the recipient or sub-recipient, unless, in the judgment of the Department of State, a separate entity is being used purposefully to avoid the provisions of the part. Separate entities are those that have distinct legal existence in accordance with the laws of the countries in which they are organized. Entities that are separately organized shall not be considered separate, however, if one is controlled by the other. The recipient may request the approval of its Agreement Officer to treat as separate the activities of two or more entities, which would not be considered separate under the preceding sentence. The recipient must provide a written justification to the Department of State that the activities of the organizations are sufficiently distinct to warrant not imputing the activity of one to the other.

(g) If anything in the award term, or the application of this part to any person or circumstance, is held to be unconstitutional, the remainder of this part and the application of such to any person or circumstance shall not be affected thereby.

(h) The award term in appendix A to this part shall be inserted *verbatim* in sub-awards in accordance with the terms of paragraphs (a) and (b) of this section.

Appendix A to Part 603—Requirements and Eligibility Criteria for Recipients of Foreign Assistance

I. Grants and Cooperative Agreements to Foreign Non-Governmental Organizations

(1) The recipient agrees that it will not, during the term of this award, promote gender ideology outside the United States (including its territories and possessions) or provide financial support to any other foreign NGO or IO that conducts such activities.

(2) The recipient agrees that authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the Code of Federal Regulations (CFR): (i) inspect the documents, trainings, and materials maintained or prepared by the recipient in the usual or required course of its operations that describe the priorities and activities of the recipient, including reports, brochures and service statistics; (ii) observe the activities conducted by the recipient, (iii) consult with personnel of the recipient and those who receive the services of the recipient; and, (iv) obtain a copy of audited financial statements or reports of the recipient, as applicable. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

(3) In the event authorized representatives of the U.S. Government have reasonable cause to believe that the recipient may have violated any undertaking required by these Requirements and Eligibility Criteria, the recipient must make available to the Department of State such books and records and other information as the Department of State may reasonably request to determine whether a violation of that undertaking has occurred, consistent with Part 200 of Title 2 of the CFR.

(4) The U.S. Government shall terminate foreign assistance furnished to the recipient under this award if the recipient violates any undertaking required by this award term, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(5) In addition to other remedies available to the U.S. Government, the recipient's failure to comply with the requirements of this award term may result in—

(i) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(ii) Suspension or debarment.

(6) In the event of termination, the recipient must refund to the Department of State any unexpended amounts furnished to the recipient under this award, plus an amount equivalent to that used by the recipient to engage in any activity that violates this award term while receiving funding under this award. The amount to be refunded to the Department of State under this subparagraph (6) may not exceed the total amount of foreign assistance furnished under this award.

(7) The recipient may not furnish foreign assistance under this award to any other foreign NGO, IO, or United States NGO (the sub-recipient), unless the recipient's agreement with the sub-recipient contains the same terms and conditions as described in sub-paragraph (8) below.

(8) Prior to entering into an agreement to furnish foreign assistance to any other foreign NGO, IO, or United States NGO, the recipient, must ensure that such agreement with the sub-recipient includes the following terms:

(i) While receiving foreign assistance under this award:

(A) If the sub-recipient is a foreign NGO or IO, the sub-recipient will not promote gender ideology outside the United States (including its territories and possessions) or provide financial support to any other foreign NGO or IO that conducts such activities.

(B) If the sub-recipient is a United States NGO:

(*1*) The sub-recipient will not, outside the United States (including its territories and possessions), provide sex-rejecting procedures;

(*2*) The sub-recipient will not, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award, promote gender ideology.

Subject to sub-paragraph (8)(i)(B)(*1*) above, the sub-recipient is not prohibited from lawfully promoting gender ideology, outside the scope of a program, project, or activity for which funds are made available under this award, so long as the sub-recipient uses funds from sources other than the U.S. Government to do so.

(ii) The sub-recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from the activities described in sub-paragraph (8)(i)(B)(*2*) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(*i*) The existence of separate, accurate accounting records;

(*ii*) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activities occurs and the extent of such prohibited activities;

(*iii*) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(*iv*) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(iii) The recipient and authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the CFR: (I) inspect the documents, trainings, and materials maintained or prepared by the sub-recipient in the usual or required course of its operations that describe the activities of the sub-recipient, including reports, brochures and service statistics; (II) observe activities conducted by the sub-recipient; (III) consult with personnel of the sub-recipient and those who receive the services of the sub-recipient; and, (IV) obtain a copy of audited financial statements or reports of the sub-recipient, as applicable.

(iv) In the event that the recipient or an authorized representative of the U.S. Government has reasonable cause to believe that a sub-recipient may have violated any of its undertakings under this award term, the recipient will review the foreign assistance program of the sub-recipient to determine whether a violation of such undertaking has occurred. The sub-recipient must make available to the recipient such books and records and other information as may be reasonably requested to conduct the review. Authorized representatives of the U.S. Government may review the foreign assistance program of the sub-recipient under these circumstances, and the sub-recipient must provide access on a timely basis to such authorized representatives to such books and records and other information upon request, consistent with Part 200 of Title 2 of the CFR.

(v) The U.S. Government shall terminate foreign assistance provided to the sub-recipient under this award if the sub-recipient violates any award terms under sub-paragraphs (8)(i)–(iv) above, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(vi) In addition to other remedies available to the U.S. Government, the sub-recipient's failure to comply with the requirements of this award term may result in—

(A) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(B) Suspension or debarment.

(vii) In the event of termination, the sub-recipient must refund to the recipient any unexpended amounts furnished to the sub-recipient under this award, plus an amount equivalent to that used by the sub-recipient for activities prohibited under the terms of this award, up to the total amount of foreign assistance furnished to the sub-recipient under this award. Where the Department of State is not otherwise engaged in the determination to terminate a sub-recipient's award, the recipient must notify the Department of State of any action taken for a violation of any undertaking required under sub-paragraphs (8)(i)–(iii) above.

(viii) The sub-recipient may furnish foreign assistance under this award to any foreign NGO, IO, or U.S. NGO (the sub-recipient), only if the sub-recipient's agreement with the sub-sub-recipient contains the same terms and conditions as those provided by the recipient to the sub-recipient as described in sub-paragraphs (8)(i)–(iv) above.

(9) Where the terms and conditions of the award require the approval of sub-awards by the Department of State, the recipient must, consistent with Part 200 of Title 2 of the CFR, include a description of the due diligence performed by the recipient on the sub-recipient before furnishing foreign assistance under this award.

(10) The recipient is liable to the U.S. Government for a refund for a violation by the sub-recipient of any requirement of this

award provision only if: (i) the recipient furnishes foreign assistance under this award to a subrecipient knowing that the subrecipient is in likely violation of the applicable award terms of this award provision; (ii) the sub-recipient did not abide by the award terms required by subparagraphs (8)(i)–(iii) above, and the recipient failed to make reasonable due diligence efforts prior to furnishing foreign assistance to the sub-recipient; or, (iii) the recipient knows or has reason to know, by virtue of the monitoring that the recipient is required to perform under the terms of this award, that a sub-recipient has violated any of the award terms required by sub-paragraphs (8)(i)–(iii) above, and the recipient fails to terminate foreign assistance to the sub-recipient, or fails to require the sub-recipient to terminate foreign assistance furnished under a sub-award that violates any award terms required by sub-paragraphs (8)(i)–(iii), above, or fails to take other appropriate corrective action consistent with sub-paragraph (8)(iv) above.

(11) Recipient acknowledges that authorized representatives of the U.S. Government may make independent inquiries in the community served by the recipient or a sub-recipient under this award regarding whether it is in compliance with the award terms required by sub-paragraphs (8)(i)–(iii) above. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

II. Grants and Cooperative Agreements With U.S. Nongovernmental Organizations

(1) The recipient agrees that it will not, during the term of this award, outside the United States (including its territories and possessions), provide sex-rejecting procedures.

(2) The recipient agrees that, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award it will not promote gender ideology.

Subject to sub-paragraph (1), the recipient is not prohibited from promoting gender ideology outside the scope of a program, project, or activity for which funds are made available under this award, so long as the recipient uses funds from sources other than the U.S. Government to do so.

(3) The recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from activities prohibited by sub-paragraph (2) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(i) The existence of separate, accurate accounting records;

(ii) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activities occur and the extent of such prohibited activities;

(iii) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(iv) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(4) The recipient agrees that authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the Code of Federal Regulations (CFR): (i) inspect the documents, trainings, and materials maintained or prepared by the recipient in the usual or required course of its operations that describe the priorities and activities of the recipient, including reports, brochures and service statistics; (ii) observe the activities conducted by the recipient, (iii) consult with personnel of the recipient and those who receive the services of the recipient; and, (iv) obtain a copy of audited financial statements or reports of the recipient, as applicable.

(5) In the event an authorized representative of the U.S. Government has reasonable cause to believe that the recipient may have violated any of its undertakings under this award term, the recipient must make available to such authorized representative such books and records and other information as the authorized representative may reasonably request to determine whether a violation of that undertaking has occurred, consistent with Part 200 of Title 2 of the CFR.

(6) U.S. foreign assistance furnished to the recipient under this award must be terminated if the recipient violates any undertaking required by this award term, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(7) In addition to other remedies available to the U.S. Government, the recipient's failure to comply with the requirements of this award provision may result in—

(i) Suspension of payments until the recipient has taken appropriate remedial action; and/or

(ii) Suspension or debarment.

(8) In the event of termination, the recipient must refund to the Department of State any unexpended amounts furnished to the recipient under this award, plus an amount equivalent to that used by the recipient to engage in activities prohibited under the terms of this award while receiving funding under this award. The amount to be refunded to the Department of State under this sub-paragraph (8) may not exceed the total amount of foreign assistance furnished under this award.

(9) The recipient agrees that it will not furnish foreign assistance under this award to any other foreign NGO, IO, or United States non-governmental organization (NGO) (the sub-recipient), unless the recipient's agreement with the sub-recipient contains the same terms and conditions as described in sub-paragraph (10), below.

(10) Prior to entering into an agreement to furnish foreign assistance to a foreign NGO, IO, or United States NGO (the sub-recipient) under this award, the recipient must ensure that such agreement with the sub-recipient includes the following terms:

(i) While receiving foreign assistance under this award:

(A) If the sub-recipient is a foreign NGO or IO, the sub-recipient will not promote gender ideology outside the United States (including its territories and possessions) or provide financial support to any other foreign NGO or IO that conducts such activities.

(B) If the sub-recipient is a United States NGO:

(*1*) the sub-recipient will not, outside the United States (including its territories and possessions) provide sex-rejecting procedures, and

(*2*) the sub-recipient will not, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award, promote gender ideology.

Subject to sub-paragraph (10)(i)(B)(*1*) above, the sub-recipient is not prohibited from lawfully promoting gender ideology outside the scope of a program, project, or activity for which funds are made available under this award, so long as the sub-recipient uses funds from sources other than the U.S. Government to do so.

(*3*) The sub-recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from activities described in sub-paragraph (10)(i)(B)(*2*) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(*i*) The existence of separate, accurate accounting records;

(*ii*) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activities occur and the extent of such prohibited activities;

(*iii*) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(*iv*) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(ii) The recipient and authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the CFR: (I) inspect the documents, trainings, and materials maintained or prepared by the sub-recipient in the usual or required course of its operations that describe the priorities and activities of the sub-recipient, including reports, brochures and service statistics; (II) observe the activities conducted by the sub-recipient; (III) consult with personnel of the sub-recipient and those who receive the services of the sub-recipient; and, (IV) obtain a copy of audited financial

statements or reports of the sub-recipient, as applicable.

(iii) In the event that the recipient or an authorized representative of the U.S. Government has reasonable cause to believe that a sub-recipient may have violated any of its undertakings under this award term, the recipient will review the foreign assistance program of the sub-recipient to determine whether a violation of such undertaking has occurred. The sub-recipient must make available to the recipient such books and records and other information as may be reasonably requested to conduct the review. Authorized representatives of the U.S. Government may review the foreign assistance program of the sub-recipient under these circumstances, and the sub-recipient must provide access to such authorized representatives on a timely basis to such books and records and other information upon request, consistent with Part 200 of Title 2 of the CFR.

(iv) The U.S. Government shall terminate foreign assistance provided to the sub-recipient under this award if the sub-recipient violates any award terms required by subparagraphs (10)(i)–(iii) above, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(v) In addition to other remedies available to the U.S. Government, the sub-recipient's failure to comply with the requirements of this award provision may result in—

(A) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(B) Suspension or debarment.

(vi) In the event of termination, the sub-recipient must refund to the recipient any unexpended amounts furnished to the sub-recipient under this award, plus an amount equivalent to that used by the sub-recipient for activities prohibited under the terms of this award, up to the total amount of foreign assistance furnished to the sub-recipient under this award. Where the Department of State is not otherwise engaged in the determination to terminate a recipient's sub-award, the recipient must notify the Department of State of any action taken for a violation of any undertaking required under subparagraphs (10)(i)–(iii) above; and

(vii) The sub-recipient may furnish foreign assistance under this award to a foreign NGO, IO, or United States NGO (the sub-sub-recipient), only if the sub-recipient's sub-agreement with the sub-sub-recipient contains the same terms and conditions as those provided by the recipient to the sub-recipient as described in sub-paragraphs (10)(i)–(iv) above.

(11) Where the terms and conditions of the award require the approval of subawards by the Department of State, the recipient must, consistent with Part 200 of Title 2 of the CFR, include a description of the due diligence performed by the recipient on the sub-recipient before furnishing foreign assistance under this award.

(12) The recipient is liable to the Department of State for a refund for a violation by the sub-recipient of any requirement of this award term only if: (i) the recipient knowingly furnishes foreign assistance under this award to a sub-recipient, knowing that the subrecipient is in violation of the applicable award terms of this award term; or, (ii) the sub-recipient did not abide by its award terms required by subparagraphs (10)(i)–(iii) above, and the recipient failed to make reasonable due diligence efforts prior to furnishing foreign assistance to the sub-recipient; or, (iii) the recipient knows, or has reason to know, by virtue of the monitoring that the recipient is required to perform under the terms of this award, that a sub-recipient has violated any of the award terms required by subparagraphs (10)(i)–(iii) above, and the recipient fails to terminate foreign assistance to the sub-recipient, or fails to require the sub-recipient to terminate assistance furnished under a sub-award that violates any award terms required by subparagraphs (10)(i)–(iii) above, or fails to take other appropriate corrective action consistent with subparagraph (10)(iv) above.

(13) Recipient acknowledges that authorized representatives of the U.S. Government may make independent inquiries in the community served by a sub-recipient under this award regarding whether such sub-recipient is in compliance with its award terms required by subparagraphs (10)(i)–(iii) above. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

III. Grants and Cooperative Agreements With Foreign Governments and Parastatals

(1) The recipient agrees that foreign assistance funds it receives under this award will not be used to promote gender ideology.

(2) The recipient agrees that if it engages in any activity described in sub-paragraph (1) using funds from sources other than the U.S. Government, any foreign assistance funds under this award must be placed in a segregated account to ensure that such funds may not be used to support such activity of the government or parastatal. The recipient agrees that authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the Code of Federal Regulations (CFR): (i) inspect the documents, trainings, and materials maintained or prepared by the recipient in the usual or required course of its operations that describe the priorities and activities of the recipient, including reports, brochures and service statistics; (ii) observe the activities conducted by the recipient, (iii) consult with personnel of the recipient and those who receive the services of the recipient; and, (iv) obtain a copy of audited financial statements or reports of the recipient, as applicable.

(3) In the event an authorized representative of the U.S. Government has reasonable cause to believe that the recipient may have violated any of its undertakings under this award term, the recipient must make available to such authorized representative such books and records and other information as the authorized representative may reasonably request to determine whether a violation of that undertaking has occurred, consistent with Part 200 of Title 2 of the CFR.

(4) U.S. foreign assistance furnished to the recipient under this award must be terminated if the recipient violates any undertaking required by this award term, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(5) In addition to other remedies available to the U.S. Government, the recipient's failure to comply with the requirements of this award provision may result in—

(i) Suspension of payments until the recipient has taken appropriate remedial action; and/or

(ii) Suspension or debarment.

(6) In the event of termination, the recipient must refund to the Department of State any unexpended amounts furnished to the recipient under this award, plus an amount equivalent to that used by the recipient to engage in activities prohibited under the terms of this award while receiving funding under this award. The amount to be refunded to the Department of State under this subparagraph (5) may not exceed the total amount of foreign assistance furnished under this award. The recipient agrees that it will not furnish foreign assistance under this award to any foreign non-governmental organization (NGO) or international organization (IO), any United States NGO, or any foreign government (the sub-recipient), unless the recipient's agreement with the sub-recipient contains the same terms and conditions as described in sub-paragraph (7), below.

(7) Prior to entering into an agreement to furnish foreign assistance to a foreign NGO, IO, or United States NGO (the sub-recipient) under this award, the recipient must ensure that such agreement with the sub-recipient includes the following terms:

(i) While receiving foreign assistance under this award:

(A) If the sub-recipient is a foreign NGO or IO, the sub-recipient will not promote gender ideology outside the United States (including its territories and possessions) or provide financial support to any other foreign NGO or IO that conducts such activities.

(B) If the sub-recipient is a United States NGO:

(*1*) The sub-recipient will not, outside the United States (including its territories and possessions), provide sex-rejecting procedures.

(*2*) The sub-recipient will not, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award, promote gender ideology.

Subject to sub-paragraph (7)(i)(B)(*1*) above, the sub-recipient is not prohibited from lawfully promoting gender ideology outside the scope of a program, project, or activity for which funds are made available under this award, so long as the sub-recipient uses funds from sources other than the U.S. Government to do so.

(*3*) The sub-recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from activities described in sub-paragraph

(7)(i)(B)(*2*) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(*i*) The existence of separate, accurate accounting records;

(*ii*) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activity occurs and the extent of such prohibited activities;

(*iii*) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(*iv*) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(ii) The recipient and authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the CFR: (I) inspect the documents, trainings, and materials maintained or prepared by the sub-recipient in the usual or required course of its operations that describe the priorities and activities of the sub-recipient, including reports, brochures and service statistics; (II) observe the activities conducted by the sub-recipient; (III) consult with personnel of the sub-recipient and those who receive the services of the sub-recipient; and, (IV) obtain a copy of audited financial statements or reports of the sub-recipient, as applicable.

(iii) In the event that the recipient or an authorized representative of the U.S. Government has reasonable cause to believe that a sub-recipient may have violated any of its undertakings under this award term, the recipient will review the foreign assistance program of the sub-recipient to determine whether a violation of such undertaking has occurred. The sub-recipient must make available to the recipient such books and records and other information as may be reasonably requested to conduct the review. Authorized representatives of the U.S. Government may review the foreign assistance program of the sub-recipient under these circumstances, and the sub-recipient must provide access to such authorized representatives on a timely basis to such books and records and other information upon request, consistent with Part 200 of Title 2 of the CFR.

(iv) The U.S. Government shall terminate foreign assistance provided to the sub-recipient under this award if the sub-recipient violates any award terms required by subparagraphs (7)(i)–(iii) above, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(v) In addition to other remedies available to the U.S. Government, the sub-recipient's failure to comply with the requirements of this award provision may result in—

(A) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(B) Suspension or debarment.

(vi) In the event of termination, the sub-recipient must refund to the recipient any unexpended amounts furnished to the sub-recipient under this award, plus an amount equivalent to that used by the sub-recipient for activities prohibited under the terms of this award, up to the total amount of foreign assistance furnished to the sub-recipient under this award. Where the Department of State is not otherwise engaged in the determination to terminate a recipient's sub-award, the recipient must notify the Department of State of any action taken for a violation of any undertaking required under subparagraphs (7)(i)–(iii) above.

(vii) The sub-recipient may furnish foreign assistance under this award to a foreign NGO, IO, or United States NGO (the sub-sub-recipient), only if the sub-recipient's sub-agreement with the sub-sub-recipient contains the same terms and conditions as those provided by the recipient to the sub-recipient as described in sub-paragraphs (7)(i)-(iv) above.

(8) Where the terms and conditions of the award require the approval of subawards by the Department of State, the recipient must, consistent with Part 200 of Title 2 of the CFR, include a description of the due diligence performed by the recipient on the sub-recipient before furnishing foreign assistance under this award.

(9) The recipient is liable to the Department of State for a refund for a violation by the sub-recipient of any requirement of this award term only if: (i) the recipient knowingly furnishes foreign assistance under this award to a sub-recipient that is a foreign NGO or IO, or to a United States NGO, knowing that the subrecipient is in violation of the applicable award terms of this award term; or, (ii) the sub-recipient did not abide by its award terms required by subparagraphs (7)(i)–(iii) above, and the recipient failed to make reasonable due diligence efforts prior to furnishing foreign assistance to the sub-recipient; or, (iii) the recipient knows, or has reason to know, by virtue of the monitoring that the recipient is required to perform under the terms of this award, that a sub-recipient has violated any of the award terms required by subparagraphs (7)(i)–(iii) above, and the recipient fails to terminate foreign assistance to the sub-recipient, or fails to require the sub-recipient to terminate assistance furnished under a sub-award that violates any award terms required by subparagraphs (7)(i)–(iii) above, or fails to take other appropriate corrective action consistent with subparagraph (7)(iv) above.

(10) Recipient acknowledges that authorized representatives of the U.S. Government may make independent inquiries in the community served by a sub-recipient under this award regarding whether such sub-recipient is in compliance with its award terms required by subparagraphs (7)(i)–(iii) above. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

IV. Grants, Cooperative Agreements, and Voluntary Contributions to International Organizations

(1) The recipient agrees that it will not, during the term of this award, promote gender ideology outside the United States (including its territories and possessions) or provide financial support to any other foreign NGO or IO that conducts such activities.

(2) The recipient agrees that authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the Code of Federal Regulations (CFR): (i) inspect the documents, trainings, and materials maintained or prepared by the recipient in the usual or required course of its operations that describe the priorities and activities of the recipient, including reports, brochures and service statistics; (ii) observe the activities conducted by the recipient, (iii) consult with personnel of the recipient and those who receive the services of the recipient; and, (iv) obtain a copy of audited financial statements or reports of the recipient, as applicable. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

(3) In the event authorized representatives of the U.S. Government have reasonable cause to believe that the recipient may have violated any undertaking required by this award term, the recipient must make available to the Department of State such books and records and other information as the Department of State may reasonably request to determine whether a violation of that undertaking has occurred, consistent with Part 200 of Title 2 of the CFR. In such an event, during the process of investigating any suspected violation, the Department of State may additionally suspend or withhold some or all payments of foreign assistance to the recipient.

(4) The U.S. Government shall terminate foreign assistance furnished to the recipient under this award if the recipient violates any undertaking required by this award term, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(5) In the event of termination, the recipient must refund to the Department of State any unexpended amounts furnished to the recipient under this award, plus an amount equivalent to that used by the recipient to engage in any activity that violates this award term while receiving funding under this award. The amount to be refunded to the Department of State under this subparagraph (5) may not exceed the total amount of foreign assistance furnished under this award.

(6) The recipient may not furnish foreign assistance under this award to any other foreign NGO, IO, or United States NGO (the sub-recipient), unless the recipient's agreement with the sub-recipient contains the same terms and conditions as described in sub-paragraph (7) below.

(7) Prior to entering into an agreement to furnish foreign assistance to any other foreign NGO, IO, or United States NGO, the recipient, consistent with Part 200 of Title 2

of the CFR, must ensure that such agreement with the sub-recipient includes the following terms:

(i) While receiving foreign assistance under this award:

(A) If the sub-recipient is a foreign NGO or IO, the sub-recipient will not promote gender ideology outside the United States (including its territories and possessions) or provide financial support to any other foreign NGO or IO that conducts such activities.

(B) If the sub-recipient is a United States NGO:

(*1*) The sub-recipient will not, outside the United States (including its territories and possessions) provide sex-rejecting procedures.

(*2*) The sub-recipient will not, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award, promote gender ideology.

Subject to sub-paragraph (7)(i)(B)(*1*) above, the sub-recipient is not prohibited from lawfully promoting gender ideology outside the scope of a program, project, or activity for which funds are made available under this award, so long as the sub-recipient uses funds from sources other than the U.S. Government to do so.

(*3*) The sub-recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from the activities described in sub-paragraph (7)(i)(B)(*2*) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(*i*) The existence of separate, accurate accounting records;

(*ii*) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activities occurs and the extent of such prohibited activities;

(*iii*) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(*iv*) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(ii) The recipient and authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the CFR: (I) inspect the documents, trainings, and materials maintained or prepared by the sub-recipient in the usual or required course of its operations that describe the activities of the sub-recipient, including reports, brochures and service statistics; (II) observe activities conducted by the sub-recipient; (III) consult with personnel of the sub-recipient and those who receive the services of the sub-recipient; and, (IV) obtain a copy of audited financial statements or reports of the sub-recipient, as applicable.

(iii) In the event that the recipient or an authorized representative of the U.S. Government has reasonable cause to believe that a sub-recipient may have violated any of its undertakings under this award term, the recipient will review the foreign assistance program of the sub-recipient to determine whether a violation of such undertaking has occurred. The sub-recipient must make available to the recipient such books and records and other information as may be reasonably requested to conduct the review. Authorized representatives of the U.S. Government may review the foreign assistance program of the sub-recipient under these circumstances, and the sub-recipient must provide access on a timely basis to such authorized representatives to such books and records and other information upon request, consistent with Part 200 of Title 2 of the CFR. In such an event, during the process of investigating any suspected violation, the Department of State may additionally order the recipient to suspend or withhold some or all payments of foreign assistance to the sub-recipient.

(iv) The U.S. Government shall terminate foreign assistance provided to the sub-recipient under this award if the sub-recipient violates any award terms under sub-paragraphs (7)(i)–(iii) above, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(v) In addition to other remedies available to the U.S. Government, the sub-recipient's failure to comply with the requirements of this award provision may result in—

(A) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(B) Suspension or debarment.

(vi) In the event of termination, the sub-recipient must refund to the recipient any unexpended amounts furnished to the sub-recipient under this award, plus an amount equivalent to that used by the sub-recipient for activities prohibited under the terms of this award, up to the total amount of foreign assistance furnished to the sub-recipient under this award. Where the Department of State is not otherwise engaged in the determination to terminate a sub-recipient's award, the recipient must notify the Department of State of any action taken for a violation of any undertaking required under sub-paragraphs (7)(i)–(iii) above.

(vii) The sub-recipient may furnish foreign assistance under this award to any foreign NGO, IO, or U.S. NGO, only if the sub-recipient's agreement with the sub-sub-recipient contains the same terms and conditions as those provided by the recipient to the sub-recipient as described in sub-paragraphs (7)(i)–(iv) above.

(8) Where the terms and conditions of the award require the approval of sub-awards by the Department of State, the recipient must, consistent with Part 200 of Title 2 of the CFR, include a description of the due diligence performed by the recipient on the sub-recipient before furnishing foreign assistance under this award.

(9) The recipient is liable to the U.S. Government for a refund for a violation by the sub-recipient of any requirement of this award term only if: (i) the recipient furnishes foreign assistance under this award to a subrecipient knowing that the subrecipient is in likely violation of the applicable award terms of this award term; (ii) the sub-recipient did not abide by the award terms required by sub-paragraphs (7)(i)–(iii) above, and the recipient failed to make reasonable due diligence efforts prior to furnishing foreign assistance to the sub-recipient; or, (iii) the recipient knows or has reason to know, by virtue of the monitoring that the recipient is required to perform under the terms of this award, that a sub-recipient has violated any of the award terms required by sub-paragraphs (7)(i)–(iii) above, and the recipient fails to terminate foreign assistance to the sub-recipient, or fails to require the sub-recipient to terminate foreign assistance furnished under a sub-award that violates any award terms required by sub-paragraphs (7)(i)–(iii), above, or fails to take other appropriate corrective action consistent with sub-paragraph (7)(iv) above.

(10) Recipient acknowledges that authorized representatives of the U.S. Government may make independent inquiries in the community served by the recipient or a sub-recipient under this award regarding whether it is in compliance with the award terms required by sub-paragraphs (7)(i)–(iii) above. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

Christopher T. Landau,

Deputy Secretary of State, U.S. Department of State.

[FR Doc. 2026–01516 Filed 1–23–26; 4:15 pm]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

2 CFR Part 604

[Public Notice: 12932]

RIN 1400–AG26

Combating Discriminatory Equity Ideology in Foreign Assistance Rules

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: To implement the foreign policy objective of the United States not to support the promotion of discriminatory equity ideology overseas directly or indirectly, the U.S. Department of State (Department) is adding a new award term for grants, cooperative agreements, and voluntary contributions entitled ''Combating Discriminatory Equity Ideology in Foreign Assistance.'' The award term imposes certain requirements relating to discriminatory equity ideology on foreign nongovernmental organizations (NGOs), United States NGOs, international organizations, foreign governments, and parastatals. The award term is issued consistent with the

Foreign Assistance Act of 1961 (FAA) and other foreign assistance authorities such as the FREEDOM Support Act, the Migration and Refugee Assistance Act of 1962, and the SEED Act of 1989, which authorize the Department to provide foreign assistance on such terms and conditions as the President, and by delegation, the Secretary of State, may determine.

DATES: The rule is effective February 26, 2026.

FOR FURTHER INFORMATION CONTACT: Bureau of Global Acquisitions, Federal Assistance Division, *fedassistancepolicy@state.gov,* (202) 890–9795.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

To ensure that foreign aid is aligned with administration policy and promotes human flourishing, the Secretary of State has directed that foreign assistance align with State Department policies opposing gender ideology, discriminatory equity ideology, unlawful diversity, equity, and inclusion (DEI) programs, and abortion as a method of family planning overseas. Consistent with this directive, as a condition of receiving foreign assistance, recipients must agree to the award terms pursuant to the following policies: Protecting Life in Foreign Assistance (PLFA), Combating Gender Ideology in Foreign Assistance (CGIFA), and the Combating Discriminatory Equity Ideology in Foreign Assistance (CDEIFA). These policies are referred to collectively as the Promoting Human Flourishing in Foreign Assistance (PHFFA) Policy.

Implementation of the PHFFA Policy is consistent with administration policy as embodied in numerous Presidential actions, including:

- Presidential Memorandum of January 24, 2025, *The Mexico City Policy;*
- Executive Order 14182 of January 24, 2025, *Enforcing the Hyde Amendment;*
- Executive Order 14150 of January 20, 2025, *America First Policy Directive to the Secretary of State;*
- Presidential Memorandum of February 6, 2025, *Advancing United States Interests When Funding Nongovernmental Organizations;*
- Presidential Memorandum of February 4, 2025, *Withdrawing the United States from and Ending Funding to Certain United Nations Organizations and Reviewing United States Support to all International Organizations;*
- Executive Order 14190 of January 29, 2025, *Ending Radical Indoctrination in K–12 Schooling;*
- Presidential Memorandum of March 18, 2025, *Removing Discrimination and Discriminatory Equity Ideology from the Foreign Service;*
- Executive Order 14151 of January 20, 2025, *Ending Radical and Wasteful DEI Programs and Preferencing;*
- Executive Order 14168 of January 20, 2025, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government;*
- Executive Order 14173 of January 21, 2025, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity;*

II. Combating Discriminatory Equity Ideology in Foreign Assistance

Under previous administrations, U.S. foreign assistance was abused to fund discriminatory diversity equity and inclusion (DEI)) policies and similar ideologies that promoted corrosive identity politics rather than alleviating poverty or promoting human flourishing and prosperity. This ideology, referred to in this rule as discriminatory equity ideology, treats individuals as members of preferred or disfavored groups, rather than as individuals, and minimizes agency, merit, and capability in favor of generalizations.

Under the previous administration, USAID issued DEI strategic action plans,[1] installed Diversity, Equity, and Inclusion (DEI) advisers and DEI committees ''in all of its bureaus, offices, and [overseas] missions,'' and monitored compliance with ''an agency-wide dashboard and DEI scorecard for all bureaus, offices, and missions''.[2] The prior administration's diplomats embraced the so-called ''1619 Project'' and denigrated the United States claiming ''white supremacy and black inferiority'' were ''weaved'' ''into our founding document and principles.''[3] USAID's 2023 Updated Equity Action Plan pledged that it would ''[a]nalyze up to 10 Performance Plan and Report (PPR) Key Issue Narratives and identify new opportunities for advancing racial and ethnic equity and support for underserved communities in programming'' and ''[e]stablish targets for increased budgetary attributions during the Operational Plan process against all of the following Key Issues: Racial and Ethnic Equity, Indigenous Peoples, LGBTQI+, and Disability.''[4]

This rule also aligns with other Presidential directives to the Department of State, and other agencies, including the memorandum of March 18, 2025, ''Removing Discrimination and Discriminatory Equity Ideology from the Foreign Service.'' This memorandum directs the Secretary of State to remove the ''Diversity, Equity, Inclusion, and Accessibility'' Core Precept from Foreign Service tenure and promotion criteria, and established the policy of the Federal Government that hiring in foreign policy positions, like hiring in all other parts of the Government, shall be based solely on merit. The memorandum also directs the Department of State and other agencies to direct all officers and employees not to ''while acting in an official capacity, promote, advocate for, or otherwise inculcate support for discriminatory equity ideology'' (See section 3(b)(ii)). The definition of ''discriminatory equity ideology'' in this rule aligns with that Presidential memorandum.

The promotion abroad of radical DEI activities and the ideology of discriminatory equity ideology that undergirds it, undermines the wellbeing and flourishing of foreign nations and promote radical ideologies. It is the purpose of this rule to end taxpayer support for radical discriminatory equity ideology, directly or indirectly, and to end all forms of unlawful DEI-related discrimination by recipients of foreign assistance, and thereby to unwind efforts of the prior administration, and of nongovernmental and international organizations, that have integrated and encouraged discrimination and discriminatory equity ideology in foreign assistance programs. This rule is consistent with similar efforts by the Department to protect taxpayers from supporting abortion under the Protecting Life in Foreign Assistance Policy (often known as the Mexico City Policy) and from supporting gender ideology under the Combating Gender Ideology in Foreign Assistance Policy. Accordingly, under

[1] Diversity, Equity, Inclusion, and Accessibility in USAID Programs, FY22–Q1 *https://assets.performance.gov/APG/files/2022/may/FY2022_May_USAID_Progress_Diversity_Equity_Inclusion_and_Accessibility_in_USAID_Programs.pdf.*

[2] Adva Saldinger, ''USAID Steps Up 'Languishing' Diversity, Equity, and Inclusion Effort,'' *Devex.com,* December 15, 2021, *https://www.devex.com/news/usaid-steps-up-languishing-diversity-equity-and-inclusion-effort-102316.*

[3] U.S. Mission to International Organizations in Geneva, ''Remarks by Ambassador Linda Thomas-Greenfield on the International Day for the Elimination of Racial Discrimination,'' March 19, 2021, *https://geneva.usmission.gov/2021/03/19/remarks-by-ambassador-linda-thomas-greenfield-for-international-day-for-the-elimination-of-racial-discrimination/.*

[4] USAID, 2023 Updated Equity Action Plan, *https://assets.performance.gov/cx/equity-action-plans/2023/EO_14091_USAID_EAP_2023.pdf.*

this rule the Department of State will defend the rights of women and children, protect freedom of conscience and national sovereignty, and protect all individuals from unlawful DEI-related discrimination, by requiring recipients of foreign assistance to comply with certain restrictions relating to discriminatory equity ideology and unlawful DEI-related discrimination. The rule provides for a waiver of the policy or its elements in specific cases if, in the Secretary of State's judgment, such a waiver is necessary for national security or foreign policy purposes. The Department of State will issue guidance on the waiver process. Consistent with past Mexico City Policy protocol, the provision will generally be incorporated as applicable into grants and cooperative agreements when new funds are added as well as into new awards.

A. Foreign NGOs and International Organizations

Under this rule, any foreign NGO or international organization (IO) that receives or implements a grant or cooperative agreement for foreign assistance will be required to agree that, during the period of the award, it will not, outside the United States, promote discriminatory equity ideology, engage in unlawful DEI-related discrimination, or provide financial support to any other foreign NGO or IO that conducts such activities.

B. U.S. NGOs

Under this rule, a U.S. NGO that receives or implements a foreign assistance grant or cooperative agreement will not be subject to the policy requirements for a foreign NGO or IO. However, a U.S. NGO will be required to agree that, during the period of the award, it will not, outside the United States, engage in unlawful DEI-related discrimination, that it will not, within the scope of any program, project, or activity funded by foreign assistance, promote discriminatory equity ideology or engage in such discrimination, and that it will ensure the physical and financial separation of its foreign assistance-funded programs, projects, and activities from such activities.

With respect to the promotion of discriminatory equity ideology (other than engaging in unlawful DEI-related discrimination), this rule makes clear that with respect to United States non-governmental organizations, the award terms shall be construed consistent with the First Amendment to the United States Constitution, and shall not be construed to restrict the freedoms of speech or association of such organizations when using non-Federal funds outside the scope of a program, project or activity for which foreign assistance is made available. This is consistent with the Supreme Court's holding in *Agency for International Development* v. *Alliance for Open Society International, Inc.,* 570 U.S. 205 (2013). The limitations on unlawful DEI-related discrimination do not abridge speech protected under the First Amendment and so are not limited by this rule of construction.

Consistent with the Supreme Court's guidance in *AID* v. *Alliance* and its ruling in *Rust* v. *Sullivan,* 500 U.S. 173 (1991), this rule imposes restrictions on the promotion of discriminatory equity ideology within the scope of programs, projects, and activities that receive Federal funds. These program integrity restrictions ensure that there is a bright line of separation of U.S. foreign assistance programs from discriminatory equity ideology. In *Rust,* the Supreme Court upheld similar regulations in the Title X family planning program which prohibited Title X projects from engaging in counseling concerning, referrals for, and activities advocating abortion as a method of family planning, and required such projects to maintain an objective integrity and independence from the prohibited abortion activities by the use of separate facilities, personnel, and accounting records. Relevant here, in *Rust,* the Court held:

> The regulations do not violate the First Amendment free speech rights of private Title X fund recipients, their staffs, or their patients by impermissibly imposing viewpoint-discriminatory conditions on Government subsidies. There is no question but that § 1008's prohibition is constitutional, since the Government may make a value judgment favoring childbirth over abortion, and implement that judgment by the allocation of public funds. Maher v. Roe, 432 U. S. 464, 432 U. S. 474. In so doing, the Government has not discriminated on the basis of viewpoint; it has merely chosen to fund one activity to the exclusion of another. Similarly, implementing the statutory prohibition by forbidding counseling, referral, and the provision of information regarding abortion as a method of family planning, the regulations simply ensure that appropriated funds are not used for activities, including speech, that are outside the federal program's scope. *Arkansas Writers' Project, Inc.* v. *Ragland*, 481 U. S. 221, distinguished.

Imposition of physical and financial separation requirements from the provision and promotion of discriminatory equity ideology in foreign assistance programs is constitutionally permissible, just as similar requirements with respect to abortion were held to be constitutional under the Title X family planning program. In addition to the above, while U.S. NGOs must flow down the award terms under this rule to subrecipients, they are not subject to an additional requirement not to provide financial support using non-Federal funds to other organizations that promote discriminatory equity ideology outside the United States.

C. Foreign Governments and Parastatals

A foreign government or parastatal that receives or implements a grant or cooperative agreement for foreign assistance will not be subject to the same award terms as a foreign or U.S. NGO. The Department has elected this approach based on considerations relating to foreign policy. However, a foreign government or parastatal may be required to agree that, during the period of the award, it will not use foreign assistance funds under this award to promote discriminatory equity ideology or to engage in unlawful DEI-related discrimination. Pursuant to a Department assessment that this award term should apply, in whole or in part, to an award to a foreign government or parastatal, that foreign government or parastatal will be required to place any foreign assistance funds under the award in a segregated account to ensure that such funds may not be used to support such activity to the extent the foreign government conducts or supports such activity.

D. Flow Down of Policy Requirements to Subrecipients.

Foreign and U.S. NGOs, IOs, foreign governments, and parastatals will be required to flow down the award terms under this rule, as applicable, to subrecipients of foreign assistance.

E. Scope of Foreign Assistance

The Department has determined that applying this rule to non-military foreign assistance broadly is necessary to ensure that foreign assistance programs do not support foreign NGOs and IOs that promote discriminatory equity ideology, and U.S. NGOs that engage in unlawful DEI-related discrimination, and to ensure the integrity of programs such as humanitarian assistance, gender-related programs, and more, do not promote discriminatory equity ideology. It is also necessary to unwind efforts by prior administrations, as described earlier in this rule, to integrate discriminatory equity ideology throughout foreign assistance programs. This rule will also allow for more foreign assistance funds to support organizations that support American values in their foreign

assistance programs and help the Department to establish new partnerships.

Under this rule, ''foreign assistance'' subject to this policy is defined as federal funding administered by the Department under title III of, or under the ''International Narcotics Control and Law Enforcement,'' ''Nonproliferation, Anti-Terrorism, Demining and Related Programs,'' ''Peacekeeping Operations,'' and ''International Organizations and Programs'' headings of, the annual Department of State, Foreign Operations, and Related Programs Appropriations Act.

Accordingly, this rule covers non-military foreign assistance including, but not limited to: Global Health Programs, humanitarian assistance, economic and development assistance, stabilization assistance, civil society and democracy programming, Migration and Refugee Assistance, and voluntary contributions to international organizations, funded from foreign assistance.

This rule does not cover military assistance and other assistance that falls outside the definition above.

For foreign assistance awards, the CDEIFA award term will be included in (i) all new grants and cooperative agreements that provide foreign assistance; and (ii) all existing grants and cooperative agreements that provide foreign assistance when such agreements are amended to add new funding.

State Department is working with other agencies that administer foreign assistance to implement the CDEIFA award term in their foreign assistance grants and agreements, to the maximum extent allowable by federal law, consistent with the statutes and regulations on which they are based and that such agencies administer, as well as applicable grant-specific regulations.

For contracts, the Administration is developing a corresponding clause for all U.S. government departments and agencies to include in certain types of contracts for foreign assistance. Until the rule-making process is complete, no clause will be included in foreign assistance contracts. However, this rule covers grants made under contracts at this time.

F. Definitions

For purposes of this rule, the following definitions apply:

Discriminatory equity ideology is an ideology that treats individuals as members of preferred or disfavored groups, rather than as individuals, and minimizes agency, merit, and capability in favor of generalizations, including that:

(I) Members of one race, color, religion, sex, or national origin are morally or inherently superior to members of another race, color, religion, sex, or national origin;

(II) An individual, by virtue of the individual's race, color, religion, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

(III) An individual's moral character or status as privileged, oppressing, or oppressed is primarily determined by the individual's race, color, religion, sex, or national origin;

(IV) Members of one race, color, religion, sex, or national origin cannot and should not attempt to treat others without respect to their race, color, religion, sex, or national origin;

(V) An individual, by virtue of the individual's race, color, religion, sex, or national origin, bears responsibility for, should feel guilt, anguish, or other forms of psychological distress because of, should be discriminated against, blamed, or stereotyped for, or should receive adverse treatment because of actions committed in the past by other members of the same race, color, religion, sex, or national origin, in which the individual played no part;

(VI) An individual, by virtue of the individual's race, color, religion, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion;

(VII) Virtues such as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist or were created by members of a particular race, color, religion, sex, or national origin to oppress members of another race, color, religion, sex, or national origin; or

(VIII) the United States is fundamentally racist, sexist, or otherwise discriminatory.

To ''promote discriminatory equity ideology'' includes using or teaching education materials (including books, curricula, and media) that advance this ideology.

Action by an individual who is acting in his or her personal capacity shall not be attributed to an organization with which the individual is associated, provided that the individual is neither on duty nor acting on the organization's premises, and provided that the organization neither endorses, nor provides financial support for, the action and takes reasonable steps to ensure the individual does not improperly represent that he or she is acting on behalf of the organization.

Unlawful diversity, equity, and inclusion-related discrimination (or ''Unlawful DEI-related discrimination'') means discrimination on the basis of race, color, religion, or national origin if such discrimination violates U.S. federal antidiscrimination law or would violate U.S. federal antidiscrimination law if it occurred inside the United States, including the use of those characteristics as a selection criterion or preference for, or basis for exclusion from, employment, contracting, program participation, resource allocation, or similar activities, opportunities, or benefits. Such term includes all conduct that discriminates on the basis of race, color, religion, or national origin that violates U.S. federal antidiscrimination law or would violate U.S. federal antidiscrimination laws if it occurred inside the United States, including any ''unlawful practices'' under the Attorney General's Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination (July 29, 2025) with respect to those characteristics. Such term does not apply to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities. Such term shall also not apply to decisions by any religious corporation, association, or society regarding the employment of individuals who perform religious functions or other key roles for such entities. *See Our Lady of Guadalupe School* v. *Morrissey-Berru,* 591 U.S. 732 (2020); *Hosanna-Tabor Evangelical Lutheran Church and School* v. *EEOC,* 565 U.S. 171 (2012).

Foreign assistance is federal funding appropriated under title III of, or under the ''International Narcotics Control and Law Enforcement,'' ''Nonproliferation, Anti-Terrorism, Demining and Related Programs,'' ''Peacekeeping Operations,'' and ''International Organizations and Programs'' headings of, the annual Department of State, Foreign Operations, and Related Programs Appropriations Act.

To furnish foreign assistance means transferring foreign assistance funds provided under this award or goods financed with such funds to another entity. This does not include providing technical assistance or training (including costs directly related to such assistance or training for individuals), unless the entity receives a sub-award of foreign assistance funds under this award. Additionally, furnishing foreign assistance does not include purchasing goods or services from the entity.

To control an organization means to possess the power to direct, or cause the direction of, its management, personnel, and policies.

A foreign non-governmental organization is any non-governmental organization or entity, whether non-profit or profit-making (including any commercial firm and educational institution), not organized or existing under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

A United States non-governmental organization is any non-governmental organization or entity, whether non-profit or profit-making (including any commercial firm and educational institution), organized or existing under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

An international organization is—

(A) Any organization designated as being entitled to enjoy the privileges, exemptions, and immunities under the International Organizations Immunities Act;

(B) Any organization treated as a public international organization pursuant to the regulations or policies of the Department of State;

(C) Any organization established by international agreement and whose governing body is composed principally of representatives of national governments; or

(D) Any other multilateral entity in which sovereign nations participate.

To provide financial support means to provide funds from any source and for any purpose to a foreign NGO or IO through an award, sub-award, contract, sub-contract, grant under contract, or other written agreement or donation of funds.

A foreign government is any department, agency, independent establishment, or other entity of the government of a foreign country.

A parastatal is a foreign-government-owned organization operated as a commercial company or other organization, including non-profits, or enterprises in which foreign governments or foreign government agencies have a controlling interest.

G. Unlawful DEI-Related Discrimination

For purposes of this rule, unlawful DEI-related discrimination means discrimination on the basis of race, color, religion, or national origin if such discrimination violates U.S. federal antidiscrimination law or would violate U.S. federal antidiscrimination law if it occurred inside the United States, including the use of those characteristics as a selection criterion or preference for, or basis for exclusion from, employment, contracting, program participation, resource allocation, training, or similar activities, opportunities, or benefits. This includes all conduct that discriminates on the basis of race, color, religion, or national origin that violates U.S. federal antidiscrimination law or would violate U.S. federal antidiscrimination laws if it occurred inside the United States, including any ''unlawful practices'' under the Attorney General's Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination (July 29, 2025) with respect to those characteristics. This rule does not address discrimination on the basis of disability or other protected classes, nor does it address the application of this guidance on grounds other than race, color, religion, or national origin.

The Attorney General's guidance provides examples of unlawful practices such as race-based training sessions, race-based segregation in facilities or resources, implicit segregation through program eligibility, race-based ''diverse slate'' policies in hiring, race-based program participation (including when framed as addressing underrepresentation), DEI training programs that promote discrimination based on protected characteristics, such as by stereotyping, excluding or disadvantaging individuals based on their race, color, religion, or national origin, or creating a hostile environment.

Recipients of foreign assistance are urged to review all programs, policies and partnerships to ensure compliance with this rule and discontinue any practices that unlawfully discriminate. The Department also encourages recipients of foreign assistance to review and implement the best practices outlined in the Attorney General's guidance.

H. Legal Authority

This rule amends 2 CFR chapter VI to add an award term at part 604, entitled ''Combating Discriminatory Equity Ideology in Foreign Assistance.'' The term, applicable to all solicitations, Federal assistance awards, and subawards, including grants under contracts, awarded with Department of State foreign assistance funds, including funds transferred to the United States Department of State from the U.S. Agency for International Development, provides certain discriminatory equity ideology-related requirements intended to prohibit any direct or indirect support of discriminatory equity ideology and unlawful DEI-related discrimination.

Under the statutory regime governing foreign assistance, and consistent with his responsibilities regarding the conduct of U.S. foreign affairs, the President has broad discretion to set the terms and conditions on which the United States provides such assistance. Many of the authorities provided under the Foreign Assistance Act of 1961, and similar statutes, explicitly allow for the provision of assistance ''on such terms and conditions as [the President] may determine.'' *See, e.g.,* section 104(c)(1) of the FAA (22 U.S.C. 2151b(c)(1)) (health assistance); section 301(a) of the FAA (22 U.S.C. 2221(a)) (voluntary contributions to international organizations); section 481(a)(4) of the FAA (22 U.S.C. 2291(a)(4)) (counternarcotics and anti-crime assistance); section 531 of the FAA (22 U.S.C. 2346) (assistance to promote economic or political stability); section 541(a) of the FAA (22 U.S.C. 2347) (International Military Education and Training assistance); section 551 of the FAA (22 U.S.C. 2348) (Peacekeeping Operations); section 571 of the FAA (22 U.S.C. 2349aa) (anti-terrorism assistance); *see also* section 2(c)(1) of the MRAA; section 201 of the SEED Act of 1989 (amending the FAA by inserting, inter alia, section 498b(i))).

Section 621(a) of the FAA provides that ''[t]he President may exercise any functions conferred upon him by this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions. . . .'' 22 U.S.C. 2381(a). The Secretary of State exercises authorities under the FAA as delegated by the President in Executive Order 12163, dated September 29, 1979, as amended. That includes the President's authority to ''issue and enforce regulations determining the eligibility of any person to receive funds made available under'' the FAA. 22 U.S.C. 2381(b).

This rule falls within the Department's authority, delegated to the Secretary of State by the President, to set conditions on the provision of foreign assistance, including on the implementers of such assistance. Courts have repeatedly recognized that the President has broad discretion in the conduct of foreign affairs to allocate foreign assistance funding for particular programs and to set the conditions on U.S. funding to implementers of those

programs. *See, e.g., DKT Memorial Fund* v. *USAID,* 887 F.2d 275, 282 (D.C. Cir. 1989); *Planned Parenthood Federation of America* v. *USAID,* 915 F.2d 59 (2d Cir. 1990); *Center for Reproductive Law and Policy* v. *Bush,* 304 F.3d 183 (2d Cir. 2002). These courts recognized the President's broad discretion to allocate assistance funding for particular programs and to set the conditions on U.S. funding to non-governmental implementers of those programs. *See, e.g., Planned Parenthood* v. *USAID,* 838 F.2d 649, 654 (2d Cir. 1988) (in carrying out the policies under the Foreign Assistance Act, ''AID has 'broad discretionary power' to decide which, among numerous competing projects, will be given family planning funds''); *DKT,* 887 F.2d at 282 (''President acted under a congressional grant of discretion as broadly worded as any we are likely to see. . . .'').

Moreover, the Secretary has the authority to promulgate such rules and regulations as may be necessary to carry out his functions and the functions of the Department of State. *See* 22 U.S.C. 2651a(a)(4). This rule provides an award requirement for federal assistance award recipients to refrain from discriminatory equity ideology-related activities to varying degrees. Under its grantmaking authority, the Department awards grants in the execution of foreign assistance programs. Prudent and responsible exercise of the Department's foreign assistance and grantmaking authority requires that award terms ensure that foreign assistance does not support, directly or indirectly, the provision or promotion of discriminatory equity ideology. In addition to the Department's authority to promulgate regulations under the FAA, described above, 2 CFR 200.211(c), (d), and (e) also expressly authorize the agency to incorporate in an award general terms and conditions; Federal awarding agency, program, or Federal award specific terms and conditions; and Federal awarding agency requirements.

This rule is issued pursuant to the Secretary's authorities described above.

The Department has additionally considered the potential reliance interests of funding recipients and others on this final rule. The Department understands that, as a result of this rule, some organizations may choose to no longer receive or seek foreign assistance funds rather than comply with the award term. We understand that compliance may require organizations to cease activities that they may have long carried out, but are prohibited under the award term established under this rule. In the case of U.S. NGOs, we anticipate that some organizations will incur transition costs where certain other programs that shared facilities with foreign assistance programs must now establish separate physical facilities.

The Department believes that many organizations that are current recipients of foreign assistance will come into compliance as they obtain future grants or when funds are added to existing grants. However, the Department understands that certain organizations may decide to no longer accept foreign assistance in the future because of these award terms, which could in turn result in temporary disruptions in service delivery or impacts on program beneficiaries. In such cases, the Department will work to find new partners willing to agree to the award term, while minimizing any disruption of services. Moreover, the Department expects the quality and impact of foreign assistance programs to improve as programs are focused and prioritized, without being diverted for activities in violation of this rule.

The interests of organizations in maintaining continued taxpayer funding, while continuing activities that are inconsistent with this rule, do not outweigh the Department's foreign policy concerns and objectives outlined in this rule to ensure that foreign assistance funds do not directly or indirectly support discriminatory equity ideology. Compliance with this rule is additionally necessary to remove confusion caused when U.S.-funded organizations act in a manner inconsistent with this rule, which can create confusion regarding the foreign policy priorities and objectives of the United States.

Finally, in the event that any portion of this final rule is declared invalid, the Department intends that the various aspects be severable; the Department would intend the remaining features of the policy to stand.

III. Regulatory Analyses

A. Administrative Procedure Act

Pursuant to the Administrative Procedure Act (APA), this is final rule is published without prior notice and comment or a delayed effective date. Because this rule involves a matter relating to grants, it is not subject to 5 U.S.C. 553. *See* 5 U.S.C. 553(a)(2). In addition, this rule is exempt because it involves the foreign affairs functions of the United States. *See* 5 U.S.C. 553(a)(1).

B. Executive Orders 12866 (Regulatory Planning and Review), and 13563 (Improving Regulation and Regulatory Review)

The Office of Information and Regulatory Affairs has determined that this rulemaking is an economically significant regulatory action under section 3(f) of Executive Order 12866, (Sep. 30, 1993). Accordingly, this rule has been submitted to the Office of Management and Budget (''OMB'') for review.

This regulation has been drafted and reviewed in accordance with Executive Order 12866 section 1(b), *id.* at 51735, and in accordance with Executive Order 13563 section 1(b) (Jan. 18, 2011), which supplements and reaffirms the principles of Executive Order 12866. These Executive Orders direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 also recognizes that some benefits and costs are difficult to quantify and provides that, where appropriate and permitted by law, agencies may consider and discuss qualitatively values that are difficult or impossible to quantify. *Id.*

As explained in the preamble, the award terms under this rule are necessary to advance the United States' foreign policy objective not to support discriminatory equity ideology .

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess the costs and benefits of the intended regulation. E.O. 13563 allows that in making this assessment, an agency ''may consider (and discuss qualitatively) values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.''

Including this award provision in grants and cooperative agreements funded by Department of State foreign assistance provides an explicit requirement that the Department's recipients and grantees not violate applicable undertakings relating to the provision or promotion of discriminatory equity ideology. The benefits of the rule include protecting American taxpayers from supporting discriminatory equity ideology, directly or indirectly, advancing the foreign policy interests of the United States not to support discriminatory practices or anti-American ideologies, and to ensure foreign assistance programs and foreign partners are not undermining the laws and values of foreign nations or pressuring such nations to support discriminatory equity ideology. In addition, the restrictions on unlawful

DEI-related discrimination ensure broader access to foreign assistance programs by program recipients and secure merit-based opportunity for employees of recipients of foreign assistance.

The Department recognizes there are costs associated with this rule. Potential one-time and recurring costs the Department identifies for recipients and grantees are for familiarization with the rule, development and delivery of organizational training and implementation guidance, routine compliance monitoring, and recordkeeping and reporting requirements.

The Department estimates that 2,500 recipients and grantees (including foreign NGOs, U.S. NGOs, international organizations, and foreign governments and parastatals) will be impacted by this rule. This estimate is derived from an analysis of the Department's current portfolio of funding recipients implementing activities with foreign assistance funds.

Based in part on the Department's previous experience, the agency estimates that recipients and grantees will first require 50 hours, on average, to familiarize themselves with the recordkeeping requirements within this final rule, and revise internal policies and financial accounting systems to comply with said recordkeeping requirements. To quantify the total one-time familiarization costs, The Department used June 2025 data from the Bureau of Labor Statistics (BLS) National Compensation Survey,[5] reporting a mean fringe benefit factor of 1.46 for civilian workers in general. The Department assumes that impacted entities will employ an attorney to analyze the rule. Multiplying the BLS mean hourly wage for Lawyers, Standard Occupation Classification 23–1011 of $87.86 by the mean fringe benefit factor of 1.46 yields an estimated total compensation (wages and benefits) for Lawyers of $128.28 per hour ([$87.86 per hour] × 1.46).

Thus, the agency calculates a one-time cost for familiarization of $16,035,000 [(2,500 entities) times (50 hours per entity) times ($128.28/hour)].

For the development and delivery of organization-specific training, the Department estimates a cost of $37,984,700. The Department estimates that recipients subject to the rule will spend twenty one (21) hours annually to train their workforces: eight (8) hours developing training materials and twelve (12) hours each month to train newly hired staff, and one hour to train existing staff. The Department estimates that a lawyer will develop and conduct this training at a cost of $128.28 per hour, and that all recipient staff will attend a one-hour training. The Department estimates an average workforce size of 250 staff with an average hourly salary of $50. For routine compliance monitoring costs, the Department estimates $76,968,000 annually. The Department estimates a minimum of 240 annual hours (20 hours monthly) to monitor prime and sub-recipient activities. Such monitoring activities may include development of monitoring tools such as checklists, discussion guides, and reference materials, conducting desk review of documents, reports, work plans, and budgets, and conducting site visits to inspect implementation of activities for compliance with policy requirements. The Department estimates that these activities will be conducted by lawyers and senior program managers with an average hourly salary of $128.28.

Finally, the Department recognizes that this final rule is likely to impose costs on some U.S. NGOs whose programs currently share facilities with foreign assistance programs, and now must establish separate physical facilities. The Department also understands that certain organizations may decide to no longer accept-foreign assistance in the future because of these award terms, which could in turn result in temporary disruptions in service delivery, imposing costs on program beneficiaries. However, the Department is not able to quantitatively assess these costs.

In summary, the Department estimates this rule will impose one-time familiarization costs of $16,035,000, and annual costs related to training and compliance monitoring of $114,052,700.

C. Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. It requires a regulatory flexibility analysis if a rule is subject to the notice-and-comment provisions of the APA and would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. This rule is exempt from the notice and comment requirements of the APA, as a matter related to grants and foreign affairs functions, and thus the Department does not provide a regulatory flexibility analysis. *See* 5 U.S.C. 553(a)(2).

D. Unfunded Mandates Act of 1995

The Unfunded Mandates Act of 1995 requires agencies to prepare several analytical statements before proposing any rule that may result in annual expenditures of $100 million or more in State, local, or Indian Tribal governments. Since this final rule will not result in expenditures of this magnitude, the Department certifies that such statements are not necessary.

E. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

Executive Order 14192 requires an agency, unless prohibited by law, to identify at least 10 existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation. In furtherance of this requirement, section 3(c) of the Order 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.'' *Id.* Executive Order 14192 exempts from these requirements ''regulations issued with respect to a foreign affairs-related function of the United States.'' This rule is issued with respect to foreign affairs-related functions and is thus exempt from Executive Order 14192 requirements.

F. Executive Order 14294 (Fighting Overcriminalization in Federal Regulations)

Executive Order 14294 requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to ''explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to'' each element of those offenses. This rule does not impose a criminal regulatory penalty and is thus exempt from Executive Order 14294 requirements.

G. Executive Orders 12372 and 13132—Federalism

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing E.O. 12372 regarding intergovernmental

[5] *https://www.bls.gov/news.release/pdf/ecec.pdf.*

consultation on Federal programs and activities do not apply to this regulation.

H. Executive Order 13175—Consultation With Tribal Governments

The Department has determined that this rulemaking will not have Tribal implications, will not impose substantial direct compliance costs on Indian Tribal governments, and will not preempt Tribal law. Accordingly, the requirements of E.O. 13175 do not apply to this rule.

I. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) defines ''collection of information'' to mean ''the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format.'' 44 U.S.C. 3502(3)(A). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless OMB approves it and the agency displays a currently valid OMB control number. 44 U.S.C. 3507. Also, notwithstanding any other provision of law, no individual or organization shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number. 44 U.S.C. 3512. The Department will not enforce any information collection requirements described in this rule until OMB's approval and will publish separate 60- and 30-day notices in the **Federal Register** soliciting public comment on the burden estimates provided below.

Title of Information Collection: Foreign Assistance Requirements.

OMB Control Number: 1405–XXXX.

Type of Request: New collection.

Originating Office: Department of State, Bureau of Global Acquisitions.

Form Number: No form.

Respondents: Offerors and awardees of Department of State foreign assistance.

Estimated Number of Respondents: 2,500.

Estimated Number of Responses: 2,500.

Average Time per Response: 261 hours.

Total Estimated Burden Hours: 652,500 hours.

Estimated Burden Hour Costs: $114,052,700.

Frequency: On occasion.

Obligation to Respond: Mandatory.

J. Congressional Review Act

The Office of Information and Regulatory Affairs has determined that this final rule meets the criteria in the Congressional Review Act (CRA) at 5 U.S.C. 804(2) and will comply with the applicable requirements at 5 U.S.C. 801. However, the Department has also determined that there is good cause to exempt this rule from the 60-day delay of effect at 5 U.S.C. 801(a)(3)(A). Specifically, the requirement for a delayed effective date does not apply because notice and public procedure are not required for this rule by the APA and thus are unnecessary for the purposes of the CRA under 5 U.S.C. 808(2). As noted above, this rule involves a matter relating to grants. See 5 U.S.C. 553(a)(2). In addition, this rule involves the foreign affairs functions of the United States. See 5 U.S.C. 553(a)(1).

List of Subjects in 2 CFR Part 604

Administrative practice and procedure, Grant programs.

■ For the reasons set forth above, the Department of State adds part 604 to title 2 of the Code of Federal Regulations to read as follows:

PART 604—COMBATING DISCRIMINATORY EQUITY IDEOLOGY IN FOREIGN ASSISTANCE

Sec.

Authority: 5 U.S.C. 301; 22 U.S.C. 2651a, 22 U.S.C. 2151, 22 U.S.C. 2451, 22 U.S.C. 1461; 2 CFR part 200.

PART 604—COMBATING DISCRIMINATORY EQUITY IDEOLOGY IN FOREIGN ASSISTANCE

§ 604.10 Applicability.

This part establishes an award term for recipients and subrecipients of Federal awards subsidized in whole or in part by foreign assistance funds administered by the Department of State. The award term under this part must generally be included in all foreign assistance solicitations and all resulting awards, including all grants, cooperative agreements, and voluntary contributions, whenever implementation of the activity involves foreign assistance, to, or implemented by, foreign nongovernmental organizations, international organizations, and United States nongovernmental organizations. The award term under this part may but need not be included in whole or in part, as applicable, in agreements with foreign governments and parastatals (*e.g.,* government-to-government agreements or other agreements with host governments), and agreements with bilateral governmental donors if the Department of State assesses such term is appropriate for that agreement.

§ 604.20 Award term.

The award term in appendix A to this part will be incorporated, as applicable, in awards for foreign assistance administered by the Department of State.

(a) The following definitions apply for purposes of the award term in appendix A to this part:

(1)(i) *Discriminatory equity ideology* is an ideology that treats individuals as members of preferred or disfavored groups, rather than as individuals, and minimizes agency, merit, and capability in favor of generalizations, including that:

(A) Members of one race, color, religion, sex, or national origin are morally or inherently superior to members of another race, color, religion, sex, or national origin;

(B) An individual, by virtue of the individual's race, color, religion, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

(C) An individual's moral character or status as privileged, oppressing, or oppressed is primarily determined by the individual's race, color, religion, sex, or national origin;

(D) Members of one race, color, religion, sex, or national origin cannot and should not attempt to treat others without respect to their race, color, religion, sex, or national origin;

(E) An individual, by virtue of the individual's race, color, religion, sex, or national origin, bears responsibility for, should feel guilt, anguish, or other forms of psychological distress because of, should be discriminated against, blamed, or stereotyped for, or should receive adverse treatment because of actions committed in the past by other members of the same race, color, religion, sex, or national origin, in which the individual played no part;

(F) An individual, by virtue of the individual's race, color, religion, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion;

(G) Virtues such as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist or were created by members of a particular race, color, religion, sex, or national origin to oppress members of another race, color, religion, sex, or national origin; or

(H) The United States is fundamentally racist, sexist, or otherwise discriminatory.

(ii) To *promote discriminatory equity ideology* includes using or teaching education materials (including books, curricula, and media) that advance this ideology.

(iii) Action by an individual who is acting in his or her personal capacity shall not be attributed to an organization with which the individual is associated, provided that the individual is neither on duty nor acting on the organization's premises, and provided that the organization neither endorses, nor provides financial support for, the action and takes reasonable steps to ensure the individual does not improperly represent that he or she is acting on behalf of the organization.

(2) *Unlawful diversity, equity, and inclusion-related discrimination* (or *Unlawful DEI-related discrimination*) means discrimination on the basis of race, color, religion, or national origin if such discrimination violates U.S. Federal antidiscrimination law or would violate U.S. Federal antidiscrimination law if it occurred inside the United States, including the use of those characteristics as a selection criterion or preference for, or basis for exclusion from, employment, contracting, program participation, resource allocation, or similar activities, opportunities, or benefits. Such term includes all conduct that discriminates on the basis of race, color, religion, or national origin that violates U.S. Federal antidiscrimination law or would violate U.S. Federal antidiscrimination laws if it occurred inside the United States. *For* illustrative examples of unlawful DEI-related discrimination*, see* the Attorney General's Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination (July 29, 2025). Such term does not apply to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities. Such term shall also not apply to decisions by any religious corporation, association, or society regarding the employment of individuals who perform religious functions or other key roles for such entities. *See Our Lady of Guadalupe School* v. *Morrissey-Berru,* 591 U.S. 732 (2020); *Hosanna-Tabor Evangelical Lutheran Church and School* v. *EEOC,* 565 U.S. 171 (2012).

(3) *Foreign assistance* is Federal funding administered by the Department of State appropriated under title III of, or under the ''International Narcotics Control and Law Enforcement,'' ''Nonproliferation, Anti-Terrorism, Demining and Related Programs,'' ''Peacekeeping Operations,'' and ''International Organizations and Programs'' headings of, the annual Department of State, Foreign Operations, and Related Programs Appropriations Act.

(4) To *furnish foreign assistance* means transferring foreign assistance funds provided under the award or goods financed with such funds to another entity. This does not include providing technical assistance or training (including costs directly related to such assistance or training for individuals), unless the entity receives a sub-award of foreign assistance funds under the award. Additionally, furnishing foreign assistance does not include purchasing goods or services from the entity.

(5) To *control an organization* means to possess the power to direct, or cause the direction of, its management, personnel, and policies.

(6) A *foreign non-governmental organization (NGO)* is any non-governmental organization or entity, whether non-profit or profit-making (including any commercial firm and educational institution), not organized or existing under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(7) A *United States non-governmental organization (NGO)* is any non-governmental organization or entity, whether non-profit or profit-making (including any commercial firm and educational institution), organized or existing under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(8) An *international organization (IO)* is—

(i) Any organization designated as being entitled to enjoy the privileges, exemptions, and immunities under the International Organizations Immunities Act;

(ii) Any organization treated as a public international organization pursuant to the regulations or policies of the Department of State;

(iii) Any organization established by international agreement and whose governing body is composed principally of representatives of national governments; or

(iv) Any other multilateral entity in which sovereign nations participate.

(9) To *provide financial support* means to provide funds from any source and for any purpose to a foreign NGO or IO through an award, sub-award, contract, sub-contract, grant under contract, or other written agreement or donation of funds.

(10) A *foreign government* is any department, agency, independent establishment, or other entity of the government of a foreign country.

(11) A *parastatal* is a foreign-government-owned organization operated as a commercial company or other organization, including non-profits, or enterprises in which foreign governments or foreign government agencies have a controlling interest.

(b) See appendix A to this part for the requirements and eligibility criteria for recipients of foreign assistance.

(c) With respect to United States non-governmental organizations, the award term shall be construed consistent with the First Amendment to the United States Constitution and shall not be construed to restrict the freedoms of speech or association of such organizations when using non-Federal funds outside the scope of a program, project or activity for which foreign assistance is made available.

(d) The Secretary of State or Under Secretary of State for Foreign Assistance, Humanitarian Affairs, and Religious Freedom may waive the application of this part or any of its elements if a waiver is deemed necessary for national security or foreign policy purposes.

(e) In the event of a conflict between a term of the award term and local law, an exemption may be sought from such term from the Department of State to avoid a violation of the award term.

(f) In determining whether an entity is eligible to be a recipient or sub-recipient of foreign assistance under the award, the action of separate entities shall not be imputed to the recipient or sub-recipient, unless, in the judgment of the Department of State, a separate entity is being used purposefully to avoid the provisions of this part. Separate entities are those that have distinct legal existence in accordance with the laws of the countries in which they are organized. Entities that are separately organized shall not be considered separate, however, if one is controlled by the other. The recipient may request the approval of its Agreement Officer to treat as separate the activities of two or more entities, which would not be considered separate under the preceding sentence. The recipient must provide a written justification to the Department of State that the activities of the organizations are sufficiently distinct to warrant not imputing the activity of one to the other.

(g) If anything in the award term, or the application of this part to any person or circumstance, is held to be unconstitutional, the remainder of this part and the application of such to any person or circumstance shall not be affected thereby.

(h) The award term in appendix A to this part shall be inserted *verbatim* in sub-awards in accordance with the terms of paragraphs (a) and (b) of this section.

Appendix A to Part 604—Requirements and Eligibility Criteria for Recipients of Foreign Assistance

I. Grants and Cooperative Agreements to Foreign Non-Governmental Organizations

(1) The recipient agrees that it will not, during the term of this award, outside the United States (including its territories and possessions), promote discriminatory equity ideology, engage in unlawful DEI-related discrimination, or provide financial support to any other foreign NGO or IO that conducts such activities.

(2) The recipient agrees that authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the Code of Federal Regulations (CFR): (i) inspect the documents, trainings, and materials maintained or prepared by the recipient in the usual or required course of its operations that describe the priorities and activities of the recipient, including reports, brochures and service statistics; (ii) observe the activities conducted by the recipient, (iii) consult with personnel of the recipient and those who receive the services of the recipient; and, (iv) obtain a copy of audited financial statements or reports of the recipient, as applicable. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

(3) In the event authorized representatives of the U.S. Government have reasonable cause to believe that the recipient may have violated any undertaking required by these Requirements and Eligibility Criteria, the recipient must make available to the Department of State such books and records and other information as the Department of State may reasonably request to determine whether a violation of that undertaking has occurred, consistent with Part 200 of Title 2 of the CFR.

(4) The U.S. Government shall terminate foreign assistance furnished to the recipient under this award if the recipient violates any undertaking required by this award term, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(5) In addition to other remedies available to the U.S. Government, the recipient's failure to comply with the requirements of this award provision may result in—

(i) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(ii) Suspension or debarment.

(6) In the event of termination, the recipient must refund to the Department of State any unexpended amounts furnished to the recipient under this award, plus an amount equivalent to that used by the recipient to engage in any activity that violates this award term while receiving funding under this award. The amount to be refunded to the Department of State under this subparagraph (6) may not exceed the total amount of foreign assistance furnished under this award.

(7) The recipient may not furnish foreign assistance under this award to any other foreign NGO, IO, or United States NGO (the sub-recipient), unless the recipient's agreement with the sub-recipient contains the same terms and conditions as described in sub-paragraph (8) below.

(8) Prior to entering into an agreement to furnish foreign assistance to any other foreign NGO, IO, or United States NGO, the recipient, must ensure that such agreement with the sub-recipient includes the following terms:

(i) While receiving foreign assistance under this award:

(A) If the sub-recipient is a foreign NGO or IO, the sub-recipient will not promote discriminatory equity ideology, engage in unlawful DEI-related discrimination, or provide financial support to any other foreign NGO or IO that conducts such activities.

(B) If the sub-recipient is a United States NGO:

(*1*) The sub-recipient will not, outside the United States (including its territories and possessions), engage in unlawful DEI-related discrimination.

(*2*) The sub-recipient will not, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award, promote discriminatory equity ideology or engage in unlawful DEI-related discrimination.

Subject to sub-paragraph (8)(i)(B)(*1*) above, the sub-recipient is not prohibited from lawfully promoting discriminatory equity ideology, outside the scope of a program, project, or activity for which funds are made available under this award, so long as the sub-recipient uses funds from sources other than the U.S. Government to do so.

(*3*) The sub-recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from the activities described in sub-paragraph (8)(i)(B)(*2*) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(*i*) The existence of separate, accurate accounting records;

(*ii*) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activities occurs and the extent of such prohibited activities;

(*iii*) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(*iv*) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(ii) The recipient and authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the CFR:

(A) inspect the documents, trainings, and materials maintained or prepared by the sub-recipient in the usual or required course of its operations that describe the activities of the sub-recipient, including reports, brochures and service statistics;

(B) observe activities conducted by the sub-recipient;

(C) consult with personnel of the sub-recipient and those who receive the services of the sub-recipient; and

(D) obtain a copy of audited financial statements or reports of the sub-recipient, as applicable.

(iii) In the event that the recipient or an authorized representative of the U.S. Government has reasonable cause to believe that a sub-recipient may have violated any of its undertakings under this award term, the recipient will review the foreign assistance program of the sub-recipient to determine whether a violation of such undertaking has occurred. The sub-recipient must make available to the recipient such books and records and other information as may be reasonably requested to conduct the review. Authorized representatives of the U.S. Government may review the foreign assistance program of the sub-recipient under these circumstances, and the sub-recipient must provide access on a timely basis to such authorized representatives to such books and records and other information upon request, consistent with Part 200 of Title 2 of the CFR.

(iv) The U.S. Government shall terminate foreign assistance provided to the sub-recipient under this award if the sub-recipient violates any award terms under sub-paragraphs (8)(i)–(iii) above, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(v) In addition to other remedies available to the U.S. Government, the sub-recipient's failure to comply with the requirements of this award provision may result in—

(A) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(B) Suspension or debarment.

(vi) In the event of termination, the sub-recipient must refund to the recipient any unexpended amounts furnished to the sub-recipient under this award, plus an amount equivalent to that used by the sub-recipient for activities prohibited under the terms of this award, up to the total amount of foreign assistance furnished to the sub-recipient under this award. Where the Department of State is not otherwise engaged in the determination to terminate a sub-recipient's award, the recipient must notify the Department of State of any action taken for a violation of any undertaking required under sub-paragraphs (8)(i)–(iii) above.

(vii) The sub-recipient may furnish foreign assistance under this award to any foreign NGO, IO, or U.S. NGO, only if the sub-recipient's agreement with the sub-sub-recipient contains the same terms and conditions as those provided by the recipient to the sub-recipient as described in sub-paragraphs (8)(i)–(iv) above.

(9) Where the terms and conditions of the award require the approval of sub-awards by the Department of State, the recipient must, consistent with Part 200 of Title 2 of the CFR, include a description of the due diligence performed by the recipient on the sub-recipient before furnishing foreign assistance under this award.

(10) The recipient is liable to the U.S. Government for a refund for a violation by the sub-recipient of any requirement of this award term only if: (i) the recipient furnishes foreign assistance under this award to a subrecipient knowing that the subrecipient is in likely violation of the applicable award terms of this award term; (ii) the sub-recipient did not abide by the award terms required by sub-paragraphs (8)(i)–(iii) above, and the recipient failed to make reasonable due diligence efforts prior to furnishing foreign assistance to the sub-recipient; or, (iii) the recipient knows or has reason to know, by virtue of the monitoring that the recipient is required to perform under the terms of this award, that a sub-recipient has violated any of the award terms required by sub-paragraphs (8)(i)–(iii) above, and the recipient fails to terminate foreign assistance to the sub-recipient, or fails to require the sub-recipient to terminate foreign assistance furnished under a sub-award that violates any award terms required by sub-paragraphs (8)(i)–(iii), above, or fails to take other appropriate corrective action consistent with sub-paragraph (8)(iv) above.

(11) Recipient acknowledges that authorized representatives of the U.S. Government may make independent inquiries in the community served by the recipient or a sub-recipient under this award regarding whether it is in compliance with the award terms required by sub-paragraphs (8)(i)–(iii) above. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

II. Grants and Cooperative Agreements With U.S. Nongovernmental Organizations

(1) The recipient agrees that it will not, during the term of this award, outside the United States (including its territories and possessions), engage in unlawful DEI-related discrimination.

(2) The recipient agrees that, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award it will not promote discriminatory equity ideology or engage in unlawful DEI-related discrimination.

Subject to sub-paragraph (1), the recipient is not prohibited from promoting discriminatory equity ideology outside the scope of a program, project, or activity for which funds are made available under this award, so long as the recipient uses funds from sources other than the U.S. Government to do so.

(3) The recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from activities prohibited by sub-paragraph (2) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(i) The existence of separate, accurate accounting records;

(ii) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activities occur and the extent of such prohibited activities;

(iii) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(iv) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(4) The recipient agrees that authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the Code of Federal Regulations (CFR): (i) inspect the documents, trainings, and materials maintained or prepared by the recipient in the usual or required course of its operations that describe the priorities and activities of the recipient, including reports, brochures and service statistics; (ii) observe the activities conducted by the recipient, (iii) consult with personnel of the recipient and those who receive the services of the recipient; and, (iv) obtain a copy of audited financial statements or reports of the recipient, as applicable.

(5) In the event an authorized representative of the U.S. Government has reasonable cause to believe that the recipient may have violated any of its undertakings under this award term, the recipient must make available to such authorized representative such books and records and other information as the authorized representative may reasonably request to determine whether a violation of that undertaking has occurred, consistent with Part 200 of Title 2 of the CFR.

(6) U.S. foreign assistance furnished to the recipient under this award must be terminated if the recipient violates any undertaking required by this award term, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(7) In addition to other remedies available to the U.S. Government, the recipient's failure to comply with the requirements of this award provision may result in—

(i) Suspension of payments until the recipient has taken appropriate action; and/or

(ii) Suspension or debarment.

(8) In the event of termination, the recipient must refund to the Department of State any unexpended amounts furnished to the recipient under this award, plus an amount equivalent to that used by the recipient to engage in activities prohibited under the terms of this award while receiving funding under this award. The amount to be refunded to the Department of State under this subparagraph (8) may not exceed the total amount of foreign assistance furnished under this award.

(9) The recipient agrees that it will not furnish foreign assistance under this award to any other foreign NGO, IO, or United States non-governmental organization (NGO), (the sub-recipient), unless the recipient's agreement with the sub-recipient contains the same terms and conditions as described in subparagraph (10), below.

(10) Prior to entering into an agreement to furnish foreign assistance to a foreign NGO, IO, or United States NGO, (the sub-recipient) under this award, the recipient must ensure that such agreement with the sub-recipient includes the following terms:

(i) While receiving foreign assistance under this award:

(A) If the sub-recipient is a foreign NGO or IO, the sub-recipient will not promote discriminatory equity ideology, engage in unlawful DEI-related discrimination, or provide financial support to any other foreign NGO or IO that conducts such activities.

(B) If the sub-recipient is a United States NGO:

(*1*) the sub-recipient will not, outside the United States (including its territories and possessions) engage in unlawful DEI-related discrimination, an

(*2*) the sub-recipient will not, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award, promote discriminatory equity ideology or engage in unlawful DEI-related discrimination.

Subject to sub-paragraph (10)(i)(B)(*1*) above, the sub-recipient is not prohibited from lawfully promoting discriminatory equity ideology outside the scope of a program, project, or activity for which funds are made available under this award, so long as the sub-recipient uses funds from sources other than the U.S. Government to do so.

(*3*) The sub-recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from activities described in sub-paragraph (10)(i)(B)(*2*) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(*i*) The existence of separate, accurate accounting records;

(*ii*) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activities occur and the extent of such prohibited activities;

(*iii*) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(*iv*) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(ii) The recipient and authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the CFR: (I) inspect the documents, trainings, and materials maintained or prepared by the sub-recipient in the usual or required course of its operations that describe the priorities and activities of the sub-recipient, including reports, brochures and service statistics; (II) observe the activities conducted by the sub-recipient; (III) consult with personnel of the sub-recipient and those who receive the services of the sub-recipient; and, (IV) obtain a copy of audited financial statements or reports of the sub-recipient, as applicable.

(iii) In the event that the recipient or an authorized representative of the U.S. Government has reasonable cause to believe that a sub-recipient may have violated any of its undertakings under this award term, the recipient will review the foreign assistance program of the sub-recipient to determine whether a violation of such undertaking has occurred. The sub-recipient must make available to the recipient such books and records and other information as may be reasonably requested to conduct the review. Authorized representatives of the U.S. Government may review the foreign assistance program of the sub-recipient under these circumstances, and the sub-recipient must provide access to such authorized representatives on a timely basis to such books and records and other information upon request, consistent with Part 200 of Title 2 of the CFR.

(iv) The U.S. Government shall terminate foreign assistance provided to the sub-recipient under this award if the sub-recipient violates any award terms required by subparagraphs (10)(i)–(iii) above, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(v) In addition to other remedies available to the U.S. Government, the sub-recipient's failure to comply with the requirements of this award provision may result in—

(A) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(B) Suspension or debarment.

(vi) In the event of termination, the sub-recipient must refund to the recipient any unexpended amounts furnished to the sub-recipient under this award, plus an amount equivalent to that used by the sub-recipient for activities prohibited under the terms of this award, up to the total amount of foreign assistance furnished to the sub-recipient under this award. Where the Department of State is not otherwise engaged in the determination to terminate a recipient's sub-award, the recipient must notify the Department of State of any action taken for a violation of any undertaking required under subparagraphs (10)(i)–(iii) above; and

(vii) The sub-recipient may furnish foreign assistance under this award to a foreign NGO, IO, or United States NGO (the sub-sub-recipient), only if the sub-recipient's sub-agreement with the sub-sub-recipient contains the same terms and conditions as those provided by the recipient to the sub-recipient as described in sub-paragraphs (10)(i)–(iv) above.

(11) Where the terms and conditions of the award require the approval of subawards by the Department of State, the recipient must, consistent with Part 200 of Title 2 of the CFR, include a description of the due diligence performed by the recipient on the sub-recipient before furnishing foreign assistance under this award.

(12) The recipient is liable to the Department of State for a refund for a violation by the sub-recipient of any requirement of this award term only if: (i) the recipient knowingly furnishes foreign assistance under this award to a sub-recipient, knowing that the subrecipient is in violation of the applicable award terms of this award term; or, (ii) the sub-recipient did not abide by its award terms required by subparagraphs (10)(i)–(iii) above, and the recipient failed to make reasonable due diligence efforts prior to furnishing foreign assistance to the sub-recipient; or, (iii) the recipient knows, or has reason to know, by virtue of the monitoring that the recipient is required to perform under the terms of this award, that a sub-recipient has violated any of the award terms required by subparagraphs (10)(i)–(iii) above, and the recipient fails to terminate foreign assistance to the sub-recipient, or fails to require the sub-recipient to terminate assistance furnished under a sub-award that violates any award terms required by subparagraphs (10)(i)–(iii) above, or fails to take other appropriate corrective action consistent with subparagraph (10)(iv) above.

(13) Recipient acknowledges that authorized representatives of the U.S. Government may make independent inquiries in the community served by a sub-recipient under this award regarding whether such sub-recipient is in compliance with its award terms required by subparagraphs (10)(i)–(iii) above. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

III. Grants and Cooperative Agreements With Foreign Governments and Parastatals

(1) The recipient agrees that foreign assistance funds it receives under this award will not be used to promote discriminatory equity ideology or to engage in unlawful DEI-related discrimination.

(2) The recipient agrees that if it engages in any activity described in sub-paragraph (1) using funds from sources other than the U.S. Government, any foreign assistance funds under this award must be placed in a segregated account to ensure that such funds may not be used to support such activity of the government or parastatal.

(3) The recipient agrees that authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the Code of Federal Regulations (CFR): (i) inspect the documents, trainings, and materials maintained or prepared by the recipient in the usual or required course of its operations that describe the priorities and activities of the recipient, including reports, brochures and service statistics; (ii) observe the activities conducted by the recipient, (iii) consult with personnel of the recipient and those who receive the services of the recipient; and, (iv) obtain a copy of audited financial statements or reports of the recipient, as applicable.

(4) In the event an authorized representative of the U.S. Government has reasonable cause to believe that the recipient may have violated any of its undertakings under this award term, the recipient must make available to such authorized representative such books and records and other information as the authorized representative may reasonably request to determine whether a violation of that undertaking has occurred, consistent with Part 200 of Title 2 of the CFR.

(5) U.S. foreign assistance furnished to the recipient under this award must be terminated if the recipient violates any undertaking required by this award term, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(6) In addition to other remedies available to the U.S. Government, the recipient's failure to comply with the requirements of this award provision may result in—

(i) Suspension of payments until the recipient has taken appropriate remedial action; and/or

(ii) Suspension or debarment.

(7) In the event of termination, the recipient must refund to the Department of State any unexpended amounts furnished to the recipient under this award, plus an amount equivalent to that used by the recipient to engage in activities prohibited under the terms of this award while receiving funding under this award. The amount to be refunded to the Department of State under this subparagraph (7) may not exceed the total amount of foreign assistance furnished under this award.

(8) The recipient agrees that it will not furnish foreign assistance under this award to any foreign non-governmental organization (NGO), international organization (IO), or United States NGO (the sub-recipient), unless the recipient's agreement with the sub-recipient contains the same terms and conditions as described in sub-paragraph (9), below.

(9) Prior to entering into an agreement to furnish foreign assistance to a foreign NGO, IO, or a United States NGO (the sub-recipient) under this award, the recipient must ensure that such agreement with the sub-recipient includes the following terms:

(i) While receiving foreign assistance under this award:

(A) If the sub-recipient is a foreign NGO or IO, the sub-recipient will not, outside the United States (including its territories and possessions), promote discriminatory equity ideology, engage in unlawful DEI-related discrimination, or provide financial support to any other foreign NGO or IO that conducts such activities.

(B) If the sub-recipient is a United States NGO:

(*1*) The sub-recipient will not, outside the United States (including its territories and possessions), engage in unlawful DEI-related discrimination.

(*2*) The sub-recipient will not, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award, promote discriminatory equity ideology or engage in unlawful DEI-related discrimination.

Subject to sub-paragraph (9)(i)(B)(*1*) above, the sub-recipient is not prohibited from lawfully promoting discriminatory equity ideology outside the scope of a program, project, or activity for which funds are made available under this award, so long as the sub-recipient uses funds from sources other than the U.S. Government to do so.

(*3*) The sub-recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from activities described in sub-paragraph (9)(i)(B)(*2*) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(*i*) The existence of separate, accurate accounting records;

(*ii*) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activity occurs and the extent of such prohibited activities;

(*iii*) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(*iv*) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(ii) The recipient and authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the CFR: (I) inspect the documents, trainings, and materials maintained or prepared by the sub-recipient in the usual or required course of its operations that describe the priorities and activities of the sub-recipient, including reports, brochures and service statistics; (II) observe the activities conducted by the sub-recipient; (III) consult with personnel of the sub-recipient and those who receive the services of the sub-recipient; and, (IV) obtain a copy of audited financial statements or reports of the sub-recipient, as applicable.

(iii) In the event that the recipient or an authorized representative of the U.S. Government has reasonable cause to believe that a sub-recipient may have violated any of its undertakings under this award term, the recipient will review the foreign assistance program of the sub-recipient to determine whether a violation of such undertaking has occurred. The sub-recipient must make available to the recipient such books and records and other information as may be reasonably requested to conduct the review. Authorized representatives of the U.S. Government may review the foreign assistance program of the sub-recipient under these circumstances, and the sub-recipient must provide access to such authorized representatives on a timely basis to such books and records and other information upon request, consistent with Part 200 of Title 2 of the CFR.

(iv) The U.S. Government shall terminate foreign assistance provided to the sub-recipient under this award if the sub-recipient violates any award terms required by subparagraphs (9)(i)–(iii) above, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(v) In addition to other remedies available to the U.S. Government, the sub-recipient's failure to comply with the requirements of this award provision may result in—

(A) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(B) Suspension or debarment.

(vi) In the event of termination, the sub-recipient must refund to the recipient any unexpended amounts furnished to the sub-recipient under this award, plus an amount equivalent to that used by the sub-recipient for activities prohibited under the terms of this award, up to the total amount of foreign assistance furnished to the sub-recipient under this award. Where the Department of State is not otherwise engaged in the determination to terminate a recipient's sub-award, the recipient must notify the Department of State of any action taken for a violation of any undertaking required under subparagraphs (9)(i)–(iii) above.

(vii) The sub-recipient may furnish foreign assistance under this award to a foreign NGO, IO, or United States NGO, only if the sub-recipient's sub-agreement with the sub-sub-recipient contains the same terms and conditions as those provided by the recipient to the sub-recipient as described in sub-paragraphs (9)(i)–(iv) above.

(10) Where the terms and conditions of the award require the approval of subawards by the Department of State, the recipient must, consistent with Part 200 of Title 2 of the CFR, include a description of the due diligence performed by the recipient on the sub-recipient before furnishing foreign assistance under this award.

(11) The recipient is liable to the Department of State for a refund for a violation by the sub-recipient of any requirement of this award term only if: (i) the recipient knowingly furnishes foreign assistance under this award to a sub-recipient that is a foreign NGO or IO, or to a United States NGO, knowing that the subrecipient is in violation of the applicable award terms of this award term; or, (ii) the sub-recipient did not abide by its award terms required by subparagraphs (9)(i)–(iii) above, and the recipient failed to make reasonable due diligence efforts prior to furnishing foreign assistance to the sub-recipient; or, (iii) the recipient knows, or has reason to know, by virtue of the monitoring that the recipient is required to perform under the terms of this award, that a sub-recipient has violated any of the award terms required by subparagraphs (9)(i)–(iii) above, and the recipient fails to terminate foreign assistance to the sub-recipient, or fails to require the sub-recipient to terminate assistance furnished under a sub-award that violates any award terms required by subparagraphs (9)(i)–(iii) above, or fails to take other appropriate corrective action consistent with subparagraph (9)(iv) above.

(12) Recipient acknowledges that authorized representatives of the U.S. Government may make independent inquiries in the community served by a sub-recipient under this award regarding whether such sub-recipient is in compliance with its award terms required by subparagraphs (9)(i)–(iii) above. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

IV. Grants, Cooperative Agreements, and Voluntary Contributions to International Organizations

(1) The recipient agrees that it will not, during the term of this award, outside the United States (including its territories and possessions) promote discriminatory equity ideology, engage in unlawful diversity, equity, and inclusion (DEI)-related discrimination, or provide financial support to any other foreign NGO or IO that conducts such activities.

(2) The recipient agrees that authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the Code of Federal Regulations (CFR): (i) inspect the documents, trainings, and materials maintained or prepared by the recipient in the usual or required course of its operations that describe the priorities and activities of the recipient, including reports, brochures and service statistics; (ii) observe the activities conducted by the recipient, (iii) consult with personnel of the recipient and those who receive the services of the recipient; and, (iv) obtain a copy of audited financial statements or reports of the recipient, as applicable. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

(3) In the event authorized representatives of the U.S. Government have reasonable cause to believe that the recipient may have violated any undertaking required by this award term, the recipient must make available to the Department of State such books and records and other information as the Department of State may reasonably request to determine whether a violation of that undertaking has occurred, consistent with Part 200 of Title 2 of the CFR. In such an event, during the process of investigating any suspected violation, the Department of State may additionally suspend or withhold some or all payments of foreign assistance to the recipient.

(4) The U.S. Government shall terminate foreign assistance furnished to the recipient under this award if the recipient violates any undertaking required by this award term, unless the Department of State determines,

consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(5) In the event of termination, the recipient must refund to the Department of State any unexpended amounts furnished to the recipient under this award, plus an amount equivalent to that used by the recipient to engage in any activity that violates this award term while receiving funding under this award. The amount to be refunded to the Department of State under this subparagraph (5) may not exceed the total amount of foreign assistance furnished under this award.

(6) The recipient may not furnish foreign assistance under this award to any other foreign NGO, IO, or United States NGO, unless the recipient's agreement with the sub-recipient contains the same terms and conditions as described in sub-paragraph (7) below.

(7) Prior to entering into an agreement to furnish foreign assistance to any other foreign NGO, IO, or United States NGO, the recipient, consistent with Part 200 of Title 2 of the CFR, must ensure that such agreement with the sub-recipient includes the following terms:

(i) While receiving foreign assistance under this award,

(A) if the sub-recipient is a foreign NGO or IO, the sub-recipient will not, outside the United States (including its territories and possessions), promote discriminatory equity ideology, engage in unlawful DEI-related discrimination, or provide financial support to any other foreign NGO or IO that conducts such activities.

(B) if the sub-recipient is a United States NGO:

(*1*) The sub-recipient will not, outside the United States (including its territories and possessions), engage in unlawful DEI-related discrimination.

(*2*) The sub-recipient will not, within the scope of any program, project, or activity for which foreign assistance funds are made available under this award, promote discriminatory equity ideology or engage in unlawful DEI-related discrimination.

Subject to sub-paragraph (7)(i)(B)(*1*) above, the sub-recipient is not prohibited from lawfully promoting discriminatory equity ideology uses outside the scope of a program, project, or activity for which funds are made available under this award, so long as the sub-recipient funds from sources other than the U.S. Government to do so.

(*3*) The sub-recipient agrees that any program, project, or activity for which funds are made available under this award must be organized so that the program, project, or activity is physically and financially separate from the activities described in sub-paragraph (7)(i)(B)(*2*) above (''prohibited activities''), such that there is an objective integrity and independence from such activities. Mere bookkeeping separation of funds under the award from other monies is not sufficient. Whether such objective integrity and independence exist will be determined based on a review of facts and circumstances, including:

(*i*) The existence of separate, accurate accounting records;

(*ii*) The degree of separation from facilities (*e.g.,* treatment, consultation, examination and waiting rooms, office entrances and exits, and educational services) in which the prohibited activities occurs and the extent of such prohibited activities;

(*iii*) The existence of separate personnel, electronic or paper-based health care records (if applicable), and workstations; and

(*iv*) The extent to which signs and other forms of identification are present, and signs and material that refer to, promote, or constitute, prohibited activities, are absent.

(ii) The recipient and authorized representatives of the U.S. Government may, at any reasonable time, announced or unannounced, consistent with Part 200 of Title 2 of the CFR: (I) inspect the documents, trainings, and materials maintained or prepared by the sub-recipient in the usual or required course of its operations that describe the activities of the sub-recipient, including reports, brochures and service statistics; (II) observe activities conducted by the sub-recipient; (III) consult with personnel of the sub-recipient and those who receive the services of the sub-recipient; and, (IV) obtain a copy of audited financial statements or reports of the sub-recipient, as applicable.

(iii) In the event that the recipient or an authorized representative of the U.S. Government has reasonable cause to believe that a sub-recipient may have violated any of its undertakings under this award term, the recipient will review the foreign assistance program of the sub-recipient to determine whether a violation of such undertaking has occurred. The sub-recipient must make available to the recipient such books and records and other information as may be reasonably requested to conduct the review. Authorized representatives of the U.S. Government may review the foreign assistance program of the sub-recipient under these circumstances, and the sub-recipient must provide access on a timely basis to such authorized representatives to such books and records and other information upon request, consistent with Part 200 of Title 2 of the CFR. In such an event, during the process of investigating any suspected violation, the Department of State may additionally order the recipient to suspend or withhold some or all payments of foreign assistance to the sub-recipient.

(iv) The U.S. Government shall terminate foreign assistance provided to the sub-recipient under this award if the sub-recipient violates any award terms under sub-paragraphs (7)(i)–(iii) above, unless the Department of State determines, consistent with § 200.339 of Title 2 of the CFR, that other corrective action is warranted.

(v) In addition to other remedies available to the U.S. Government, the sub-recipient's failure to comply with the requirements of this award provision may result in—

(A) Suspension of payments until the sub-recipient has taken appropriate remedial action; and/or

(B) Suspension or debarment.

(vi) In the event of termination, the sub-recipient must refund to the recipient any unexpended amounts furnished to the sub-recipient under this award, plus an amount equivalent to that used by the sub-recipient for activities prohibited under the terms of this award, up to the total amount of foreign assistance furnished to the sub-recipient under this award. Where the Department of State is not otherwise engaged in the determination to terminate a sub-recipient's award, the recipient must notify the Department of State of any action taken for a violation of any undertaking required under sub-paragraphs (7)(i)–(iii) above.

(vii) The sub-recipient may furnish foreign assistance under this award to any foreign NGO, IO, or U.S. NGO, only if the sub-recipient's agreement with the sub-sub-recipient contains the same terms and conditions as those provided by the recipient to the sub-recipient as described in sub-paragraphs (7)(i)–(iv) above.

(8) Where the terms and conditions of the award require the approval of sub-awards by the Department of State, the recipient must, consistent with Part 200 of Title 2 of the CFR, include a description of the due diligence performed by the recipient on the sub-recipient before furnishing foreign assistance under this award.

(9) The recipient is liable to the U.S. Government for a refund for a violation by the sub-recipient of any requirement of this award term only if: (i) the recipient furnishes foreign assistance under this award to a subrecipient knowing that the subrecipient is in likely violation of the applicable award terms of this award term; (ii) the sub-recipient did not abide by the award terms required by sub-paragraphs (7)(i)–(iii) above, and the recipient failed to make reasonable due diligence efforts prior to furnishing foreign assistance to the sub-recipient; or, (iii) the recipient knows or has reason to know, by virtue of the monitoring that the recipient is required to perform under the terms of this award, that a sub-recipient has violated any of the award terms required by sub-paragraphs (7)(i)–(iii) above, and the recipient fails to terminate foreign assistance to the sub-recipient, or fails to require the sub-recipient to terminate foreign assistance furnished under a sub-award that violates any award terms required by sub-paragraphs (7)(i)–(iii), above, or fails to take other appropriate corrective action consistent with sub-paragraph (7)(iv) above.

(10) Recipient acknowledges that authorized representatives of the U.S. Government may make independent inquiries in the community served by the recipient or a sub-recipient under this award regarding whether it is in compliance with the award terms required by sub-paragraphs (7)(i)–(iii) above. Interaction with service recipients will comply with all applicable rules and regulations regarding privacy.

Christopher T. Landau,

Deputy Secretary of State, U.S. Department of State.

[FR Doc. 2026–01517 Filed 1–23–26; 4:15 pm]

BILLING CODE 4710–10–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2024–0163]

RIN 3150–AL20

Approval of American Society of Mechanical Engineers Unconditioned Code Cases

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of January 26, 2026, for the direct final rule that was published in the **Federal Register** on September 26, 2025. This direct final rule amended the regulations to incorporate by reference a regulatory guide that approved unconditioned code cases published by the American Society of Mechanical Engineers. This action allows nuclear power plant applicants and licensees to use the code cases as voluntary alternatives to engineering standards for nuclear power plant components.

DATES: The effective date of January 26, 2026, for the direct final rule published September 26, 2025 (90 FR 46319), is confirmed. The incorporation by reference of certain material listed in the regulation is approved by the Director of the Federal Register as of January 26, 2026.

ADDRESSES: Please refer to Docket ID NRC–2024–0163 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–2024–0163. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: *Helen.Chang@nrc.gov*. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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*. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nicole Fields, Office of Nuclear Material Safety and Safeguards, telephone: 630–829–9570, email: *Nicole.Fields@nrc.gov*; or Jay Collins, Office of Nuclear Reactor Regulation, telephone: 301–415–4038, email: *Jay.Collins@nrc.gov*. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On September 26, 2025 (90 FR 46319), the NRC published a direct final rule (DFR) amending its regulations in part 50 of title 10 of the *Code of Federal Regulations* to incorporate by reference a new regulatory guide 1.262 that approved certain code cases published by the American Society of Mechanical Engineers. In the DFR, the NRC stated that if no significant adverse comments were received, the DFR would become effective on January 26, 2026.

The NRC received and docketed four comment submissions on the companion proposed rule (90 FR 46360; September 26, 2025). Electronic copies of the comments can be obtained from the Federal rulemaking website *https://www.regulations.gov* under Docket ID NRC–2024–0163 and also are available in ADAMS under Accession Nos. ML25322A218, ML25322A219, ML25330A149, and ML25336A260. As explained in the September 26, 2025, DFR, the NRC would withdraw the DFR only if it received a significant adverse comment. A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, challenges its underlying premise or approach, or shows why it would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition; or

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule.

The NRC evaluated the comments against these criteria and determined that none of the comments submitted on the companion proposed rule are significant adverse comments. The public comments received on this action did not warrant any additions or changes to the DFR. The NRC is not making any changes to the rule; it is apparent that the rule is effective and acceptable as proposed, without the need for a change or addition. The comments did not raise a relevant issue that was not previously addressed or considered by the NRC, and the comments did not cause the NRC to either (1) reevaluate or reconsider its position or (2) conduct additional analyses. Therefore, the NRC did not receive any significant adverse comments, and this DFR will become effective as scheduled. However, the NRC is providing the following clarifications regarding its processes for approving code cases and overseeing their use.

The National Technology Transfer and Advancement Act (NTTAA) of 1995 instructs Federal agencies to consider using technical standards that are developed or adopted by voluntary consensus standard bodies, like the American Society of Mechanical Engineers (ASME). Further, under the NTTAA, Federal agencies participate with such bodies in the development of relevant technical standards. The NRC follows the NTTAA by assigning staff to participate in the ASME Code review and approval process for ASME code cases that could be incorporated by reference by rule. Through this process, the NRC staff reviews each code case for technical adequacy, inspection impact, applicability to plants, and other issues. The ASME Code process is performed to ensure each code case will provide rules of safety relating to pressure integrity, structural integrity of nuclear components, and the inservice

inspection of nuclear components; accordingly, this process addresses the same issues that would be considered in an NRC safety evaluation. As members of specific ASME Code committees, the NRC staff participate in technical reviews and vote to accept or reject each code case during the ASME Code process. As part of the development of a rule to approve the use of code cases, the NRC independently determines whether ASME code cases can be accepted with or without conditions.

Once code cases are approved for use with or without conditions, the NRC provides ongoing oversight of licensees' voluntary use of code cases. Although the flexibility provided to licensees to either adopt or to not adopt these optional code cases can lead to differences in implementation between reactor licensees, each reactor licensee is responsible for maintaining the records for its facility in accordance with 10 CFR 50.71, ''Maintenance of records, making of reports.'' The reactor oversight process (ROP) (*https://www.nrc.gov/reactors/operating/oversight/rop-description*) includes baseline NRC inspections for each reactor licensee and is designed to accommodate the different licensing bases of each reactor licensee. The reactor baseline inspection program is designed to focus on activities and systems that are risk significant, which could include licensee implementation of code cases.

II. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	Adams Accession No./web link/ Federal Register citation
Federal Register Notice, Direct Final Rule: ''Approval of American Society of Mechanical Engineers Unconditioned Code Cases,'' September 26, 2025.	90 FR 46319.
Federal Register Notice, Proposed Rule: ''Approval of American Society of Mechanical Engineers Unconditioned Code Cases,'' September 26, 2025.	90 FR 46360.
Comment (001) from Citizens Rulemaking Alliance on Approval of American Society of Mechanical Engineers Unconditioned Code Cases.	ML25322A218.
Comment (002) from Aron Shklar on Approval of American Society of Mechanical Engineers Unconditioned Code Cases.	ML25322A219.
Comment (003) from Anonymous on Approval of American Society of Mechanical Engineers Unconditioned Code Cases.	ML25330A149.
Comment (004) from Anonymous on Approval of American Society of Mechanical Engineers Unconditioned Code Cases.	ML25336A260.
Regulatory Guide 1.262, ''ASME Code Cases Approved for Use Without Conditions,'' Revision 0, July 2025.	ML25091A013.
Reactor Oversight Process (ROP) Framework	*https://www.nrc.gov/reactors/operating/oversight/rop-description*.

Dated: January 22, 2026.

For the Nuclear Regulatory Commission.

Krupskaya Castellon,

Acting Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2026–01494 Filed 1–26–26; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No. FAA–2023–0587; Special Conditions No. 33–030A–SC]

Special Conditions: Safran Electric & Power S.A. ENGINe™ US100 Series Electric Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions, amendment.

SUMMARY: This action amends the applicability of special conditions that were issued for the Safran Electric & Power S.A. Model ENGINe US100A1 electric engines. These engines have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards applicable to aircraft engines. The design feature is the use of an electric motor, motor controller, and high-voltage systems as the primary source of propulsion for an aircraft. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. This action amends the applicability of Special Conditions No. 33–23–01–SC, dated December 27, 2024, which contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards, to include the ENGINe US100 series electric engines.

DATES: Effective January 27, 2026.

FOR FURTHER INFORMATION CONTACT: Mark Bouyer, Engine & Propulsion Standards Section, AIR–625, Technical Policy Branch, Policy & Standards Division, Aircraft Certification Service, 1200 District Avenue, Burlington, Massachusetts 01803; telephone (781) 238–7755; *mark.bouyer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On November 27, 2020, Safran applied for FAA validation of their pending EASA type certificate application for the Model ENGINe US100A1 electric engine. The FAA published a Notice of Proposed Special Conditions for public comment in the **Federal Register** on March 20, 2024 (89 FR 19763). On December 27, 2024, the FAA issued Final Special Conditions No. 33–23–01–SC (89 FR 105432) for the US100A1 electric engine.

Safran subsequently amended its EASA application to include the models US100B1 and US100B2. Similarly, on January 15, 2025, Safran amended their FAA application to include the B1 and B2 on the requested type certificate for the ENGINe US100 electric engines. This amendment to the special conditions updates the applicability of Special Conditions No. 33–23–01–SC from Safran Electric & Power S.A. ''Model ENGINe US100A1 Electric Engines'' to ''ENGINe US100 Series Electric Engines''. The novel or unusual design of these additional models is adequately addressed by the requirements of Special Conditions No. 33–23–01–SC, and the requirements of these special conditions are substantively unchanged. However, the

FAA is amending the Special Conditions number for these final special conditions from Special Conditions No. 33–23–01–SC to Special Conditions No. 33–030A–SC.

Type Certification Basis

Under the provisions of 14 CFR 21.17(a)(1) Safran must show that ENGINe US100 series electric engines meet the applicable provisions of 14 CFR part 33 in effect on the date of application for a type certificate.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* part 33) do not contain adequate or appropriate safety standards for the Safran ENGINe US100 series electric engines because of a novel or unusual design feature, special conditions may be prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other engine model that incorporates the same novel or unusual design feature, these special conditions would also apply to the other engine model under § 21.101.

The FAA issues special conditions, as defined in § 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

In addition to the applicable airworthiness regulations and special conditions, the Safran ENGINe US100 series electric engines must comply with the noise certification requirements of 14 CFR part 36.

Novel or Unusual Design Feature

The Safran ENGINe US100 series electric engines will incorporate the following novel or unusual design feature:

An electric motor, motor controller, and high-voltage electrical systems that are used as the primary source of propulsion for an aircraft.

Discussion

Electric propulsion technology is substantially different from the technology used in previously certificated turbine and reciprocating engines. Therefore, these engines introduce new safety concerns that need to be addressed in the certification basis.

Safran's proposed aircraft engines will operate using electrical power instead of air and fuel combustion to propel the aircraft. They will be built with an electric motor, motor controller, and high voltage electrical systems that draw energy from electrical storage or electrical energy generating systems.

Safran's Proposed Electric Engines Require a Mix of Part 33 Standards and Special Conditions

Although the electric aircraft engines Safran proposes use novel or unusual design features that the FAA did not envisage during the development of its existing part 33 airworthiness standards, these engines share some basic similarities, in configuration and function, to engines that use the combustion of air and fuel, and therefore require similar provisions to prevent common hazards (*e.g.,* fire, uncontained high energy debris, and loss of thrust control). However, the primary failure concerns and the probability of exposure to these common hazards are different for the proposed Safran ENGINe™ US100 series electric engines. This creates a need to develop special conditions to ensure the engine's safety and reliability.

The requirements in part 33 ensure that the design and construction of aircraft engines, including the engine control systems, are proper for the type of aircraft engines considered for certification. However, part 33 does not fully address aircraft engines like the Safran Model ENGINe US100A1, which operates using electrical technology as the primary means of propelling the aircraft. This necessitates the development of special conditions that provide adequate airworthiness standards for these aircraft engines.

The requirements in part 33, subpart B, are applicable to reciprocating and turbine aircraft engines. Subparts C and D are applicable to reciprocating aircraft engines. Subparts E through G are applicable to turbine aircraft engines. As such, subparts B through G do not adequately address the use of aircraft engines that operate using electrical technology. Special conditions are needed to ensure a level of safety for electric engines that is commensurate with these subparts, as those regulatory requirements do not contain adequate or appropriate safety standards for electric aircraft engines that are used to propel aircraft.

FAA Special Conditions for the Safran Engine Design

Applicability: Special condition no. 1 requires Safran to comply with part 33, except for those airworthiness standards specifically and explicitly applicable only to reciprocating and turbine aircraft engines.

Engine Ratings and Operating Limitations: Special condition no. 2 in addition to compliance with § 33.7(a), requires Safran to establish engine operating limits related to the power, torque, speed, and duty cycles specific to Safran ENGINe US100 series electric engines. The duty or duty cycle is a statement of the load(s) to which the engine is subjected, including, if applicable, starting, no-load and rest, and de-energized periods, including their durations or cycles and sequence in time. This special condition also requires Safran to declare cooling fluid grade or specification, power supply requirements, and to establish any additional ratings that are necessary to define the Safran ENGINe US100 series electric engine capabilities required for safe operation of the engine.

Materials: Special condition no. 3 requires Safran to comply with § 33.15, which sets requirements for the suitability and durability of materials used in the engine, and which would otherwise be applicable only to reciprocating and turbine aircraft engines.

Fire Protection: Special condition no. 4 requires Safran to comply with § 33.17, which sets requirements to protect the engine and certain parts and components of the airplane against fire, and which would otherwise be applicable only to reciprocating and turbine aircraft engines. Additionally, this special condition requires Safran to ensure that the high-voltage electrical wiring interconnect systems that connect the controller to the motor are protected against arc faults. An arc fault is a high power discharge of electricity between two or more conductors. This discharge generates heat, which can break down the wire's insulation and trigger an electrical fire. Arc faults can range in power from a few amps up to thousands of amps and are highly variable in strength and duration.

Durability: Special condition no. 5 requires Safran to design and construct the engines to minimize the development of an unsafe condition between maintenance intervals, overhaul periods, and mandatory actions described in the ICA to comply with § 33.19. This condition also requires Safran to develop maintenance instructions and scheduling information.

Engine Cooling: Special condition no. 6 requires Safran to comply with

§ 33.21, which requires the engine design and construction to provide necessary cooling, and which would otherwise be applicable only to reciprocating and turbine aircraft engines. Additionally, this special condition requires Safran to document the cooling system monitoring features

and usage in the engine installation manual, in accordance with § 33.5, if cooling is required to satisfy the safety analysis described in proposed special condition no. 17. Loss of cooling to an aircraft engine that operates using electrical technology can result in rapid overheating and abrupt engine failure, with critical consequences to safety.

Engine Mounting Attachments and Structure: Special condition no. 7 requires Safran and the proposed design to comply with § 33.23, which requires the applicant to define, and the proposed design to withstand, certain load limits for the engine mounting attachments and related engine structure. These requirements would otherwise be applicable only to reciprocating and turbine aircraft engines.

Accessory Attachments: Special condition no. 8 requires the proposed design to comply with § 33.25, which sets certain design, operational, and maintenance requirements for the engine's accessory drive and mounting attachments, and which would otherwise be applicable only to reciprocating and turbine aircraft engines.

Rotor Overspeed: Special condition no. 9 requires Safran to comply with § 33.27 to establish by test, validated analysis, or a combination of both, that—

(a) the rotor overspeed must not result in a burst, rotor growth, or damage that results in a hazardous engine effect;

(b) rotors must possess sufficient strength margin to prevent burst; and

(c) operating limits must not be exceeded in service.

The special condition associated with rotor overspeed is necessary because of the differences between turbine engine technology and the technology of these electric engines. Turbine rotor speed is driven by expanding gas and aerodynamic loads on rotor blades. Therefore, the rotor speed or overspeed results from interactions between thermodynamic and aerodynamic engine properties. The speed of an electric engine is directly controlled by electric current and an electromagnetic field created by the controller. Consequently, electric engine rotor response to power demand and overspeed protection systems is quicker and more precise. Also, the failure modes that can lead to overspeed between turbine engines and electric engines are vastly different, and therefore this special condition is necessary.

Engine Control Systems: Special condition no. 10(b) requires Safran to comply with § 33.28 to ensure that these engines do not experience any unacceptable operating characteristics, such as unstable speed or torque control, or exceed any of their operating limitations.

The FAA originally issued § 33.28 at amendment 33–15 to address the evolution of the means of controlling the fuel supplied to the engine, from carburetors and hydro-mechanical controls to electronic control systems. These electronic control systems grew in complexity over the years, and as a result, the FAA amended § 33.28 at amendment 33–26 to address these increasing complexities. The controller that forms the controlling system for these electric engines is significantly simpler than the complex control systems used in modern turbine engines. The current regulations for engine control are inappropriate for electric engine control systems; therefore, the special condition no. 10(b) associated with controlling these engines is necessary.

Special condition no. 10(c) requires Safran to develop and verify the software and complex electronic hardware used in programmable logic devices, using proven methods that ensure that the devices can provide the accuracy, precision, functionality, and reliability commensurate with the hazard that is being mitigated by the logic. RTCA DO–254, ''Design Assurance Guidance for Airborne Electronic Hardware'' dated April 19, 2000, distinguishes between complex and simple electronic hardware.[1]

Special condition no. 10(d) requires data from assessments of all functional aspects of the control system to prevent errors that could exist in software programs that are not readily observable by inspection of the code. Also, Safran must use methods that will result in the expected quality that ensures the engine control system performs the intended functions throughout the declared operational envelope.

The environmental limits referred to in special condition no. 10(e) include temperature, vibration, high-intensity radiated fields (HIRF), and others addressed in RTCA DO–160G, ''Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments'', dated December 8, 2010, which includes RTCA DO–160G, Change 1—''Environmental Conditions and Test Procedures for Airborne Equipment,'' dated December 16, 2014 and DO–357, ''User Guide: Supplement to DO–160G,'' dated December 16, 2014.[2] Special condition 10(e) requires Safran to demonstrate by system or component tests in accordance with special condition no. 27 any environmental limits that cannot be adequately substantiated by the endurance demonstration, validated analysis, or combination thereof.

Special condition no. 10(f) requires Safran to evaluate various control system failures to ensure that such failures will not lead to unsafe engine conditions. The FAA issued advisory circular (AC), AC 33.28–3, ''Guidance Material for 14 CFR 33.28, Engine Control Systems'', on May 23, 2014 (AC 33.28–3), for reciprocating and turbine engines.[3] This AC provides guidance for defining an engine control system failure when showing compliance with the requirements of § 33.28. AC 33.28–3 also includes objectives for control system integrity requirements, criteria for a loss of thrust control (LOTC) and loss of power control (LOPC) event, and an acceptable LOTC/LOPC rate. The electrical and electronic failures and failure rates did not account for electric engines when the FAA issued this AC, and therefore performance-based special conditions are established to allow fault accommodation criteria to be developed for electric engines.

The phrase ''in the full-up configuration'' used in special condition no. 10(f)(2) refers to a system without any fault conditions present. The electronic control system must, when in the full-up configuration, be single fault-tolerant, as determined by the Administrator, for electrical, electrically detectable, and electronic failures involving LOPC events.

The term ''local'', in the context of ''local events'', used in special condition no. 10(f)(4) means failures or malfunctions, leading to events in the intended aircraft installation such as fire, overheat, or failures leading to damage to engine control system components. These ''local events'' must not result in a hazardous engine effect due to engine control system failures or malfunctions.

Special condition no. 10(g) requires Safran to conduct a safety assessment of the control system to support the safety analysis in special condition no. 17. This control system safety assessment provides engine response to failures, and rates of these failures that can be used at the aircraft-level safety assessment.

[1] *https://my.rtca.org/NC__Product?id=a1B36000001IcjTEAS.*

[2] *https://my.rtca.org/NC__Product?id=a1B36000001IcnSEAS.*

[3] *https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_33_28-3.pdf.*

Special condition no. 10(h) requires Safran to provide appropriate protection devices or systems to ensure that engine operating limits will not be exceeded in service.

Special condition no. 10(i) is necessary to ensure that the controllers are self-sufficient and isolated from other aircraft systems. The aircraft-supplied data supports the analysis at the aircraft level to protect the aircraft from common mode failures that could lead to major propulsion power loss. The exception, ''other than power command signals from the aircraft,'' noted in proposed special condition no. 10(i), is based on the FAA's determination that the engine controller has no reasonable means to determine the validity of any in-range signals from the electrical power system. In many cases, the engine control system can detect a faulty signal from the aircraft, but the engine control system typically accepts the power command signal as a valid value.

The term ''independent'' in the context of ''fully independent engine systems'' referenced in special condition no. 10(i) means the controllers should be self-sufficient and isolated from other aircraft systems or provide redundancy that enables the engine control system to accommodate aircraft data system failures. In the case of loss, interruption, or corruption of aircraft-supplied data, the engine must continue to function in a safe and acceptable manner without hazardous engine effects.

The term ''accommodated'', in the context of ''detected and accommodated,'' referenced in special condition 10(i)(2) is to assure that, upon detecting a fault, the system continues to function safely.

Special condition no. 10(j) requires Safran to show that the loss of electric power from the aircraft will not cause the electric engine to malfunction in a manner hazardous to the aircraft. The total loss of electric power to the electric engine may result in an engine shutdown.

Instrument Connection: Special condition no. 11 requires Safran to comply with § 33.29(a), (e), and (g), which set certain requirements for the connection and installation of instruments to monitor engine performance. The remaining requirements in § 33.29 apply only to technologies used in reciprocating and turbine aircraft engines.

Instrument connections (wires, wire insulation, potting, grounding, connector designs, etc.) must not introduce unsafe features or characteristics to the aircraft. Special condition no. 11 requires the safety analysis to include potential hazardous effects from failures of instrument connections to function properly. The outcome of this analysis might identify the need for design enhancements or additional ICA to ensure safety.

Stress Analysis: Section 33.62 requires applicants to perform a stress analysis on each turbine engine. This regulation is explicitly applicable only to turbine engines and turbine engine components, and it is not appropriate for the Safran ENGINe™ US100 series electric engines. However, a stress analysis particular to these electric engines is necessary to account for stresses resulting from electric technology used in the electric engine series.

Special condition no. 12 requires a mechanical, thermal, and electrical stress analysis to show that the engine has a sufficient design margin to prevent unacceptable operating characteristics. Also, the applicant must determine the maximum stresses in the engine by tests, validated analysis, or a combination thereof, and show that they do not exceed minimum material properties.

Critical and Life-Limited Parts: Special condition no. 13 requires Safran to show whether rotating or moving components, bearings, shafts, static parts, and non-redundant mount components should be classified, designed, manufactured, and managed throughout their service life as critical or life-limited parts.

The term ''low-cycle fatigue,'' referenced in special condition no. 13(a)(2), is a decline in material strength from exposure to cyclic stress at levels beyond the stress threshold that the material can sustain indefinitely. This threshold is known as the ''material endurance limit.'' Low-cycle fatigue typically causes a part to sustain plastic or permanent deformation during the cyclic loading and can lead to cracks, crack growth, and fracture. Engine parts that operate at high temperatures and high mechanical stresses simultaneously can experience low-cycle fatigue coupled with creep. Creep is the tendency of a metallic material to permanently move or deform when it is exposed to the extreme thermal conditions created by hot combustion gasses, and substantial physical loads such as high rotational speeds and maximum thrust. Conversely, high-cycle fatigue is caused by elastic deformation, small strains caused by alternating stress, and a much higher number of load cycles compared to the number of cycles that cause low-cycle fatigue.

The engineering plan referenced in special condition no. 13(b)(1) informs the manufacturing and service management processes of essential information that ensures the life limit of a part is valid. The engineering plan provides methods for verifying the characteristics and qualities assumed in the design data using methods that are suitable for the part criticality. The engineering plan informs the manufacturing process of the attributes that affect the life of the part. The engineering plan, manufacturing plan, and service management plan are related in that assumptions made in the engineering plan are linked to how a part is manufactured and how that part is maintained in service. For example, environmental effects on life limited electric engine parts, such as humidity, might not be consistent with the assumptions used to design the part. Safran must ensure that the engineering plan is complete, available, and acceptable to the Administrator.

The term ''manufacturing plan,'' referenced in special condition no. 13(b)(2), is the collection of data required to translate documented engineering design criteria into physical parts, and to verify that the parts comply with the properties established by the design data. Because engines are not intentionally tested to failure during a certification program, documents and processes used to execute production and quality systems required by § 21.137 guarantee inherent expectations for performance and durability. These systems limit the potential manufacturing outcomes to parts that are consistently produced within design constraints.

The manufacturing plan and service management plan ensure that essential information from the engineering plan, such as the design characteristics that safeguard the integrity of critical and life-limited parts, is consistently produced and preserved over the lifetime of those parts. The manufacturing plan includes special processes and production controls to prevent inclusion of manufacturing-induced anomalies, which can degrade the part's structural integrity. Examples of manufacturing-induced anomalies are material contamination, unacceptable grain growth, heat-affected areas, and residual stresses.

The service-management plan ensures the method and assumptions used in the engineering plan to determine the part's life remain valid by enabling corrections identified from in-service experience, such as service-induced anomalies and unforeseen environmental effects, to be incorporated into the design process.

The service-management plan also becomes the ICA for maintenance, overhaul, and repairs of the part.

Lubrication System: Special condition no. 14 requires Safran to ensure that the lubrication system is designed to function properly between scheduled maintenance intervals and to prevent contamination of the engine bearings. This condition also requires Safran to demonstrate the unique lubrication attributes and functional capability of the Safran ENGINe™ US100 series electric engine design.

The corresponding part 33 regulations include provisions for lubrication systems used in reciprocating and turbine engines. The part 33 requirements account for safety issues associated with specific reciprocating and turbine engine system configurations. These regulations are not appropriate for the Safran ENGINe™ US100 series electric engines. For example, electric engines do not have a crankcase or lubrication oil sump. Electric engine bearings are sealed, so they do not require an oil circulation system. The lubrication system in these engines is also independent of the propeller pitch control system. Therefore, special condition no. 14 incorporates only certain requirements from the part 33 regulations.

Power Response: Special condition no. 15 requires the design and construction of the Safran ENGINe™ US100 series electric engines to enable an increase from the minimum—

(1) power setting to the highest rated power without detrimental engine effects, and

(2) within a time interval appropriate for the intended aircraft application.

The engine control system governs the increase or decrease in power in combustion engines to prevent too much (or too little) fuel from being mixed with air before combustion. Due to the lag in rotor response time, improper fuel/air mixtures can result in engine surges, stalls, and exceedances above rated limits and durations. Failure of the combustion engine to provide thrust, maintain rotor speeds below rotor burst thresholds, and keep temperatures below limits can have engine effects detrimental to the aircraft. Similar detrimental effects are possible in the Safran ENGINe™ US100 series electric engines, but the causes are different. Electric engines with reduced power response time can experience insufficient thrust to the aircraft, shaft over-torque, and over-stressed rotating components, propellers, and critical propeller parts. Therefore, this special condition is necessary.

Continued Rotation: Special condition no. 16 requires Safran to design the ENGINe™ US100 series electric engines such that, if the main rotating systems continue to rotate after the engine is shut down while in-flight, this continued rotation will not result in any hazardous engine effects.

The main rotating system of the Safran ENGINe™ US100 series electric engines consists of the rotors, shafts, magnets, bearings, and wire windings that convert electrical energy to shaft torque. For the initial aircraft application, this rotating system must continue to rotate after the power source to the engine is shut down. The safety concerns associated with this special condition are substantial asymmetric aerodynamic drag that can cause aircraft instability, loss of control, and reduced efficiency; and may result in a forced landing or inability to continue safe flight.

Safety Analysis: Special condition no. 17 requires Safran to comply with § 33.75(a)(1) and (a)(2), which require the applicant to conduct a safety analysis of the engine, and which would otherwise be applicable only to turbine aircraft engines. Additionally, this special condition requires Safran to assess its engine design to determine the likely consequences of failures that can reasonably be expected to occur. The failure of such elements, and associated prescribed integrity requirements, must be stated in the safety analysis.

A primary failure mode is the manner in which a part is most likely going to fail. Engine parts that have a primary failure mode, a predictable life to the failure, and a failure consequence that results in a hazardous effect, are life-limited or critical parts. Some life-limited or critical engine parts can fail suddenly in their primary failure mode, from prolonged exposure to normal engine environments such as temperature, vibration, and stress, if those engine parts are not removed from service before the damage mechanisms progress to a failure. Due to the consequence of failure, these parts are not allowed to be managed by on-condition or probabilistic means because the probability of failure cannot be sensibly estimated in numerical terms. Therefore, the parts are managed by compliance with integrity requirements, such as mandatory maintenance (life limits, inspections, inspection techniques), to ensure the qualities, features, and other attributes that prevent the part from failing in its primary failure mode are preserved throughout its service life. For example, if the number of engine cycles to failure are predictable and can be associated with specific design characteristics, such as material properties, then the applicant can manage the engine part with life limits.

Complete or total power loss is not assumed to be a minor engine event, as it is in the turbine engine regulation § 33.75, to account for experience data showing a potential for higher hazard levels from power loss events in single-engine general aviation aircraft. The criteria in these special conditions apply to an engine that continues to operate at partial power after a single electrical or electronic fault or failure. Total loss of power is classified at the aircraft level using special condition nos. 10(g) and 33(h).

Ingestion: Special condition no. 18 requires Safran to ensure that these engines will not experience unacceptable power loss or hazardous engine effects from ingestion. The associated regulations for turbine engines, §§ 33.76, 33.77, and 33.78, are based on potential performance impacts and damage from birds, ice, rain, and hail being ingested into a turbine engine that has an inlet duct, which directs air into the engine for combustion, cooling, and thrust. By contrast, the Safran ENGINe™ US100 series electric engines are not configured with inlet ducts.

An ''unacceptable'' power loss, as used in special condition no. 18(b), is such that the power or thrust required for safe flight of the aircraft becomes unavailable to the pilot. The specific amount of power loss that is required for safe flight depends on the aircraft configuration, speed, altitude, attitude, atmospheric conditions, phase of flight, and other circumstances where the demand for thrust is critical to safe operation of the aircraft.

Liquid and Gas Systems: Special condition no. 19 requires Safran to ensure that systems used for lubrication or cooling of engine components are designed and constructed to function properly. Also, if a system is not self-contained, the interfaces to that system would be required to be defined in the engine installation manual. Systems for the lubrication or cooling of engine components can include heat exchangers, pumps, fluids, tubing, connectors, electronic devices, temperature sensors and pressure switches, fasteners and brackets, bypass valves, and metallic chip detectors. These systems allow the electric engine to perform at extreme speeds and temperatures for durations up to the maintenance intervals without exceeding temperature limits or predicted deterioration rates.

Vibration Demonstration: Special condition no. 20 requires Safran to ensure the engine—

(1) is designed and constructed to function throughout its normal operating range of rotor speeds and engine output power without inducing excessive stress caused by engine vibration, and

(2) design undergoes a vibration survey.

The vibration demonstration is a survey that characterizes the vibratory attributes of the engine. It verifies that the stresses from vibration do not impose excessive force or result in natural frequency responses on the aircraft structure. The vibration demonstration also ensures internal vibrations will not cause engine components to fail. Excessive vibration force occurs at magnitudes and forcing functions or frequencies, which may result in damage to the aircraft. Stress margins to failure add conservatism to the highest values predicted by analysis for additional protection from failure caused by influences beyond those quantified in the analysis. The result of the additional design margin is improved engine reliability that meets prescribed thresholds based on the failure classification. The amount of margin needed to achieve the prescribed reliability rates depends on an applicant's experience with a product. The FAA considers the reliability rates when deciding how much vibration is ''excessive.''

Overtorque: Special condition no. 21 requires Safran to demonstrate that the engine is capable of continued operation without the need for maintenance if it experiences a certain amount of overtorque.

Safran's electric engine converts electrical energy to shaft torque, which is used for propulsion. The electric motor, controller, and high-voltage systems control the engine torque. When the pilot commands power or thrust, the engine responds to the command and adjusts the shaft torque to meet the demand. During the transition from one power or thrust setting to another, a small delay, or latency, occurs in the engine response time. While the engine dwells in this time interval, it can continue to apply torque until the command to change the torque is applied by the engine control. The allowable amount of overtorque during operation depends on the engine's response to changes in the torque command throughout its operating range.

Calibration Assurance: Special condition no. 22 requires Safran to subject the engine to calibration tests, to establish its power characteristics and the conditions both before and after the endurance and durability demonstrations specified in proposed special condition nos. 23 and 26. The calibration test requirements specified in § 33.85 only apply to the endurance test specified in § 33.87, which is applicable only to turbine engines. The FAA determined that the methods used for accomplishing those tests for turbine engines are not appropriate for electric engines. The calibration tests in § 33.85 have provisions applicable to ratings that are not relevant to the Safran ENGINe™ US100 series electric engines. Special condition no. 22 allows Safran to demonstrate the endurance and durability of the electric engine either together or independently, whichever is most appropriate for the engine qualities being assessed. Consequently, the special condition applies the calibration requirement to both the endurance and durability tests.

Endurance Demonstration: Special condition no. 23 requires Safran to perform an endurance demonstration test that is acceptable to the Administrator. The Administrator will evaluate the extent to which the test exposes the engine to failures that could occur when the engine is operated at up to its rated values, and to determine if the test is sufficient to show that the engine design will not exhibit unacceptable effects in service, such as significant performance deterioration, operability restrictions, and engine power loss or instability, when it is run repetitively at rated limits and durations in conditions that represent extreme operating environments.

Temperature Limit: Special condition no. 24 requires Safran to ensure the engine can endure operation at its temperature limits plus an acceptable margin. An ''acceptable margin,'' as used in the special condition, is the amount of temperature above that required to prevent the least capable engine allowed by the type design, as determined by § 33.8, from failing due to temperature-related causes when operating at the most extreme engine and environmental thermal conditions.

Operation Demonstration: Special condition no. 25 requires the engine to demonstrate safe operating characteristics throughout its declared flight envelope and operating range. Engine operating characteristics define the range of functional and performance values the Safran ENGINe US100 series electric engines can achieve without incurring hazardous effects. The characteristics are requisite capabilities of the type design that qualify the engine for installation into aircraft and that determine aircraft installation requirements. The primary engine operating characteristics are assessed by the tests and demonstrations that would be required by these special conditions. Some of these characteristics are shaft output torque, rotor speed, power consumption, and engine thrust response. The engine performance data Safran will use to certify the engine must account for installation loads and effects. These are aircraft-level effects that could affect the engine characteristics that are measured when the engine is tested on a stand or in a test cell. These effects could result from elevated inlet cowl temperatures, aircraft maneuvers, flowstream distortion, and hard landings. For example, an engine that is run in a sea-level, static test facility could demonstrate more capability for some operating characteristics than it will have when operating on an aircraft in certain flight conditions. Discoveries like this during certification could affect proposed engine ratings and operating limits. Therefore, the installed performance defines the engine performance capabilities.

Durability Demonstration: Special condition no. 26 requires Safran to subject the engine to a durability demonstration. The durability demonstration must show that the engine is designed and constructed to minimize the development of any unsafe condition between maintenance intervals or between engine replacement intervals if maintenance or overhaul is not defined. The durability demonstration also verifies that the ICA is adequate to ensure the engine, in its fully deteriorated state, continues to generate rated power or thrust, while retaining operating margins and sufficient efficiency, to support the aircraft safety objectives. The amount of deterioration an engine can experience is restricted by operating limitations and managed by the engine ICA. Section 33.90 specifies how maintenance intervals are established; it does not include provisions for an engine replacement. Electric engines and turbine engines deteriorate differently; therefore, Safran will use different test effects to develop maintenance, overhaul, or engine replacement information for their electric engine.

System and Component Tests: Special condition no. 27 requires Safran to show that the systems and components of the engine perform their intended functions in all declared engine environments and operating conditions.

Sections 33.87 and 33.91, which are specifically applicable to turbine engines, have conditional criteria to

decide if additional tests will be required after the engine tests. The criteria are not suitable for electric engines. Part 33 associates the need for additional testing with the outcome of the § 33.87 endurance test because it is designed to address safety concerns in combustion engines. For example, § 33.91(b) requires the establishment of temperature limits for components that require temperature-controlling provisions, and § 33.91(a) requires additional testing of engine systems and components where the endurance test does not fully expose internal systems and components to thermal conditions that verify the desired operating limits. Exceeding temperature limits is a safety concern for electric engines. The FAA determined that the § 33.87 endurance test is not appropriate for testing the electronic components of electric engines because mechanical energy is generated differently by electronic systems than it is by the thermal conditions in turbine engines. Additional safety considerations also need to be addressed in the test. Therefore, special condition no. 27 is a performance-based requirement that allows Safran to determine when engine systems and component tests are necessary and to determine the appropriate limitations of those systems and components used in the Safran ENGINe US100 series electric engines.

Rotor Locking Demonstration: Special condition no. 28 requires the engine to demonstrate reliable rotor locking performance and that no hazardous effects will occur if the engine uses a rotor locking device to prevent shaft rotation.

Some engine designs enable the pilot to prevent a propeller shaft or main rotor shaft from turning while the engine is running, or the aircraft is in-flight. This capability is needed for some installations that require the pilot to confirm functionality of certain flight systems before takeoff. The Safran engine installations are not limited to aircraft that will not require rotor locking. Section 33.92 prescribes a test that may not include the appropriate criteria to demonstrate sufficient rotor locking capability for these engines. Therefore, this special condition is necessary.

The special condition does not define ''reliable'' rotor locking but allows Safran to classify the hazard as major or minor and assign the appropriate quantitative criteria that meet the safety objectives required by special condition no. 17 and the applicable portions of § 33.75.

Teardown Inspection: Special condition no. 29 requires Safran to perform a teardown or non-teardown evaluation after the endurance, durability, and overtorque demonstrations, based on the criteria in special condition no. 29(a) or (b).

Special condition no. 29(b) includes restrictive criteria for ''non-teardown evaluations'' to account for electric engines, sub-assemblies, and components that cannot be disassembled without destroying them. Some electrical and electronic components like Safran's are constructed in an integrated fashion that precludes the possibility of tearing them down without destroying them. The special condition indicates that, if a teardown cannot be performed in a non-destructive manner, then the inspection or replacement intervals must be established based on the endurance and durability demonstrations. The procedure for establishing maintenance should be agreed upon between the applicant and the FAA prior to running the relevant tests. Data from the endurance and durability tests may provide information that can be used to determine maintenance intervals and life limits for parts. However, if life limits are required, the lifing procedure is established by special condition no. 13, Critical and Life-Limited Parts, which corresponds to § 33.70. Therefore, the procedure used to determine which parts are life-limited, and how the life limits are established, requires FAA approval, as it does for § 33.70. Sections 33.55 and 33.93 do not contain similar requirements because reciprocating and turbine engines can be completely disassembled for inspection.

Containment: Special condition no. 30 requires the engine to have containment features that protect against likely hazards from rotating components unless Safran can show the margin to rotor burst does not justify the need for containment features. Rotating components in electric engines are typically disks, shafts, bearings, seals, orbiting magnetic components, and the assembled rotor core. However, if the margin to rotor burst does not unconditionally rule out the possibility of a rotor burst, then the special condition requires Safran to assume a rotor burst could occur and design the stator case to contain the failed rotors, and any components attached to the rotor that are released during the failure. In addition, Safran must also determine the effects of subsequent damage precipitated by a main rotor failure and characterize any fragments that are released forward or aft of the containment features. Further, decisions about whether the Safran engine requires containment features, and the effects of any subsequent damage following rotor burst, should be based on test or validated analysis. The fragment energy levels, trajectories, and size are typically documented in the installation manual because the aircraft will need to account for the effects of a rotor failure in the aircraft design. The intent of this special condition is to prevent hazardous engine effects from structural failure of rotating components and parts that are built into the rotor assembly.

General Conduct of Tests: Special condition no. 32 requires Safran to include scheduled maintenance in the engine ICA, include any maintenance, in addition to the scheduled maintenance that was needed during the test to satisfy the applicable test requirements, and conduct any additional tests that the Administrator finds necessary, as warranted by the test results.

For example, certification endurance test shortfalls might be caused by omitting some prescribed engine test conditions, or from accelerated deterioration of individual parts arising from the need to force the engine to operating conditions that drive the engine above the engine cycle values of the type design. If an engine part fails during a certification test, the entire engine might be subjected to penalty runs, with a replacement or newer part design installed on the engine, to meet the test requirements. Also, the maintenance performed to replace the part, so that the engine could complete the test, would be included in the engine ICA. In another example, if the applicant replaces a part before completing an engine certification test because of a test facility failure and can substantiate the part to the Administrator through bench testing, they might not need to substantiate the part design using penalty runs with the entire engine.

The term ''excessive'' is used to describe the frequency of unplanned engine maintenance, and the frequency of unplanned test stoppages, to address engine issues that prevent the engine from completing the tests in special condition nos. 32(b)(1) and (2), respectively. Excessive frequency is an objective assessment from the FAA's analysis of the amount of unplanned maintenance needed for an engine to complete a certification test. The FAA's assessment may include the reasons for the unplanned maintenance, such as the effects test facility equipment may have on the engine, the inability to simulate a realistic engine operating environment, and the extent to which an engine requires modifications to

complete a certification test. In some cases, the applicant may be able to show that unplanned maintenance has no effect on the certification test results, or they might be able to attribute the problem to the facility or test-enabling equipment that is not part of the type design. In these cases, the ICA will not be affected. However, if Safran cannot reconcile the amount of unplanned service, then the FAA may consider the unplanned maintenance required during the certification test to be ''excessive,'' prompting the need to add the unplanned maintenance to mandatory ICA to comply with the certification requirements.

Engine electrical systems: The current requirements in part 33 for electronic engine control systems were developed to maintain an equivalent level of safety demonstrated by engines that operate with hydromechanical engine control systems. At the time § 33.28 was codified, the only electrical systems used on turbine engines were low-voltage, electronic engine control systems (EEC) and the high-energy spark-ignition systems. Electric aircraft engines use high-voltage, high-current electrical systems and components that are physically located in the motor and motor controller. Therefore, the existing part 33 control system requirements do not adequately address all the electrical systems used in electric aircraft engines. Special condition no. 33 is established using the existing engine control systems requirement as a basis. It applies applicable airworthiness criteria from § 33.28, and it incorporates airworthiness criteria that recognize and focus on the electrical power system used in the engine.

Special condition no. 33(b) ensures that all aspects of an electrical system, including generation, distribution, and usage, do not experience any unacceptable operating characteristics.

Special condition no. 33(c) requires the electrical power distribution aspects of the electrical system to provide the safe transfer of electrical energy throughout the electric engine.

The term ''abnormal conditions'' used in special condition no. 33(c)(2) is intended to be consistent with the definitions in MIL–STD–704F ''Aircraft Electric Power Characteristics'' which defines normal operation and abnormal operation. MIL–STD–704F is a standard that ensures compatibility between power sources that provide power to the aircraft's electrical systems and airborne equipment that receive power from the power source. This standard also establishes technical criteria for aircraft electrical power. The term ''abnormal conditions'' refers to various engine operating conditions such as:

- System or component characteristics outside of normal statistical variation from circumstances such as systems degradation, installation error, and engine response to fault conditions;
- Unusual environmental conditions from extreme temperature, humidity, vibration, lightning, high-intensity radiated field (HIRF), atmospheric neutron radiation; and
- Unusual and infrequent events such as landing on icy runways, rejected take-offs or go-arounds, extended ground idling or taxiing in a hot environment, and abrupt load changes from foreign object damage or engine contamination.

The phrase ''safe transmission of electric energy'' used in special condition no. 33(c)(3) refers to the transmission of electrical energy in a manner that supports the operation of the electric engine(s) and the aircraft safety objectives without detrimental effects such as uncontrolled fire or structural failure due to severe overheating.

Special condition no. 33(d) requires the engine electrical system to be designed such that the loss, malfunction, or interruption of the electrical power source, or power conditions that exceed design limits, will not result in a hazardous engine effect.

Special condition no. 33(e) requires Safran to identify and declare, in the engine installation manual, the characteristics of any electrical power supplied from the aircraft to the engine, or electrical power supplied from the engine to the aircraft via energy regeneration, and any other characteristics necessary for safe operation of the engine.

Special condition no. 33(f) requires Safran to demonstrate that systems and components will operate properly up to environmental limits, using special conditions, when such limits cannot be adequately substantiated by the endurance demonstration, validated analysis, or a combination thereof. The environmental limits referred to in this proposed special condition include temperature, vibration, HIRF, and others addressed in RTCA DO–160G, ''Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments.''

Special condition 33(g) requires Safran to evaluate various electric engine system failures to ensure that these failures will not lead to unsafe engine conditions. The evaluation includes single-fault tolerance, ensures no single electrical or electronic fault or failure would result in hazardous engine effects, and ensures that any failure or malfunction leading to local events in the intended aircraft application do not result in certain hazardous engine effects. The special condition also implements integrity requirements, criteria for LOTC/LOPC events, and an acceptable LOTC/LOPC rate.

Special condition 33(h) requires Safran to conduct a safety assessment of the engine electrical system to support the safety analysis in special condition no. 17. This safety assessment provides engine response to failures, and rates of these failures that can be used at the aircraft safety assessment level.

The special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to Safran ENGINe US100 series electric engines. Should Safran apply at a later date for a change to the type certificate to include another model on the same type certificate incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only Safran Model ENGINe US100 series electric engines. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 33

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Safran ENGINe US100 series electric engines. The applicant must also comply with the certification procedures set forth in part 21.

(1) Applicability

(a) Unless otherwise noted in these special conditions, the engine design must comply with the airworthiness standards for aircraft engines set forth in part 33, except for those airworthiness

standards that are specifically and explicitly applicable only to reciprocating and turbine aircraft engines or as specified herein.

(b) The applicant must comply with this part using a means of compliance, which may include consensus standards, accepted by the Administrator.

(c) The applicant requesting acceptance of a means of compliance must provide the means of compliance to the FAA in a form and manner acceptable to the Administrator.

(2) Engine Ratings and Operating Limits

In addition to § 33.7(a), the engine ratings and operating limits must be established and included in the type certificate data sheet based on:

(a) Shaft power, torque, rotational speed, and temperature for:

(1) Rated takeoff power;

(2) Rated maximum continuous power; and

(3) Rated maximum temporary power and associated time limit.

(b) Duty cycle and the rating at that duty cycle. The duty cycle must be declared in the engine type certificate data sheet.

(c) Cooling fluid grade or specification.

(d) Power-supply requirements.

(e) Any other ratings or limitations that are necessary for the safe operation of the engine.

(3) Materials

The engine design must comply with § 33.15.

(4) Fire Protection

The engine design must comply with § 33.17(b) through (g). In addition—

(a) The design and construction of the engine and the materials used must minimize the probability of the occurrence and spread of fire during normal operation and failure conditions and must minimize the effect of such a fire.

(b) High-voltage electrical wiring interconnect systems must be protected against arc faults that can lead to hazardous engine effects as defined in special condition no. 17(d)(2) of these special conditions. Any non-protected electrical wiring interconnects must be analyzed to show that arc faults do not cause a hazardous engine effect.

(5) Durability

The engine design and construction must minimize the development of an unsafe condition of the engine between maintenance intervals, overhaul periods, or mandatory actions described in the applicable ICA.

(6) Engine Cooling

The engine design and construction must comply with § 33.21. In addition, if cooling is required to satisfy the safety analysis as described in special condition no. 17 of these special conditions, the cooling system monitoring features and usage must be documented and provided to the installer as part of the requirements in § 33.5.

(7) Engine Mounting Attachments and Structure

The engine mounting attachments and related engine structures must comply with § 33.23.

(8) Accessory Attachments

The engine must comply with § 33.25.

(9) Overspeed

(a) A rotor overspeed must not result in a burst, rotor growth, or damage that results in a hazardous engine effect, as defined in special condition no. 17(d)(2) of these special conditions. Compliance with this paragraph must be shown by test, validated analysis, or a combination of both. Applicable assumed rotor speeds must be declared and justified.

(b) Rotors must possess sufficient strength with a margin to burst above certified operating conditions and above failure conditions leading to rotor overspeed. The margin to burst must be shown by test, validated analysis, or a combination thereof.

(c) The engine must not exceed the rotor speed operational limitations that could affect rotor structural integrity.

(10) Engine Control Systems

(a) *Applicability.* The requirements of this special condition apply to any system or device that is part of the engine type design that controls, limits, monitors, or protects engine operation, and is necessary for the continued airworthiness of the engine.

(b) *Engine control.* The engine control system must ensure that the engine does not experience any unacceptable operating characteristics or exceed its operating limits, including in failure conditions where the fault or failure results in a change from one control mode to another, from one channel to another, or from the primary system to the back-up system, if applicable.

(c) *Design Assurance.* The software and complex electronic hardware, including programmable logic devices, must be—

(1) Designed and developed using a structured and systematic approach that provides a level of assurance for the logic commensurate with the hazard associated with the failure or malfunction of the systems in which the devices are located; and

(2) Substantiated by a verification methodology acceptable to the Administrator.

(d) *Validation.* All functional aspects of the control system must be substantiated by test, analysis, or a combination thereof, to show that the engine control system performs the intended functions throughout the declared operational envelope.

(e) *Environmental Limits.* Environmental limits that cannot be adequately substantiated by endurance demonstration, validated analysis, or a combination thereof must be demonstrated by the system and component tests in special condition no. 27 of these special conditions.

(f) *Engine control system failures.* The engine control system must—

(1) Have a maximum rate of loss of power control (LOPC) that is suitable for the intended aircraft application. The estimated LOPC rate must be documented and provided to the installer as part of the requirements in § 33.5;

(2) When in the full-up configuration, be single-fault tolerant, as determined by the Administrator, for electrical, electrically detectable, and electronic failures involving LOPC events;

(3) Not have any single failure that results in hazardous engine effects as defined in special condition no. 17(d)(2) of these special conditions; and

(4) Ensure failures or malfunctions that lead to local events in the aircraft do not result in hazardous engine effects, as defined in special condition no. 17(d)(2) of these special conditions, due to engine control system failures or malfunctions.

(g) *System safety assessment.* The applicant must perform a system safety assessment. This assessment must identify faults or failures that affect normal operation, together with the predicted frequency of occurrence of these faults or failures. The intended aircraft application must be taken into account to assure that the assessment of the engine control system's safety is valid. The rates of hazardous and major faults must be documented and provided to the installer as part of the requirements in § 33.5.

(h) *Protection systems.* The engine control devices and systems' design and function, together with engine instruments, operating instructions, and maintenance instructions, must ensure that engine operating limits that can lead to a hazard will not be exceeded in service.

(i) *Aircraft supplied data.* Any single failure leading to loss, interruption, or corruption of aircraft-supplied data (other than power-command signals from the aircraft), or aircraft-supplied data shared between engine systems within a single engine or between fully independent engine systems, must—

(1) Not result in a hazardous engine effect, as defined in special condition no. 17(d)(2) of these special conditions, for any engine installed on the aircraft; and

(2) Be able to be detected and accommodated by the control system.

(j) *Engine control system electrical power.*

(1) The engine control system must be designed such that the loss, malfunction, or interruption of the control system electrical power source will not result in a hazardous engine effect, unacceptable transmission of erroneous data, or continued engine operation in the absence of the control function. Hazardous engine effects are defined in special condition no. 17(d)(2) of these special conditions. The engine control system must be capable of resuming normal operation when aircraft-supplied power returns to within the declared limits.

(2) The applicant must identify, document, and provide to the installer as part of the requirements in § 33.5, the characteristics of any electrical power supplied from the aircraft to the engine control system, including transient and steady-state voltage limits, and any other characteristics necessary for safe operation of the engine.

(11) Instrument Connection

The applicant must comply with § 33.29(a), (e), and (g).

(a) In addition, as part of the system safety assessment of special condition nos. 10(g) and 33(h) of these special conditions, the applicant must assess the possibility and subsequent effect of incorrect fit of instruments, sensors, or connectors. Where practicable, the applicant must take design precautions to prevent incorrect configuration of the system.

(b) The applicant must provide instrumentation enabling the flight crew to monitor the functioning of the engine cooling system unless evidence shows that:

(1) Other existing instrumentation provides adequate warning of failure or impending failure;

(2) Failure of the cooling system would not lead to hazardous engine effects before detection; or

(3) The probability of failure of the cooling system is extremely remote.

(12) Stress Analysis

(a) A mechanical and thermal stress analysis, as well as an analysis of the stress caused by electromagnetic forces, must show a sufficient design margin to prevent unacceptable operating characteristics and hazardous engine effects as defined in special condition no. 17(d)(2) of these special conditions.

(b) Maximum stresses in the engine must be determined by test, validated analysis, or a combination thereof, and must be shown not to exceed minimum material properties.

(13) Critical and Life-Limited Parts

(a) The applicant must show, by a safety analysis or means acceptable to the Administrator, whether rotating or moving components, bearings, shafts, static parts, and non-redundant mount components should be classified, designed, manufactured, and managed throughout their service life as critical or life-limited parts.

(1) Critical part means a part that must meet prescribed integrity specifications to avoid its primary failure, which is likely to result in a hazardous engine effect as defined in special condition no. 17(d)(2) of these special conditions.

(2) Life-limited parts may include but are not limited to a rotor or major structural static part, the failure of which can result in a hazardous engine effect, as defined in special condition no. 17(d)(2) of these special conditions, due to a low-cycle fatigue (LCF) mechanism. A life limit is an operational limitation that specifies the maximum allowable number of flight cycles that a part can endure before the applicant must remove it from the engine.

(b) In establishing the integrity of each critical part or life-limited part, the applicant must provide to the Administrator the following three plans for approval:

(1) an engineering plan, as defined in § 33.70(a);

(2) a manufacturing plan, as defined in § 33.70(b); and

(3) a service-management plan, as defined in § 33.70(c).

(14) Lubrication System

(a) The lubrication system must be designed and constructed to function properly between scheduled maintenance intervals in all flight attitudes and atmospheric conditions in which the engine is expected to operate.

(b) The lubrication system must be designed to prevent contamination of the engine bearings and lubrication system components.

(c) The applicant must demonstrate by test, validated analysis, or a combination thereof, the unique lubrication attributes and functional capability of (a) and (b).

(15) Power Response

(a) The design and construction of the engine, including its control system, must enable an increase—

(1) From the minimum power setting to the highest rated power without detrimental engine effects;

(2) From the minimum obtainable power while in-flight and while on the ground to the highest rated power within a time interval determined to be appropriate for the intended aircraft application; and

(3) From the minimum torque to the highest rated torque without detrimental engine effects in the intended aircraft application.

(b) The results of (a)(1), (a)(2), and (a)(3) of this special condition must be documented and provided to the installer as part of the requirements in § 33.5.

(16) Continued Rotation

If the design allows any of the engine main rotating systems to continue to rotate after the engine is shut down while in-flight, this continued rotation must not result in any hazardous engine effects, as defined in special condition no. 17(d)(2) of these special conditions.

(17) Safety Analysis

(a) The applicant must comply with § 33.75(a)(1) and (a)(2) using the failure definitions in special condition no. 17(d) of these special conditions.

(b) The primary failure of certain single elements cannot be sensibly estimated in numerical terms. If the failure of such elements is likely to result in hazardous engine effects, then compliance may be shown by reliance on the prescribed integrity requirements of § 33.15 and special condition nos. 9 and 13 of these special conditions, as applicable. These instances must be stated in the safety analysis.

(c) The applicant must comply with § 33.75(d) and (e) using the failure definitions in special condition no. 17(d) of these special conditions, and the ICA in § 33.4.

(d) Unless otherwise approved by the Administrator, the following definitions apply to the engine effects when showing compliance with this condition:

(1) A minor engine effect does not prohibit the engine from performing its intended functions in a manner consistent with § 33.28(b)(1)(i), (b)(1)(iii), and (b)(1)(iv), and the engine

complies with the operability requirements of special condition no. 15 and special condition no. 25 of these special conditions, as appropriate.

(2) The engine effects in § 33.75(g)(2) are hazardous engine effects with the addition of:

(i) Electrocution of the crew, passengers, operators, maintainers, or others; and

(ii) Blockage of cooling systems that could cause the engine effects described in § 33.75(g)(2) and special condition 17(d)(2)(i) of these special conditions.

(3) Any other engine effect is a major engine effect.

(e) The intended aircraft application must be taken into account when performing the safety analysis.

(f) The results of the safety analysis, and the assumptions about the aircraft application used in the safety analysis, must be documented and provided to the installer as part of the requirements in § 33.5.

(18) Ingestion

(a) Rain, ice, and hail ingestion must not result in an abnormal operation such as shutdown, power loss, erratic operation, or power oscillations throughout the engine operating range.

(b) Ingestion from other likely sources (birds, induction system ice, foreign objects—ice slabs) must not result in hazardous engine effects defined by special condition no. 17(d)(2) of these special conditions, or unacceptable power loss.

(c) If the design of the engine relies on features, attachments, or systems that the installer may supply, for the prevention of unacceptable power loss or hazardous engine effects, as defined in special condition no. 17(d)(2) of these special conditions, following potential ingestion, then the features, attachments, or systems must be documented and provided to the installer as part of the requirements in § 33.5.

(19) Liquid and Gas Systems

(a) Each system used for lubrication or cooling of engine components must be designed and constructed to function properly in all flight attitudes and atmospheric conditions in which the engine is expected to operate.

(b) If a system used for lubrication or cooling of engine components is not self-contained, the interfaces to that system must be defined, documented, and provided to the installer as part of the requirements in § 33.5.

(c) The applicant must establish by test, validated analysis, or a combination of both that all static parts subject to significant pressure loads will not:

(1) Exhibit permanent distortion beyond serviceable limits, or exhibit leakage that could create a hazardous condition when subjected to normal and maximum working pressure with margin;

(2) Exhibit fracture or burst when subjected to the greater of maximum possible pressures with margin.

(d) Compliance with special condition no. 19(c) of these special conditions must take into account:

(1) The operating temperature of the part;

(2) Any other significant static loads in addition to pressure loads;

(3) Minimum properties representative of both the material and the processes used in the construction of the part; and

(4) Any adverse physical geometry conditions allowed by the type design, such as minimum material and minimum radii.

(e) Approved coolants and lubricants must be documented and provided to the installer as part of the requirements in § 33.5.

(20) Vibration Demonstration

(a) The engine must be designed and constructed to function throughout its normal operating range of rotor speeds and engine output power, including defined exceedances, without inducing excessive stress in any of the engine parts because of vibration and without imparting excessive vibration forces to the aircraft structure.

(b) Each engine design must undergo a vibration survey to establish that the vibration characteristics of those components subject to induced vibration are acceptable throughout the declared flight envelope and engine operating range for the specific installation configuration. The possible sources of the induced vibration that the survey must assess are mechanical, aerodynamic, acoustical, internally induced electromagnetic, installation induced effects that can affect the engine vibration characteristics, and likely environmental effects. This survey must be shown by test, validated analysis, or a combination thereof.

(21) Overtorque

When approval is sought for a transient maximum engine overtorque, the applicant must demonstrate by test, validated analysis, or a combination thereof, that the engine can continue operation after operating at the maximum engine overtorque condition without maintenance action. Upon conclusion of overtorque tests conducted to show compliance with this special condition, or any other tests that are conducted in combination with the overtorque test, each engine part or individual groups of components must meet the requirements of special condition no. 29 of these special conditions.

(22) Calibration Assurance

Each engine must be subjected to calibration tests to establish its power characteristics, and the conditions both before and after the endurance and durability demonstrations specified in special conditions nos. 23 and 26 of these special conditions.

(23) Endurance Demonstration

The applicant must subject the engine to an endurance demonstration, acceptable to the Administrator, to demonstrate the engine's limit capabilities. The endurance demonstration must include increases and decreases of the engine's power settings, energy regeneration, and dwellings at the power settings and energy regeneration for sufficient durations that produce the extreme physical conditions the engine experiences at rated performance levels, operational limits, and at any other conditions or power settings, including energy regeneration, which are required to verify the limit capabilities of the engine.

(24) Temperature Limit

The engine design must demonstrate its capability to endure operation at its temperature limits plus an acceptable margin. The applicant must quantify and justify the margin to the Administrator. The demonstration must be repeated for all declared duty cycles and ratings, and operating environments, which would impact temperature limits.

(25) Operation Demonstration

The engine design must demonstrate safe operating characteristics, including but not limited to power cycling, starting, acceleration, and overspeeding throughout its declared flight envelope and operating range. The declared engine operational characteristics must account for installation loads and effects.

(26) Durability Demonstration

The engine must be subjected to a durability demonstration to show that each part of the engine has been designed and constructed to minimize any unsafe condition of the system between overhaul periods, or between engine replacement intervals if the

overhaul is not defined. This test must simulate the conditions in which the engine is expected to operate in service, including typical start-stop cycles, to establish when the initial maintenance is required.

(27) System and Component Tests

The applicant must show that systems and components that cannot be adequately substantiated in accordance with the endurance demonstration or other demonstrations will perform their intended functions in all declared environmental and operating conditions.

(28) Rotor Locking Demonstration

If shaft rotation is prevented by locking the rotor(s), the engine must demonstrate:

(a) Reliable rotor locking performance;

(b) Reliable rotor unlocking performance; and

(c) That no hazardous engine effects, as specified in special condition no. 17(d)(2) of these special conditions, will occur.

(29) Teardown Inspection

(a) Teardown evaluation.

(1) After the endurance and durability demonstrations have been completed, the engine must be completely disassembled. Each engine component and lubricant must be eligible for continued operation in accordance with the information submitted for showing compliance with § 33.4.

(2) Each engine component, having an adjustment setting and a functioning characteristic that can be established independent of installation on or in the engine, must retain each setting and functioning characteristic within the established and recorded limits at the beginning of the endurance and durability demonstrations.

(b) Non-Teardown evaluation. If a teardown cannot be performed for all engine components in a non-destructive manner, then the inspection or replacement intervals for these components and lubricants must be established based on the endurance and durability demonstrations and must be documented in the ICA in accordance with § 33.4.

(30) Containment

The engine must be designed and constructed to protect against likely hazards from rotating components as follows—

(a) The design of the stator case surrounding rotating components must provide for the containment of the rotating components in the event of failure, unless the applicant shows that the margin to rotor burst precludes the possibility of a rotor burst.

(b) If the margin to burst shows that the stator case must have containment features in the event of failure, then the stator case must provide for the containment of the failed rotating components. The applicant must define by test, validated analysis, or a combination thereof, and document and provide to the installer as part of the requirements in § 33.5, the energy level, trajectory, and size of fragments released from damage caused by the main-rotor failure, and that pass forward or aft of the surrounding stator case.

(31) [RESERVED]

(32) General Conduct of Tests

(a) Maintenance of the engine may be made during the tests in accordance with the service and maintenance instructions submitted in compliance with § 33.4.

(b) The applicant must subject the engine or its parts to any additional tests that the Administrator finds necessary if—

(1) The frequency of engine service is excessive;

(2) The number of stops due to engine malfunction is excessive;

(3) Major engine repairs are needed; or

(4) Replacement of an engine part is found necessary during the tests, or due to the teardown inspection findings.

(c) Upon completion of all demonstrations and testing specified in these special conditions, the engine and its components must be—

(1) Within serviceable limits;

(2) Safe for continued operation; and

(3) Capable of operating at declared ratings while remaining within limits.

(33) Engine Electrical Systems

(a) *Applicability.* Any system or device that provides, uses, conditions, or distributes electrical power, and is part of the engine type design, must provide for the continued airworthiness of the engine, and must maintain electric engine ratings.

(b) *Electrical systems.* The electrical system must ensure the safe generation and transmission of power, and electrical load shedding if load shedding is required, and that the engine does not experience any unacceptable operating characteristics or exceed its operating limits.

(c) *Electrical power distribution.*

(1) The engine electrical power distribution system must be designed to provide the safe transfer of electrical energy throughout the powerplant. The system must be designed to provide electrical power so that the loss, malfunction, or interruption of the electrical power source will not result in a hazardous engine effect, as defined in special condition no. 17(d)(2) of these special conditions.

(2) The system must be designed and maintained to withstand normal and abnormal conditions during all ground and flight operations.

(3) The system must provide mechanical or automatic means of isolating a faulted electrical energy generation or storage device from leading to hazardous engine effects, as defined in special condition no. 17(d)(2) of these special conditions, or detrimental effects in the intended aircraft application.

(d) *Protection systems.* The engine electrical system must be designed such that the loss, malfunction, interruption of the electrical power source, or power conditions that exceed design limits, will not result in a hazardous engine effect, as defined in special condition no. 17(d)(2) of these special conditions.

(e) *Electrical power characteristics.* The applicant must identify, declare, document, and provide to the installer as part of the requirements in § 33.5, the characteristics of any electrical power supplied from—

(1) the aircraft to the engine electrical system, for starting and operating the engine, including transient and steady-state voltage limits, and

(2) the engine to the aircraft via energy regeneration, and any other characteristics necessary for safe operation of the engine.

(f) *Environmental limits.* Environmental limits that cannot adequately be substantiated by endurance demonstration, validated analysis, or a combination thereof must be demonstrated by the system and component tests in special condition no. 27 of these special conditions.

(g) *Electrical system failures.* The engine electrical system must—

(1) Have a maximum rate of LOPC that is suitable for the intended aircraft application;

(2) When in the full-up configuration, be single-fault tolerant, as determined by the Administrator, for electrical, electrically detectable, and electronic failures involving LOPC events;

(3) Not have any single failure that results in hazardous engine effects; and

(4) Ensure failures or malfunctions that lead to local events in the intended aircraft application do not result in hazardous engine effects, as defined in special condition no. 17(d)(2) of these special conditions, due to electrical system failures or malfunctions.

(h) *System safety assessment.* The applicant must perform a system safety assessment. This assessment must identify faults or failures that affect normal operation, together with the predicted frequency of occurrence of these faults or failures. The intended aircraft application must be taken into account to assure the assessment of the engine system safety is valid. The rates of hazardous and major faults must be declared, documented, and provided to the installer as part of the requirements in § 33.5.

Issued in in Kansas City, Missouri, on January 22, 2026.

Patrick R. Mullen,

Manager, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service.

[FR Doc. 2026–01642 Filed 1–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 816

[Docket ID: OSM–2025–0025 S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

RIN 1029–AD03

Backfilling and Grading

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Direct final rule; delay of effective date.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is delaying the effective date of the direct final rule ''Backfilling and Grading,'' published on November 28, 2025. The direct final rule rescinded a regulation that prescribed time and distance performance standards for the completion of rough backfilling and grading for surface mining operations, which was suspended by the Secretary of the Interior in 1992 but never removed from the Code of Federal Regulations. During the comment period, OSM received comments that require further review and consideration to determine whether they are significant adverse comments warranting a response, withdrawal, or modification of the final rule.

DATES: As of January 27, 2026, the effective date of the direct final rule published November 28, 2025, at 90 FR 54573 is delayed until March 30, 2026.

FOR FURTHER INFORMATION CONTACT: James Tyree, Chief, Division of Regulatory Support, (202) 208–4479, *jtyree@osmre.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The direct final rule published at 90 FR 54573 included a 30-day public comment period that ended on December 29, 2025. The effective date of the direct final rule was January 27, 2026.

As explained in the direct final rule, the inoperative regulation intended to be removed in this rulemaking was, after a series of rule promulgations and lawsuits, suspended in 1992. 30 CFR 816.101 has not had any legal effect since 1992 but remained in the Code of Federal Regulations because OSM never completed the necessary steps to remove the language.

The Department and OSM maintain the position that it is confusing to allow inoperative provisions to remain in the Federal regulations. However, at the close of the comment period, OSM received several comments on the direct final rule that may be considered significant adverse comments. OSM has determined that the effective date of the direct final rule should be delayed by 60 days to allow it additional time to review and consider whether one or more of the comments received on the direct final rule are significant adverse comments warranting a response, withdrawal, or modification of the final rule.

Lanny E. Erdos,

Acting Assistant Secretary, Land and Minerals Management.

[FR Doc. 2026–01569 Filed 1–26–26; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 816 and 817

[Docket No. OSM–2025–0010; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

RIN 1029–AC92

Rescission of Portions of Permanent Program Performance Standards Related to Siltation Structures

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is confirming the effective date of January 27, 2026, for the direct final rule ''Rescission of Portions of Permanent Program Performance Standards Related to Siltation Structures,'' published on November 28, 2025. The direct final rule removes paragraphs that required that all surface drainage from the disturbed area pass through a siltation structure before leaving the permit area. These provisions were struck down by a reviewing court in 1985 and have no legal effect but were never removed from the Code of Federal Regulations. During the comment period, OSM received one substantive comment. That comment was not a significant adverse comment because it did not effectively challenge the rule's underlying premise or approach or explain why the rule would be inappropriate without a change. As a result, the comment does not warrant a delay of the effective date.

DATES: The effective date of the rule is January 27, 2026.

FOR FURTHER INFORMATION CONTACT: James Tyree, Division of Regulatory Support, (202) 208–4479, *jtyree@osmre.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The direct final rule published at 90 FR 54575 will become effective on January 27, 2026. OSM received one substantive comment on the direct final rule during the comment period, but that comment was not a significant adverse comment and

does not warrant withdrawal or the issuance of a new final rule because the commenter misunderstands the effect of the rule and OSM's rationale for pursuing this revision through a direct final rule.

The commenter first argues that the removal of 30 CFR 816.46(b)(2) and 817.46(b)(2) are not appropriate through a direct final rule because the provisions relate to the prevention of damage to the hydrologic balance outside the permit area and that any OSM rule related to water quality is controversial due to concerns about water quality degradation from coal mines. However, this comment misunderstands the reason OSM is removing these provisions. Despite defending these provisions in court, the United States District Court for the District of Columbia remanded these provisions to OSM on July 15, 1985, because the court found OSM's rationale for these provisions flawed, and OSM later suspended them. These provisions have been suspended for forty years and removing them from the Code of Federal Regulations now will have no effect on whether or not siltation structures are required on surface coal mining and reclamation operations because these provisions are not enforceable and have no legal effect.

The commenter noted that the court in the *In Re Permanent Surface Mining Regulation Litigation* case did not determine that the Secretary lacked authority to determine what technology or technologies constituted the best technology currently available and argue that, because OSM does not lack authority to determine what technology constituted the best technology currently available, OSM should not remove the inoperative language without conducting notice and comment rulemaking. While it is true that OSM is not prohibited from conducting a rulemaking on this topic, the language to be removed in this direct final rule has been inoperative for 40 years. With this direct final rule, OSM is not proposing a change to the regulations in effect, it is merely removing language that has no application and could be confusing to someone without deep familiarity with the history of the SMCRA implementing regulations and esoteric procedures related to the Code of Federal Regulations. Removing inoperative language will not impact the current requirements of SMCRA, the Federal regulations, or impact water quality on or near surface coal mines.

Finally, the commenter alleged that removal of language vacated by a court through a direct final rule is not appropriate because it does not make notice and comment under 5 U.S.C. 553 ''impracticable, unnecessary, or contrary to the public interest.'' OSM disagrees. Certainly, if OSM were to propose new language to address the court's concerns, notice and comment rulemaking would be necessary. However, here, the provision cannot be enforced, has been suspended for forty years, and is merely being removed to avoid confusion. To invite comment on the deletion of language invalidated by a court forty years ago would be a waste of the public's time.

After considering this comment, OSM has determined that it is not a significant adverse comment and does not warrant delaying the effective date of this final rule.

Lanny E. Erdos,

Acting Assistant Secretary, Land and Minerals Management.

[FR Doc. 2026–01570 Filed 1–26–26; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 817

[Docket No. OSM–2025–0009; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

RIN 1029–AC91

Rescission of Portions of Permanent Program Performance Standards Regulating Subsidence Controls for Underground Mines

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is confirming the effective date of January 27, 2026, for the direct final rule ''Rescission of Portions of Permanent Program Performance Standards Regulating Subsidence Controls for Underground Mines,'' published on November 28, 2025. The direct final rule lifts the suspension of the regulatory provision and revises the Federal regulations to remove paragraphs related to establishing a rebuttable presumption of causation for damage to any non-commercial building or occupied residential dwelling or structure related thereto that occurs as a result of earth movement within an area determined by projecting a specified angle of draw from the outermost boundary of any underground mine workings to the surface of the land. During the comment period, OSM received one substantive comment. That comment was not a significant adverse comment because it did not effectively challenge the rule's underlying premise or approach or explain why the rule would be inappropriate without a change. As a result, the comment does not warrant a delay of the effective date.

DATES: The effective date of the rule published November 28, 2025, at 90 FR 54577 is confirmed as January 27, 2026.

FOR FURTHER INFORMATION CONTACT: James Tyree, Division of Regulatory Support, (202) 208–4479, *jtyree@osmre.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The direct final rule published at 90 FR 54577 will become effective on January 27, 2026.

Over 25 years ago, the provisions identified in the direct final rule were struck down on judicial review because the court found that OSM failed to provide adequate support to justify its presumption that damage was the result of mining within the angle of draw. *Nat'l Mining Ass'n* v. *Babbitt,* 172 F.3d 906, 912 (1999). In response to the court's holding, OSMRE suspended these provisions on December 22, 1999, but did not remove the language from the Code of Federal Regulations. 64 FR 71652, 71653 (Dec. 22, 1999). As noted in the November 28, 2025, direct final rule and request for comments, OSMRE determined that the suspension should be lifted and paragraphs (c)(4)(i) through (c)(4)(iv) of 30 CFR 817.121 should be rescinded because they were vacated by court order in 1999 and it is confusing to allow these inoperative provisions to remain in the Federal regulations.

At the close of the comment period, OSM received one comment on this rule expressing opposition to the elimination of the suspended language without notice and comment rulemaking. The commenter argued that deleting the language creating a rebuttable presumption of causation for damage to any non-commercial building or occupied dwelling or structure would be controversial because the result would be to add to the evidentiary burden of a citizen seeking redress for damage occurring near an underground

coal mine. But this argument is flawed and relies on a misunderstanding of the facts. Despite defending this provision in court, a judge found that OSM failed to provide adequate support to justify its presumption that damage was the result of mining within the angle of draw and remanded this provision to OSM. OSM then suspended this provision on December 22, 1999. This provision has been suspended for more than 25 years and removing it from the Code of Federal Regulations now would have no effect on the evidentiary burden of a citizen seeking redress for damage occurring near an underground coal mine because the provision is not enforceable and has no legal effect.

The commenter next alleged that because OSM has the authority to create a rebuttable presumption of causation, that OSM should not be allowed to remove the inoperative language without conducting notice and comment rulemaking. While it is true that OSM could conduct a new rulemaking on this topic, the language to be removed in this direct final rule is inoperative and has been so for more than 25 years. With this direct final rule, OSM is not proposing a change to the regulations in effect or foreclosing a rulemaking on this topic in the future, but is merely removing language that has no application and could be confusing to someone without deep familiarity with the history of the SMCRA implementing regulations and esoteric procedures related to the Code of Federal Regulations. Removing inoperative language will not have any impact on the current requirements of SMCRA, the Federal regulations, or on the evidentiary burden of a citizen seeking redress for damages occurring near an underground coal mine.

Finally, the commenter alleged that removal of language vacated by a court through a direct final rule is not appropriate because it does not make notice and comment under 5 U.S.C. 553 ''impracticable, unnecessary, or contrary to the public interest.'' OSM disagrees. Certainly, if OSM were to propose new language to address the court's concerns, notice and comment rulemaking would be necessary. However, here, the provision cannot be enforced, has been suspended for more than 25 years, and is merely being removed to avoid confusion. To invite comment on the deletion of language invalidated by a judge more than 25 years ago would be a waste of the public's time.

After careful consideration of this comment, OSM has determined it is not a significant adverse comment and does not warrant delaying the effective date of this final rule.

Thomas D. Shope,

Acting Deputy Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 2026–01622 Filed 1–26–26; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 874

[Docket No. OSM–2025–0015; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

RIN 1029–AC99

General Reclamation Requirements

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Direct final rule; delay of effective date.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is delaying the effective date of the direct final rule ''General Reclamation Requirements,'' published on November 28, 2025. The direct final rule revised the Federal regulations to rescind language requiring compliance with the regulations when funding reclamation projects with prior balance replacement funds, which are moneys from the United States Treasury's General Fund that replaced State or Tribal share funds that were allocated before October 1, 2007, but never appropriated by Congress. During the comment period, OSM received comments that require further review and consideration to determine whether they are significant adverse comments warranting a response, withdrawal, or modification of the final rule.

DATES: As of January 27, 2026, the effective date of the direct final rule published November 28, 2025, at 90 FR 54582 is delayed until March 30, 2026.

FOR FURTHER INFORMATION CONTACT: James Tyree, Chief, Division of Regulatory Support, (202) 208–4479, *jtyree@osmre.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The direct final rule published at 90 FR 54582 included a 30-day public comment period that ended on December 29, 2025. The effective date of the direct final rule was January 27, 2026.

As explained in the direct final rule, the Federal regulations at 30 CFR 874.11 clarify that States and Tribes must comply with 30 CFR part 874 when funding reclamation projects with prior balance replacement funds, which are moneys from the United States Treasury's General Fund that replaced State or Tribal share funds that were allocated before October 1, 2007, but never appropriated by Congress. As amended in 2006, section 411(h)(1) of the Surface Mining Control and Reclamation Act of 1977 required OSM to distribute prior balance replacement funds to eligible States and Tribes for 7 years, beginning October 1, 2008. As the distribution of prior balance replacement funds is complete, the Department of the Interior (Department) and OSM concluded that existing 30 CFR 874.11(b) should be rescinded because it is obsolete.

The Department and OSM maintain this position. However, at the close of the comment period for the direct final rule, OSM received several comments that may be significant adverse comments. OSM has determined that the effective date of the direct final rule should be delayed by 60 days to allow it additional time to review and consider whether one or more of the comments received on the direct final rule are significant adverse comments warranting a response, withdrawal, or modification of the final rule. OSM recognizes that other direct final rules published on November 24 and 28, 2025, may also be impacted by these comments. During its review, OSM will consider what impact, if any, these comments have on those direct final rules and take appropriate action, as necessary.

Lanny E. Erdos,

Acting Assistant Secretary, Land and Minerals Management.

[FR Doc. 2026–01566 Filed 1–26–26; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 224

[Docket No. FRA–2021–0080, Notice No. 2]

RIN 2130–AC77

Reflectorization of Rail Freight Rolling Stock; Codifying Existing Waivers

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule amends the standards for Reflectorization of Rail Freight Rolling Stock (Reflectorization Standards or Part 224) to codify waivers and remove the outdated implementation schedule. The changes are expected to enhance safety, promote innovation, clarify existing requirements, and reduce unnecessary paperwork burdens. The amendments are consistent with the mandate of the Infrastructure Investment and Jobs Act (IIJA), which requires FRA to review and analyze certain longstanding waivers to determine whether incorporating the waivers into FRA's regulations is justified.

DATES: This final rule is effective January 27, 2026.

ADDRESSES: *Docket:* For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Check Kam, Mechanical Engineer, Office of Railroad Safety, at telephone: (202) 366–2139 or email: *check.kam@dot.gov*; or Michael Masci, Senior Attorney, Office of the Chief Counsel, at telephone: (202) 493–6037 or email: *michael.masci@dot.gov*.

SUPPLEMENTARY INFORMATION:

Abbreviations and Terms Used in This Document

AAR—Association of American Railroads
ASLRRA—American Short Line and Regional Railroad Association
CFR—Code of Federal Regulations
DOT—U.S. Department of Transportation
EA—Environmental Assessment
EIS—Environmental Impact Statement
FR—Federal Register
FRA—Federal Railroad Administration
GS—General Schedule
IIJA—Infrastructure Investment and Jobs Act (Pub. L. 117–58)
IRFA—Initial Regulatory Flexibility Analysis
LED—Light-Emitting Diode
MOW—Maintenance of Way
NEPA—National Environmental Policy Act
NPRM—Notice of Proposed Rulemaking
OMB—Office of Management and Budget
PRA—The Paperwork Reduction Act
RFI—Request for Information
RIT—Run-Into-Train
RRA—Running Repair Agent
RSI—Railway Supply Institute
S–916—AAR's Standard S–916; Retroreflective Comparator Panel Requirements
SCABT—Single Car Air Brake Test
STB—Surface Transportation Board
THEERP—Tourist, Historic, Excursion, Educational, Recreational, or Private
TTI—Texas A&M Transportation Institute
UMLER—Universal Machine Language Equipment Register
U.S.C.—United States Code

Table of Contents for Supplementary Information

I. Executive Summary

Purpose of the Regulatory Action

Consistent with E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Feb. 6, 2025), and E.O. 14219, Ensuring Lawful Governance and Implementing the President's ''Department of Government Efficiency'' Deregulatory Initiative (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR). This final rule is based on FRA's review of the Reflectorization Standards in part 224. This rule is expected to enhance safety, promote innovation, reduce unnecessary costs, and clarify existing requirements.

This rule also responds to the mandate of section 22411 of IIJA (Pub. L. 117–58), codified at 49 U.S.C. 20103(d)(4), which requires the Secretary to review and analyze existing waivers issued under 49 U.S.C. 20103 that have been in continuous effect for a 6-year period to determine whether issuing a rule implementing the waiver provisions is in the public interest and consistent with railroad safety. After conducting the appropriate analysis, if the Secretary concludes that it would be in the public interest and consistent with railroad safety to initiate a rulemaking to incorporate into the regulations the relevant aspects of the waivers analyzed, section 22411 specifically authorizes the Secretary to initiate such a rulemaking.

Summary of the Regulatory Action

Part 224, Reflectorization of Rail Freight Rolling Stock (Reflectorization Standards or Part 224) contains minimum safety requirements to help motor vehicle operators see rail freight rolling stock at night and under conditions of poor visibility. Part 224 was designed to reduce the number and severity of highway-rail grade crossing accidents and deaths, injuries, and property damage resulting from those accidents. Generally, FRA has provided two types of relief, in the form of waivers, from part 224's requirements: (1) relief to THEERP operations; [1] and (2) relief to allow the use of a performance-based method (comparator panels) to determine when to replace reflectorization sheeting.[2]

On July 21, 2022, FRA issued an NPRM proposing to codify those

[1] A list of active waivers FRA has issued to THEERP operations is available in the docket. For an example, see Docket No. FRA–2019–0047.

[2] Docket No. FRA–2015–0105, Document No. 1 (available at *https://www.regulations.gov/document/FRA-2015-0105-0001*).

waivers.[3] As explained in the NPRM, FRA proposed to codify the waivers for two reasons, First, freight rolling stock used exclusively for THEERP purposes do not typically travel over low visibility highway-rail grade crossings at nighttime. Second, allowing for performance-based methods of reflectorization evaluation and replacement is a more reliable and accurate way to evaluate the effectiveness of the retroreflectivity of the required sheeting than part 224's current 10-year default replacement cycle. Codifying these waivers is expected to enhance safety (*i.e.,* by ensuring retroreflective sheeting is replaced when it is no longer effective), promote innovation, and reduce unnecessary paperwork burdens for both industry and FRA by eliminating the need to continue to use the waiver process for relief. Codifying these waivers will also provide the railroad industry with regulatory certainty as to the applicability of part 224 to equipment used for THEERP purposes.

In addition, FRA proposed to remove § 224.107, which has become outdated. Section 224.107 requires the locomotive fleet population to be fully equipped with part 224 compliant retroreflective sheeting by November 28, 2010, and the freight car fleet to be compliant by November 28, 2015.[4] FRA proposed to remove this section because the implementation dates have passed and are no longer necessary to have in the regulation.

Two comments to the NPRM were submitted by AAR and the Railway Supply Institute (RSI).[5] As discussed in more detail below, the comments generally supported the proposal in the NPRM with some suggested revisions. In addition, in response to DOT's April 3, 2025 request for information (RFI) related to reducing regulatory burdens,[6] AAR commented that FRA should finalize the NPRM and reiterated the revisions AAR requested in their comment to the NPRM.[7]

FRA reviewed the comments, and in response as described in more detail below, has clarified the inspection process for properly trained and experienced inspectors and to allow additional flexibility to conduct inspections in limited space. No other changes to the proposed rule text are provided in this final rule.

This final rule is effective immediately, consistent with 5 U.S.C. 553(d)(1), as it is ''a substantive rule which grants or recognizes an exemption or relieves a restriction.''

Costs and Benefits of the Regulatory Action

This rule eliminates the need for railroads to submit waiver petitions (and repeated extensions of those waivers approximately every 5 years) from part 224 for certain older railroad equipment used in THEERP operations and eliminates the Federal Government's need to review and approve the waiver petitions and extension requests. In addition, the rule allows railroads and private car owners to replace retroreflective sheeting based on performance, instead of time, thus increasing efficient use of resources and reducing environmental waste from discarding retroreflective sheeting prior to the end of its useful life. FRA estimates there will be minor costs for purchasing and recalibration of the comparator panels used to evaluate retroreflective sheeting, and training employees in their use (about 0.2 percent of total final rule costs).

FRA expects the rule to enhance safety, promote innovation, clarify existing requirements, and reduce unnecessary burdens. Entities that have been operating under these waivers have not shown an increase in accidents/incidents. Also, retroreflective sheeting that is performing poorly will likely be replaced sooner under this rule's amendments than under the existing 10-year replacement cycle, better ensuring continued effectiveness of the sheeting. Overall, FRA estimates the rule will result in net benefits. FRA's estimates of benefits for the final rule are shown in the table below.

TABLE ES—1: SUMMARY OF TOTAL BENEFITS OVER THE 20-YEAR PERIOD

[2024 Dollars]

Impact	Undiscounted	Present value 7%	Present value 3%	Annualized 7%	Annualized 3%
Baseline Cost	$722,686,030	$382,807,968	$537,587,568	$36,134,364	$36,134,329
Baseline Costs consist of Visual Inspection & Replacement, 10-Year Renewal, Transportation of Cars Typically not Interchanged, and Waivers.					
Final Rule Cost	549,991,943	291,377,977	409,151,953	27,504,020	27,501,438
Final Rule Costs for Visual Inspection & Replacement; Periodic Evaluation & Retroreflective Sheeting Replacement (Performance-Based); Transportation of Cars Typically not Interchanged; 10-Year Renewal (@15% of Cars, Provides Flexibility for Small Entities); and Comparator Panel Purchase, Recalibration, and Employee Training.					
Net Benefits*	172,694,087	91,429,991	128,435,615	8,630,344	8,632,891
Government Cost Savings for Waivers (from Baseline)	193,149	103,285	144,275	9,749	9,698
Qualitative Benefit: Reduced waste from not replacing effective reflective sheeting prematurely.					

* Net benefits from cost savings = baseline costs − final rule costs.

[3] 87 FR 43467.

[4] 49 U.S.C. 20148.

[5] Docket No. FRA–2021–0080 (AAR comment at FRA–2021–0080–0002, *https://www.regulations.gov/comment/FRA-2021-0080-0002,* and RSI comment at FRA–2021–0080–0003, *https://www.regulations.gov/comment/FRA-2021-0080-0003*).

[6] 90 FR 14593 (Apr. 3, 2025).

[7] Docket No. DOT–OST–2025–0026, *https://www.regulations.gov/comment/DOT-OST-2025-0026-0829.*

II. Statutory and Regulatory Background

A. Existing Reflectorization Requirements

As discussed in the NPRM,[8] the Reflectorization Standards are being updated to address two issues. First, the current requirement for the retroreflective sheeting to be applied on the sides of rail freight rolling stock to enhance the visibility of trains does not consider the utility of the requirement on THEERP operations. Second, the requirement that retroreflective sheeting be replaced every 10 years without considering its effectiveness are overly burdensome. As the rule was implemented, FRA's Railroad Safety Board (Board) granted a series of waivers: (1) excluding equipment used for THEERP purposes from the Reflectorization Standards;[9] and (2) permitting freight railroads to develop and implement a performance-based alternative method to replace retroreflective sheeting when it is no longer effective.[10]

B. Waivers Excluding From Part 224 Rail Freight Rolling Stock Used Only for THEERP Purposes, Except for Incidental Freight Service

As discussed in the NPRM,[11] certain railroads petitioned for relief, because adding retroreflective sheeting to their equipment would detract from its aesthetic or historical nature. The railroads asserted THEERP operating conditions significantly reduce the benefit of retroreflective sheeting, which increases visibility of trains primarily during nighttime conditions and at passive grade crossings.

While monitoring implementation of these waivers, FRA reviewed all accident and incident reports from railroads operating under the waivers and identified no injuries or deaths that were attributable to the lack of part 224 reflectorization. Given the railroad industry's long-term success in safely operating under these waivers, FRA is codifying them in part 224. This change eliminates the need for further waivers and the associated employee hours spent on their documentation and requests for renewal approximately every five years.

C. Waivers Allowing Development and Testing of Alternative Methods (Comparator Panel Evaluation) To Determine When To Replace Retroreflective Sheeting.

As discussed in the NPRM,[12] AAR petitioned, and the Board granted,[13] a waiver extending the replacement requirement for at least three years to develop an alternate evaluation method. AAR's testing showed that sheeting applied to rail cars more than nine years prior met or exceeded the Reflectorization Standards.[14] AAR finalized the design, specifications, and procedures for a standard comparator panel for evaluating the effectiveness of retroreflective sheeting on rail freight rolling stock, and the Board approved use of AAR's comparator panel process in lieu of the 10-year replacement cycle.[15]

III. Overview and Technical Discussion of Requirements

A. Exclusion From Part 224 Rail Freight Rolling Stock Used Only for THEERP Purposes, Except for Incidental Freight Service

The Reflectorization Standards were developed because low visibility, particularly at highway-rail grade crossings, can contribute to motorists colliding with rail equipment (run-into train (RIT) accidents). As discussed in the NPRM,[16] adding reflectorization to rail equipment reduces the likelihood of RIT accidents for conventional freight operations. Locomotives and passenger cars used exclusively in passenger service are excluded[17] because the conspicuity of equipment used in conventional passenger service is significantly better than the conspicuity of equipment used in freight service.[18]

Similarly, retroreflective sheeting provides no clear safety benefit for equipment used exclusively for THEERP purposes because, like other passenger equipment, equipment used exclusively for THEERP purposes is generally more highly visible than conventional railroad equipment and is used in a more protected operating environment. For these reasons, this final rule excludes equipment used for THEERP purposes from the Reflectorization Standards.

B. Allowing Alternative Methods (Comparator Panel Evaluation or Retroreflectometer Measurement) To Determine When To Replace Retroreflective Sheeting.

As noted in the NPRM and described above,[19] pursuant to a waiver AAR developed an alternate method for evaluating the effectiveness of retroreflective sheeting more than 10 years old.[20] Following development, FRA agreed to allow a pilot program for AAR to test the comparator panel method in service.[21] A trained railroad inspector would place a comparator panel immediately adjacent to, or overlapping, retroreflective sheeting installed on rail freight rolling stock and determine its relative brightness. When the comparator panel was equal to, or brighter than, the existing installed sheeting, the existing sheeting was replaced. Testing showed the comparator panel is an accurate and easy way to determine when retroreflective sheeting needs to be replaced in compliance with the Reflectorization Standards. Similarly, a retroreflectometer device can be used to take direct measurements of the sheeting and be an effective performance-based method for evaluating retroreflectivity. As such, this final rule adds comparator panel evaluation and direct measurements with a retroreflectometer, as alternative options to determine compliance with the Reflectorization Standards. These methods provide flexibility for the rail industry while, in most instances, enhancing safety because allowing for alternative methods of reflectorization evaluation and replacement is a more reliable and accurate way to evaluate the effectiveness of the retroreflective sheeting than part 224's current 10-year default replacement cycle.

1. The Existing 10-Year Replacement Cycle Ensures Effective Retroreflective Sheeting, but Often Requires Replacement Sooner Than Necessary

As discussed in the NPRM,[22] the 10-year replacement cycle helps ensure rail

[8] 87 FR 43467.

[9] A list of active waivers FRA has issued to THEERP operations is available in the docket.

[10] Docket No. FRA–2015–0105, Document No. 1 (available at *https://www.regulations.gov/document/FRA-2015-0105-0001*).

[11] 87 FR 43467 (Section II. B.).

[12] 87 FR 43467 (Section II. C.).

[13] Docket No. FRA–2015–0105, Document No. 1 (available at *https://www.regulations.gov/document/FRA-2015-0105-0001*).

[14] Docket No. FRA–2015–0105, Document No. 9 (available at *https://www.regulations.gov/document/FRA-2015-0105-0009*).

[15] Docket No. FRA–2015–0105, Document No. 21 (available at *https://www.regulations.gov/document/FRA-2015-0105-0021*); Docket No. FRA–2015–0105, Document No. 22 (available at *https://www.regulations.gov/document/FRA-2015-0105-0022*).

[16] 87 FR 43467 (Section III. A.).

[17] 49 CFR 224.3(c).

[18] 70 FR 149.

[19] 87 FR 43467 (Section III. B.).

[20] Docket No. FRA–2015–0105, Document No. 9 (available at *https://www.regulations.gov/document/FRA-2015-0105-0009*).

[21] Docket No. FRA–2015–0105, Document No. 22 (available at *https://www.regulations.gov/document/FRA-2015-0105-0022*).

[22] 87 FR 43467 (Section III. B. 1.).

freight rolling stock is equipped with effective retroreflective sheeting, but it may also result in railroads unnecessarily replacing sheeting that continues to be effective beyond 10 years of service. The pilot program confirmed AAR testing [23] that showed the sheeting could continue to comply with the Reflectorization Standards for a significant amount of time beyond 10 years of service, especially when periodically cleaned. The data also showed that not all initially applied compliant material performs equally well throughout its anticipated useful life and can be affected by the type of service or commodity (salt, coal, chemicals, etc.) and environmental conditions (multiple freeze-thaw cycles, extreme cold or heat, high humidity, etc.) that the equipment endures. Under the more extreme of these circumstances, samples yielded measurements, after being cleaned, that were below the minimum comparator panel values just one to two years after application. One cause for the poor performing samples was found to be internal degradation of the sheeting due to damage or delamination, which can lead to mold or mildew growth over the microprismatic layer. Such poor performing or internally degraded material could be identified early on through use of the comparator panel or direct measurements with a retroreflectometer, allowing for earlier replacement. Overall, this would lead to better performing sheeting in service, resulting in an increase in safety compared to a blanket application of a 10-year replacement cycle.

To understand the efficacy of the comparator panels better, FRA sought comments from the industry regarding the proportion of sheets that were replaced as a direct result of not meeting the performance criteria versus sheets that were replaced under § 224.109. In response to the NPRM, AAR provided comments which included a chart containing the trends for when and why sheeting was replaced.[24] AAR created Why Made Code (WMC) 1F for sheeting replaced that did not meet the minimum reflectivity levels per Rule 66 [25] (7,290 sheets in 2019, 16,779 sheets in 2020, and 18,808 sheets in 2021). AAR submitted its comment on September 16, 2022, and thus there are no data presented after 2021 to present.

When FRA granted AAR relief from the Reflectorization Standards to develop and test the comparator panel method, AAR estimated they avoid unnecessarily replacing all the retroreflective sheeting on 584,500 freight cars (at least 14 retroreflective sheets per car based on minimum required area) that would have cost approximately $79 million during those first three years.[26] Codifying the performance-based method will avoid requiring railroads to replace the sheeting unnecessarily on approximately 1.5 million freight cars over the next 10 years.

In addition, as discussed in the NPRM,[27] FRA believes railroads may be unnecessarily replacing compliant retroreflective sheeting because the inspection and replacement process can be cumbersome, and detailed tracking is not required.

During the approximately 3-year period of relief from the 10-year replacement requirement from 2015 to 2018, and prior to AAR implementing the pilot program to test its performance-based method, the majority of retroreflective sheeting in service on AAR-member railroads was installed in 2005 and continued in service beyond 10 years. After reviewing pertinent records, FRA is unaware of any reportable RIT accidents attributable to under-performing retroreflective sheeting. Once the pilot program was approved to test the comparator panel method on in-service equipment, all sheeting on equipment within AAR interchange was evaluated using the comparator panels whenever the equipment underwent the single car air brake test (SCABT) or annual locomotive inspection and replaced as necessary when sheeting failed the comparator evaluation. By gradually replacing retroreflective sheeting as needed, a significant amount performed effectively beyond 10 years and was allowed to continue in service beyond 10 years. These findings help confirm AAR's conclusion that retroreflective sheeting can perform effectively beyond 10 years of service.

Only AAR-member railroads have participated in the pilot program to test the comparator panel method, but FRA anticipates additional railroads would choose to use it, if codified. In response to the public notice FRA published related to AAR's waiver petition, three commenters expressed concurrence with the proposal of an alternative method in lieu of the 10-year replacement cycle and suggested relief should be applied to all railroads.[28]

FRA concludes that allowing an alternative evaluation of installed retroreflective sheeting will better tailor the replacement requirements to the condition of the sheeting. The retroreflective sheeting has a finite service life, and performance-based methods of evaluation will help ensure: (1) sheeting that continues to perform well after the 10 years of service can remain in service; and (2) sheeting that underperforms before the 10 years of service can be identified and replaced on a more frequent, as needed basis. FRA understands that not all railroads may benefit from the use of alternative methods because of the financial burden of procuring a comparator panel or retroreflectometer device and related training for employees, particularly for some small railroads with limited equipment. Such railroads may prefer to continue to utilize the 10-year replacement cycle. Therefore, this final rule retains the 10-year replacement cycle as an option.

2. FRA Worked Closely With AAR and TTI To Develop a Comparator Panel That Could Be Used With the Reflectorization Standards

As discussed in the NPRM,[29] FRA worked closely with AAR and TTI to develop a comparator panel that could evaluate retroreflective sheeting and determine whether it complies with existing photometric performance requirements in the Reflectorization Standards. Based on the existing standards, which set the current minimum photometric performance standards at certain observation angles, AAR constructed the comparator panel by adding a set of fine dot matrix markings such that the target reflectivity was achieved at the desired boundary conditions. To find an appropriate target retroreflectivity for the comparator panel, AAR and TTI sampled part 224 compliant sheeting from various manufacturers and gathered the retroreflectivity measurements (with the 922 RoadVista). With the specifications for the retroreflective comparator panels

[23] Docket No. FRA–2015–0105, Document No. 1 (available at *https://www.regulations.gov/document/FRA-2015-0105-0001*), Appendix B: Supporting Documentation from AAR Equipment Engineering Committee.

[24] Docket No. FRA–2021–0080, Document No. 2.

[25] AAR Rule 66 outlines the industry standards for the reflectorization of railway equipment. The rule provides standards for retroreflective sheeting and inspection, repair, and replacement of such sheeting.

[26] FRA Data Request for Docket FRA–2015–0105, Document No. 23 (Nov. 3, 2020). See the table, ''Number of Freight Cars That Would Need a Full Renewal of Retroreflective Sheeting Based on 10-Year Age Limit.'' The figure of 584,500 freight cars is the sum of cars for the years 2016, 2017, and 2018. This is an update from the NPRM, which identified 584,500 ''pieces of effective retroreflective sheeting,'' instead of freight cars. 87 FR 43467.

[27] 87 FR 43467.

[28] Docket No. FRA–2015–0105; comments from RSI, Colorado Springs Utilities, and North America Freight Car Association.

[29] 87 FR 43467 (Section III. B. 2.).

established, AAR procured six sample comparator panels for evaluation and took measurements of the retroreflectivity with the 922 RoadVista. The results show that the comparator panels could be used effectively with the Reflectorization Standards.

3. FRA Approved a Pilot Program To Test AAR's Standard S–916; Retroreflective Comparator Panel Requirements (S–916) in Service.

As discussed in the NPRM,[30] the Board approved an AAR pilot program to test its newly developed standard comparator panel and process for using it to evaluate retroreflective sheeting for compliance with the Reflectorization Standards instead of the 10-year replacement cycle.[31] To facilitate the pilot program, AAR: (1) adopted AAR Standard S–916, *Retroreflective Comparator Panel Requirements,* prescribing the requirements for comparator panels to be used in the performance evaluation of retroreflective sheeting on freight cars and locomotives; (2) published Specification M–944, *Retroreflective Sheeting Inspection Procedure* (M–944), which provides the process for conducting a performance evaluation of retroreflective sheeting on railroad freight cars and locomotives using a comparator panel or electronic handheld retroreflectometer; and (3) incorporated the specifications of the comparator card and inspection procedures into AAR Interchange Rule 66, *Reflective Sheeting,* including a new billing repair ''Why Made Code: 1F'' related to use of the comparator panel and replacing reflective sheeting for not meeting the minimum reflectivity levels per Rule 66.

Since late 2018, AAR's performance-based alternate method has been widely used by the industry (specifically within interchange among AAR member railroads). FRA understands the standard has been successful and has no record of accidents, incidents, or noncompliance related using the standard. FRA is codifying the current elements of the standard in this rulemaking proceeding. FRA requested comments on whether the elements of the standard should be codified to continue use of the standard for complying with part 224 and make it an option for the entire railroad industry. As discussed further below, the comments to the NPRM support codifying the proposed performance-based alternate method for evaluating retroreflective sheeting for the entire industry.

IV. Response to Comments on the Proposed Rule and AAR's Response to DOT's RFI

Two comments to the NPRM were submitted to the docket for this rulemaking proceeding.[32] FRA reviewed the comments, and in response, has updated proposed section 224.111(c)(2), *Retroreflective comparator panel evaluation process and criteria,* to clarify the reflectorization inspection process for properly trained and experienced inspectors, and to allow additional flexibility to conduct inspections in limited space. No other changes to the proposed rule text are provided in this final rule.

In the NPRM, FRA proposed to codify the current elements of AAR's performance-based alternate method for inspecting and replacing retroreflective sheeting. As discussed in the NPRM, AAR's performance-based alternate method is supported by successful testing conducted pursuant to a pilot program. The NPRM focused on AAR Specification M–944, which was used during the pilot program and provides a procedure for using the comparator panel comparison to evaluate sheeting. As mentioned in the NPRM, M–944 was incorporated into Rule 66, and therefore M–944 was no longer necessary as a standalone specification. AAR's comment [33] suggests that the flexibility provided by AAR Rule 66 should also be adopted in this final rule. AAR Rule 66 was also part of the pilot program, and in 2018, as testing progressed, it allowed properly trained and experienced employees to perform an initial visual inspection and determine whether a further evaluation using the comparator card is necessary.[34] FRA agrees that this flexibility has been effective and is adding it to this final rule.

AAR also commented that FRA's proposed distance requirement for measuring retroreflectivity should be removed because it may not be possible for an inspector to observe the sheeting from the proposed distances at some locations. AAR's Rule 66 [35] recommends 15 feet for evaluating sheeting where there is sufficient space, and that is consistent with FRA's proposal.[36] As discussed further below,[37] this final rule will allow for evaluations to be performed at the next closest alternative effective distance, when 15 feet is not practicable. This will provide additional flexibility where space is limited, and will maintain the current levels of safety, as it requires an effective evaluation. If space will not permit an effective evaluation, FRA expects the equipment to be moved to accommodate an effective evaluation or comply with the 10-year replacement cycle, as required by § 224.111(b).

RSI's comment [38] supports FRA's proposal to add comparator panel evaluation and direct measurements with a retroreflectometer as alternative options to determine compliance with the Reflectorization Standards and agrees that codifying the use of a performance-based method of retroreflective evaluation will increase safety by ensuring that retroreflective sheeting is replaced when it is no longer effective.

V. Section-By-Section Analysis

Section 224.3 Applicability

Section 224.3 sets forth the scope and application of part 224, as described further in the NPRM.[39]

Section 224.107 Implementation Schedule

This final rule removes § 224.107, as described further in the NPRM.[40]

Section 224.109 Inspection, Repair, and Replacement

The title is revised to ''Inspection and replacement of missing, damaged, or obscured retroreflective sheeting.'' Paragraphs (a) and (b) of § 224.109 are revised to remove any references to § 224.107, because this final rule removes § 224.107, as explained above.

Section 224.111 Renewal

This section is retitled from ''Renewal'' to ''Evaluation and replacement of 10-year-old or underperforming retroreflective sheeting.'' The existing title, ''Renewal,''

[30] 87 FR 43467 (Section III. B. 3.).

[31] Docket No. FRA–2015–0105, Document No. 21.

[32] Docket No. FRA–2021–0080.

[33] Docket No. FRA–2021–0080, Document No. 1.

[34] See also AAR's comment in response to DOT's RFI in Docket No. DOT–OST–2025–0026 (''Finalize the NPRM published in July 2022 that codifies existing waivers on reflectorization and include revisions to allow for inspection by a light source (rather than requiring a comparator panel) and eliminating the requirement that performance evaluation occur at 10–20 feet.'').

[35] Field Manual of the AAR Interchange Rules, Rule 66—Reflective Sheeting.

[36] FRA also understands there is a wider range of distances where an effective evaluation can be performed. FRA's proposal aimed to provide flexibility for situations where space is limited by permitting a range of distances, 10–20 feet, where 15 feet is not practicable. According to AAR's comment, 10–20 feet does not provide enough flexibility, because it may not always be possible to take the measurement from 10–20 feet.

[37] Section V., Section-by-Section Analysis, § 224.11(c).

[38] Docket No. FRA–2021–0080, Document No. 3.

[39] 87 FR 43467 (Section IV.).

[40] 87 FR 43467 (Section IV.).

reflects the only current replacement option, which is to renew the retroreflective sheeting after 10 years, regardless its condition. The revised title will indicate two options for replacing the retroreflective sheeting: the same 10-year replacement cycle; or using a performance-based method to determine when replacement is required.

Paragraph (a) identifies two options for replacing retroreflective sheeting: a 10-year replacement cycle; and an alternative method to determine when replacement is required. The existing 10-year replacement option is included in paragraph (b) and the alternative option in paragraph (c).

The 10-year replacement option is retained in paragraph (b) because some short line railroads or individual car owners may not want to invest in the equipment and training needed to switch to an alternative method. As discussed in the NPRM,[41] it is not clear if, or how, railroads are able to distinguish between replacement sheeting and previously installed sheeting on the same piece of equipment. According to AAR, Universal Machine Language Equipment Register (UMLER) [42] system updates have been inconsistent because the railroad industry no longer relies on the information provided by the UMLER fields. FRA requested comment in the NPRM from the railroad industry on how records are created and maintained to track the installation date of sheeting when only a portion of the required sheeting is replaced prior to 10-years from the date of original installation. In response, AAR commented that usage of Why Made Code 1F (reflective sheeting does not meet the minimum reflectivity levels per Rule 66) is generally how records are created and maintained to track replacement of sheeting because this is the billing code used. This method of recordkeeping is sufficient to facilitate compliance with the Reflectorization Standards, and this final rule incorporates FRA's proposal from the NPRM.

Paragraph (c) requires railroads to evaluate retroreflective sheeting during the SCABT and annual locomotive inspection. Paragraph (c)(1) provides the specifications for an acceptable comparator panel to carry out the evaluation. Paragraph (c)(2) sets forth the process and criteria for evaluating the existing sheeting using a light source and, if necessary, using a comparator panel under paragraph (c)(1). Paragraph (c)(3) permits the use of a handheld retroreflectometer to perform the required evaluation. As part of FRA's routine compliance oversight, the agency expects to review railroads' inspection records to verify an alternative evaluation was conducted.

The retroreflectivity, color, and construction requirements in paragraph (c)(1)(i) through (iii) are the same as the current S–916. The labeling requirement in paragraph (c)(1)(iv) is also the same as the current S–916, with the additional requirement that a panel's label include information on the calibration status of the panel. Based on AAR's indication that the median time between SCABT is 25.6 months, this rule requires comparator panels to be recalibrated at least every two years (*i.e.,* no more than two years from its manufactured date or previous recalibration date, whichever is most recent). FRA sought comment in the NPRM on this timeframe and how much downtime is expected while a panel is out for recalibration. No comments were received, and this final rule incorporates FRA's proposal related to recalibration from the NPRM.

This final rule updates paragraph (c)(2) in response to AAR's comment to establish a comparator panel evaluation process and criteria consistent with the current AAR Rule 66 (and former M–944). Paragraph (c)(2) is added to this final rule to clarify the process for properly trained and experienced employees performing the evaluation. Such employees may pass sheeting they determine to be obviously compliant and fail sheeting they determine to be obviously non-compliant (including obscured) based on their initial visual inspection. Sheeting that is not determined to be obviously compliant or non-compliant shall be evaluated further using the comparator panel comparison. This process is consistent with Rule 66.

AAR Rule 66 recommends evaluating installed sheeting with a comparator panel from 15 feet. FRA understands that 15 feet provides an appropriate amount of space to perform the evaluation but also understands that during an SCABT or locomotive annual inspection it may not be practicable for an inspector to stand 15 feet from the equipment. To provide flexibility, the NPRM proposed requiring sheeting to be evaluated from a distance of between 10 and 20 feet, with a 15-foot distance being preferable. FRA sought comment in the NPRM on whether a range of 10 to 20 feet is sufficient to evaluate retroreflective sheeting properly and whether the range provides sufficient flexibility. In response to AAR's comment, paragraph (c)(2)(v) in this final rule requires measurement from 15 feet when practicable but permits evaluation from the next closest alternative effective distance.

Consistent with Rule 66, paragraph (c)(2)(vi) sets forth the process for conducting the evaluation (*e.g.,* with a light source positioned adjacent to the inspector's eye and directed at the sheeting and comparator panel, the inspector compares the reflected light intensity of the entire installed sheeting to that of the comparator panel). Paragraph (c)(2)(vi)(A) provides that if the perceived reflected light intensity of the entire installed sheeting appears brighter than that of the comparator panel, the installed sheeting passes the evaluation. Paragraph (c)(2)(vi)(B) provides that if the perceived reflected light intensity of the entire installed sheeting does not appear brighter than the comparator panel or if the two are indistinguishable, the installed sheeting does not pass the evaluation. If the two are indistinguishable, the installed sheeting is already at or near the minimum threshold to comply with this section and would only continue to degrade below the threshold if allowed to continue in service until the next evaluation required by this section. Therefore, such sheeting must be replaced.

In paragraph (c)(3), handheld reflectometers are permitted for use to evaluate retroreflective sheeting and determine when it is required to be replaced under this part. FRA understands that reflectometers can be used to evaluate retroreflective sheeting easily, reliably, and accurately. Paragraph (c)(3) requires use of an annular reflectometer, placed directly against the retroreflective sheeting. FRA is requiring an annular device, if a reflectometer is used, because it is easier to ensure an accurate evaluation compared to other types of devices that require multiple measurements from different angles to evaluate the sheeting properly. Paragraph (c)(3)(iii) sets forth the minimum allowable retroreflective values and necessary measurement angles if a reflectometer is used. Due to the current high cost of a handheld reflectometer, FRA does not anticipate widespread use of reflectometers initially. However, if the cost diminishes over time, railroads may prefer to use reflectometers.

[41] 87 FR 43467.

[42] AAR's UMLER is a comprehensive system that provides data for rail equipment, including features for registration, maintenance, compliance with interchange rules, and reporting data.

VI. Regulatory Impact and Notices

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

FRA has considered the impact of this final rule under E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866. FRA estimates this rule will result in net benefits over a 20-year period from not replacing retroreflective sheeting prior to the end of its useful life, while potentially improving safety by replacing in less than 10 years sheeting that has already reached the end of its useful life.

1. Need for Regulatory Action

The Reflectorization Standards were promulgated in 2005; in the 20 years since their publication, FRA has learned that the reflective sheeting applied to rail freight rolling stock can remain effective beyond the 10 years initially thought at the time the Reflectorization Standards were developed. This rulemaking updates the Reflectorization Standards considering this new information by allowing the use of alternative methods to evaluate retroreflective sheeting. The alternative methods allow railroads and private car owners to replace retroreflective sheeting as needed, based on performance, instead of a mandatory replacement based on length of time. The final rule also recognizes a segment of the regulated entities that operate THEERP freight rolling stock and extends the exclusion from the Reflectorization Standards to THEERP operations, as they pose a low risk of highway-rail grade crossing incidents. For both stakeholders that choose to use the alternative methods of evaluation and those that operate THEERP freight rolling stock, this final rule promotes regulatory certainty and efficiency. Unnecessary paperwork burdens are also reduced by no longer needing to file waivers with FRA for relief from part 224.

This rulemaking amends part 224 in two substantive ways. First, the rule codifies waivers excepting THEERP operations from reflectivity standards in § 224.3. Second, the rule codifies the AAR waiver allowing railroads to use alternative methods (*i.e.,* comparator panel or retroreflectometer) for determining when retroreflective sheeting needs replacement. The comparator panel and retroreflectometer are added as options to the existing 10-year replacement cycle under § 224.111.

2. Baseline

The typical baseline scenario from which benefits and costs of the regulation are measured is the no-action baseline, which is an assessment of the railroad world without the rule.[43] Without this rule, it is likely that the railroads will continue to file waivers and waiver renewals for using the alternative method and exclusion of THEERP freight rolling stock from the Reflectorization Standards. One possible baseline assumes FRA approves most of these waivers with conditions, as it has in the past. In comparing this baseline to the final rule, the benefit from the rule would be the removal of unnecessary paperwork burdens of having to file future waivers and renewals with FRA.

However, another baseline might offer more information about the impacts of the rule. The waiver to use the comparator panel is relatively recent (2018), and many of the THEERP waivers are also less than 10 years old. The comparator-panel waiver covers almost all the rail freight rolling stock. Another baseline describes a scenario absent the comparator-panel waiver, that is, in which approval of the waiver is uncertain and reflective sheeting is replaced per the 10-year renewal cycle in existing § 224.111. The baseline used for this analysis is the 10-year renewal cycle outlined in existing § 224.111, which requires that all retroreflective sheeting be replaced every 10 years. This baseline is being used to estimate the substantive impacts of the rule better. The baseline scenario under existing § 224.111 is accounted for as a separate alternative under the Costs section below. Then the baseline scenario is compared to the final rule alternative in which waivers would not be necessary. FRA invited comment in the NPRM on the appropriate baseline to use for the regulatory analysis, which is discussed below.

Comments Filed on the Regulatory Analysis

FRA requested and received comments on its regulatory analysis. Comments were filed by AAR and RSI. Part of AAR's comments concerned the labor rate used to account for the costs and benefits of the rulemaking. RSI agreed with the conclusion of the regulatory analysis that the benefits outweigh the costs.

AAR commented that the labor rate FRA used was significantly lower that the labor rate AAR provided to FRA in its prior information request.[44] AAR stated that FRA excluded overhead costs such as supervision, administration, procuring retroreflective sheeting, car cleaning supplies, business insurance, facility costs, and employer taxes.

FRA responds that it bases its labor rate on compensation and work hours reported by the Class I railroads and Amtrak to the Surface Transportation Board (STB), as noted in the NPRM. In consideration of an AAR comment to an earlier rulemaking, FRA has added a burden rate of 75 percent to the straight time labor rate.[45] FRA applies this labor rate across its regulatory analyses providing a consistent and transparent metric. A consistent rate avoids confusion and facilitates comparison within and across rulemakings. FRA's rate is also within the range of burden factors used by other U.S. DOT agencies. For example, the Federal Aviation Administration (FAA) typically uses the Bureau of Labor Statistics (BLS) data to estimate a wage multiplier.

Regarding the cost of overhead items such as supplies and tools used, AAR's Rule 66 requires only basic supplies. Rule 66 stipulates, ''[c]leaning as referred to in this rule will be performed with a rag and water or suitable alternatives as directed by the sheeting manufacturer.'' [46] A railroad would likely already have these items. Therefore, adding a marginal cost for using these common supplies and tools would be a *de minimis* cost. Further, the cost of the retroreflective sheeting was already accounted for and based on data AAR provided. Adding overhead costs would be appropriate if FRA required use of unusual or expensive supplies and tools for this final rule. For example, if FRA required using the retroreflectometer, which is expensive and not widely used, then it would be appropriate to add additional overhead costs. The cost of the retroreflectometer, if required, would be a direct cost attributable to this final rule.

Some of the other costs items listed by AAR, such as insurance cost and taxes, represent (private) financial costs and not necessarily (societal) economic costs. FRA understands railroads may

[43] OMB, *Circular A–4: Regulatory Analysis* (Sept. 17, 2003). Available: *https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf.*

[44] AAR, *FRA Data Request,* 2020.

[45] Docket No. FRA–1999–6689, Document No. 0054. Available: *https://www.regulations.gov/document/FRA-1999-6689-0054.* In this comment, the ratio of AAR's suggested hourly wage of $32.59 to the base wage of $18.86 is 1.73, which was rounded to 1.75 or a 75 percent increase.

[46] Rule 66(E)(9), p. 576.

use these for accounting purposes; however, the economic analysis seeks to estimate the real resource costs of this rule, in this case, of labor costs. The real resource cost represents the opportunity cost of labor, *i.e.,* if an employee did not have to inspect and replace retroreflective sheeting in compliance with this final rule, the employee could perform other duties for the railroad. Specifically for insurance payments and taxes, OMB Circular A–4 advises not to include these transfer payments in estimating costs and benefits, because they represent monetary payments that may not reflect the availability of real resources.[47]

Consistent with OMB Circular A–4, FRA addressed the effect of using AAR's labor rate in its NPRM *Regulatory Impact and Notices Sensitivity Analysis* section. The NPRM Sensitivity Analysis briefly noted that the effect of using the higher AAR wage rate would not affect the overall results of the analysis. For the final rule, FRA expands this discussion. In addition, FRA had presented AAR's data and estimated costs in the NPRM *Overview and Technical Discussion of Requirements* section. The Overview and Technical Discussion ''showed its work'' with supporting calculations enabling readers to use the higher labor rate if they so desired. As FRA's labor rate is a consistent metric sourced in publicly accessible data, and better reflects real resource costs, FRA continues to use it for its economic analysis.

In its comment, RSI concurred with the cost-benefit analysis. RSI noted that the final rule will expand the benefits of using the alternative comparator panel method to all car owners, beyond those who are members of AAR. RSI also agreed that the baseline for the analysis was appropriate.

3. Costs

a. Methodology

Because the retroreflective sheeting is applied per rail car, this analysis used the per-car cost as the basis to estimate much of the costs related to retroreflective sheeting. The costs for preparing waiver petitions were estimated based on the labor costs of those employees preparing the waivers.

FRA requested data from AAR about the railroads' experiences under the approved waiver using the comparator panel. FRA reviewed the data supplied by AAR and incorporated it into the cost estimates below. AAR provided data for before and after the comparator panel waiver.[48]

In its estimates, AAR used an average labor rate of $140.38 per hour or $2.34 per minute, in 2020 dollars, which may be based on interchange billing rates. For its regulatory analyses, however, FRA uses standardized labor rates which the Class I railroads report to the STB. These rates are burdened by 75 percent for any fringe benefits.[49] For this analysis FRA used the STB wage rates for the relevant employee groups. These are STB Group 200 employees consisting of Executives, Officials, & Staff Assistants who likely complete waiver petitions for the railroads, and Group 400 Maintenance of Equipment & Stores employees who inspect and apply the reflective sheeting. The Executives, Officials, & Staff Assistants burdened rate is $90.19 per hour or $1.50 per minute, and the Maintenance of Equipment & Stores employees burdened rate is $72.01 per hour or $1.20 per minute.[50]

To estimate Government costs and benefits resulting from reviewing and approving waivers, FRA used the General Schedule (GS) pay rates for grade GS–14 step 5 employees in the Washington, DC area. The Federal pay rate was also burdened by 75 percent yielding a Federal pay rate of $132.48 per hour.[51]

AAR provided counts of the maintenance of way (MOW) cars and locomotives that would be covered under part 224; however, FRA focused on freight rail cars to simplify the analysis. Given that MOW cars and locomotives represent a small portion of all freight rail cars (about 2.5 percent and 1.6 percent respectively), including them in the analysis would not significantly affect the results.

FRA used a 20-year period of analysis for this rulemaking because retroreflective sheeting appears to have an effective service life beyond 10 years (based on data from the AAR comparator panel waiver). FRA also identified one study that estimated prismatic sheeting used on traffic signs may last 15 to 30 years, which may be a reasonable proxy for similar sheeting used on rail cars.[52] However, for the rail freight rolling stock used in THEERP operations, a 10-year period of analysis may be a better ''fit'' because overage equipment may only be actively used for an additional 5 to 10 years. Because the provision permitting use of the comparator panel covers most of the rail car fleet, FRA chose to use a 20-year period of analysis.

First, the costs for the baseline scenario under § 224.111 and the 10-year renewal cycle were determined, followed by the final rule costs. The difference between the two costs represents the estimated net benefits (or costs) of the final rule: *Baseline costs − final rule costs = Net benefits (or costs).*

The costs and benefits associated with the final rule are summarized in Table V–1 below.

TABLE V–1—SUMMARY OF TOTAL BENEFITS OVER THE 20-YEAR PERIOD

[2024 Dollars]

Impact	Undiscounted	Present value 7%	Present value 3%	Annualized 7%	Annualized 3%
Baseline Cost	$722,686,030	$382,807,968	$537,587,568	$36,134,364	$36,134,329
Final Rule Cost	549,991,943	291,377,977	409,151,953	27,504,020	27,501,438
Net Benefits	172,694,087	91,429,991	128,435,615	8,630,344	8,632,891

[47] OMB, *Circular A–4,* 2003. See section on *Other Key Considerations, The Difference between Costs (or Benefits) and Transfer Payments.*

[48] AAR, *FRA Data Request for Docket FRA–2015–0105, Document No. 23* (Nov. 3, 2020).

[49] The Class I railroads report service hours and compensation to the STB under 49 CFR 1245.2.

[50] STB, *Quarterly Wage Form A&B Data* (2024). Compiled from Class I railroad data reported on Wage Form A&B for year 2024. Calculated as: Wage ($/hour) = sum of *compensation for time worked and paid for straight time rates* ($) for Class I railroads ÷ sum of *service hours for time worked and paid for straight time rates* (hours) for Class I railroads. Available: *https://www.stb.gov/reports-data/economic-data/quarterly-wage-ab-data/.* Calculations for burdened wage: For Group 200 employees, $51.54 per hour STB average straight time rate × 1.75 fringe benefit multiplier = $90.19 per hour burdened wage rate. Similarly, for Group 400 employees, $41.15 × 1.75 = $72.01 per hour burdened wage rate.

[51] Office of Personnel Management, *Salary Table 2024–DCB* (Jan. 2024). Available: *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/DCB_h.pdf.* Calculation: $75.70 per hour GS–14 Step 5 rate × 1.75 fringe benefit multiplier = $132.48 per hour burdened rate.

[52] Preston, Howard, *Traffic Sign Life Expectancy* (St. Paul, MN: 2014). Report No. MN/RC 2014–20. Minnesota Dept. of Transportation. Available: *https://www.lrrb.org/pdf/201420.pdf.*

TABLE V–1—SUMMARY OF TOTAL BENEFITS OVER THE 20-YEAR PERIOD—Continued
[2024 Dollars]

Impact	Undiscounted	Present value 7%	Present value 3%	Annualized 7%	Annualized 3%
Government Cost Savings for Waivers (from Baseline)	193,149	103,285	144,275	9,749	9,698

Qualitative Benefit: Reduced waste from not replacing effective reflective sheeting prematurely.

The impacts are described in detail below.

b. Baseline Costs Under § 224.111 Following the 10-Year Renewal Cycle

Absent this final rule, both THEERP and other rail operations to which the Reflectorization Standards apply will incur costs for the following requirements:

- Cost for inspection and replacement of missing, damaged, or obscured retroreflective sheeting (''sheeting'') under § 224.109.
- Cost to renew, *i.e.,* replace sheeting no later than 10 years after installation under § 224.111. The baseline assumes sheeting will be replaced periodically every 10 years.
- Incidental cost for transporting rail cars that would not typically appear on a repair track or shop for an SCABT to renew sheeting under § 224.111.
- Cost of petitioning FRA for waivers from the Reflectorization Standards.

These cost elements may be represented by the equation: *Baseline cost = Visual inspection & sheeting replacement + 10-year renewal + Transport + Waiver.*

The cost for inspection and replacement of missing, damaged, or obscured sheeting was determined by the cost of a visual inspection and sheeting replacement multiplied by the number of cars undergoing an SCABT. The SCABT serves as the triggering event for the inspection and replacement of sheeting under § 224.109. To determine the number of cars undergoing an SCABT per month, FRA used the median time between SCABTs of 25.6 months, and the average annual number of freight cars of 1,658,334 (an average over the period 2016–2020).[53] The cars per month were multiplied by 12 months to yield an estimated 765,385 cars per year undergoing an SCABT.[54]

Further, the cost of the visual inspection and sheeting replacement was determined by the sum of the cost of the visual inspection and cost to replace missing, damaged, or obscured sheeting. AAR indicated the time for a visual inspection was 0.83 minutes, the time to replace the first sheet per side was 9.3 minutes, the average number of sheets replaced during SCABTs was 0.71 sheets, and the cost per sheet was $1.31; a recent market price check shows the cost per sheet at about $2.95 in 2024 dollars.[55] Accounting for the labor time using the STB Maintenance of Equipment & Stores wage rate of $1.20 per minute results in a per-car cost of $14.21. Then the cost under § 224.109 was calculated by multiplying the estimated cars undergoing an SCABT by the cost per car, resulting in a cost of $10,877,266 per year.[56]

Similarly, the cost to renew the sheeting after 10 years was determined by the number of cars affected multiplied by the cost of renewal. The average number of cars that would need full renewal was 154,800 per year based on the average over the years 2016 to 2020.[57] That represents about 10 percent of the fleet per year, which is expected given the 10-year renewal period. The cost for sheeting material per car was estimated given 14 sheets (of 0.5 square-foot each) would be needed for 2 sides of the rail car (less than 50-foot car, seven sheets per side), for a cost of $41.34 per car. AAR provided that the time to apply the sheeting was 9.3 minutes for the first sheet per side, and 2.6 minutes for each additional sheet, totaling almost 50 minutes for both sides of a rail car and $60 in labor costs (using the STB Maintenance of Equipment & Stores wage rate of $1.20 per minute). The cost per car for sheeting renewal is the sum of the material cost and labor application costs ($41.34 + $59.97 = $101.31 per car). Then the renewal cost for all affected cars is $15,682,399 annually.[58]

To model the impacts more accurately under the baseline, FRA estimated the potential costs for transporting rail cars, that in their normal operations, would not appear on a repair track or shop (for an SCABT). These cars may be owned by private car owners that do not own repair shops, MOW cars that are not regularly interchanged, older cars that are not regularly interchanged, stored cars, and seasonally used cars. These cars may incur additional expense for transportation to a repair shop when their sheeting needs renewal after 10 years. However, this situation is mitigated by mobile repair units or a railroad's Running Repair Agent (RRA) that can perform SCABTs and replace sheeting.[59] Nevertheless, FRA accounted for the transportation costs for some cars that may need to be moved for sheeting replacement because of scheduling issues with mobile repair agents or operational issues. As a proxy estimate for the number of cars requiring transport, FRA used the 23,000 freight cars that have interchange restrictions as reported by AAR; these cars are usually older cars.[60] Another way to estimate the number of affected cars is to consider the conditional probability of not undergoing an SCABT on a repair track or shop and cars that would need full sheeting renewal. The probability of not undergoing an SCABT was found by dividing the number of cars undergoing an SCABT by the average fleet size, then subtracting from 1, for a result of 0.54 or about 50

[53] FRA is using the same number of cars for the final rule as in the NPRM. Using currently available data from 2019–2023 yields only a small difference of − 0.2 percent cars from the 2016–2020 average, and the 2016–2020 period better represents the period under the waiver for which AAR provided data.

[54] Calculation: 1,658,334 fleet size/26 months = 63,782 SCABT cars per month. Then 63,782 cars per month × 12 months = 765,385 cars per year that undergo an SCABT, or about 46 percent of the fleet. Source: *FRA Data Request,* 2020.

[55] W.W. Grainger, Inc., average of white and yellow retroreflective sheeting, 4''×18'' 3M series 983–10 and 983–17. See for example Locomotives/Rail Cars, White, Premium Grade Reflective Tape—4TDU4√983–10—Grainger and Locomotives/Rail Cars, Yellow, Reflective Tape—38XP42|983–71—Grainger. Average of $3.00 per sheet in 2025 dollars adjusted to 2024 dollars using GDP Deflator available at U.S. Bureau of Economic Analysis, ''Table 1.1.9. Implicit Price Deflators for Gross Domestic Product'' (accessed June 15, 2025).

[56] Calculations: Per-car cost for visual inspection and sheet replacement = 0.83 min. × $1.20 per min. visual inspection + 9.3 min. × $1.20 per min. sheeting replacement + 0.71 sheets × $2.95 per sheet = $14.21. Total cost for visual inspection and sheeting replacement = 765,385 cars × $14.21 per car = $10,877,206 per year.

[57] *FRA Data Request,* 2020.

[58] Calculation: Cost to renew sheeting after 10 years = 154,800 cars × $101.31 per car = $15,682,399 per year on average.

[59] Railinc, *Running Repair Agents—Active.* Available: *https://findusrail.railinc.com/#/home.*

[60] AAR, *Railroad Facts: 2020 Edition* (Washington: 2020) 53.

percent.[61] From the discussion above, the probability of renewal for a car is about 10 percent or 0.1. The conditional probability is the product of the two probabilities, equaling about 0.05 or 5 percent of the fleet, and representing 89,295 rail cars. Qualitatively, the majority of these cars can be serviced by mobile repair agents and RRAs, and FRA used 23,000 cars as a reasonable estimate.

For the transportation cost per car, FRA estimated the expected transportation cost as the probability that a car would need transportation for sheeting renewal multiplied by its transportation cost. FRA estimated a range of $3,570 for $4,750 to transport an empty car, or an average cost of $4,160 per car; the expected cost in any one year is $416.[62] Then, the transportation cost for the rail car fleet is the estimated 23,000 affected cars multiplied by the expected transportation cost of $416, for an overall transportation cost of $9,568,071 annually. Given the uncertainty about the number of cars affected, there is a higher degree of uncertainty about this cost estimate and FRA invited comment on the inputs used. In its comment to the NPRM, RSI generally agreed with estimated impacts in the analysis when considering the rule's effects for all private car owners.

The last cost element in the baseline scenario is the cost of petitioning FRA for waivers from the Reflectorization Standards. When approved, waivers generally provide regulatory relief for five years. For this analysis, FRA distinguished between waiver extensions and waiver renewals. Waiver extensions permit the railroad or individual car owners to continue to operate under the original waiver for another five years. After 10 years, the railroad or individual car owner can no longer apply for an extension but must instead request a renewal of the waiver.[63] The baseline waiver cost is the estimated number of new waivers plus waiver extensions and renewals, multiplied by the cost of filing waivers. This analysis estimated the waiver costs for both THEERP operations and the performance-based (*i.e.,* comparator-panel) waiver.

In the case of waivers for THEERP operations, FRA has received and reviewed 23 waivers over 16 years, for a rate of 1.4 new waivers per year, which is rounded to 1.5 waivers for analysis. Therefore, over the 20-year period of analysis (years 2022 to 2041), FRA expects 30 new waiver petitions. Based on historical experience and FRA subject matter expert estimates, FRA has found that waiver extensions and renewals are subject to the following three conditions:

- Railroads or individual car owners will likely not operate overage equipment beyond 10 years.
- Railroads or individual car owners have not asked for renewals of waivers beyond 10 years.
- FRA has approved 15 out of 23 waivers for an approval rate of 65 percent (*i.e.,* 65 percent of 1.5 new waivers is about 1 new waiver per year). Moreover, there were seven dismissed or denied waivers, one double-counted waiver, and 1 additional waiver received in 2020 unaccounted for in the NPRM to complete the set of 23 THEERP waivers).

Applying these conditions to the number of new waivers, FRA estimated 15 waiver extensions over the period of analysis. As explanation, new waivers approved during years 1 through 5 of the period of analysis (from calendar years 2022 through 2026) will likely receive extensions during years 6 through 10 of the period of analysis (from calendar years 2027 through 2031) respectively, resulting in 5 extensions.[64] Similarly, new waivers approved during years 6 through 10 of the analysis will likely receive extensions during years 11 through 15 of the analysis (from 2032 through 2036) respectively, resulting in an additional 5 extensions. Finally, new waivers approved during years 11 through 15 of the analysis will likely receive extensions during years 16 through 20 of the analysis (from 2037 through 2041) respectively, resulting in five more extensions. In total, FRA expects 15 waiver extensions.

Also, THEERP operations that currently have waivers may request extensions resulting in an additional seven waiver extensions. Of the 15 approved THEERP waivers, four did not request a waiver renewal and expired before year 2022 (waiver docket numbers FRA–2010–0148, FRA–2010–0156, FRA–2008–0021, and FRA–2014–0082). Of the remaining 11 approved THEERP waivers, one was potentially due for an extension in year one of the analysis, *i.e.,* calendar year 2022 (waiver docket number FRA–2016–0110—approved in 2017). Four approved waivers were potentially due for extensions in year three of the analysis, *i.e.,* year 2024 (waiver docket numbers FRA–2018–0026, FRA–2018–0086, FRA–2019–0008, FRA–2019–0047—all approved in 2019). Finally, two approved waivers are potentially due for extensions in year four of the analysis, *i.e.,* year 2025 (waiver docket numbers FRA–2020–0046 and FRA–2020–0023—both approved in 2020). In sum, FRA expects seven waiver extensions. Five of the 11 approved waivers may request waiver renewals during the period of analysis but are unlikely to do so based on the above conditions.

Thus, FRA expects THEERP operations to file 30 new waivers, 15 extensions of these new waivers, and seven extensions of existing waivers. FRA estimated each new THEERP waiver petition requires 40 hours of labor, and each extension requires eight hours of labor. Accounting for these labor hours at the STB Executives, Officials, & Staff Assistants burdened wage rate yields a new waiver cost of $3,608 per waiver, and a corresponding cost of $5,412 for 1.5 new waivers per year.[65] The cost for a waiver extension is $722 per extension. The costs are scheduled according to the frequency of occurrence of new THEERP waivers (1.5 per year), new THEERP waiver extensions (one per year starting in year six of the analysis), and currently approved THEERP waiver extensions (one in year one of the analysis, four in year three, and two in year four). The cost schedule also accounts for extensions and renewals of the performance-based waiver at $1,849 per extension or renewal (see below, one extension expected in year two of the analysis, and thereafter one renewal per each year in years seven, 12, and 17). As an example, in year two of the analysis, FRA expects 1.5 new THEERP waivers ($5,412), and 1 alternative waiver extension ($1,849), for a total estimated cost of $7,261.

For regulated entities petitioning to use alternative methods to evaluate sheeting, FRA is not aware of any new methods in development and expects no new waiver filings. If a new performance-based waiver was filed, the cost to file such a waiver would be qualitatively high because it would likely involve extensive development

[61] Calculation: 1 − 765,385 SCABT cars/1,658,334 average fleet size = 1 − 0.46 = 0.54, or about 50 percent of cars not likely to appear on a repair track or shop for an SCABT.

[62] Calculation: Expected (transportation cost per car) = probability (car would need 10-year sheeting renewal) × transportation cost = 0.1 × $4,160 = $416.)

[63] FRA has updated its waiver procedures requiring it to publish a **Federal Register** notice for a waiver extension and waiver renewal. The change affects only Government costs and may lead to slightly larger Government cost-savings to account for fewer **Federal Register** notices per year on average under the final rule.

[64] After 10 years, requests for waiver renewals are not likely under the first two conditions above.

[65] Calculation: Cost for one waiver = 40 hrs. × $90.19 = $3,608. Then 1.5 new waivers × $3,608 per waiver = $5,412.

and in-service testing like the comparator panel. Given the research to develop the comparator panel, FRA expects AAR will continue to file for extensions and renewals to extend the waiver's relief. Over the period of analysis, FRA estimated four extension and renewals, requiring 20.5 hours each at the same Executives, Officials, & Staff Assistants wage rate for a per-waiver cost of $1,849. FRA estimated the performance-based waiver extension requires more labor time than the THEERP-operations waiver extension because Class I railroads' operations are more complex. (A THEERP-operations waiver renewal, however, may involve detailed descriptions of the subject equipment that may add to the time to file a potential renewal.)

Furthermore, the Federal Government expends resources to review these waiver petitions. Depending on the waiver, FRA's review will involve legal personnel, subject matter experts, administrative personnel, and railroad inspectors. FRA estimated these costs using the same respective labor hours as for THEERP-operations waivers and performance-based waivers above. For the wage rate, instead of using an average wage rate for the variety of personnel involved, FRA used a representative burdened wage rate for GS–14 step five employees of $132.48 per hour. The resulting FRA costs are $5,299 for a new THEERP-operations waiver, $1,060 for a THEERP-operations waiver extension, and $2,716 for the comparator-panel waiver extension and renewal.

The following table presents the estimated baseline scenario cost elements.

TABLE V–2—BASELINE SCENARIO COSTS (2024 DOLLARS) UNDER § 224.111 10-YEAR RENEWAL CYCLE

Baseline cost impact	Undiscounted	Present value 7%	Present value 3%	Annualized 7%	Annualized 3%
Visual Inspection & Replacement (§ 224.109)	$217,545,315	$115,233,908	$161,826,248	$10,877,266	$10,877,266
10-Year Renewal (§ 224.111)	313,647,798	166,139,462	233,314,361	15,682,390	15,682,390
Transportation for Non-SCABT Cars	191,361,415	101,364,278	142,348,732	9,568,074	9,568,071
Waivers	131,503	70,321	98,227	6,638	6,602
Total Baseline	722,686,030	382,807,968	537,587,568	36,134,364	27,037,415
Government Costs for Waivers [66]	193,149	103,285	144,275	9,749	9,698

c. Final Rule Costs

The firstsubstantive change under the final rule will add freight rolling stock used for THEERP operations to the list of excepted equipment under § 224.3. These operations will no longer need to file waivers and waiver extension requests with FRA and thus save the associated paperwork costs. The benefits would equal the baseline costs for waivers (when taken together with the similar type of benefits from codifying the comparator panel waiver).

The largest change under the final rule will be evaluating rail cars with a comparator panel instead of replacing sheeting under the 10-year renewal cycle. THEERP operations and other railroads to which the Reflectorization Standards apply will incur costs for the following requirements:

- Cost for inspection and replacement of missing, damaged, or obscured retroreflective sheeting under § 224.109. This requirement is unchanged from the baseline except for removing old implementation dates.
- Cost to evaluate and replace sheeting under § 224.111. The final rule retains the option to use the 10-year replacement cycle.
- Incidental cost for transporting rail cars that would not typically appear on a repair track or shop for an SCABT to renew sheeting under § 224.111. This cost occurs under the baseline too but is adjusted for relief from the 10-year replacement cycle, and longer expected sheeting life.
- Small entities that may use the 10-year replacement cycle option under § 224.111 (estimated at 15 percent of small entities).
- Cost of the comparator panel.
- Cost to recalibrate the comparator panel under § 224.111.
- Employee training to use the comparator panel as described in AAR Field Manual Rule 66. (The comparator panel inspection of reflective sheeting will become part of the SCABT and annual locomotive inspection.)

These cost elements may be represented by the equation: final rule *Cost = Visual inspection & sheeting replacement + Periodic evaluation & sheeting replacement + Transport + 10-year renewal option estimated for small entities + Comparator panel + Comparator panel recalibration + Employee training.*

The cost for visual inspection and replacement of missing, damaged, or obscured sheeting remained the same as under the baseline scenario because FRA is only removing the references to the outdated implementation schedule. The substantive requirements remain the same.

The primary change will be evaluating the sheeting on rail cars with a comparator panel. The cost of using the comparator panels is determined by the number of cars undergoing an SCABT and evaluated with the comparator panel multiplied by the material and labor costs per car. Based on data supplied by AAR, FRA estimated 571,750 cars will be evaluated, a preliminary inspection will require 2.8 minutes, cleaning will take 3.3 minutes, and the time to apply one sheet will require 9.3 minutes. AAR also found an average of 0.72 sheets renewed during their waiver at a cost of $2.95 per sheet (base year cost of $1.31 as updated and adjusted for 2024 dollars). FRA applied the STB Group 400 Maintenance of Equipment and Stores burdened employee wage rate to estimate a cost per car of $20.50, and $11,718,090 per year for the affected cars. In contrast, the estimated cost per car for sheeting renewal under the baseline scenario was $101.38 per car.[67]

The final rule also allows use of a handheld retroreflectometer to directly evaluate the performance of sheeting. The retroreflectometer may be easier to use than the comparator panel, but given its current high cost ($10,000), its use will likely be minimal at this time.

As in the baseline scenario, some rail cars may incur a transportation cost to renew sheeting because they may not periodically undergo an SCABT at a repair shop or track or receive service from a mobile service agent. However, given the experience under the AAR comparator panel waiver showing

[66] The government costs are not included in the total baseline costs.

[67] Calculation: Material cost per car = 0.72 sheets × $2.95 per sheet = $2.14. Labor cost per car = (2.8 min. inspection + 3.3 min. cleaning + 9.3 min. first sheet application) × $1.20 per min. burdened wage rate = $18.36. Material and labor costs per car = $2.14 + $18.36 = $20.50. Cost for evaluated cars = 571,750 cars × $20.50 per car = $11,718,090.

reflective sheeting can likely remain effective beyond 10 years, these cars would need to be transported less frequently. These cars would no longer be subject to the 10-year renewal cycle. FRA used the estimates from Preston (2014) of an average reflector service life of about 20 years to calculate the reduced impact of cars needing transport for reflective sheeting replacement under the NPRM. Using a 20-year service life reduced the probability that cars would need transport by half to five percent, and the resulting expected cost per car from $416 to $208. Given the same number of cars needing transport as under the baseline scenario (23,000 cars), yielded a transportation cost of $4,784,035 per year.

The final rule contains an option for railroad car owners to continue using a 10-year replacement cycle for sheeting. FRA assumes that a portion of small entities will be most likely to choose this option to reduce their investment in the comparator panel and associated costs to implement it (such as training employees). FRA estimated 15 percent of small entities will use the 10-year replacement option. To count the number of rail cars owned by small entities, FRA subtracted Class I railroad owned cars in North America, Class II railroad owned cars, and privately-owned cars from all freight cars—to estimate Class III railroads own 54,766 rail cars on average (over the years 2016 to 2020). Thus, 15 percent of these Class III railroad cars is 8,215 cars. FRA used AAR *Railroad Facts* books and Progressive Railroading magazine ''Fleet Stats'' for various years to determine car ownership.[68] Using the same percent of cars that would need full renewal under the baseline scenario of 10 percent means about 821 cars per year would need sheeting renewal. FRA applied the same cost per car for 10-year sheeting replacement as under the baseline scenario ($101.38 per car) and estimated a cost of $83,223 per year under the final rule.

To estimate the number of comparator panels that may be purchased, FRA used the difference between the average number of shops and locations qualified to perform an SCABT and evaluate sheeting using a comparator panel, before and after the comparator panel waiver. AAR estimated an average of 1,570 shops and locations qualified for SCABTs before the waiver, and 1,063 shops and locations equipped with a comparator panel after the waiver; the difference of about 500 shops and locations represents the shops and locations that may purchase a comparator panel. AAR notes its estimates include shops and locations that performed five or more SCABT tests, so the actual counts may be higher. In addition, FRA internally estimated 300 shops and locations may need to purchase a comparator panel. FRA used an average of the two estimates for analysis, or 400 shops and locations. FRA assumed one comparator panel purchased per shop or location and applied the $246 cost per panel (updated and adjusted from the NPRM cost of $190 per panel) to estimate a marginal cost of $98,291 for acquiring comparator panels. Furthermore, AAR offers these comparator panels may need replacement every four years (years one, five, nine, 13, and 17 of the 20-year period of analysis).

These comparator panels are also required to be periodically recalibrated (not later than two years) so that an accurate number of retroreflective sheets are replaced on rail cars. Given the four-year average life of a comparator panel, a comparator panel will be typically recalibrated one time during its useful life. For example, if a comparator panel is purchased in year 1 of the period of analysis, it would be recalibrated in year three, and a new comparator panel purchased in year five. Over the period of analysis, recalibration would occur in in years three, seven, 11, 15, and 19. In addition, AAR estimated a recalibration cost of $95.09 per panel with a discount if multiple panels are recalibrated per shop (adjusted from 2020 base year cost of $80 using U.S. Bureau of Economic Analysis, Table 1.1.9. Implicit Price Deflator). As FRA does not know how many shops own multiple comparator panels, the cost of recalibrating one panel was used to estimate a cost of $38,035 for recalibrating 400 comparator panels.

Employees inspecting and replacing reflective material likely would need training and instruction in these procedures. Rule 66, Reflective Sheeting, of the AAR Field Manual contains instructions for inspecting sheeting using the comparator panels. A manufacturer of comparator panels also provides step-by-step instructions on its website.[69] FRA assumed these comparator panel instructions will be combined with existing training sessions on performing SCABTs and locomotive inspections. FRA estimated a marginal training cost using the same amount of time estimated to inspect reflective sheeting using a comparator panel of 2.8 minutes, applied to 17,537 STB Group 400 Maintenance of Equipment and Stores employees (in 2024) at their wage rate, to calculate a training cost of $58,036. Only the first year of training is considered because the cost of subsequent training is covered under the training rule, 49 CFR part 243.[70]

The following table presents the estimated final rule cost elements.

TABLE V–3—FINAL RULE COSTS

[2024 Dollars]

Final rule cost impact	Undiscounted	Present value 7%	Present value 3%	Annualized 7%	Annualized 3%
Visual Inspection & Replacement (§ 224.109)	$217,545,315	$115,233,908	$161,826,248	$10,877,266	$10,877,266
Periodic Evaluation & Sheeting Replacement (§ 224.111)	234,361,799	124,141,612	174,335,589	11,718,090	11,718,800
Transportation for Non-SCABT Cars	95,680,707	50,682,139	71,174,366	4,784,035	4,784,035
10-Year Renewal Option est. for Small Entities	1,664,461	881,666	1,238,149	83,223	83,223
Comparator Panel	491,453	287,307	381,944	27,120	25,673
Comparator Panel Recalibration	190,173	97,106	117,210	7,712	7,878
Employee Training	58,036	54,239	56,345	5,120	3,787
Total Final Rule	549,991,943	291,377,977	409,151,953	27,504,020	27,501,438

[68] AAR, *Railroad Facts* (Washington: multiple editions 2017–2020) 65–80. Foran, Pat, & Stagl, Jeff, eds., ''Fleet Stats,'' *Progressive Railroading* (multiple editions 2016–2019, and 2021). Year 2020 not available, 2019 Railroad Car Owners data carried over to 2020. Available: *https://www.progressiverailroading.com/keywords/keywords.aspx?id=0&keywords=Fleet+Stats&year=2017*. (May require log-in for some years.)

[69] Avery Dennison, available: *RR-Comparison-Panel-Kit_Overview.pdf* (*averydennison.com*).

[70] Calculation: 2.8 min. marginal training time × $1.20 per min. × 17,537 employees = $58,036.

4. Alternatives

FRA considered a few regulatory alternatives before deciding to offer stakeholders the option of using the 10-year replacement cycle or the alternative methods (comparator panels or retroreflectometers). As a presumably lower-cost alternative, FRA considered eliminating the 10-year replacement cycle completely, given that most of the industry is using the comparator panel waiver. However, FRA assessed that some entities might incur higher costs for evaluating sheeting on MOW cars and other privately-owned cars using the comparator panel because these cars may not appear at a repair shop or on a repair track regularly for an SCABT. Some smaller entities with fewer cars may also find it easier to replace the retroreflective sheeting on their cars every 10 years. A pre-determined schedule for replacing sheeting provides regulatory simplicity for these entities and may be easier to implement than a comparator panel-based standard. Overall, including both alternatives increases regulatory flexibility for railroads and car owners.

FRA also considered stricter alternatives that would help FRA enforce the Reflectorization Standards. For example, FRA could mandate railroads and private-car owners record and report when retroreflective sheeting is changed. FRA could also require the industry to report which standard for evaluation and replacement they are following (*i.e.,* either the alternative replacement or the 10-year replacement cycle). As noted in the Overview section above, under the approved waiver for using the comparator panel, the industry has not been consistently recording in UMLER when and why sheeting is replaced. That makes it difficult to determine how much of the sheeting was replaced because of damage, and how much because of the passage of time. Given the size of the fleet and frequency of SCABTs, the recordkeeping and reporting costs could be somewhat significant. Railroads would need to record and report information that is not currently required, including when the sheeting is replaced, why it is replaced (obscured, damaged, or missing), and how much of the rail car sheeting was replaced. FRA estimates this would cost at least $201,088 annually.[71] In return, better records could facilitate FRA enforcement, for example, to check if the overall rate of sheeting replacement under the final rule is in-line with expectations for the service life of sheeting in various operations and environments. Given the low accident risk under the waivers historically, FRA has determined that a less costly alternative is appropriate; enforcement will generally rely on FRA inspectors visually inspecting sheeting and SCABT data. For example, if an inspector observes sheeting to be in poor condition and requests records from the railroad that list a recent SCABT, it will provide an indication the sheeting may not have been replaced when required.

5. Sensitivity Analysis

The cost and benefit estimates could change if the analysis's underlying assumptions or inputs were to change. The largest categories of costs presented in Table V–3 are the pre-existing requirements to inspect visually and replace sheeting (§ 224.109), periodically evaluate and replace sheeting (§ 224.111), and transport cars that would not typically appear on a repair track or shop for an SCABT. The costs to inspect visually and replace sheeting, and to evaluate periodically and replace sheeting, depend primarily on the number of cars. The number of cars is about 750,000 and 500,000 respectively for these cost estimates. If the number of cars used in calculating these estimates were to increase, then the estimated net business benefits would increase too. The number of active freight cars may increase if economic growth continues in the short run, likely increasing the demand for freight transportation. FRA used an average of recent freight cars counts (2016–2020) as a reasonable estimate in its cost estimates.

Furthermore, for the cost to evaluate periodically and replace sheeting, if the cost for purchasing a retroreflectometer decreases over time, or a cheaper substitute method of directly measuring the reflectivity becomes available, the labor time to evaluate the sheeting on a car will decrease. The benefits from using an alternative method will then increase as well.

For the transportation cost, the cost per car is a significant factor. FRA applied the probability of sheeting renewal to estimate this cost. As the actual service life of sheeting in different railroad operations and environments becomes better known, the need to transport cars to replace sheeting may further decrease, reducing this cost. In addition, as mentioned, FRA used a proxy to estimate the number of cars that may need transportation, which is a source of uncertainty in the estimate, but conceptually represents the type of cars that may need transportation.

FRA also used STB wage rates in its estimates, based on the Class I railroads' reports to the STB. Using AAR wage rates will affect the scale of costs, but not the resources used in terms of capital (*i.e.,* the number of cars and comparator panels), and labor time used to comply with the regulation.

AAR commented that FRA's labor rate was much lower than the rate AAR provided ($59.89 and $140.38 respectively). FRA retains its labor rate as an input for the primary analysis as explained above. However, FRA recalculates the costs and benefits to illustrate the ways in which the results of the analysis change with respect to the labor rate. Though throughout the primary analysis FRA has updated its labor rates to 2024 dollars, FRA does not have information on the elements in AAR's labor rate beyond the straight-time wage rates reported to the STB to update the AAR labor rate. Therefore, for the sensitivity analysis below, the 2020 wage rates are used.

TABLE V–4—SUMMARY OF TOTAL BENEFITS OVER THE 20-YEAR PERIOD (2020 DOLLARS) USING AAR LABOR RATE *

Impact	Undiscounted	Present value 7%	Present value 3%	Annualized 7%	Annualized 3%
Baseline Cost	$955,578,923	$506,171,261	$710,830,329	$47,778,986	$47,778,964
Final Rule Cost	879,222,742	465,795,626	654,071,216	43,967,812	43,963,860

[71] The Paperwork Reduction Act (PRA) analysis for this final rule estimates a cost of $201,088 for recording and reporting obscured, damaged, or missing sheeting under § 224.109. This analysis assumes the stricter alternative would require railroads to record and report additional data. As an approximation, the additional burden is another 5 minutes, or $201,088 annually. Also, Railinc would incur a cost for programming changes to the UMLER database to accommodate the new data fields. FRA inspectors would also spend more time reviewing these more detailed records.

TABLE V–4—SUMMARY OF TOTAL BENEFITS OVER THE 20-YEAR PERIOD (2020 DOLLARS) USING AAR LABOR RATE *—Continued

Impact	Undiscounted	Present value 7%	Present value 3%	Annualized 7%	Annualized 3%
Net Benefits	76,356,181	40,375,635	56,759,114	3,811,174	3,815,104

* Uses AAR provided labor rate of $140.38 per hour instead of FRA labor rate of $59.89 per hour for STB Group 400 Maintenance of Equipment & Stores employees. Government Costs and Qualitative Benefit remain the same as in Table V–1 and are not duplicated here.

As presented in Table V–4, using AAR's labor rate decreases estimated net benefits by about 30 percent when comparing the present values of costs using a seven percent interest rate ($55.4 million using FRA's rate to $40.4 million using AAR's rate). In addition, in the baseline scenario, the cost of the primary task of sheeting renewal under § 224.111 increases from $68.21 per car (using FRA's labor rate) to $135.24 per car (using AAR's labor rate), or about double. Similarly, the final rule's cost for evaluating and applying retroreflective sheeting under § 224.111 by using the comparator panel increases from $16.21 to $36.74 per car. The resulting benefits increase from $52 to $98.50 per car, again, about double. To reiterate, the labor time to accomplish these tasks does not change.

6. Conclusion

As shown in Table V–1 above, FRA estimates the final rule results in net benefits with a present value of $91 million using a seven percent discount rate and $128 million using a three percent discount rate (over a 20-year period of analysis in 2024 dollars). In annualized terms, the net benefits are $8.6 million per year using a seven percent discount rate and a similar $8.6 million using a three percent discount rate. In addition, the Federal Government would save the cost of reviewing and analyzing waivers of about $103,285 (present value, seven percent discount rate); $144,275 (present value, three percent discount rate), or about $9,700 (annualized, both seven and three percent discount rates).

FRA also estimates there may be ancillary benefits of the final rule in terms of reduced environmental impact from disposing of reflective sheeting prematurely. Given reflective sheeting can remain effective more than 10 years, there would be less reflective sheeting replaced under this rule during the period of analysis. Based on the Preston (2014) study, if reflective sheeting lasts 15 to 20 years, then there would be 50 percent to 100 percent less reflective sheeting replaced and disposed of in comparison to the mandatory 10-year replacement. The benefit would be less waste. Though FRA has not quantified this benefit, it could be important given the large number of rail cars affected. As in the regulation before this rulemaking, reflective sheeting will still need replacement earlier than 10 years if damaged or obscured. Also, in the long run, the reflective sheeting applied on all cars would need replacement and disposal eventually. FRA invited comment in the NPRM on these environmental benefits. As part of its comments to the NPRM, RSI concurred that the NPRM may have incidental environmental benefits.

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

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for ''each new [14192 regulatory action] issued, at least ten prior regulations be identified for elimination.'' [72] Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.[73]

An E.O. 14192 deregulatory action is defined as ''an action that has been finalized and has total costs less than zero.'' This final rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action. This final rule will have an estimated cost savings of $91 million at a seven percent discount rate over a 20-year span.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) and E.O. 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' (67 FR 53461 (Aug. 16, 2002)) require agency review of proposed and final rules to assess their impacts on small entities. An agency must prepare an Initial Regulatory Flexibility Analysis (IRFA) unless it certifies that a rule, if promulgated, would not have a significant economic impact on a substantial number of small entities. To help the public comment on the potential small entity impacts of the rulemaking, FRA prepared an IRFA to accompany the NPRM.

In this final rule, FRA is codifying two types of waivers that entities have submitted for relief from the Reflectorization Standards. First, the rule excludes from the Reflectorization Standards those entities that operate rail freight rolling stock used exclusively in THEERP operations except for incidental freight service. FRA has found these operations do not operate their equipment under low-light conditions (*i.e.,* at night) over highway-rail grade crossings. Therefore, these operations pose a low safety risk in terms of grade crossing accidents/incidents preventable by retroreflective sheeting. Second, the final rule codifies a waiver granted to AAR to use alternative methods to determine when to replace retroreflective sheeting. Using the alternative methods allows retroreflective sheeting to be replaced as needed, instead of under a 10-year cycle, resulting in reduced costs and waste. The alternative methods may also result in greater safety by replacing degraded or otherwise substandard sheeting sooner than it would have been under the 10-year replacement cycle. The final rule retains the option to use the 10-year replacement cycle for retroreflective sheeting if an entity prefers to use that option.

FRA did not receive comments directly related to the IRFA. Considering comments received on the NPRM, FRA made changes to the final rule that will increase flexibility for all entities that use the comparator panel, including small entities. The final rule clarifies the process to evaluate retroreflective sheeting for properly trained and experienced employees and allows evaluations to be performed at the next closest effective distance where the recommended distance of 15 feet is not practicable.

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

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

Description of Small Entities Impacted by the Final Rule

Federal agencies may adopt their own size standards for small entities in consultation with SBA and in conjunction with public comment. Under that authority, FRA has published a final statement of agency policy that formally establishes ''small entities'' or ''small businesses'' as railroads, contractors, and hazardous materials shippers that meet the revenue requirements of a Class III railroad as set forth in 49 CFR part 1201, General Instruction 1–1, which is $20 million or less in inflation-adjusted annual revenues; and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less.[74] The $20 million limit is based on the STB's revenue threshold for a Class III railroad carrier. The current threshold is $47.3 million.[75] FRA is using this definition for the final rule.

Based on railroads that reported to FRA under 49 CFR part 225 (Railroad Accidents/Incidents) in 2024, FRA estimates the universe of small railroads consists of 745 Class III railroads. The final rule's provision codifying waivers related to rail cars used in THEERP operations affects primarily the tourist railroads. FRA estimates there are 146 tourist railroads that are Class III railroads to which the final rule will apply. For the provision codifying the alternative method to evaluate retroreflective sheeting, FRA estimates 85 percent of the Class III railroads will use the comparator panel to evaluate sheeting and will be affected, or about 633 small railroads. Therefore, this rule will impact a substantial number of small railroads.

In addition, FRA knows of one manufacturer of comparator panels, specifically Avery Dennison Corp. Avery Dennison employs more than 750 persons, the SBA [76] benchmark for large businesses. There are other manufacturers of retroreflective sheeting; FRA is aware of ORAFOL Americas, Inc, a subsidiary of the ORAFOL Group, that has purchased Reflexite Corp., and the 3M Co. Both manufacturers currently do not make comparator panels and are large businesses.

Economic Impacts on Small Entities

FRA determined that the impact on small entities affected by the final rule will not be significant but will result in cost savings. Small entities that operate rail freight rolling stock used in THEERP operations will no longer need to file waivers for relief from the Reflectorization Standards and save the cost associated with filing these waivers. In annualized terms using a seven percent discount rate, the final rule results in estimated paperwork reduction benefits of $6,638 per year. When divided by the class of 146 tourist railroads, each tourist railroad would save $45.46 per year.[77]

For the provision of the final rule allowing use of an alternative method to evaluate and replace retroreflective sheeting, the compliance requirements for the small entities are the same as for all entities accounted for in the regulatory analysis above. The annualized cost for using a comparator panel was estimated at $7.07 per car, in comparison to a baseline 10-year replacement cost of $9.46 per car, a savings of about $2.39 per car.[78] The costs for purchasing and recalibrating the comparator panel are negligible when divided by the many cars in the fleet.

In annualized terms at seven percent, the estimated total compliance costs under the final rule are $13.15 per car, compared to baseline costs (*i.e.,* without the final rule) of $16.30 per car, a savings of $3.155.20 per car. FRA estimated Class III railroads own 54,766 cars on average over the years 2016 through 2020. Thus, the estimated benefit for the small entities is $285,099. When divided by the 633 railroads that would use the comparator panel method, each railroad would save about $450 per year (inclusive of waiver savings). These costs were estimated on a per-car basis. The benefits per small entity depend on the number of cars it operates.

Certification

FRA has determined the impact of the final rule will be to allow small railroads to reduce costs by relieving them of the need to file waivers from the Reflectorization Standards. Furthermore, under the final rule, small railroads will reduce costs to evaluate and replace retroreflective sheeting. Accordingly, FRA certifies that this rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

FRA is submitting the information collection requirements in this rule to OMB for approval under the Paperwork Reduction Act of 1995.[79] The sections that contain the new or revised information collection requirements and the estimated time to fulfill each requirement are as follows:[80]

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden (C = A * B)	Total cost equivalent in U.S. dollar (D = C * wage rates) [80]
224.7—Waivers (Revised requirement due to revision under § 224.3).	727 railroads and freight car owners.	1 petition	8 hours	8	$721.52

[74] 68 FR 24891 (May 9, 2003) (codified at appendix C to 49 CFR part 209).

[75] The Class III railroad revenue threshold is $48.2 million or less for 2024. (The Class II railroad threshold is between $48.2 million and $1.07 billion, and the Class I railroad threshold is $1.07 billion or more.) *See* STB, *Data Issued in Regulatory Proceedings.* Revenue Deflators. Available: *https://www.stb.gov/reports-data/economic-data/.*

[76] North American Industry Classification System (NAICS) Code 326113 signifies the Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing firms that would be affected by this final rule. Per SBA, any firm under NAICS code 326113 that employs more than 750 employees cannot qualify as a small business. U.S. SBA, *Table of Small Business Size Standards Matched to North American Industry Classification Codes* (Jan. 2019). Available: *https://www.sba.gov/document/support-table-size-standards.*

[77] Under the final rule, railroads that operate equipment used in THEERP operations would save the cost of evaluating and applying retroreflective sheeting to their rail cars too, but since FRA has historically approved the majority of these waivers, the analysis accounts primarily for the savings from not having to file waivers.

[78] Calculation: Final rule cost for § 224.111 = $11,718,090/1,658,334 avg. cars per year = $7.07 per car. Baseline cost (for 10-year replacement) = $15,682,390/1,658,334 = $9.46. Savings = $9.46 − $7.07 = $2.39 per car (annualized, 7 percent).

[79] 44 U.S.C. 3501 *et seq.*

[80] STB, *Quarterly Wage Form A&B Data* (2024). Compiled from Class I railroad data reported on Wage Form A&B for year 2024. Calculated as: Wage ($/hour) = sum of *compensation for time worked and paid for straight time rates* ($) for Class I railroads ÷ sum of *service hours for time worked and paid for straight time rates* (hours) for Class I railroads. Available: *https://www.stb.gov/reports-data/economic-data/quarterly-wage-ab-data/.*

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden (C = A * B)	Total cost equivalent in U.S. dollar (D = C * wage rates) [80]
224.15(b)—Special approval procedures—Petitions for special approval of alternative standard.	2 manufacturers	1 petition	40 hours	40	3,607.60
—(d)(3) Hearing on the petition in accordance with the procedures provided in § 211.25.	FRA does not believe that it will not need any additional information to consider any submitted petitions under the above requirement. Consequently, there is no burden associated with this provision.				
—(e) Disposition of petitions	Exempted from PRA under 5 CFR 1320.4(2).				
224.101—General requirements	The burden for this requirement is covered under § 224.15.				
224.103(d)—Characteristics retroreflective sheeting—Certification.	There would be no burden involved for new cars. In addition, the cost for stamping, etching, molding, printing is included as part of the manufacturing process and consequently there is no burden associated.				
224.103(e)—Characteristics retroreflective sheeting—Alternative standards.	The burden for this requirement is covered under § 224.15.				
224.109(a)—Inspection and replacement of missing, damaged, or obscured retroreflective sheeting—Railroad freight cars—Railroads notification to person responsible for reporting mark after visual inspection for presence and condition when freight car on either side has less than 80% reflective sheeting of the damaged, obscured, or missing sheeting (revised text, section heading).	AAR/400 car shops	33,510 notifications of defect and restriction.	5 minutes	2,793	201,087.93
—(b) Locomotive record of freight retroreflective sheeting defects found after inspection kept in locomotive cab or in railroad accessible electronic database that FRA can access upon request.	727 railroads and freight car owners.	2,460 records of defect and restriction.	5 minutes	205 hours	14,762.05
224.111(c)—Evaluation and replacement of 10-year-old or underperforming retroreflective sheeting—Performance-based replacement.	The burden for this requirement is covered under 49 CFR 232.305 (OMB Control Number 2130–0008), or a locomotive receives an annual inspection required by 49 CFR 229.27 (OMB Control Number 2130–0004).				
224.111(c)(1)(iv)—Evaluation and replacement—Labeling.	The cost of labeling is included as part of the manufacturing process and consequently there is no burden associated.				
Total [81]	727 railroads and 400 car shops.	35,972 responses	N/A	3,046	220,179.10

All estimates include the time for reviewing instructions; searching existing data sources; gathering or maintaining the needed data; and reviewing the information. For information or a copy of the paperwork package submitted to OMB, contact Ms. Arlette Mussington, Information Collection Clearance Officer, at 571–609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at 757–897–9908.

OMB is required to make a decision concerning the collection of information requirements contained in this rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

FRA is not authorized to impose a penalty on persons for violating information collection requirements that do not display a current OMB control number, if required. The current OMB control number is 2130–0566.

[81] Totals may not add due to rounding.

E. Federalism Implications

This final rule will not have a substantial 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. Thus, in accordance with E.O. 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

F. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the U.S.

G. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1D, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.116(c)(15). There are no unusual or extraordinary circumstances present in connection with this rulemaking.

H. E.O. 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

I. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of $100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

J. Energy Impact

E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any ''significant energy action.'' FRA has evaluated this rule in accordance with E.O. 13211 and determined that this rule is not a ''significant energy action'' within the meaning of E.O. 13211.

List of Subjects in 49 CFR Part 224

Penalties, Railroad safety, Reflectorization standards.

The Final Rule

For the reasons stated above, FRA amends part 224 of chapter II, subtitle B of title 49, Code of Federal Regulations, as follows:

PART 224—REFLECTORIZATION OF RAIL FREIGHT ROLLING STOCK

■ 1. The authority citation for part 224 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20148 and 21301; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Amend § 224.3 by revising paragraphs (c) and (d) and adding paragraph (e) to read as follows:

§ 224.3 Applicability.

* * * * *

(c) Locomotives and passenger cars used exclusively in passenger service;

(d) Freight rolling stock that is subject to a reflectorization requirement promulgated by another Federal agency; or

(e) Freight rolling stock used for only for tourist, historic, excursion, educational, recreational, or private purposes, except for incidental freight service.

§ 224.107 [Removed and Reserved]

■ 3. Remove and reserve § 224.107.

■ 4. Revise § 224.109 to read as follows:

§ 224.109 Inspection and replacement of missing, damaged, or obscured retroreflective sheeting.

(a) *Railroad freight cars.* Retroreflective sheeting on railroad freight cars subject to this part must be visually inspected for presence and condition whenever a car undergoes a single car air brake test required under 49 CFR 232.305. If at the time of inspection less than 80 percent of the amount of sheeting required under § 224.105 on either side of a car is present, not damaged, and not obscured, the inspecting railroad or contractor shall promptly notify the person responsible for the reporting mark, as indicated in the Universal Machine Language Equipment Register, of the damaged, obscured, or missing sheeting (unless the inspecting railroad or contractor is the person responsible for the reporting mark). The inspecting railroad or contractor shall retain a written or electronic copy of each such notification made for at least two years from the date of the notice and shall make these records available for inspection and copying by the FRA upon request. Any person notified of a defect under this section shall have nine months (270 calendar days) from the date of notification to repair or replace the damaged, obscured, or missing sheeting. Where the inspecting railroad or contractor is the person responsible for the reporting mark, the person shall have nine months (270 calendar days) from the date of the inspection to repair or replace the damaged, obscured, or missing sheeting.

(b) *Locomotives.* Retroreflective sheeting must be visually inspected for presence and condition when the locomotive receives the annual inspection required under 49 CFR 229.27. If at the time of inspection, less than 80 percent of the amount of sheeting required under § 224.105 on either side of a locomotive is present, not damaged, and not obscured, the damaged, obscured, or missing sheeting must be repaired or replaced within nine months (270 calendar days) from the date of inspection, provided a record of the defect is maintained in the locomotive cab or in a secure and accessible electronic database to which FRA is provided access on request.

■ 5. Revise § 224.111 to read as follows:

§ 224.111 Evaluation and replacement of 10-year-old or underperforming retroreflective sheeting.

(a) *Replacement process.* Retroreflective sheeting required by this part shall comply with the replacement process in either paragraph (b) or (c) of this section.

(b) *10-year replacement cycle.* Regardless of condition, retroreflective sheeting required by this part shall be replaced with new, undegraded, sheeting no later than 10 years after the initial installation date. At the time of replacement, it is not necessary to remove the previously installed sheeting unless it interferes with the placement of the replacement sheeting, as required by § 224.106, but the previously installed sheeting shall not be considered in calculating the required minimum area of retroreflective material required as shown in Table 2 to this subpart.

(c) *Replacement based on retroreflective comparator panel.* Except as provided in paragraphs (c)(2)(ii) and (c)(3) of this section, retroreflective sheeting shall be evaluated using a properly calibrated comparator panel, manufactured to the specifications outlined under paragraph (c)(1) of this section, whenever a car undergoes a single car air brake test required by 49 CFR 232.305, or a locomotive receives an annual inspection required by 49 CFR 229.27.

(1) *Retroreflective comparator panel specifications*—(i) *Retroreflectivity.* Retroreflective comparator panels shall have the minimum (and maximum, if applicable) retroreflectivity values as outlined in Table 1 to paragraph (c)(1)(iv) of this section.

(ii) *Color.* Retroreflective comparator panels shall be yellow or white as outlined in § 224.103(b).

(iii) *Construction.* Retroreflective comparator panels shall be 4 inches wide by 4 inches high, be constructed with glass-beaded material or other material that displays uniform appearance when rotated and viewed with a light source, and have a magnetic backing so that the panel can be attached to rail freight rolling stock.

(iv) *Labeling.* Retroreflective comparator panels shall have a waterproof and dust-proof label affixed to the backing. The label shall contain: the phrase ''Retroreflective Comparator Panel—Yellow'' or ''Retroreflective Comparator Panel—White;'' and the name of the manufacturer, the part, model, or serial number, the date the panel was manufactured, the target retroreflectivity level to which the panel was manufactured (measured in cd/lx/m^2), and a space provided for the certified recalibration date. Retroreflective comparator panels shall be recalibrated at least every two years and the date of a panel's most recent recalibration must appear in the space provided on the label.

TABLE 1 TO § 224.111(c)(1)(iv)—RETROREFLECTIVE COMPARATOR PANEL REQUIREMENTS

[Retroreflective Comparator Panel Requirements]

Color	Required retroreflectivity (cd/lx/m²) at −4° entrance and of 0.2° observation angles		Required retroreflectivity (cd/lx/m²) at 30° entrance and of 0.5° observation angles
	Minimum	Maximum	Minimum
White	250	285	60
Yellow	150	170	35

(2) *Retroreflective comparator panel evaluation process and criteria.* Each retroreflective sheeting on rail freight rolling stock shall be evaluated on its performance. The evaluation procedure shall consist of the following:

(i) Retroreflective sheeting shall be visually evaluated with the use of a light source. The light source must be of sufficient intensity to illuminate and overcome ambient lighting conditions. A brighter light source (LED) is recommended in daylight conditions.

(ii) Properly trained and experienced persons may pass sheeting that they determine to be obviously compliant and fail sheeting they determine to be obviously noncompliant (including obscured) based on their initial visual inspection. Any sheeting that they do not determine to be obviously compliant or noncompliant, shall be evaluated using a retroreflective comparator panel comparison.

(iii) Retroreflective comparator panels shall conform to the requirements outlined in paragraph (c)(1) of this section, and the panel's color shall match the color of the installed sheeting being evaluated.

(iv) The comparator panel shall be placed directly adjacent to, or overlapping, the retroreflective sheeting being evaluated. The retroreflective sheeting shall also be cleaned, as necessary, before the evaluation begins.

(v) Retroreflective sheeting and the comparator panel shall be evaluated from a position perpendicular to the installed sheeting, preferably from a distance of 15 feet from the installed sheeting and the comparator panel. In the event conducting the evaluation from 15 feet away is not practicable, the evaluation may be conducted from the next closest alternative distance that still permits effective evaluation.

(vi) The light source shall be positioned adjacent to the inspector's eye (left or right) and directed at the sheeting and comparator panel, and a comparison of the reflected light intensity of the entire installed sheeting to that of the comparator panel shall be made. The installed sheeting shall pass or fail based on the following criteria:

(A) If the perceived reflected light intensity of the entire installed sheeting appears brighter than that of the comparator panel, the installed sheeting passes the evaluation.

(B) If the perceived reflected light intensity of the entire installed sheeting does not appear brighter than that of the comparator panel, or if it cannot be discerned if one is brighter than the other, the sheeting fails the evaluation and shall be replaced prior to the equipment returning to service.

(C) Installed sheeting that is damaged, obscured, or missing, cannot be evaluated with the comparator panel and shall be replaced prior to the equipment returning to service.

(3) *Handheld retroreflectometers.* A properly calibrated handheld retroreflectometer may be used in lieu of a comparator panel, subject to the following conditions:

(i) The handheld retroreflectometer shall be an annular device. A single measurement on a strip of sheeting shall suffice with an annular device, provided that the sheeting is not damaged, obscured, or missing.

(ii) The handheld device shall be placed directly against the reflective sheeting, and the measurement shall be made based on the device manufacturer's recommendation.

(iii) The minimum allowable retroreflective value is 150 cd/lx/m² for yellow sheeting and 250 cd/lx/m² for white sheeting, when measured at the −4° entrance angle and 0.2° observation angle configuration. Sheeting that does not meet these minimum allowable retroreflectivity values shall be replaced prior to the equipment returning to service.

Issued in Washington, DC.

Robert Andrew Feeley,

Deputy Administrator.

[FR Doc. 2026–01549 Filed 1–26–26; 8:45 am]

BILLING CODE 4910–06–P

Proposed Rules

Federal Register
Vol. 91, No. 17
Tuesday, January 27, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2024–0045]

RIN 3150–AL06

Incorporation by Reference of Institute of Electrical and Electronics Engineers Standard 603–2018

AGENCY: Nuclear Regulatory Commission.

ACTION: Public meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) plans to hold a public meeting to discuss the recently published proposed rule that proposes amending its regulations to incorporate by reference the Institute of Electrical and Electronics Engineers Standard (Std) 603–2018, ''IEEE Standard Criteria for Safety Systems for Nuclear Power Generating Stations,'' and the accompanying Draft Regulatory Guide (DG) DG–1251, Revision 1, ''Guidance for the Power, Instrumentation, and Control Portions of Safety Systems for Nuclear Power Plants.''

DATES: The NRC plans to hold the public meeting on February 3, 2026, during the 60-day public comment period. See section II, Public Meeting, of this document for more information on the meeting.

ADDRESSES: Please refer to Docket ID NRC–2024–0045 when contacting the NRC about the availability of information regarding this public meeting. 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–2024–0045. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: *Helen.Chang@nrc.gov.* For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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 reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *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.

FOR FURTHER INFORMATION CONTACT: Denise Edwards, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–7204; email: *Denise.Edwards@nrc.gov,* and Gilberto Blas Rodriguez, Office of Nuclear Reactor Regulation, telephone: 301–287–9260; email: *Gilberto.BlasRodriguez@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On December 19, 2025, the NRC published a notice in the **Federal Register** for a 60-day public comment period (90 FR 59402). The proposed rule would amend the regulations by the incorporation by reference of Institute of Electrical and Electronics Engineers Standard (IEEE Std) 603–2018 into title 10 of the *Code of Federal Regulations* (10 CFR) 50.55a, ''Codes and standards,'' and to provide for its use for nuclear power reactors of all types. This proposed rule also includes a conforming amendment to paragraph (b)(1)(v) of section 50.69, ''Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors,'' of 10 CFR, which would extend that provision to allow risk-informed alternatives to Clauses 5.3 and 5.4 of IEEE 603–2018 for certain systems, structure, and components.

II. Public Meeting

The NRC staff plans to hold the public meeting on February 3, 2026, during the planned, 60-day public comment period to present an overview of the proposed to amend its regulations to incorporate by reference the Institute of Electrical and Electronics Engineers (IEEE) Standard (Std) 603–2018, ''IEEE Standard Criteria for Safety Systems for Nuclear Power Generating Stations'' and the accompanying DG–1251, Revision 1, ''Guidance for the Power, Instrumentation, and Control Portions of Safety Systems for Nuclear Power Plants.''

Interested stakeholders may attend via telephone or online seminar. The public meetings will be transcribed and will include a presentation of the contents of the proposed rule and draft guidance; and an opportunity for government agencies, organizations, and individuals to ask questions. No comments on the proposed rule or draft guide will be accepted during the meeting. Persons interested in attending this meeting should monitor the NRC's Public Meeting Schedule web page at *https://www.nrc.gov/pmns/mtg* for additional information, agendas for the meeting, and access information for the meeting.

If special equipment or accommodations are needed to attend or present information at a public meeting, please contact Denise Edwards, telephone: 301–415–7204, email: *Denise.Edwards@nrc.gov,* no later than 10 days before the meeting to provide the NRC staff adequate notice to determine whether the request can be accommodated.

III. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	Adams accession No./ **Federal Register** citation
Proposed Rule	
Proposed Rule: Incorporation by Reference of Institute of Electrical and Electronics Engineers Standard 603–2018	90 FR 59402
Draft Guidance Document	
DG–1251, Revision 1, Guidance for the Power, Instrumentation, and Control Portions of Safety Systems for Nuclear Power Plants.	ML25114A021
Un-official Redline	
Unofficial Redline of the NRC's Proposed Rule: Incorporation by Reference of Institute of Electrical and Electronics Engineers Standard 603–2018 NRC 2024–0045; RIN–3150–AL06.	ML24353A325

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2024–0045. The Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. The following actions are needed to subscribe: (1) navigate to the docket folder NRC–2024–0045, (2) click the ''Subscribe'' button, and (3) enter an email address and click on the ''Subscribe'' button.

Dated: January 22, 2026.

For the Nuclear Regulatory Commission.

George Tartal,

Acting Chief, Reactor Rulemaking and Project Management Branch, Division of Rulemaking, Financial and Environmental Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2026–01534 Filed 1–26–26; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–0728; Project Identifier MCAI–2025–01823–T]

RIN 2120–AA64

Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2025–22–02, which applies to certain MHI RJ Aviation ULC (type certificate previously held by Bombardier, Inc.) Model CL–600–2C10 (Regional Jet Series 700, 701 &702), CL–600–2C11 (Regional Jet Series 550), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. AD 2025–22–02 requires repetitive torque checks of the H-stab anti-yaw steady fitting block bolts. Since the FAA issued AD 2025–22–02, it was determined that additional actions must be done to address the unsafe condition. This proposed AD would continue to require the actions in AD 2025–22–02 and would require replacing the H-Stab anti-yaw steady fitting block hardware. 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 13, 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–2026–0728; 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:

- Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca*. You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation*. It is also available at *regulations.gov* under Docket No. FAA–2026–0728.
- 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: Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@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–2026–0728; Project Identifier MCAI–2025–01823–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to

regulations.gov, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2025–22–02, Amendment 39–23180 (90 FR 49251, November 5, 2025) (AD 2025–22–02), for certain MHI RJ Aviation ULC (type certificate previously held by Bombardier, Inc.) Model CL–600–2C10 (Regional Jet Series 700, 701 &702), CL–600–2C11 (Regional Jet Series 550), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. AD 2025–22–02 was prompted by an MCAI originated by Transport Canada, which is the aviation authority for Canada. Transport Canada issued AD CF–2025–38, effective August 19, 2025 (Transport Canada AD CF–2025–38) (also referred to as the MCAI), to correct an unsafe condition.

AD 2025–22–02 requires repetitive torque checks of the H-stab anti-yaw steady fitting block bolts. The FAA issued AD 2025–22–02 to address loose or missing bolts on the anti-yaw steady fitting block, which, when combined with a bird strike or gust loading, may result in loss of the horizontal stabilizer and consequent loss of control of the airplane.

Actions Since AD 2025–22–02 Was Issued

Since the FAA issued AD 2025–22–02, it was determined that additional actions must be done to address the unsafe condition. Transport Canada AD CF–2025–38 requires the replacement of the H-Stab anti-yaw steady fitting block hardware within 6,600 flight hours or 6 years, whichever occur first. The preamble to FAA AD 2025–22–02 explained that the planned compliance time for that replacement would have allowed enough time to provide notice and opportunity for prior public comment on the merits of the action. Therefore, AD 2025–22–02 did not require the replacement but it did allow the replacement as an optional terminating action for the repetitive torque checks. AD 2025–22–02 was considered to be interim action pending the FAA's consideration of further rulemaking to mandate the replacement. The FAA has determined that this replacement must be required.

The FAA is proposing this AD to address the unsafe condition on these products. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–0728.

Material Incorporated by Reference Under 1 CFR Part 51

This proposed AD would require Transport Canada AD CF–2025–38, which the Director of the Federal Register approved for incorporation by reference as of November 20, 2025 (90 FR 49251, November 5, 2025).

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would continue to require the actions in AD 2025–22–02 and would require replacing the H-Stab anti-yaw steady fitting block hardware.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to retain the incorporation by reference (IBR) of Transport Canada AD CF–2025–38 in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2025–38 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by Transport Canada AD CF–2025–38 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–0728 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 597 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2025–22–02	Up to 6 work-hours × $85 per hour = $510.	$0	Up to $510	Up to $304,470.
New proposed actions	7 work-hour × $85 per hour = $595	27	$622	$371,334.

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the

number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	Up to $28	Up to $113.

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:

■ a. Removing Airworthiness Directive (AD) 2025–22–02, Amendment 39–23180 (90 FR 49251, November 5, 2025); and

■ b. Adding the following new AD:

MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.): Docket No. FAA–2026–0728; Project Identifier MCAI–2025–01823–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 13, 2026

(b) Affected ADs

This AD replaces AD 2025–22–02, Amendment 39–23180 (90 FR 49251, November 5, 2025) (AD 2025–22–02).

(c) Applicability

This AD applies to MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Model CL–600–2C10 (Regional Jet Series 700, 701 &702), CL–600–2C11 (Regional Jet Series 550), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes, certificated in any category, as identified in Transport Canada AD CF–2025–38, effective August 19, 2025 (Transport Canada AD CF–2025–38).

(d) Subject

Air Transport Association (ATA) of America Code55, Stabilizers.

(e) Unsafe Condition

This AD was prompted by reports of loose and missing bolts on the horizontal stabilizer anti-yaw steady fitting block. The FAA is issuing this AD to address loose or missing bolts on the anti-yaw steady fitting block, which, when combined with a bird strike or gust loading, may result in loss of the horizontal stabilizer and consequent loss of control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2025–38.

(h) Exception to Transport Canada AD CF–2025–38

(1) Where Transport Canada AD CF–2025–38 refers to its effective date, this AD requires using November 20, 2025 (the effective date of AD 2025–22–02).

(2) Where Transport Canada AD CF–2025–38 refers to hours air time, this AD requires using flight hours.

(3) Where Transport Canada AD CF–2025–38 refers to the effective date of Transport Canada AD CF–2024–24 (July 4, 2024), this AD requires using the effective date of this AD.

(4) Where paragraph B. of Transport Canada AD CF–2025–38 specifies to repeat the torques check ''every 2200 hours air time from the previous inspection'', for this AD, replace that text with ''at intervals not to exceed 2,200 flight hours''.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or MHI RJ Aviation ULC's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

For more information about this AD, contact Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@faa.gov*.

(k) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on November 20, 2025 (90 FR 49251, November 5, 2025).

(i) Transport Canada AD CF–2025–38, effective August 19, 2025.

(ii) [Reserved]

(4) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca*. You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation*.

(5) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on January 22, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–01495 Filed 1–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–0727; Project Identifier MCAI–2025–01659–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. This proposed AD was prompted by a determination that the approach speed adders and landing distance factors must be corrected in the airplane flight manual (AFM) tables in the non-normal procedure for the SLAT FAIL (Caution) crew alerting system (CAS) message. This proposed AD would require revising the existing AFM to provide the flightcrew with the correct approach speed adders and landing distance factors for the non-normal procedures for the SLAT FAIL (Caution) CAS message. 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 13, 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–2026–0727; 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 Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.* It is also available at *regulations.gov* under Docket No. FAA–2026–0727.
- 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: John Massey, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@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–2026–0727; Project Identifier MCAI–2025–01659–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to John Massey, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2025–53, dated November 11, 2025 (Transport Canada AD CF–2025–53) (also referred to as the MCAI), to correct an unsafe condition for certain Bombardier, Inc., Model BD–700–1A10 and BD–700–

1A11 airplanes. The MCAI states that Bombardier has determined that the approach speed adders and landing distance factors in the AFM tables in the non-normal procedure for the SLAT FAIL (Caution) CAS message require correction. If not addressed, the incorrect approach speed adders for the SLAT FAIL (Caution) non-normal procedure could result in a reduced maneuvering margin to stick shaker activation, failing to provide the margins assumed during the airplane's initial certification. This condition may adversely affect the safe operation of the airplane and increase flightcrew workload due to an unexpected stall warning and stick shaker activation.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–0727.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF–2025–53, which specifies procedures for revising the AFM to correct the approach speed adders and landing distance factors in the AFM tables in the non-normal procedures for the SLAT FAIL (Caution) CAS message. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require revising the existing AFM to provide the flightcrew with the correct approach speed adders and landing distance factors for the non-normal procedures for the SLAT FAIL (Caution) CAS message.

Compliance With AFM Revisions

Transport Canada AD CF–2025–53 requires operators to ''advise all flight crews'' of revisions to the AFM, and thereafter to ''operate the aeroplane accordingly.'' However, this proposed AD would not specifically require those actions as those actions are already required by FAA regulations. FAA regulations require operators furnish to pilots any changes to the AFM (for example, 14 CFR 121.137), and to ensure the pilots are familiar with the AFM (for example, 14 CFR 91.505). As with any other flightcrew training requirement, training on the updated AFM content is tracked by the operators and recorded in each pilot's training record, which is available for the FAA to review. FAA regulations also require pilots to follow the procedures in the existing AFM including all updates. Section 91.9 of 14 CFR requires that any person operating a civil aircraft must comply with the operating limitations specified in the AFM. Therefore, including a requirement in this proposed AD to operate the airplane according to the revised AFM would be redundant and unnecessary.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF–2025–53 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2025–53 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by Transport Canada AD CF–2025–53 for compliance will be available at regulations.gov under Docket No. FAA–2026–0727 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 925 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$0	$85	$78,625

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:

Bombardier, Inc.: Docket No. FAA–2026–0727; Project Identifier MCAI–2025–01659–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 13, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category, as identified in Transport Canada AD CF–2025–53, dated November 11, 2025 (Transport Canada AD CF–2025–53) except serial number 9001.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by a determination that the approach speed adders and landing distance factors must be corrected in the airplane flight manual (AFM) tables in the non-normal procedure for the SLAT FAIL (Caution) crew alerting system (CAS) message. The FAA is issuing this AD to correct the approach speed adders and landing distance factors for the SLAT FAIL (Caution) non-normal procedure. The unsafe condition, if not corrected, could lead to a reduced maneuvering margin to stick shaker (stall warning) activation, which could increase flightcrew workload due to an unexpected stall warning and could adversely affect the safe operation of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2025–53.

(h) Exception to Transport Canada AD CF–2025–53

(1) Where Transport Canada AD CF–2025–53 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph B of Transport Canada AD CF–2025–53 specifies to ''Advise all flight crews of the changes introduced by the approved Transport Canada AFM procedures listed above and thereafter operate the aeroplane accordingly,'' this AD does not require those actions as those actions are already required by existing FAA operating regulations (see 14 CFR 91.9, 91.505, and 121.137).

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or Bombardier, Inc.'s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

For more information about this AD, contact John Massey, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@faa.gov*.

(k) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2025–53, dated November 11, 2025.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca*. You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation*.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on January 22, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–01514 Filed 1–26–26; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1239

[Docket No. CPSC–2019–0014]

Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Gates and Enclosures

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of availability and request for comment.

SUMMARY: The U.S. Consumer Product Safety Commission's (Commission or CPSC) mandatory rule, Safety Standard for Gates and Enclosures, incorporates by reference ASTM F1004–22, Standard Consumer Safety Specification for Expansion Gates and Expandable Enclosures. ASTM notified the Commission that it has revised this incorporated voluntary standard. CPSC seeks comment on whether the revision improves the safety of gates and enclosures.

DATES: Comments must be received by February 10, 2026.

ADDRESSES: You can submit comments, identified by Docket No. CPSC–2019–0014, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *https://www.regulations.gov*. Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. CPSC typically does not accept comments submitted by email, except as described below.

Mail/Hand Delivery/Courier/Confidential Written Submissions: CPSC encourages you to submit electronic comments by using the Federal

eRulemaking Portal. You may, however, submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504–7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: *cpsc-os@cpsc.gov.*

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: *https://www.regulations.gov.* Do not submit to this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: *https://www.regulations.gov,* and insert the docket number, CPSC–2019–0014, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Carlos Torres, Project Manager, Division of Mechanical and Combustion Engineering, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987–2504; email: *ctorres@cpsc.gov.*

SUPPLEMENTARY INFORMATION: Section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to adopt mandatory standards for durable infant or toddler products. 15 U.S.C. 2056a(b)(1). Mandatory standards must be ''substantially the same as'' voluntary standards, or they may be ''more stringent'' than the applicable voluntary standards, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the products. *Id.* Mandatory standards may be based, in whole or in part, on a voluntary standard.

Section 104(b)(4)(B) of the CPSIA specifies the process for when a voluntary standards organization revises a standard that the Commission previously had incorporated by reference under section 104(b)(1). First, the voluntary standards organization must notify the Commission of the revision. Once the Commission receives this notification, the Commission may reject or accept the revised standard. To reject a revised standard, the Commission must notify the voluntary standards organization within 90 days of receiving the notice of revision that the Commission has determined that the revised standard does not improve the safety of the consumer product and that CPSC is retaining the existing standard. If the Commission does not take this action, the revised voluntary standard will be considered a consumer product safety standard issued under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the Commission received notification of the revision (or a later date specified by the Commission in the **Federal Register**). 15 U.S.C. 2056a(b)(4)(B).

Under this authority, in 2020 the Commission issued a mandatory safety rule for gates and enclosures. The rulemaking created 16 CFR part 1239, which incorporated by reference ASTM F1004–19, Standard Consumer Safety Specification for Expansion Gates and Expandable Enclosures, with modifications. 85 FR 40100 (July 6, 2020). At the time the Commission published the final rule, ASTM F1004–19 was the current version of the voluntary standard. ASTM F1004–19 applied to expansion gates, which it described as a ''barrier intended to be erected in an opening, such as a doorway, to prevent the passage of young children, but which can be removed by older persons who are able to operate the locking mechanism,'' and expandable enclosures, which it described as a ''self-supporting barrier intended to completely surround an area or play-space within which a young child may be confined.'' The mandatory standard included performance requirements and test methods, as well as requirements for warning labels and instructions, to address hazards to children associated with gates and enclosures.

After the Commission adopted the mandatory standard in 2020, in both 2021 and 2022, ASTM notified CPSC that it had issued a revised voluntary standard for gates and enclosures. In accordance with the procedures set out in section 104(b)(4)(B) of the CPSIA, these revised standards became the new mandatory standard for gates and enclosures. 86 FR 53535 (Sep. 28, 2021), 87 FR 68032 (Nov. 14, 2022). The mandatory standard currently incorporates by reference ASTM F1004–22. In 2023, ASTM issued another revision to the voluntary standard, ASTM F1004–23. However, ASTM did not notify CPSC of this revision under CPSIA section 104(b)(4)(B). Consequently, the revised standard did not become the mandatory standard by operation of law, and the Commission did not update the mandatory standard to incorporate by reference this revised ASTM standard.

On January 20, 2026, ASTM notified the Commission that it had approved and published a revised version of the voluntary standard, ASTM F1004–25. CPSC is assessing the revised voluntary standard to determine, consistent with section 104(b)(4)(B) of the CPSIA, its effect on the safety of gates and enclosures subject to 16 CFR part 1239. The Commission invites public comment to inform CPSC staff's assessment and subsequent Commission consideration of the revisions in ASTM F1004–25.

The currently incorporated voluntary standard (ASTM F1004–22) and the revised voluntary standard (ASTM F1004–25) are available for review in several ways. A read-only copy of the existing, incorporated standard (ASTM F1004–22) is available for viewing, at no cost, on the ASTM website at: *https://www.astm.org/READINGLIBRARY/.* A read-only copy of the revised standard (ASTM F1004–25), including red-lined versions that identify the changes from the 2022 version to the 2023 version and from the 2023 version to the 2025 version, is available, at no cost, on ASTM's website at: *https://www.astm.org/CPSC.htm.* Interested parties can also download copies of the standards by purchasing them from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; phone: 610–832–9585; *https://www.astm.org.* Alternatively, interested parties can schedule an appointment to inspect copies of the standards at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, telephone: 301–504–7479.

Comments must be received by February 10, 2026. Because of the short statutory time frame Congress established for the Commission to consider revised voluntary standards under section 104(b)(4) of the CPSIA, CPSC will not consider comments received after this date.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2026–01497 Filed 1–26–26; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2025–1108]

RIN 1625–AA08

Special Local Regulations; Marine Events Within the USCG East District

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend a special local regulation for certain waters of the Patapsco River, in Baltimore, MD by adding a new period during which this regulation would be subject to enforcement. This action is necessary to provide for the safety of life on these navigable waters during the 3rd and 4th weeks of June, during Fleet Week events. This rule would prohibit persons and vessels from entering the regulated area during this enforcement period unless authorized by the Captain of the Port Maryland-National Capital Region or the Coast Guard Patrol Commander.

DATES: Comments and related material must be received by the Coast Guard on or before February 26, 2026.

ADDRESSES: To submit comments and view available documents, go to *https://www.regulations.gov* and search for USCG–2025–1108.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LCDR Kate Newkirk, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410–576–2674, email *Kate.M.Newkirk@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port, Sector Maryland-National Capital Region
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
PATCOM Coast Guard Patrol Commander
§ Section
SLR Special Local Regulation
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

''Historic Ships in Baltimore, Inc.'' is the sponsor of an event titled ''Air Show Baltimore,'' which is held every two years in the Patapsco River, including the Inner Harbor, in Baltimore, MD. To address potential hazards arising from the event, the Coast Guard has promulgated a Special Local Regulation (SLR) which is codified in 33 CFR 100.501. Normally, Air Show Baltimore is held on one four-day (Thursday through Sunday) weekend in September or October. This year, however, ''Historic Ships in Baltimore, Inc.,'' together with Fleet Week 2026, and Sail250, Inc., all of Baltimore, MD, have notified the Coast Guard that they will be conducting the Air Show Baltimore in conjunction with a Fleet Week celebration from 12 noon to 4 p.m. daily from June 24, 2026, to July 01, 2026.

The biennial air show consists of various types of military aircraft performing low-flying, high-speed precision maneuvers and aerial stunts. The U.S. Navy's Blue Angels flight demonstration squadron aircraft will practice between 12 noon and 4 p.m. on June 24–25, 2026, and all air show performers will conduct a full practice show rehearsal will from 12 noon to 4 p.m. on June 25, 2026. The proposed new enforcement period would begin two hours before and end two hours after the hours during which air shows would be scheduled to occur.

III. Discussion of Proposed Rule

The existing SLR is subject to all the requirements which pertain generally to SLRs in § 100.501, as well as to specific requirements set out in paragraph (h)(2) of that section. The regulated area, which would not change, and periods during which the SLR are currently subject to enforcement are set out in the first row of Table 2 to paragraph (i)(2) of § 100.501. The existing SLR is currently only subject to enforcement on one of three four-day (Thursday through Sunday) weekends in September or October on alternating years. The sole purpose of the proposed rule would is to create a new enforcement period, from 10 a.m. to 6 p.m. from June 24 to July 1.

Except for Air Show Baltimore participants and vessels already at berth, a vessel or person would be required to get permission from the COTP or PATCOM before entering the regulated area during the proposed enforcement period. Vessel operators would request permission to enter and transit through the regulated area by contacting the COTP or PATCOM on VHF–FM channel 16. A person or vessel not registered with the event sponsor as a participant or assigned as official patrols would be considered a non-participant. Official Patrols are any vessel assigned or approved by the Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned warrant, or petty officer on board and displaying a Coast Guard ensign.

If permission is granted by the COTP or PATCOM, a non-participant would be allowed to enter the regulated area or pass directly through the regulated area as instructed. Vessels would be required to operate at a safe speed that minimizes wake while within the regulated area, in a manner that would not endanger event participants or any other craft. Official patrol vessels would direct non-participants while within the regulated area. The air show aerobatics areas located within the regulated areas is restricted to Air Show Baltimore participants.

The regulatory text we are proposing appears at the end of this document.

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. 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.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator. The Coast Guard will work closely with small business entities to organize transit and minimize impacts to business.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this 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 rule would economically affect it.

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 proposed 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 call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would 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. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. 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 made a preliminary determination 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 involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area for 32 hours. As events covered by SLRs undergo an environmental analysis in conjunction with the submission of a marine event permit, such actions are normally categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

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–2025–1108 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 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. In § 100.501, amend table 2 to paragraph (i)(2) by adding an additional enforcement period (#4) to the third column of the first row to read as follows:

TABLE 2 TO PARAGRAPH (i)(2)

Event	Regulated area	Enforcement period(s) [1]	Sponsor
Air Show Baltimore	Regulated area: All navigable waters of the Patapsco River, within an area bounded by a line connecting position latitude 39°16′00″ N, longitude 076°36′30″ W, thence east to latitude 39°16′00″ N, longitude 076°33′00″ W, thence south to latitude 39°14′30″ N, longitude 076°33′00″ W, thence west to latitude 39°14′30″ N, longitude 076°36′30″ W, thence north to point of origin, located between Port Covington and Seagirt Marine Terminal, Baltimore, MD. Spectator Area: All navigable waters of Patapsco River located between the northern boundary defined by a line drawn from the vicinity of North Locust Point Marine Terminal, Pier 1 thence east to Canton Industrial area, Pier 5; the south boundary is defined by a line drawn from vicinity of Whetstone Point thence east to Lazaretto Point. This area is located generally where Northwest Harbor, East Channel joins Patapsco River, Fort McHenry Channel, near Fort McHenry National Monument, Baltimore, MD. This area is bound by a line to the north commencing at position latitude 39°16′01″ N, longitude 076°34′46″ W, thence east to latitude 39°16′01″ N, longitude 076°34′09″ W, and bound by a line to the south commencing at position latitude 39°15′39″ N, longitude 076°35′23″ W, thence east to latitude 39°15′26″ N, longitude 076°34′03″ W. This spectator area is restricted to certain vessels as described in this paragraph (i)(2).	Biennial, even years: 1. The 2nd Thursday in September, following a Friday, Saturday and Sunday; or 2. The Thursday, Friday, Saturday and Sunday before Columbus Day (observed); or 3. The Thursday, Friday, Saturday and Sunday after Columbus Day (observed); or 4. from 10 a.m. to 6 p.m from June 24 to July 1.	Historic Ships in Baltimore, Inc.
*	* * * * * *		

Dated: January 22, 2026.

Patrick C Burkett,

Captain, U.S. Coast Guard, Captain of the Port, Maryland-National Capital Region.

[FR Doc. 2026–01560 Filed 1–26–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket ID ED–2025–OPE–1042]

RIN 1840–AD82

Intent To Establish Negotiated Rulemaking Committee

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Intent To establish Negotiated Rulemaking Committee.

SUMMARY: We announce our intention to establish a negotiated rulemaking committee to prepare proposed regulations amending the regulations for the Secretary's recognition of accrediting agencies and related institutional eligibility regulations for the programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA) (title IV, HEA programs). The committee will include representatives of organizations or groups with interests that are significantly affected by the subject matter of the proposed regulations. We request nominations for individual negotiators who represent key stakeholder constituencies for the issues to be negotiated to serve on the committee, and we set a schedule for committee meetings.

DATES: We must receive nominations for negotiators to serve on the committee on or before February 26, 2026.

The dates, times, and locations for the committee meetings are set out in the Schedule for Nominations in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Please email your nominations for negotiators to *negregnominations@ed.gov.* If you are unable to email your nomination, please contact Vanessa Gomez, U.S. Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, 5th Floor, Washington, DC 20202. Telephone: (202) 987–0378. Email: *negregnominations@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For information about negotiated rulemaking, see ''The Negotiated Rulemaking Process for Title IV Regulations—Frequently Asked Questions'' at *https://www.ed.gov/laws-and-policy/higher-education-laws-and-policy/higher-education-policy/frequently-asked-questions-negotiated-rulemaking-process-title-iv-regulations.* For information about the content of this document, including additional information about the negotiated rulemaking process, please contact Vanessa Gomez, U.S. Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, 5th Floor, Washington, DC 20202. Telephone: (202) 987–0378. Email: *NegRegNPRMHelp@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Background

Section 492 of the HEA requires that, before publishing any proposed regulations to implement programs authorized under title IV of the HEA, the Secretary must obtain public involvement in the development of the proposed regulations. After obtaining advice and recommendations from the public, the Secretary conducts negotiated rulemaking to develop the proposed regulations. We took the following actions to comply with these requirements.

On April 4, 2025, we published in the **Federal Register** an announcement regarding our intent to establish one or more negotiated rulemaking committees to prepare proposed regulations on various title IV, HEA programs. 90 FR 14741.

We also announced in that notice two public hearings at which interested parties could comment on the topics for negotiation suggested by the Department and recommend additional topics that should be considered for action by one or more negotiated rulemaking committees. Those hearings were held on April 29 and May 1, 2025.

In all instances, we sought public feedback and suggested topics from interested parties. Specifically, the Department requested comments on ways to streamline and improve federal student financial assistance programs and related regulations, focusing on regulations that have imposed unnecessary costs and burdens on institutions, States, and other partners and other regulations that may be inhibiting innovation and contributing to rising college costs.

You may view the written comments submitted in response to the aforementioned **Federal Register** document through the Federal eRulemaking Portal at *www.regulations.gov.* Instructions for finding comments are available on the site under ''FAQ.'' Enter Docket ID ED–2025–OPE–0016 in the search box to locate the appropriate docket.

After thoroughly reviewing and considering the information received through the public hearings and in the written comments, we announce our intent to establish the Accreditation, Innovation, and Modernization (AIM) Committee (Committee). We intend to prepare draft regulations amending the regulations for the Secretary's recognition of accrediting agencies and related institutional eligibility regulations (34 CFR parts 602 (*https://www.ecfr.gov/current/title-34/part-602*) and 600 (*https://www.ecfr.gov/current/title-34/part-600*) and to submit such draft regulations to the negotiated rulemaking process prior to publishing a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**.

Regulatory Issues

The proposed issues for negotiation in the Committee include but may not be limited to:

1. Simplification and streamlining of the Department's regulations for: recognition and review of accrediting agencies, including superfluous requirements for recognition of new accrediting agencies that reduce competition and institutional choice among those agencies, and procedures for institutions to change accrediting agencies so that institutions are not forced to comply with standards that are antithetical to their values and missions.

2. Revision of criteria and related regulations used by the Secretary to recognize accrediting agencies, including emphasizing criteria and standards requirements that effectively focus on student achievement and outcomes, high educational quality, and high-value programs and removing criteria that are anti-competitive, discriminatory, or which contribute to credential inflation and escalating tuition costs.

3. Amending requirements for accrediting agencies' standards, application of such standards, and oversight of member institutions and programs, including requiring all accrediting agencies and associations to have standards that consider program-level student achievement and outcomes data to improve such outcomes without reference to race, ethnicity, or sex; ensuring that accrediting agency procedures for taking action on noncompliance findings resulting from the Office of Civil Rights investigations under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) or Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 *et seq.*) provide for expeditious resolution and actions; and ensuring that any other information provided by the Secretary regarding an institution's record of compliance with its Federal program responsibilities are expeditiously addressed and acted upon.

4. Review of accrediting agencies' concurrent oversight responsibilities in the ''regulatory triad'' of accrediting agencies, States, and the Department, and determining what accreditation standards and related regulations are needed, or should be eliminated, to ensure that accrediting agency standards do not contravene Federal or State law.

5. Review of the role that accrediting agency standards have played in promoting violations of Federal law, including unlawful discrimination by member institutions under the guise of accreditation standards for diversity, equity, and inclusion and adoption of appropriate regulatory safeguards to ensure that accredited institutions provide high-quality, high-value programs that are free from unlawful discrimination and other violations of Federal law.

6. Determination of whether the current regulations in 34 CFR 602.18 and other regulations should be clarified or expanded to ensure that the use of new learning models and innovative program delivery approaches by accredited institutions is not impeded by accreditation standards or accrediting agency decisions.

7. Expansion of current regulations on accreditation standards for faculty to include support for and appropriate prioritization of intellectual diversity amongst faculty in order to advance academic freedom, intellectual inquiry, and student achievement and learning outcomes.

8. Amending the standards governing when an accrediting agency is deemed separate and independent from any related, associated, or affiliated trade association or membership organizations.

9. Technical changes and corrections to the regulations for recognition and review of accrediting agencies and other related title IV program regulations.

10. Addressing other Administration priorities relating to accreditation.

Selection of Negotiators

We intend to select negotiators for the Committee who represent the interests of those significantly affected by the issues proposed for negotiation. In so doing, we will comply with the requirement in section 492(b)(1) of the HEA (20 U.S.C. 1098a) that the individuals selected must have demonstrated expertise or experience in the relevant topics proposed for negotiations. Our goal is to allow significantly affected parties to be represented while keeping the size of the Committee manageable.

We generally select a primary and alternate negotiator for each constituency represented on the Committee. The primary negotiator participates for the purpose of determining consensus. The alternate participates for the purpose of determining consensus in the absence of the primary negotiator. The Department will provide more detailed information to both primary and alternate negotiators selected to participate on the Committee about the logistics and protocols of the meetings.

Negotiators are expected to represent the interests of their constituency and to participate in the negotiations in a manner consistent with the goal of developing proposed regulations on which the Committee will reach consensus. Consensus means that there is no dissent by any member of the Committee, including the Committee member representing the Department.

Constituency Groups for Negotiator Nominations

We have identified the constituency groups listed below and will choose negotiators from each group from nominations submitted by individuals and various organizations within each of these constituency groups involved in the title IV, HEA programs. Constituency groups which will be represented on the Committee will consist of the following:

- Students, student loan borrowers, or groups representing them.
- Veterans and U.S. military service members, or groups representing them.
- Organizations representing taxpayers and the public interest.
- Organizations representing workforce development needs, professional associations or employers.
- Legal assistance organizations, consumer advocates, and civil rights organizations that represent students or borrowers.
- Institutional accrediting agencies recognized by the Secretary under 34 CFR part 602.
- Programmatic accrediting agencies recognized by the Secretary under 34 CFR part 602.
- Nascent accreditation organizations not currently recognized by the Secretary under 34 CFR part 602, and third-party organizations that measure outcome-based quality assurance standards for postsecondary education that are aligned with established industry standards.
- Public institutions of higher education, including community colleges, Historically Black Colleges and Universities, and Tribally Controlled Colleges and Universities.
- Private nonprofit institutions of higher education, including institutions with a religious mission, Historically Black Colleges and Universities, and Tribally Controlled Colleges and Universities.
- Proprietary institutions of higher education, as defined in 34 CFR 600.5.
- State officials, including Governors, State higher education executive officers, State authorizing agencies and State attorneys general.

NACIQI

The Department intends to appoint a primary and alternative negotiator to reflect the National Advisory Committee on Institutional Quality and Integrity's (NACIQI) related expertise and perspectives in the negotiated rulemaking process. We intend both negotiators to come from its existing membership who have expert subject matter expertise on accreditation and quality assurance in postsecondary education.

Advisor

The Department also invites nominations for an advisor. The advisor will not be a member of the Committee and will not impact the consensus vote; however, we will consult with the advisor, who will serve as a resource to the Committee. We seek an advisor who has expert subject matter expertise on accreditation and quality assurance in postsecondary education. The advisor will be expected to be available throughout the duration of the Committee meetings. The advisor may also offer recommendations to the Committee on regulatory language.

Nominations Process

We request that nominations include the information described in this section.

- The name of the nominee;
- The name of the constituency (or constituencies) for which the nominee is being nominated (see *Constituency Groups for Negotiator Nominations*);
- The nominee's place of employment or institution at which they are or were enrolled and, if different, the organization the nominee represents;
- A resume or evidence of the nominee's expertise and experience in the topics proposed for negotiations; and
- The nominee's contact information, including email address, telephone number, and mailing address.

Please see the **ADDRESSES** section for submission information. *We will confirm receipt of nominations to the submitter.* The Department will provide additional information to those we select to serve as negotiators. Once complete, a list of negotiators will be posted here: *https://www.ed.gov/laws-and-policy/higher-education-laws-and-policy/higher-education-policy/negotiated-rulemaking-for-higher-education-2025-2026.* The Department will also provide information about how any Committee vacancies can be filled at the beginning of the first Committee meeting.

Schedule for Negotiations

The Committee will meet in-person at the Department in Washington, DC for two sessions on the following dates:

Session 1: April 13–17, 2026; and

Session 2: May 18–22, 2026.

Session times will be from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m.

The meetings will be conducted in person and be available for the public to watch via livestream on the internet. Registration is requested to observe the meetings in-person or via livestream. Space may be limited. We will post a registration link on our website at *https://www.ed.gov/laws-and-policy/higher-education-laws-and-policy/higher-education-policy/negotiated-rulemaking-for-higher-education-2025-2026* no later than one week prior to the start of the meetings. Please note that any in-person visitors to the Department must present a Driver's License (DL) or Identification (ID) that is compliant with the REAL ID Act; a current military ID; or a valid passport. Those persons not in possession of a DL/ID that is REAL ID compliant, a current military ID or a valid passport, will not be allowed to gain entrance into the Department.

The Department will also post recordings and transcripts of the meetings on the site listed above. American Sign Language translation will be provided to all who attend the negotiations and closed captioning will be provided for the livestream and recordings.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You may also access the documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1098a.

David Barker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 2026–01620 Filed 1–26–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 14 and 36

[Docket No. VA–2024–VACO–0023]

RIN 2900–AS05

Legal Services, General Counsel, and Miscellaneous Claims

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Department of Veterans Affairs (VA) is withdrawing the proposed rule published in the **Federal Register** on November 7, 2024 (89 FR 88192) and proposed amendments to its regulations governing Legal Services, the Office of General Counsel, and Miscellaneous Claims. VA is withdrawing this proposed rule because of ongoing assessments of agency needs, priorities, and objectives.

DATES: The proposed rule published at 89 FR 88192 on November 7, 2024, is withdrawn as of January 27, 2026.

ADDRESSES: The docket for this action is available at *www.regulations.gov/docket/VA-2024-VACO-0023.*

FOR FURTHER INFORMATION CONTACT: Sharon Weiner, Acting Executive Director, Management, Planning, and Analysis, Office of General Counsel, (202) 461–4995.

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on November 7, 2024, VA proposed amendments to its regulations in 38 CFR part 14 to reflect nomenclature changes regarding employees and groups within the Office of General Counsel and to make other changes intended to further clarify and explain various functions and procedures within the Office of General Counsel. VA also proposed to remove § 36.4321 as a result of proposed revisions to § 14.515(e). VA anticipated incorporating comments into a final rulemaking which would amend its legal services regulations.

VA is withdrawing the proposed rule because of ongoing assessments of agency needs, priorities, and objectives. VA appreciates the public comments submitted and continues to consider the best means of addressing some or all of the issues covered in the proposed rule. If, in the future, VA decides it is appropriate to issue regulations on this topic, VA will do so through a new notice of proposed rulemaking, subject to the requirements of the Administrative Procedure Act, 5 U.S.C. 551, *et seq.*

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on January 22, 2026 and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Nicole R. Cherry,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

[FR Doc. 2026–01608 Filed 1–26–26; 8:45 am]

BILLING CODE 8320–01–P

POSTAL REGULATORY COMMISSION

39 CFR part 3050

[Docket No. RM2026–2; Order No. 9433]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is acknowledging a recent Postal Service filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports. This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 23, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

On January 21, 2026, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider a proposed change to analytical principles relating to the Postal Service's periodic reports.[1] The Petition identifies the proposed analytical principles change filed in this docket as modifications to the Revenue, Pieces, and Weight (RPW) reporting methodology for using unadjusted Origin-Destination Information System (ODIS)—RPW statistical sample estimates. Petition, Proposal at 3. Specifically, the Postal Service seeks to change the RPW reporting methodology for measuring the national totals of U.S. Postal Service Mail, Free Mail, and Absentee Ballots.[2] For these mail categories, the ODIS–RPW sampling estimates would no longer be subject to the Book Revenue Adjustment Factor (BRAF) adjustment. *Id.*

II. Proposal

Background. The Postal Service proposes to exclude ODIS–RPW sampling estimates for U.S. Postal Service Mail, Free Mail, and Absentee Ballots from the BRAF adjustment no earlier than FY 2026, Quarter 2. *Id.* at 3–4. If approved, in the FY 2026 *Annual Compliance Report* (ACR), it would retrospectively revise RPW numbers for FY 2026, Quarter 1 and FY 2025 same period last year (SPLY). *Id.* at 4.

Rationale. The proposed methodology change would stop applying the BRAF adjustment to mail categories sampled through ODIS–RPW that have no associated revenue. *Id.* The Postal Service explains that the purpose of the BRAF is to adjust the ODIS–RPW sample estimates so that the total revenue is equal to the Residual Trial Balance Revenue.[3] It states that U.S. Postal Service Mail, Free Mail, and Absentee Ballots do not impact the BRAF because they have zero revenue, and their zero revenues cannot be adjusted by the BRAF. *Id.* at 4. Thus, the BRAF adjustment should not apply to the ODIS–RPW sampling estimates for these mail categories. *Id.*

Impact. To measure the impact of the proposed methodology change, the Postal Service filed the FY 2025 ACR RPW (for the full fiscal year and by quarter) without BRAF adjustments to U.S. Postal Service Mail, Free Mail, and Absentee Ballots and compared them to

[1] Petition of the United States Postal Service to Initiate a Proceeding to Change Analytical Principles, January 21, 2026 (Petition). The proposed change is attached to the Petition (Proposal).

[2] *Id.* Free Mail includes Free Matter for the Blind and/or Other Physically Handicapped Persons and Free Government Mail. *Id.*

[3] *Id.* at 3. Specifically, the BRAF adjusts ODIS–RPW estimates ''by the ratio of the Residual Trial Balance divided by the total ODIS–RPW Single-Piece Sampling Revenue (not including Forever Usage) so that the total adjusted ODIS–RPW estimates revenue equals the Residual Trial Balance.'' *Id.* at 4. The BRAF also adjusts volume and weight estimates to maintain consistent revenue per piece and weight per piece estimates. *Id.*

the original versions with the BRAF adjustments. *Id.* These filings show the absolute and percentage change of the proposed methodology relative to the current methodology. *Id.*

The Postal Service asserts that if the proposed methodology replaced the current methodology in FY 2025, revenue for the following categories would not have changed: U.S. Postal Service Mail, Free Mail, Ancillary Service Transactions, Total Market Dominant Mail, Total Mail, Total All Services, and Total All Mail and Services. *Id.* at 5. Also, Total All Revenue and Total All Other Revenue would not have changed. *Id.* For U.S. Postal Service Mail and Free Mail, volume would have increased by 1.1 percent and 3.1 percent, respectively; and weight would have increased by 1.6 percent and 2.3 percent, respectively. *Id.* For Ancillary Service Transactions, volume would have increased by 0.3 percent, and weight would not have changed. *Id.* For Total Market Dominant Mail and Total Mail, both volume and weight would have changed by less than 0.1 percent. *Id.* The Postal Service concludes that the proposed methodology change will improve the reporting of ODIS–RPW estimates for U.S. Postal Service Mail, Free Mail, and Absentee Ballots. *Id.*

III. Notice and Comment

Pursuant to 39 CFR 3050.11(d)(1), the Commission establishes Docket No. RM2026–2 to consider the matters raised by the Petition. More information on the Petition may be accessed via the Commission's website at *https://www.prc.gov.* Interested persons may submit comments on the Petition and the Proposal no later than February 23, 2026. Pursuant to 39 U.S.C. 505, Katalin Clendenin is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding. The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2026–2 to consider the matters raised by the Petition of the United States Postal Service to Initiate a Proceeding to Change Analytical Principles, filed January 21, 2026.

2. Comments by interested persons in this proceeding are due no later than February 23, 2026.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Katalin Clendenin to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. This Order, or abstract thereof, shall be published in the **Federal Register**.

By the Commission.

Parvaneh Higareda

Alternate Federal Register Liaison.

[FR Doc. 2026–01637 Filed 1–26–26; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 2

[OGC–2022–0885; FRL 5630–02–OGC]

RIN 2015–AA05

Freedom of Information Act Regulations Update

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA or agency) proposes revisions to the agency's regulations under the Freedom of Information Act (FOIA or Act). This action is based on EPA's targeted reconsideration of the 2023 Freedom of Information Act (FOIA) Regulations Update, Phase II. EPA proposes to eliminate the inclusion of the newly minted Environmental Justice Expedited Processing (EJ EP) criteria.

DATES: Written comments on this proposal will be accepted on or before February 26, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. OGC–2022–0885, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of General Counsel Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery or Courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m. through 4:30 p.m., Monday through Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Justace Keller, Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, (2310A), Washington, DC 20460; telephone, 202–564–5306; email, *keller.justace@epa.gov*.

SUPPLEMENTARY INFORMATION:

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I. Public Participation

Submit your comments, identified by Docket ID No. OGC–2022–0885, at *https://www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). Please visit *https://www.epa.gov/dockets/commenting-epa-dockets* for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

II. Does this action apply to me?

This discussion is not intended to be exhaustive but rather provides a guide for readers regarding entities likely to be regulated by this action. This discussion includes the types of entities that the EPA is now aware could potentially be regulated by this action. Other types of entities not included could also be

regulated. This action may also specifically apply to communities that relied on the EJ EP provision and the wider public in general as it impacts the circumstances under which EPA can provide expedited processing to FOIA requests. To determine whether your entity is regulated by this action, you should carefully examine the applicability criteria found in 40 CFR part 2. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

III. Scope of This Action

This action proposes changes to EPA's FOIA regulations at 40 CFR part 2. The proposed changes would remove the EJ EP provision. EPA proposes changes to align with government-wide policy consistent with Executive Order 14151, Ending radical and Wasteful Government DEI Programs and Preferencing.

IV. Background

This action proposes removing the EJ EP provision which was finalized and implemented on November 13, 2023 as part of the Phase II Rule updating EPA's FOIA regulations. This provision provides expedited processing and a fee waiver for requests if the records sought pertain to an environmental justice-related need and will be used to inform an affected community. The provision was added to the FOIA regulations to provide timely access to information contained in EPA records by communities with environmental justice concerns. To determine whether an application for expedited processing qualifies under this provision, the Agency considers: (1) whether the requested records relate to actual or alleged Federal Government activity, including Agency records containing environmental information or data; (2) the extent to which there is a pressing need to inform the community about the Federal Government activity; (3) the extent to which the community is potentially experiencing disproportionate and adverse human health or environmental effects; and (4) the requester's ability and intention to effectively convey the information to members of the community. The Agency stated that it intended to use EJScreen to aid in determining whether the identified community is potentially experiencing a disproportionate and adverse human health or environmental effect.

No other changes are being made to the FOIA regulations at this time.

V. Rescinding Environmental Justice Expedited Processing

EPA proposes to remove the provision that allows requesters to seek expedited processing of their request if the records sought pertain to an environmental justice-related need and will be used to inform an affected community.

When revising a policy, as EPA is doing in this proposed action, an agency must only show 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, which the conscious change of course adequately indicates. *FCC* v. *Fox TV Stations, Inc., 556 U.S. 502, 515*.

Here, the FOIA Statute allows an agency to issue regulations for expediting processing of requests for records in cases of compelling need and ''in other cases determined by the agency'' 5 U.S.C. 552(a)(6)(E)(i). The statute does not require adoption of regulations for such ''other cases.'' Removing this provision provides cost-reduction benefits to the agency. The staff and management time spent on review and analysis of these requests and any subsequent appeals, particularly without the use of EJScreen, outweighs the benefit to the public, as less than 2.7% of EJ EP requests were granted from November 13, 2023, to August 31, 2025. Further, EPA's conscious change of course shows that the agency now believes removing the EJ EP provision to be the better policy. This action will not remove or modify the expedited processing for requests demonstrating a ''compelling need,'' which the FOIA provides at 5 U.S.C. 552(a)(6)(E)(i)(I). Requesters will still be able to request expedited processing under the EPA FOIA Regulations under the compelling need standard which is provided for in the FOIA Statute. 40 CFR 2.104(g)(1)(i); 5 U.S.C. 552(a)(6)(E)(i). The compelling need standard grants expedited processing to requests in one of two situations: (1) where there is an imminent threat to the life or physical safety of an individual; or (2) there is urgency to inform the public about an actual or alleged Federal Government activity, and the information is requested by a person primarily engaged in disseminating information to the public. Additionally, requesters will still be able to request a fee waiver per EPA FOIA regulations. 40 CFR 2.104(n).

This proposal is consistent with Executive Order 14151, Ending radical and Wasteful Government DEI Programs and Preferencing, which calls for ''the termination of all discriminatory programs, including illegal DEI and 'diversity, equity, inclusion, and accessibility' (DEIA) mandates, policies, programs, preferences, and activities in the Federal Government, under whatever name they appear.''

Request for Comment 1: EPA specifically seeks comment on removing the expedited processing category for requests seeking environmental justice-related information. For example, EPA requests comment on the effects of removing this provision on the FOIA requester community.

VI. Statutory and Executive Orders Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is expected to be an Executive Order 14192 deregulatory action. This proposed rule is expected to provide burden reduction by eliminating the agency's Environmental Justice Expedited Progress procedures at 40 CFR part 2 to comply with Executive Order 14151.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because it does not contain any information collection activities.

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. This action will not impose any requirements on small entities. Submission of a FOIA request is a voluntary action that any member of the public, including small entities, can elect to do and the rule relates to the procedures for submitting and processing a FOIA request for EPA records.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandates 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 action does not have tribal implications as specified in Executive Order 13175. It will not have substantial direct effects on Indian Tribal governments or on the relationship between the national government and the Indian Tribal governments. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

I. Executive Order 13211: Actions Concerning Regulations 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.

J. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

List of Subjects in 40 CFR Part 2

Environmental protection, Administrative practice and procedure, Confidential business information, Freedom of information, Government employees.

Lee Zeldin,

Administrator.

For the reasons set out in the preamble, title 40 of the Code of Federal Regulations, part 2, is proposed to be amended as follows.

PART 2—PUBLIC INFORMATION

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

Authority: 5 U.S.C. 301, 552, 552a, 553; 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717.

■ 2. Revise and republish § 2.104(g) to read as follows:

§ 2.104 Responses to requests.

* * * * *

(g) *Expedited processing.*

(1) EPA will take requests or appeals out of order and give expedited treatment whenever EPA determines that such requests or appeals involve a compelling need. A compelling need is defined as either:

(i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) An urgency to inform the public about an actual or alleged Federal government activity, if the information is requested by a person primarily engaged in disseminating information to the public.

(2) Requesters must make a written request for expedited processing at the time of the initial request for records or at the time of appeal.

(3) If the requester seeks expedited processing, the requester must submit a statement, certified to be true and correct to the best of the requester's knowledge and belief, explaining in detail the basis for the request.

(i) For example, if the requester fits within the category described in paragraph (g)(1)(i) of this section and is not a full-time member of the news media, the requester must establish that they are a person whose primary professional activity or occupation is information dissemination, although it need not be the requester's sole occupation.

(ii) If the requester fits within the category described in paragraph (g)(1)(i) of this section, the requester must also establish a particular urgency to inform the public about the government activity involved in the request, beyond the public's right to know about government activity generally.

(4) Within 10 calendar days from the date of the request for expedited processing, the Chief FOIA Officer, or the Chief FOIA Officer's delegates, will decide whether to grant the request and will notify the requester of the decision. If the Agency grants the request for expedited processing, the Agency will give the request priority and will process the request as soon as practicable. If the Agency denies the request for expedited processing, the Agency will act on any appeal of that decision expeditiously.

[FR Doc. 2026–01511 Filed 1–26–26; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 91, No. 17
Tuesday, January 27, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by February 26, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: WIC Farmers' Market Nutrition Program and Senior Farmers' Market Nutrition Program—Reporting and Recordkeeping Burden.

OMB Control Number: 0584–0447.

Summary of Collection: The Senior Farmers' Market Nutrition Program (SFMNP) provides eligible seniors with benefits to purchase local produce at farmers' markets, roadside stands, and community supported agriculture (CSA) programs. The Farm Security and Rural Investment Act of 2002, Public Law 107–171, initially authorized SFMNP and gave the U.S. Department of Agriculture (USDA) the authority to develop Federal regulations guiding the administration of the SFMNP.

The WIC Farmers' Market Nutrition Program (FMNP) is associated with the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). WIC provides supplemental foods, health care referrals, and nutrition education at no cost to low-income pregnant, breastfeeding, and non-breastfeeding postpartum participants, infants, and children up to 5 years of age at nutritional risk. The purpose of WIC FMNP is to provide fresh, nutritious, unprepared, locally grown fruits and vegetables through farmers' markets and roadside stands to WIC participants, and to expand awareness and use of, and sales at, farmers' markets and roadside stands. SFMNP statute (7 U.S.C. 3007) and regulations (7 CFR part 249), and WIC FMNP statute (42 U.S.C. 1786(m)(8)) and regulations (7 CFR part 248), require that certain program-related information be collected and that full and complete records concerning program operations are maintained.

The information reporting and recordkeeping requirements are necessary to ensure appropriate and efficient management of both programs. The burden activities that are covered by this Information Collection Request (ICR) include requirements that involve the authorization and monitoring of local agencies; the certification of participants; the nutrition education that is provided to participants; farmer, farmers' market, roadside stand, and CSA program (SFMNP only) authorization, training, monitoring, and management; and financial and participation data. State plans are the principal source of information about how each state agency operates WIC FMNP and SFMNP. State agencies administering both programs may submit a single consolidated state plan describing both WIC FMNP and SFMNP operations.

Need and Use of the Information: State plans are the principal source of information about how each state agency operates WIC FMNP and SFMNP. State agencies administering both programs may submit a single consolidated state plan describing both WIC FMNP and SFMNP operations to the U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) (7 CFR 249.4(a)). State plans are currently submitted to FNS electronically as Word or PDF documents using a web-based application called PartnerWeb

Description of Respondents: State, Local, or Tribal Government; Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 2,277,011.

Frequency of Responses: Reporting: annually, one-time; quarterly, on occasion.

Total Burden Hours: 1,762,825.

Number of Respondents: 120,710.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 46,823.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–01471 Filed 1–26–26; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Notice of Information Collection, Request for Comment

AGENCY: United States Department of Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: The Office of the Chief Information Officer, as part of its continuing effort to reduce paperwork and respondent burden, invites the public to comment on the ''Collection of Generic Clearance for Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)'' for approval under the Paperwork Reduction Act. The purpose of this request is to facilitate the Agency's

ability to collect feedback from the public to continue to improve its services, thereby facilitating its compliance with statutory requirements and general principles of good governance. This notice announces our intent to submit this collection to Office of Management and Budget (OMB) for approval and solicit comments on specific aspects for the proposed information collection.

DATES: Comments on this notice must be received by March 30, 2026 to be assured of consideration.

ADDRESSES: All comments concerning this notice should be directed to the USDA Departmental Clearance Officer listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Levi S. Harrell, Departmental Clearance Officer; Information Management Division; Office of the Chief Information Officer (OCIO), 1400 Independence Avenue SW, Washington, DC 20250; email: *Levi.Harrell@usda.gov.* Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice) or 844–433–2774 (toll-free nationwide).

SUPPLEMENTARY INFORMATION:

Title: Collection of Generic Clearance for Improving Customer Experience (OMB Circular A–11, Section 280 Implementation).

OMB Number: 0503–0024.

OMB Expiration Date of Approval: Three years from the approval date.

Type of Request: Renewal/Extension of approval for a current information collection.

Abstract: Under the PRA, (44 U.S.C. 3501–3520) Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the Agency is publishing notice of the proposed collection of information set forth in this document.

Under the Government Service Delivery Improvement Act and the 21st Century Integrated Digital Experience Act, along with OMB guidance, agencies are obligated to continually improve the services they provide the public and to collect qualitative and quantitative data from the public to do so.

The purpose of this request is to facilitate the Agency's ability to collect feedback from the public to continue to improve its services, thereby facilitating its compliance with statutory requirements and general principles of good governance.

The Agency will only submit collections if they meet the following criteria.

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial, meaning they do not raise issues that warrant public comment;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and the Agency will comply with applicable legal and policy requirements to ensure its protection;
- Information gathered is intended to be used for general service improvement and program management purposes;
- The Agency will follow the procedures specified in any relevant OMB guidance for the required reporting to OMB of data from surveys;
- Outside of the reporting mentioned in the bullet immediately above, if the Agency intends to release journey maps, user personas, reports, or other data-related summaries stemming from this collection, the Agency must include appropriate caveats around those summaries, noting that conclusions should not be generalized beyond the sample, considering the sample size and response rates. The Agency must submit the data summary itself (*e.g.,* the report) and the caveat language mentioned above to OMB before it releases them outside the Agency. OMB will engage in a passback process with the Agency.

Method of Collection

The Agency will collect this information by electronic means, when possible, as well as by mail, fax, telephone, technical discussions, and in-person interviews. The Agency may also utilize observational techniques to collect this information.

Annual Reporting Burden

Affected Public: Collections will be targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future. For the purposes of this request, respondents are individuals, businesses, and organizations that interact with a Federal Government Agency or program, either directly or via a Federal contractor. This could include individuals or households; businesses or other for-profit organizations; not-for-profit institutions; State, local or tribal governments; Federal government; and universities.

Estimated Number of Respondents: 2,040,000.

Estimated Time per Response: Varied, dependent upon the data collection method used. The possible response time to complete a questionnaire or survey may be 3 minutes or up to 1.5 hours to participate in an interview.

Estimated Total Annual Burden Hours: 178,750.

Public Comments

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions to (1) develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; (2) train personnel and be able to respond to a collection of information, to search data sources, (3) complete and review the collection of information; and to

transmit or otherwise disclose the information.

All written comments will be available for public inspection at *Regulations.gov.*

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 Office of Management and Budget control number.

Samuel Berry,

Chief Information Officer, Office of the Chief Information Officer.

[FR Doc. 2026–01515 Filed 1–26–26; 8:45 am]

BILLING CODE 3410–KR–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2025–0409]

International Sanitary and Phytosanitary Standard-Setting Activities

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with section 491 of the Trade Agreements Act of 1979, as amended, and legislation implementing the results of the Uruguay Round of negotiations under the General Agreement on Tariffs and Trade, we are informing the public of the international standard-setting activities of the World Organization for Animal Health, the Secretariat of the International Plant Protection Convention, and the North American Plant Protection Organization, and we are soliciting public comment on these standard-setting activities.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2025–0409 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2025–0409, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., #AP760, Beltsville, MD 20705.

Supporting documents and any comments we receive on this docket may be viewed at *regulations.gov* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For general information on the topics covered in this notice, contact Mr. Eric Nichols, Director, Trade Support Team, APHIS–IS, Room 1627–S, USDA South Building, 1400 Independence Avenue SW, Washington, DC 20250; (202) 799–7122.

For specific information regarding standard-setting activities of the World Organization for Animal Health, contact Dr. Conrad Estrada, Office of International Affairs, Jamie L. Whitten Federal Building, Room 317 E, 1400 Independence Ave. SW, Washington DC 20250; (202) 799–7146.

For specific information regarding the standard-setting activities of the International Plant Protection Convention (IPPC) and the North American Plant Protection Organization (NAPPO), contact Stephanie Dubon, NAPPO Technical Director, International Phytosanitary Standards, Plant Protection and Quarantine, APHIS, 5601 Sunnyside Avenue, Beltsville, MD 20705; (301) 332–9071; *Stephanie.M.Dubon@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The World Trade Organization (WTO) was established as the common international institutional framework for governing trade relations among its members in matters related to the Uruguay Round Agreements. The WTO is the successor organization to the General Agreement on Tariffs and Trade. U.S. membership in the WTO was approved by Congress when it enacted the Uruguay Round Agreements Act (Pub. L. 103–465), which was signed into law on December 8, 1994. The WTO Agreements, which established the WTO, entered into force with respect to the United States on January 1, 1995. The Uruguay Round Agreements Act amended Title IV of the Trade Agreements Act of 1979 (19 U.S.C. 2531 *et seq.*). Section 491 of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2578), requires the President to designate an agency to be responsible for informing the public of the sanitary and phytosanitary standard-setting (SPS) activities of each international standard-setting organization. The designated agency must inform the public by publishing an annual notice in the **Federal Register** that provides the following information: (1) The SPS standards under consideration or planned for consideration by the SPS organization; and (2) for each SPS standard specified, a description of the consideration or planned consideration of that standard, a statement of whether the United States is participating or plans to participate in the consideration of that standard, the agenda for U.S. participation, if any, and the agency responsible for representing the United States with respect to that standard.

''International standard'' is defined in 19 U.S.C. 2578b as any standard, guideline, or recommendation: (1) Adopted by the Codex Alimentarius Commission (Codex) regarding food safety; (2) developed under the auspices of the World Organization for Animal Health (WOAH) [1] regarding animal health; (3) developed under the auspices of the Secretariat of the International Plant Protection Convention (IPPC or the Convention) and the North American Plant Protection Organization (NAPPO) regarding plant health; or (4) established by or developed under any other international organization agreed to by the member countries of the United States-Mexico-Canada Agreement (USMCA) or the member countries of the WTO.

The President, pursuant to Proclamation No. 6780 of March 23, 1995 (60 FR 15845), designated the Secretary of Agriculture as the official responsible for informing the public of the SPS activities of Codex, WOAH, IPPC, and NAPPO. The U.S. Codex Office (USCO), in the United States Department of Agriculture's (USDA's) Trade and Foreign Agricultural Affairs mission area, informs the public of standard-setting activities of Codex, and the USDA Animal and Plant Health Inspection Service (APHIS) informs the public of WOAH, IPPC, and NAPPO standard-setting activities.

USCO publishes an annual notice in the **Federal Register** to inform the public of SPS activities for Codex (90 FR 22226). Codex was established in 1963. It is the principal international organization for establishing food standards that protect consumer health and promote fair practices in food trade.

APHIS is responsible for publishing an annual notice of WOAH, IPPC, and NAPPO activities related to international standards for plant and animal health and representing the United States with respect to these standards. The following are

[1] The World Organization for Animal Health internationally follows a British English spelling of ''organisation'' in its name; it was formerly the Office International des Epizooties, or OIE, but on May 28, 2022, the organization announced that the acronym was changed from OIE to WOAH.

descriptions of the WOAH, IPPC, and NAPPO organizations and the standard-setting agenda for each of these organizations. We have described the agenda that each of these organizations addressed at their annual general sessions, including standards that were presented for adoption or consideration, as well as other initiatives that may be underway at the WOAH, IPPC, and NAPPO.

The agendas for these meetings are subject to change, and the draft standards identified in this notice may not be sufficiently developed and ready for adoption as indicated. Also, while it is the intent of the United States to support adoption of international standards and to participate actively and fully in their development, it should be recognized that the U.S. position on a specific draft standard will depend on the acceptability of the final draft. Given the dynamic and interactive nature of the standard-setting process, we encourage any persons who are interested in the most current details about a specific draft standard or the U.S. position on a particular standard-setting issue, or in providing comments on a specific standard that may be under development, to contact APHIS. Contact information is provided at the beginning of this notice under **FOR FURTHER INFORMATION CONTACT**.

WOAH Standard-Setting Activities

The WOAH was established in Paris, France, in 1924, with the signing of an international agreement by 28 countries. It is currently composed of 183 Members, each of which is represented by a delegate who, in most cases, is the chief veterinary officer of that country or territory. The Deputy Administrator of APHIS' Veterinary Services program is the U.S. Chief Veterinary Officer and serves as the official U.S. Delegate to the WOAH. The WTO has recognized WOAH as the international forum for setting animal health standards, reporting global animal disease events, and presenting guidelines and recommendations on sanitary measures relating to animal health.

The WOAH facilitates intergovernmental cooperation to prevent the spread of contagious diseases in animals by sharing scientific research among Members. The major functions of WOAH are to collect and disseminate information on the distribution and occurrence of animal diseases and to ensure that science-based standards govern animal disease control efforts and international trade in animals and animal products. The WOAH also aims to achieve these objectives through the development and revision of international standards for animal health, disease control, diagnostic tests and vaccines.

The WOAH provides annual reports on the global distribution of animal diseases, recognizes Members' disease status for certain diseases, categorizes animal diseases with respect to their international significance, publishes bulletins on global disease status, and provides animal disease control guidelines to Members. Various WOAH commissions and working groups undertake the development and preparation of draft standards, which are then circulated to Members for consultation (review and comment). Draft standards are revised accordingly and are presented to WOAH's World Assembly of Delegates (all the Members) for review and adoption during the General Session, which meets annually every spring. Adoption, as a general rule, is based on consensus of the WOAH membership.

The 91st WOAH General Session was held from May 26 to 30, 2024, and the 92nd WOAH General Session was held from May 25 to 29, 2025. Both General Sessions took place in Paris, France. The following are some of the chapters adopted into code during the 91st and 92nd Sessions; visit *https://www.woah.org/en/what-we-do/standards/codes-and-manuals/* for a full list of the current WOAH codes and manuals:

91st General Session—Terrestrial

- Glossary.
- Chapter 1.3., Diseases, infections and infestations listed by WOAH.
- Chapter 4.6., General hygiene in semen collection and processing centers.
- Chapter 4.7., Collection and processing of bovine, small ruminant and porcine semen.
- Chapter 6.10., Responsible and prudent use of antimicrobial agents in veterinary medicine.
- Chapter 7.5., Animal welfare during slaughter.
- Chapter 8.8., Infection with foot and mouth disease virus.
- Chapter 8.16., Infection with Rift Valley fever virus.
- Chapter 8.18., Infection with *Trichinella* spp.
- Chapter 8.X., Infection with *Coxiella burnetii* (Q fever).
- Chapter 8.Z., Infection with *Trypanosoma evansi.*
- Chapter 13.2., Infection with pathogenic rabbit lagoviruses (Rabbit haemorrhagic disease).
- Chapter 15.1., Infection with African swine fever virus.
- Chapter 16.Z., Infection with Camelpox virus.

92nd General Session—Terrestrial

- User's Guide.
- Chapter 1.3., Diseases, infections and infestations listed by WOAH.
- Chapter 7.1., Introduction to the recommendations for animal welfare.
- Chapter 8.13., New world screwworm (*Cochliomyia hominivorax*) and old world screwworm (*Chrysomya bezziana*).
- Chapter 8.Y., Infection with Nipah virus.
- Chapter 11.5., Infection with *Mycoplasma mycoides subsp. mycoides SC* (Contagious bovine pleuropneumonia).
- Chapter 12.1., Infection with African horse sickness virus.
- Chapter 12.3., Dourine.
- Chapter 12.4., Equine encephalomyelitis (Eastern and Western).

91st General Session—Aquatic

- Glossary.
- Chapter 1.1., Notification of diseases, and provision of epidemiological information.
- Chapter 1.3., Diseases listed by WOAH.
- Chapter 8.1., Infection with *Batrachochytrium dendrobatidis.*
- Chapter 9.3., Infection with decapod iridescent virus 1.
- Chapter 10.1., Infection with epizootic haematopoietic necrosis virus.
- Chapter: 10.6., Infection with infectious haematopoietic necrosis virus.
- Chapter: 10.11., Infection with tilapia lake virus.
- Chapter 11.1., Infection with abalone herpesvirus.
- Chapter: 11.5., Infection with *Perkinsus marinus.*

92nd General Session—Aquatic

- Glossary.
- Chapter 4.X., Emergency disease preparedness.
- Chapter 4.Y., Disease outbreak management.
- Chapter 4.6., Contingency planning.
- Chapter 5.X., Movement of ornamental aquatic animals.
- Chapter 9.9., Infection with white spot syndrome virus.
- Chapter 10.X., Infection with *Megalocytivirus pagrus1.*
- Chapter 10.2., Infection with *Aphanomyces invadans* (Epizootic ulcerative syndrome).
- Chapter 10.4., Infection with infectious salmon anaemia virus.
- Chapter 10.5., Infection with salmonid alphavirus.
- Chapter 10.6., Infection with infectious haematopoietic necrosis virus.

• Chapter 10.8., Infection with red sea bream iridovirus.
• Chapter 10.10., Infection with viral haemorrhagic septicaemia virus.
• Chapter 11.6., Infection with *Perkinsus olseni.*
• Chapter 11.7., Infection with *Xenohaliotis californiensis.*

More information on the standards currently under consideration and how comments are solicited may be found at *https://www.aphis.usda.gov/international-standards/woah* or by contacting Dr. Conrad Estrada (see **FOR FURTHER INFORMATION CONTACT** above).

IPPC Standard-Setting Activities

The IPPC is a multilateral convention adopted in 1952 to prevent the spread and introduction of pests of plants and plant products and to promote appropriate measures for their control. The WTO recognizes the IPPC as the standard-setting body for plant health. Under the IPPC, the understanding of plant protection encompasses the protection of both cultivated and non-cultivated plants from direct or indirect injury by plant pests. The IPPC addresses the following activities: Developing, adopting, and implementing international standards for phytosanitary (plant health) measures (ISPMs); harmonizing phytosanitary activities through adopted standards; facilitating the exchange of official and scientific information among contracting parties; and providing technical assistance to developing countries that are contracting parties to the Convention.

The IPPC is deposited within the Food and Agriculture Organization of the United Nations and is an international agreement of 185 contracting parties. National plant protection organizations (NPPOs), in cooperation with regional plant protection organizations, the Commission on Phytosanitary Measures (CPM), and the Secretariat of the IPPC, implement the Convention. The IPPC continues to be administered at the national level by plant quarantine officials, whose primary objective is to safeguard plant resources from injurious pests. In the United States, the NPPO is the APHIS Plant Protection and Quarantine (PPQ) program.

The 18th Session of the CPM occurred April 15–19, 2024, and the 19th Session of the CPM occurred March 17–21, 2025, in Rome, Italy.

The CPM adopted the international phytosanitary standards below in 2024 and 2025. The United States develops its position on each of these draft standards prior to the CPM session based on APHIS' analyses and other relevant information from other U.S. Government agencies and interested stakeholders:

• ISPM 5 (*Glossary of phytosanitary terms*), 2022 revisions.
• Annex 1 to ISPM 37 (*Determination of host status of fruit to fruit flies (Tephritidae)*): Criteria for evaluation of available information for determining host status of fruit to fruit flies.
• Revision of ISPM 4 (*Requirements for the establishment of pest free areas*) (2009–002).
• Annex 46 to ISPM 28 (*Phytosanitary treatments for regulated pests*): Phytosanitary Treatment 46, Cold treatment for *Thaumatotibia leucotreta* on *Citrus sinensis.*
• Draft annex to ISPM 46 (*Commodity-specific standards for phytosanitary measures*): International movement of fresh Mangifera indica (mango) fruit.
• Draft annex to ISPM 39 (*International movement of wood*): Use of systems approaches in managing the pest risk associated with the movement of wood.

IPPC Standard-Setting Initiatives, Including Those Under Development

Several expert-working group (EWG) meetings, technical panel meetings, and technical consultations took place from June 2023 through May 2025 on the topics listed below. These IPPC projects are under development and intended for future adoption and publication. APHIS participated actively and fully in most of these drafting groups. APHIS developed its position on each of the topics prior to the working group meeting. The APHIS position was based on relevant scientific information and technical analyses, including information from other U.S. Government agencies and from interested stakeholders:

• EWG on the revision of ISPM 26 (*Establishment of pest free areas for fruit flies (Tephritidae)*).
• EWG on the Annex to ISPM 23 (*Guidelines for inspection*): Field inspection.
• Technical Panel on Commodity Standards.
• Technical Panel on Diagnostic Protocols.
• Technical Panel on Phytosanitary Treatments.
• Technical Panel for the Glossary.

The IPPC electronic certification system (ePhyto) solution also progressed from 2023 to 2025. There are currently 116 trading partners that are connected and actively sharing ePhytos through the system; APHIS continues to make important contributions to advancing the development of an international ePhyto system, including: (1) Providing ongoing input and support at the IPPC through the Bureau, Strategic Planning Group, CPM, the ePhyto Steering Committee and other international fora; (2) generating regional and hemispheric support for this new electronic exchange through NAPPO and the Inter-American Coordinating Group in Plant Protection (GICSV); and (3) actively implementing a long-term funding solution that will be necessary to sustain ePhyto into the future. For more detailed information on the above, contact Stephanie Dubon (see **FOR FURTHER INFORMATION CONTACT** above).

PPQ actively works to achieve broad participation by States, industry, and other stakeholders in the development and use of international and regional plant health standards, including through the use of APHIS Stakeholder Registry notices [2] and the APHIS public website. Plant health stakeholders are strongly encouraged to submit topics for new IPPC standards and comment on draft standards, documents, and specifications during the consultation periods.

In 2023, 12 draft documents were open for consultation, including standards, specifications, a CPM recommendation, diagnostic protocols, and phytosanitary treatments. In 2024, 11 draft documents were open for consultation, including standards, specifications, and phytosanitary treatments. APHIS posts links to draft standards on its website as they become available and provides information on the due dates for comments.[3] Additional information on IPPC standards (including the IPPC work program (list of topics [4])), calls for new standards, experts to serve on technical panels and other working groups, proposed phytosanitary treatments, the standard-setting process, and adopted standards) is available on the IPPC website.[5]

For the most current information on official U.S. participation in IPPC activities, including U.S. positions on standards being considered, contact Stephanie Dubon (see **FOR FURTHER INFORMATION CONTACT** above). Those wishing to provide comments on any of the areas of work being undertaken by the IPPC may do so at any time by

[2] To sign up for the Stakeholder Registry, go to: *https://public.govdelivery.com/accounts/USDAAPHIS/subscriber/new.*

[3] For more information on the IPPC draft ISPM consultation, go to: *https://www.aphis.usda.gov/international-standards/plant-health-standards/draft.*

[4] IPPC list of topics: *https://www.ippc.int/en/core-activities/standards-setting/list-topics-ippc-standards/.*

[5] IPPC website: *https://www.ippc.int/.*

responding to this notice (see **ADDRESSES** above) or by providing comments through Stephanie Dubon.

NAPPO Standard-Setting Activities

NAPPO, a regional plant protection organization created in 1976 under the IPPC, coordinates the efforts among the United States, Canada, and Mexico to protect their plant resources from the entry, establishment, and spread of harmful plant pests, while facilitating safe intra- and inter-regional trade. As the NPPO of the United States, APHIS PPQ is the organization officially identified to participate in NAPPO. Through NAPPO, APHIS works closely with its regional counterparts and industries to develop harmonized regional standards and approaches for managing pest threats.

This critical work facilitates the safe movement of plants and plant products into and within the region. NAPPO conducts its work through priority-driven projects approved by the NAPPO Executive Committee via an annual work program. These projects are completed by expert groups, including subject matter experts from each member country and regional industry representatives. Project results and updates are provided during the NAPPO annual meeting as well as NAPPO governance meetings. Projects can include the development of positions, policies, technical documents, or the development or revision of regional standards for phytosanitary measures (RSPMs). Projects can also include implementation of standards or other capacity development activities such as workshops.

The PPQ Associate Deputy Administrator or their designee, as the official U.S. delegate to NAPPO, intends to participate in the adoption of these regional plant health standards and projects on the work program once they are completed and ready for consideration.

The 46th NAPPO annual meeting was hosted by Mexico and occurred December 5–7, 2023. The meeting featured several strategic topics related to NAPPO's work program (*e.g.,* seeds, forestry, implementation, citrus, biological control, *Tuta absoluta,* and treatment alternatives), as well as discussions on collaboration with other regional plant protection organizations, sea containers, international plant health standards, seeds, collaboration with border protection, and diagnostic networks. The meeting also featured a one-day symposium on how the NAPPO member countries are implementing the IPPC Strategic Framework for 2020–2030.

The 47th NAPPO annual meeting was hosted by the United States and occurred October 22–24, 2024. The meeting featured several strategic topics related to NAPPO's work program (*e.g.,* seeds, forestry, biological control, the phytosanitary alert system, and *Tuta absoluta*), as well as discussions on collaboration among the North America region and with other regional plant protection organizations, and NAPPO contributions to the IPPC. The meeting also featured a one-day symposium on reducing methyl bromide use and implementing NAPPO standards.

NAPPO governance committees, including NAPPO's Executive Committee and the Advisory and Management Committee, as well as expert groups, continue to communicate and meet virtually and in person on a regular basis to actively make progress on NAPPO strategic and work program initiatives. The PPQ Associate Deputy Administrator or their designee is the U.S. member of the NAPPO Executive Committee. The NAPPO Executive Committee met June 1, 2023; December 4, 2023; March 19 and 20, 2024; May 30, 2024; October 21, 2024; and February 26, 2025. The NAPPO Executive Committee adopted three regional standards between June 1, 2023, and May 30, 2025:

- Revision of Discussion Document 5: Management of Huanglongbing and its Vector, the Asian Citrus Psyllid, *Diaphorina citri.*
- Guidance Document 1: Standardization of responsibilities and actions for safeguarding consignments that have transited one NAPPO member country to enter another NAPPO member country.
- Decision 8: Decision on Diagnostic Protocols for Tomato Brown Rugose Fruit Virus (ToBRFV) in tomato and pepper seeds in the NAPPO region.

NAPPO's Advisory and Management Committee continues to regularly meet virtually and in person. This Committee selects and onboards experts to newly launched NAPPO expert groups; addresses pending work program initiatives; makes recommendations to the Executive Committee; provides day-to-day oversight of NAPPO; and provides expert input and direction on financial, programmatic, and operational issues at NAPPO.

The NAPPO expert groups, including member countries' subject matter experts, in collaboration with NAPPO's Secretariat, significantly made progress on or finalized the following regional standards from June 1, 2023, to May 30, 2025:

- Completed the development or revision and consultation of the following regional standards:
  - Revision of Discussion Document 5: Management of Huanglongbing and its Vector, the Asian Citrus Psyllid, *Diaphorina citri.*
  - Guidance Document 1: Standardization of responsibilities and actions for safeguarding consignments that have transited one NAPPO member country to enter another NAPPO member country.
  - A draft specification for an RSPM on the use of systems approaches for phytosanitary certification of seeds.
  - Decision 8: Decision on Diagnostic Protocols for Tomato Brown Rugose Fruit Virus (ToBRFV) in tomato and pepper seeds in the NAPPO region.
- Issued via NAPPO's Phytosanitary Alert System: 82 Official Pest Reports from June 1, 2023, to May 30, 2025.

New NAPPO Standard-Setting Initiatives, Including Those in Development

The 2025 work program [6] includes activities conducted by NAPPO expert groups and the NAPPO Advisory and Management Committee. APHIS actively and fully participates in the development and approval of the NAPPO work program. The APHIS position on each topic is guided and informed by the best technical and scientific information available and relevant input from stakeholders. For projects on the NAPPO work program, where applicable, the United States will consider its position on any draft standard after it reviews a prepared draft. Information regarding NAPPO projects, assignments, activities, and updates on meeting times and locations may be obtained from the NAPPO website [7] or by contacting Stephanie Dubon (see **FOR FURTHER INFORMATION CONTACT** above).

The information in this notice contains all the information available to APHIS PPQ on NAPPO standards or projects under development or consideration. For updates on meeting times and for information on the expert groups that may become available following publication of this notice, visit the NAPPO website or contact Stephanie Dubon (see **FOR FURTHER INFORMATION CONTACT** above).

APHIS PPQ actively works to achieve broad participation by States, industry, and other stakeholders in the development and use of international and regional plant health standards,

[6] NAPPO work program: *https://nappo.org/english/governance/work-program.*

[7] NAPPO website: *https://nappo.org/.*

including through the use of APHIS Stakeholder Registry notices [8] and the APHIS public website. Plant health stakeholders are strongly encouraged to comment on draft standards, documents, and specifications during consultation periods. APHIS post links to draft standards on the website as they become available and provide information on the due dates for comments.[9] Additional information on NAPPO standards (including the NAPPO work program, calls for projects, expert groups, the standard-setting process, and adopted standards) is available on the NAPPO website.[10]

For the most current information on official U.S. participation in NAPPO activities, including U.S. positions on standards being considered, contact Stephanie Dubon (see **FOR FURTHER INFORMATION CONTACT** above). Those wishing to provide comments on any of the areas of work being undertaken at NAPPO may do so at any time by responding to this notice (see **ADDRESSES** above) or by providing comments through Stephanie Dubon.

Done in Washington, DC, this 22nd of January 2026.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–01546 Filed 1–26–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Office of the Secretary

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Eligibility Questionnaire for HAVANA Act Payments

AGENCY: Office of the Secretary, Department of Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites 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. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before March 30, 2026.

ADDRESSES: Interested persons are invited to submit written comments by mail to Anna Kelley, 1401 Constitution Avenue NW, Rooms 1844–1846, Washington, DC 20230 or by email to *anna.kelley@trade.gov* or *PRAcomments@doc.gov.* Please reference OMB Control Number 0690–0037 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Anna Kelley, 1401 Constitution Avenue NW, Rooms 1844–1846, Washington, DC 20230 or by email to *anna.kelley@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for an extension of an approved information collection.

This collection of information is needed to obtain information from respondents of the Helping American Victims Affected by Neurological Attacks (HAVANA) Act of 2021, which was signed by President Biden in October 2021. The Act provides for the possibility of one-time lump sum payments for those affected by Anomalous Health Incidents (AHIs).

This includes current and former Department employees, and dependents of current or former employees who, on or after January 1, 2016, became injured by a qualifying injury to the brain while they were an employee of the Department.

II. Method of Collection

Information on this form will be collected electronically, email, mail, fax, or interviews.

III. Data

OMB Control Number: 0690–0037.

Form Number(s): CD–350.

Type of Review: Regular submission, Extension of approved information collection.

Affected Public: Individuals or Federal Government personnel.

Estimated Number of Respondents: 20.

Estimated Time per Response: 1 hour (30 minutes claimant/30 minutes physician).

Estimated Total Annual Burden Hours: 20.

Estimated Total Annual Cost to Public: $2,350.

Respondent's Obligation: Voluntary.

Legal Authority: HAVANA Act of 2021 (Pub. L. 117–46).

IV. Request for Comments

We are soliciting public comments to permit the Department to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

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 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 may 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.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–01551 Filed 1–26–26; 8:45 am]

BILLING CODE 3510–17–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–840]

Forged Steel Fluid End Blocks From Italy: Final Results of Antidumping Duty Administrative Review; 2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain producers/exporters subject to this administrative review made sales of

[8] To sign up for the Stakeholder Registry, go to: *https://public.govdelivery.com/accounts/USDAAPHIS/subscriber/new.*

[9] For more information on NAPPO consultation: *https://www.aphis.usda.gov/international-standards/plant-health-standards/draft.*

[10] NAPPO website: *http://nappo.org.*

forged steel fluid end blocks (fluid end blocks) from Italy at less than normal value during the period of review (POR) of January 1, 2023, through December 31, 2023.

DATES: Applicable January 27, 2026.

FOR FURTHER INFORMATION CONTACT: Maria Teresa Aymerich or Paul Kebker, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0499 or (202) 482–2254, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 14, 2025, Commerce published the *Preliminary Results* and invited interested parties to comment.[1] This administrative review covers two producers and exporters of subject merchandise. The mandatory respondents in this administrative review are Cogne Acciai Speciali S.p.A. and Lucchini Mamé Forge S.p.A.[2] On September 29, 2025, Commerce issued a post-preliminary analysis memorandum in which it made certain changes to its differential pricing analysis.[3]

On August 8, 2025, Commerce extended the deadline for the final results by 60 days.[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] On December 22, 2025, we extended the preliminary results of this review.[7] Accordingly, the deadline for these preliminary results is now January 21, 2026.

A summary of the events that occurred since the Post Preliminary Results, as well as a full discussion of the issues raised by parties for these final results, are discussed in the Issues and Decision Memorandum.[8] 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 *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Commerce is conducting this administrative review in accordance with section 751(a)(1)(B) of Tariff Act of 1930, as amended (the Act).

Scope of the Order[9]

The scope of the *Order* covers fluid end blocks from Italy. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties are listed as an appendix to this notice and addressed in the Issues and Decision Memorandum.

Changes Since the Preliminary Results

Based on our analysis of the comments received, and for the reasons explained in the Issues and Decision Memorandum, apart from our Post Preliminary Results, we made certain changes from the *Preliminary Results.*

Final Results of Administrative Review

For these final results, we determine that the following estimated weighted-average dumping margins exist for the period January 1, 2023, through December 31, 2023:

Producer/exporter	Weighted-average dumping margin (percent)
Lucchini Mamé Forge S.p.A.; Lucchini Industries S.r.l.; Lucchini RS S.p.A	11.71
Cogne Acciai Speciali S.p.A	0.00

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results of review to parties in this review within five days after public announcement of the final results 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).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For any individually examined respondents whose weighted-average dumping margin is above *de minimis,* we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer. If the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1) or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by either of the individually examined respondents for which it did not know that the merchandise was destined to the United States, we will instruct CBP to liquidate those entreis at the all-others rate (*i.e.,* 7.33 percent)[10] if there is no rate for the intermediate company(ies) involved in the transaction.[11]

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

[1] *See Forged Steel Fluid End Blocks From Italy: Preliminary Results and Rescission in Part of Antidumping Duty Administrative Review; 2023,* 90 FR 20444 (May 14, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] We continue to find that Lucchini Mamé Forge S.p.A. (LMA) is affiliated with Lucchini Industries S.r.l. (LIND) and Lucchini RS S.p.A. (LRS)(LMA, LIND, and LRS are collectively referred to as Lucchini).

[3] *See* Memorandum, ''Post-Preliminary Analysis for the Administrative Review of Forged Steel Fluid End Blocks from Italy,'' dated September 29, 2025 (Post Preliminary Results).

[4] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated August 8, 2025.

[5] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[6] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[7] *See* Memorandum, ''Extension of Deadline for the Preliminary Results of the 2023–2024 Antidumping Administrative Review,'' dated December 22, 2025.

[8] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Forged Steel Fluid End Blocks from Italy; 2023,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[9] *See Forged Steel Fluid End Blocks from the Federal Republic of Germany and Italy: Amended Final Antidumping Duty Determination for the Federal Republic of Germany and Antidumping Duty Orders,* 86 FR 7528 (January 29, 2021) (*Order*).

[10] *See Order,* 86 FR at 7530.

[11] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

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

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register**, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for companies subject to this review will be equal to the weighted-average dumping margin listed in the ''Final Results of Administrative Review'' section above, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit raet will be zero; (2) for previously investigated or reviewed companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the investigation of sales at LTFV, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 7.33 percent, the all-others rate established in the LTFV investigation.[12] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing 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 antidumping duties and/or countervailing duties has occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of countervailing duties.

[12] *See Order,* 86 at 7530.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction or return of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the destruction or return 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 sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these final results of review and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h) and 351.221(b)(5).

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

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2026–01597 Filed 1–26–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–012, C–570–013]

Carbon and Certain Alloy Steel Wire Rod From the People's Republic of China: Continuation of Antidumping Duty Order and Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) order and the countervailing duty (CVD) order on carbon and certain alloy steel wire rod (steel wire rod) from the People's Republic of China (China) would likely lead to the continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

DATES: Applicable December 29, 2025.

FOR FURTHER INFORMATION CONTACT: Morgan Jefferies and Emily Eshoo, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6302 and (202) 482–6296, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 8, 2015, Commerce published in the **Federal Register** the AD and CVD orders on steel wire rod from China.[1] On May 1, 2025, the ITC instituted,[2] and Commerce initiated,[3] the second sunset review of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and therefore, notified the ITC of the magnitude of the margins of dumping and subsidy rates likely to prevail should the *Orders* be revoked.[4]

On December 29, 2025, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would

[1] *See Carbon and Certain Alloy Steel Wire Rod from the People's Republic of China: Antidumping Duty Order,* 80 FR 1015 (January 8, 2015); and *Carbon and Certain Alloy Steel Wire Rod from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 1018 (January 8, 2015).

[2] *See Carbon and Certain Alloy Steel Wire Rod from China; Institution of Five Year Reviews,* 90 FR 18704 (May 1, 2025).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 90 FR 18642 (May 1, 2025).

[4] *See Carbon and Certain Alloy Steel Wire Rod from the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order,* 90 FR 41383 (August 25, 2025), and accompanying Issues and Decision Memorandum (IDM); and *Carbon and Certain Alloy Steel Wire Rod from the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Countervailing Duty Order,* 90 FR 41547 (August 26, 2025), and accompanying IDM.

likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

Scope of the Orders

The scope of the *Orders* cover certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately circular cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under the *Orders* are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093, 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Orders* is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders.* U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be December 29, 2025.[6] Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

This notice also serves as a final 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), which continues to govern business proprietary information in this segment of the proceeding. 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 which is subject to sanction.

Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: January 22, 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. 2026–01600 Filed 1–26–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: 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) determines that countervailable subsidies are being provided to producers/exporters of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China) during the period of review (POR) January 1, 2022, through December 31, 2022.

DATES: Applicable January 27, 2026.

FOR FURTHER INFORMATION CONTACT: Jose Rivera, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0842.

SUPPLEMENTARY INFORMATION:

Background

On April 21, 2025, Commerce published the *Preliminary Results* of this administrative review, and invited interested parties to comment.[1] On August 1, 2025, Commerce extended the deadline for these final results to no later than October 20, 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] The current deadline is December 29, 2025.[5] For a description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[6]

Scope of the Order

The products covered by the order are solar cells from China. For a full

[5] *See Carbon and Certain Alloy Steel Wire Rod from China; Determinations,* 90 FR 60739 (December 29, 2025) (*ITC Final Determination*).

[6] *See ITC Final Determination.*

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, and Rescission in Part; 2022,* 90 FR 16666 (April 21, 2025) (*Preliminary Results*).

[2] *See* Memorandum, ''Extension of Deadline for Final Results of Countervailing Duty Administrative Review,'' dated August 1, 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.

[5] Because the new deadline falls on a holiday (*i.e.,* December 25, 2025), the deadline becomes the next business day (*i.e.,* December 29, 2025). *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China; 2022,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

description of the scope of the *Order, see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the parties' briefs are addressed in the Issues and Decision Memorandum accompanying this notice. A list of the issues addressed is attached to this notice at Appendix I. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Methodology

Commerce conducted this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each subsidy program found countervailable, Commerce finds that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[7] For a description of the methodology underlying all of Commerce's conclusions, including any determination that relied upon the use of adverse facts available pursuant to section 776(a) and (b) of the Act, *see* the Issues and Decision Memorandum.

Changes Since the Preliminary Results

Based on a comment received from Changzhou Zhaojing Light Energy Co., Ltd. (Light Energy) and record information, Commerce is replacing one of the previously selected mandatory respondents, Light Energy, with its unaffiliated exporter, Yingli Energy (China) Company Limited (Yingli China). In addition, for these final results, we revised the total AFA rate and revised the subsidy rate for Yingli China to match the revised total AFA rate being applied to Yangzhou Jinghua New Energy Technology Co., Ltd. and Jiangsu Highhope International Group Corporation (High Hope). These changes are explained in the Issues and Decision Memorandum.

Rate for Non-Selected Companies Under Review

There are six companies for which a review was requested and not rescinded, which had reviewable entries, and which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent. *See* Appendix II. The Act and Commerce's regulations do not directly address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation. Section 705(c)(5)(A) of the Act states that for companies not investigated, in general, we will determine an all-others rate by weight averaging the countervailable subsidy rates established for each of the companies individually investigated, excluding zero and *de minimis* rates or any rates based entirely on facts available.

Accordingly, to determine the rate for companies not selected for individual examination, Commerce's practice is to weight average the net subsidy rates for the selected mandatory respondents, excluding rates that are zero, *de minimis,* or based entirely on facts available.[8] In this administrative review, Commerce assigned a rate based entirely on facts available to Yingli China and High Hope. Therefore, we determine that it would not be a ''reasonable method'' to assign Yingli China's or High Hope's rate as the non-selected rate. For a further discussion of this issue, *see* the Issues and Decision Memorandum. For these final results, in the absence of any other rate not based entirely on facts available, we continue to resort to an alternative reasonable method, which is to assign the non-select rate calculated in the previous review under this proceeding.[9] Therefore, for the other companies that remain subject to this review but were not selected as mandatory respondents, and which we are not finding to be cross-owned with the mandatory respondents, we calculated the non-selected rate using the 2021 non-selected rate of 9.07 percent.

Final Results of Administrative Review

We determine that, for the period January 1, 2022, through December 31, 2022, the following total net countervailable subsidy rates exist:

Company	Subsidy rate (percent *ad valorem*)
Yingli Energy (China) Company Limited	117.41
Jiangsu Highhope International Group Corporation[10]	117.41
Yangzhou Jinghua New Energy Technology Co., Ltd.	117.41
Non-Selected Companies Under Review[11]	9.07

[10] This rate applies to: Jiangsu Highhope International Group Corporation and its cross-owned companies: High Hope Zhongtian Corporation and Jiangsu Suhui Asset Management Co., Ltd.

[11] *See* Appendix II of this notice for a list of all companies that remain under review but were not selected for individual examination and to which Commerce has assigned the non-selected company rate.

Disclosure

Commerce intends to disclose the calculations and analysis performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to 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 final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results of review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies listed above on shipments of

[7] *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.

[8] *See, e.g., Certain Pasta from Italy: Final Results of the 13th (2008) Countervailing Duty Administrative Review,* 75 FR 37386, 37387 (June 29, 2010).

[9] *See, e.g., Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019,* 89 FR 33317 (April 29, 2024), and accompanying Issues and Decision Memorandum (IDM) at Comment 1.

subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to the administrative protective order (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 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 sanctionable violation.

Notification to Interested Parties

Commerce is issuing the final results and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: December 29, 2025.

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 Issues and Decision Memorandum

Appendix II

Non-Selected Companies Under Review

1. Anji Dasol Solar Energy Science & Technology Co., Ltd.
2. BYD (Shangluo) Industrial Co., Ltd.; Shanghai BYD Co., Ltd.; BYD Company Ltd.
3. Changzhou Trina PV Ribbon Materials Co., Ltd.; Changzhou Trina Solar Energy Co., Ltd.; Changzhou Trina Solar Yabang Energy Co., Ltd.; Hubei Trina Solar Energy Co., Ltd.; Trina Solar (Changzhou) Science and Technology Co., Ltd.; Trina Solar Co., Ltd.; Turpan Trina Solar Energy Co., Ltd.; Yancheng Trina Solar Energy Technology Co., Ltd.
4. Shenzhen Sungold Solar Co., Ltd.
5. Toenergy Technology Hangzhou Co., Ltd.
6. Trina Solar Science & Technology (Thailand) Ltd.[12]

[FR Doc. 2026–01603 Filed 1–26–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders with November anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable January 27, 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 has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders with November anniversary dates. All deadlines for the submission of various types of information, certifications, comments, or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Respondent Selection

In the event that Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based either on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR) or questionnaires in which we request the quantity and value (Q&V) of sales, shipments, or exports during the POR. Where Commerce selects respondents based on CBP data, we intend to place the CBP data on the record within five days of publication of the initiation notice. Where Commerce selects respondents based on Q&V data, Commerce intends to place the Q&V questionnaire on the record of the review within five days of publication of the initiation notice. In either case, we intend to make our respondent selection decision within 35 days of the **Federal Register** publication of the initiation notice. Comments regarding the CBP data (and/or Q&V data (where applicable)) and respondent selection should be submitted within seven days after the placement of the CBP data/submission of the Q&V data on the record of the review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event that Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Tariff Act of 1930, as amended (the Act), the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be ''collapsed'' (*e.g.,* treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of the review and will not collapse companies at the respondent selection phase unless there has been a determination to

[12] In the final results of the 2021 administrative review, this company was inadvertently grouped with other Trina companies. Commerce has not made a cross-ownership determination with regards to Trina Solar Science & Technology (Thailand) Ltd. and any other company. *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2021,* 89 FR 51497 (June 18, 2024).

collapse certain companies in a previous segment of the AD proceeding (*e.g.,* investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to the review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

Parties are requested to: (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Q&V questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of the proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Notice of No Sales

With respect to AD administrative reviews, we intend to rescind the review where there are no suspended entries for a company or entity under review and/or where there are no suspended entries under the company-specific case number for that company or entity. Where there may be suspended entries, if a producer or exporter named in this notice of initiation had no exports, sales, or entries during the POR, it may notify Commerce of this fact within 30 days of publication of this initiation notice in the **Federal Register** for Commerce to consider how to treat suspended entries under that producer's or exporter's company-specific case number.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[1] Section 773(e) of the Act states 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, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a 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) set a deadline for the submission of 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 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 initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single AD deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below. In addition, all firms that wish to qualify for separate rate status in the administrative reviews of AD orders in which a Q&V questionnaire is issued must complete, as appropriate, either a Separate Rate Application or Certification, and respond to the Q&V questionnaire.

For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at *https://access.trade.gov/Resources/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 14 calendar days after publication of this **Federal Register** notice. In addition to filing a Separate Rate Certification with Commerce no later than 14 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding[2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently

[1] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at *https://access.trade.gov/Resources/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 14 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for individual examination. Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Certification Eligibility

Commerce may establish a certification process for companies whose exports to the United States could contain both subject and non-subject merchandise. Companies under review that were deemed to not be eligible to participate in the certification program of that proceeding may submit a Certification Eligibility Application to establish that they maintain the necessary systems to track their sales to the United States of subject and non-subject goods.

All firms listed below that are not currently eligible to certify but wish to establish certification eligibility are required to submit a Certification Eligibility Application. The Certification Eligibility Application will be available on Commerce's website at *https://access.trade.gov/Resources/Certification-Eligibility-Application.pdf.*

Certification Eligibility Applications must be filed according to Commerce's regulations and are due to Commerce no later than 30 calendar days after the publication of the **Federal Register** notice.

Exporters and producers that are not currently eligible to certify, who submit a Certification Eligibility Application, and are subsequently selected as mandatory respondents must respond to all parts of the questionnaire as mandatory respondents for Commerce to consider their Certification Eligibility Application.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than November 30, 2026.

	Period to be reviewed
AD Proceedings	
ARGENTINA: Oil Country Tubular Goods, A–357–824	11/1/24–10/31/25
Siderca S.A.I.C.	
Tenaris Global Services S.A.	
Tubos de Acero de Mexico S.A.	
AUSTRIA: Strontium Chromate, A–433–813	11/1/24–10/31/25
Habich GmbH	
BRAZIL: Certain Aluminum Foil, A–351–856 11/1/24–10/31/25.	
Companhia Brasileira de Alumínio	
CBA Itapissuma Ltda.	
FRANCE: Strontium Chromate, A–427–830	11/1/24–10/31/25
Societe Nouvelle des Couleurs Zinciques	
GERMANY: Thermal Paper, A–428–850	11/1/24–10/31/25
Convertidoras PCM, S.A. de C.V.	
Formularios de México S.A. de C.V.	
Koehler Oberkirch GmbH	
Koehler Paper SE; Koehler Kehl GmbH	
Papeles y Conversiones de Mexico, S.A. de C.V	
INDIA: Paper File Folders, A–533–910	11/1/24–10/31/25
Navneet Education Limited	
INDIA: Welded Stainless Pressure Pipe, A–533–867	11/1/24–10/31/25
Ratnamani Metals & Tubes Ltd.	
Suncity Metals & Tubes Private Ltd	
JAPAN: Aluminum Lithographic Printing Plates	5/1/24–10/31/25
Fujifilm Corporation; Fujifilm Shizuoka Co., Ltd.	
MEXICO: Certain Freight Rail Couplers and Parts Thereof, A–201–857	11/1/24–10/31/25
Amsted Rail Company, Inc.; ASF–K de Mexico S. de R.L. de C.V.	
BNSF Railway	
Canadian National Railway Company	
CSX Transportation Corp.	
Freightcar America, Inc.	
GATX de Mexico	
Greenbrier Central, LLC	
Greenbrier Concarril, LLC	
Greenbrier GIMSA, LLC	
Greenbrier Leasing Company, LLC	
Gunderson Concarril S.A. de C.V	
Gunderson Rail Services LLC	

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
Gunderson-GIMSA S.A. de C.V. Modern Rail Capital National Steel Car, Ltd. Norfolk Southern Railway Strato, Inc. The Greenbrier Companies, Inc. Trinity Rail Group LLC TTX Company Tubos Acero Mexico Union Pacific Railroad Wabtec Corporation	
MEXICO: Oil Country Tubular Goods, A–201–856	11/1/24–10/31/25
Siderca S.A.I.C. Tenaris Global Services S.A. Tubos de Acero de Mexico S.A. Vallourec Oil & Gas Mexico S.A. de C.V.	
MEXICO: Seamless Refined Copper Pipe and Tube, A–201–838	11/1/24–10/31/25
GD Affiliates S. de R.L.de C.V. IUSA, S.A. de C.V. Nacional de Cobre, S.A. de C.V.	
MEXICO: Steel Concrete Reinforcing Bar, A–201–844	11/1/24–10/31/25
Deacero S.A.P.I. de C.V.; I.N.G.E.T.E.K.N.O.S. Estructurales, S.A. de C.V. Grupo Acerero S.A. de C.V. Grupo Simec S.A.B. de C.V.; Aceros Especiales Simec Tlaxcala, S.A. de C.V.; Compania Siderurgica del Pacifico S.A. de C.V.; Fundiciones de Acero Estructurales, S.A. de C.V.; Grupo Chant, S.A.P.I. de C.V.; Operadora de Perfiles Sigosa, S.A. de C.V.; Orge S.A. de C.V.; Perfiles Comerciales Sigosa, S.A. de C.V.; RRLC S.A.P.I. de C.V.; Siderurgica del Occidente y Pacifico S.A. de C.V.; Siderurgicos Noroeste, S.A. de C.V.; Simec International, S.A. de C.V.; Simec International 6 S.A. de C.V.; Simec International 7, S.A. de C.V.; and Simec International 9 S.A. de C.V. Sidertul S.A. de C.V. TA 2000 S.A. de C.V.	
OMAN: Certain Aluminum Foil, A–523–815	11/1/24–10/31/25
Oman Aluminium Rolling Company SPC	
REPUBLIC OF KOREA: Circular Welded Non-Alloy Steel Pipe, A–580–809	11/1/24–10/31/25
AJU Besteel Bookook Steel Chang Won Bending Dae Ryung Corporation Daiduck Piping Co. Ltd. Dong Yang Steel Pipe EEW Korea Co., Ltd. HiSteel Co., Ltd. Husteel Co., Ltd. Hyundai RB Co., Ltd. Hyundai Steel Pipe Co., Ltd. JJ Steel Co. Ltd. KG Steel Co., Ltd. Kukje Co., Ltd. Kumkang Kind Co., Ltd. Kumsoo Connecting Co., Ltd. Miju Steel Manufacturing NEXTEEL Co., Ltd. SeAH FS, Co. Ltd. SeAH Steel Corporation SK Oceanplant Co., Ltd.	
REPUBLIC OF KOREA: Thermal Paper, A–580–911	11/1/24–10/31/25
Akon Rulo Kagit Plastik Imalat IHR İTH. SAN. TİC. A.Ş. Amtress (M) Sdn. Bhd. Besto Sdn. Bhd. Convertidoras PCM, S.A. de C.V. Dor Etiket San VE Tic. Ltd. Engin Kagir Mamulleri San. Tic. Formas para Negocios, S.A. de C.V Formularios de México S.A. de C.V. Hansol Paper Company Kagit Mamulleri San. Tic. Ltd., Stl. Kooka Paper Manufacturing Sdn. Bhd Papeles y Conversiones de Mexico, S.A. de C.V. Sailing Paper (Malaysia) Sdn. Bhd. ShenZhen Sailing Paper Co., Ltd. Tele-Paper (M) Sdn. Bhd. Wellden (M) Sdn. Bhd. Wingle Industrial (Malaysia) Sdn. Bhd.	

	Period to be reviewed
REPUBLIC OF TÜRKIYE: Certain Aluminum Foil, A–489–844	11/1/24–10/31/25
ASAS Alüminyum Sanayi ve Ticaret A.Ş.	
Assan Aluminyum Sanayi ve Ticaret A.S., Ispak Esnek Ambalaj Sanayi A.S., and Kibar Dis Ticaret A.S.	
Panda Alüminyum A.Ş.	
SPAIN: Thermal Paper, A–469–824	11/1/24–10/31/25
Torraspapel S.A.	
TAIWAN: Certain Circular Welded Non-Alloy Steel Pipe, A–583–814	11/1/24–10/31/25
Chung Hung Steel	
Far East Machinery Co., Ltd.	
Femco	
Founder Land	
Kounan Steel Co., Ltd.	
Luen Jin Enterprise Co. Ltd.	
Mayer Steel Pipe Corporation	
Shin Yang Steel Co., Ltd	
Shuan Hwa Industrial Co., Ltd.	
Tension Steel Industries Co., Ltd.	
Vulcan Industrial Corporation	
Wan Chi Steel Industrial	
THE PEOPLE'S REPUBLIC OF CHINA: Aluminum Lithographic Printing Plates, A–570–156	5/1/24–10/31/25
FUJIFILM Printing Plate (China) Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Fresh Garlic, A–570–831	11/1/24–10/31/25
Linyi Dashan Food Co., Ltd.	
Qingdao Gabsan Trading Co., Ltd.	
Shandong Chuzhiai Food Co., Ltd.	
Shandong Xinshuo Food Co., Ltd.	
Xinyou International Trade Co.	
Zhengzhou Harmoni Spice Co., Ltd	
THE PEOPLE'S REPUBLIC OF CHINA: Lightweight Thermal Paper, A–570–920	11/1/24–10/31/25
Synergy Forms & Media Sdn. Bhd.	
Wellden (M) Sdn. Bhd.	
Zhangzhou Jiufu Environmental	
Zhangzhou Zhuangzhuang Paper	
THE PEOPLE'S REPUBLIC OF CHINA: Seamless Refined Copper Pipe and Tube, A–570–964	11/1/24–10/31/25
Daikin Air Conditioning (Shanghai)	
Guangdong Carrier Heating, Ventilation & Air Conditioning Company Limited	
Hailiang (Singapore) Pte. Ltd.	
ICOOL USA International (Hongkong) Limited	
Jintian Copper Industrial (Vietnam) Company Ltd.	
Ningbo Kingkong Climate Technology Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Diamond Sawblades and Parts Thereof, A–570–900	11/1/24–10/31/25
ASHINE Diamond Tools Co., Ltd.	
Bosch Power Tools China Co Ltd.	
Bosun Tools Co., Ltd.	
Chengdu Huifeng New Material Technology Co., Ltd.	
Danyang City Ou Di Ma Tools Co., Ltd.	
Danyang Hantronic Import & Export Co., Ltd.	
Danyang Huachang Diamond Tool Manufacturing Co., Ltd.	
Danyang Like Tools Manufacturing Co., Ltd.	
Danyang NYCL Tools Manufacturing Co., Ltd.	
Danyang Realsharp Tools Co., Ltd.	
Danyang Tongyu Tools Co., Ltd	
Danyang Tsunda Diamond Tools Co., Ltd.	
Danyang Weiwang Tools Manufacturing Co., Ltd.	
Diamond Tools Technology (Thailand) Co., Ltd.	
Fujian Quanzhou Aotu Precise Machine Co., Ltd.	
Guangdong Sun Rising Tools Co., Ltd.	
Guilin Tebon Superhard Material Co., Ltd.	
Hailian Saw Technology Co., Ltd.	
Hangzhou Deer King Industrial and Trading Co., Ltd.	
Hangzhou Greatstar Industrial Co., Ltd.	
Hangzhou Huike Import and Export	
Hangzhou Kingburg Import & Export Co., Ltd	
Hangzhou Xinweiye Tools Co., Ltd.	
Hebei XMF Tools Group Co., Ltd.	
Henan Huanghe Whirlwind International Co., Ltd	
Hong Kong Hao Xin International Group Limited	
Hubei Changjiang Precision Engineering Materials Technology Co., Ltd.	
Hubei Sheng Bai Rui Diamond Tools Co., Ltd.	
Husqvarna (Hebei) Co., Ltd.	
Huzhou Gu's Import & Export Co., Ltd.	
Jiangsu Fengtai Diamond Tool Manufacture Co., Ltd.	
Jiangsu Fengtai Diamond Tools Co., Ltd.	
Jiangsu Huachang Diamond Tools Manufacturing Co., Ltd.	

	Period to be reviewed
Jiangsu Inter-China Group Corporation	
Jiangsu Jinfeida Power Tools	
Jiangsu Yaofeng Tools Co., Ltd	
Jiangsu Youhe Tool Manufacturer Co., Ltd	
MaxxTools (Suzhou) Corp., Ltd.	
Orient Gain International Limited	
Pantos Logistics (HK) Company Limited	
Protec Tools Co., Ltd.	
Pujiang Talent Diamond Tools Co., Ltd.	
Qingdao Hyosung Diamond Tools Co., Ltd	
Qingdao Shinhan Diamond Industrial Co., Ltd	
Qingyuan Shangtai Diamond Tools Co., Ltd.	
Quanzhou Sunny Superhard Tools Co., Ltd.	
Quanzhou Zhongzhi Diamond Tool Co., Ltd	
Rizhao Hein Saw Co., Ltd.	
Saint-Gobain Abrasives (Shanghai) Co., Ltd.	
Shanghai Jingquan Industrial Trade Co., Ltd.	
Shanghai Lansi Trading Co., Ltd.	
Shanghai Starcraft Tools Co. Ltd.	
Shanghai Vinon Tools Industrial Co.	
Sino Tools Co., Ltd.	
Suzhou Blade Tech Tool Co Ltd.	
Tangshan Metallurgical Saw Blade Co., Ltd	
Weihai Xiangguang Mechanical Industrial Co., Ltd.	
Wuhan Baiyi Diamond Tools Co., Ltd	
Wuhan Sadia Trading Co., Ltd.	
Wuhan Wanbang Laser Diamond Tools Co., Ltd.	
Wuhan ZhaoHua Technology Co., Ltd.	
Xiamen ZL Diamond Technology Co., Ltd.	
Zhejiang Shall Tools Co., Ltd.	
Zhejiang Wanli Tools Group Co., Ltd.	
Zhenjiang Luckyway Tools Co., Ltd.	
ZL Diamond Technology Co., Ltd.	
ZL Diamond Tools Co., Ltd.	
ZZW Precision Tool Supply	
CVD Proceedings Period	
OMAN: Certain Aluminum Foil, C–523–816	1/1/24–12/31/24
Oman Aluminium Rolling Company SPC	
REPUBLIC OF KOREA: Oil Country Tubular Goods, C–580–913	1/1/24–12/31/24
Hyundai Steel Pipe Co., Ltd.	
Kumkang Kind Co., Ltd.	
NEXTEEL Co., Ltd.	
SeAH Steel Corporation; SeAH Steel Holding Corporation [4]	
REPUBLIC OF TÜRKIYE: Certain Aluminum Foil, C–489–845	1/1/24–12/31/24
ASAS Aluminyum Sanayi ve Ticaret A.S.	
Assan Aluminyum Sanayi ve Ticaret A.S.; Ispak Esnek Ambalaj Sanayi A.S.; Kibar Dis Ticaret A.S.	
Panda Aluminyum A.S.	
REPUBLIC OF TÜRKIYE: Steel Concrete Reinforcing Bar, C–489–819	1/1/24–12/31/24
Çolakoglu Dis Ticaret A.S.; Çolakoglu Metalurji A.S.	
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S.	
Kaptan Demir Celik Endustrisi ve Ticaret A.S.; Kaptan Metal Dis Ticaret ve Nakliyat A.S.	
THE PEOPLE'S REPUBLIC OF CHINA: Aluminum Lithographic Printing Plates, C–570–157	3/1/24–12/31/24
FUJIFILM Printing Plate (China) Co., Ltd	
THE PEOPLE'S REPUBLIC OF CHINA: Chlorinated Isocyanurates, C–570–991	1/1/24–12/31/24
Anhui Hongze New Material Technology	
Anhui Topglobal Co., Ltd.	
Canaxy Asia Limited	
Centurion Chemicals Co Ltd	
Chemball (Hangzhou) Chemicals Co	
Hebei Ferturea Trade Co., Ltd.	
Hebei Fuhui Water Treatment Co., Ltd.	
Hebei Haida Chemical Industry Co., Ltd.	
Hebei Higwi Trade Co Ltd	
Henan Chlorquim Chemical Co., Ltd	
Henan Saifu Trading Co., Ltd	
Henan Secco Environmental	
Heze Huayi Chemical Co., Ltd	
Hydrotech Investment Corporation	
Jinchang International Forwarding C	
Juancheng Kangtai Chemical Co., Ltd.	
Orient Express Container (Shanghai)	
Qingdao Hot Chemicals Co., Ltd	

	Period to be reviewed
Qingdao Huaxijin Industry and Trade	
Qingdao On-Billion	
Qingdao Sinosalt Chemical Co., Ltd.	
Qingzhou Luxing Industrial Trade Co	
Shandong Lichen Chemical Co., Ltd	
Shandong Orange Joy Co., Ltd.	
Shandong QC Industry Co., Ltd.	
Shandong Wolan Biologic Group Co	
Sincere Cooperation Material	
Tianjin Jinbin International Trade	
Tianjin Smile Technology Dev Co Ltd	
VanderArk International Limited	
Weifang JS Trading Co., Ltd	
Weifang Longshuo Chemical Co., Ltd	
Yangzhou Weideli Trade Co., Ltd.	
Zhanjiang Hailongli Energy Technology	
THE PEOPLE'S REPUBLIC OF CHINA: Lightweight Thermal Paper, C–570–921	1/1/24–12/31/24
Synergy Forms & Media Sdn. Bhd.	
Wellden (M) Sdn. Bhd	
Zhangzhou Jiufu Environmental	
Zhangzhou Zhuangzhuang Paper	

Suspension Agreements

None.

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant ''gap'' period of the order (*i.e.,* the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (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). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted 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. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule,*[5] available at *https://www.govinfo.gov/content/pkg/FR-2013-07-17/pdf/2013-17045.pdf,* prior to submitting factual information in this segment. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[6]

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule.*[7] Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.[8] In general, an extension request will be

[4] Commerce previously found SeAH Steel Holding Corporation to be a cross-owned affiliate of SeAH Steel Corporation. *See Oil Country Tubular Goods from the Republic of Korea and the Russian Federation: Countervailing Duty Orders,* 87 FR 70782 (November 21, 2022). Accordingly, we are initiating this review with respect to SeAH Steel Corporation and its cross-owned entity, SeAH Steel Holding Corporation, listed in this notice.

[5] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[6] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule,* 88 FR 67069 (September 29, 2023).

[7] *See* section 782(b) of the Act; *see also Final Rule;* and the frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[8] *See* 19 CFR 351.302.

considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. 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, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, standalone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule,* available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

Notification to Interested Parties

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: January 22, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–01602 Filed 1–26–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–911]

Thermal Paper From the Republic of Korea: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that the thermal paper from the Republic of Korea (Korea) is not being sold in the United States at less than normal value (NV) during the period of review (POR) November 1, 2023, through October 31, 2024. Interested parties are invited to comment on these preliminary results.

DATES: Applicable January 27, 2026.

FOR FURTHER INFORMATION CONTACT: Elizabeth Beuley, 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) 482–3269.

SUPPLEMENTARY INFORMATION:

Background

On November 22, 2021, Commerce published in the **Federal Register** the antidumping duty order on thermal paper from Korea.[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] The opportunity notice to request this administrative review was published on November 1, 2024.[4] On December 18, 2024, based on timely requests for review, we initiated an administrative review of the *Order* covering 17 companies in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).[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] 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.[7] On December 22, 2025, we extended the preliminary results of this review.[8] 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.[9] A list of the topics included in the Preliminary Decision Memorandum is attached as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The merchandise subject to the *Order* is thermal paper from Korea. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. We calculated constructed export price in accordance with section 772 of the Act. We calculated NV in accordance with section 773 of the Act.

[1] *See Thermal Paper from Germany, Japan, the Republic of Korea, and Spain: Antidumping Duty Orders,* 86 FR 66284 (November 22, 2021) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation Opportunity to Request Administrative Review and Join Annual Inquiry Service List,* 89 FR 87338 (November 1, 2024) (*Opportunity Notice*).

[3] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated December 9, 2024.

[4] *See Opportunity Notice.*

[5] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 89 FR 102856 (December 18, 2024).

[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 the Preliminary Results of the 2023–2024 Antidumping Administrative Review,'' dated December 22, 2025.

[9] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of 2023–2024 Administrative Review of the Antidumping Duty Order on Thermal Paper from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review

when there are no entries of subject merchandise during the POR for which liquidation is suspended.[10] Normally, upon completion of an administrative review, the suspended entries are liquidated at the antidumping duty assessment rate calculated for the review period.[11] Therefore, for an administrative review of a company to be conducted, there must be a suspended entry that Commerce can instruct U.S Customs and Border Protection (CBP) to liquidate at the AD assessment rate calculated for the POR.[12]

On February 4, 2025, we notified parties of our intent to rescind this administrative review regarding the companies listed in Appendix II because there were no suspended entries of subject merchandise produced or exported by these companies during the POR, and we invited interested parties to comment.[13] No parties commented on our intent to rescind the review, in part. In the absence of any suspended entries of subject merchandise from these companies during the POR, we are rescinding this administrative review for the companies listed in Appendix II, in accordance with 19 CFR 351.213(d)(3).

Rate for Company Not Selected for Individual Examination

The Act and Commerce's regulations do not address the rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value (LTFV) investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely on the basis of facts available.

Where the weighted-average dumping margins for individually examined respondents are zero, *de minimis,* or determined based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated . . .'' In this review, Commerce preliminarily calculated a weighted-average dumping margin of zero percent for Hansol Paper Company (Hansol). Therefore, we are preliminarily assigning a rate of zero percent to Tele-Paper (M) Sdn. Bhd. (Tele-paper), the company not selected for individual examination in this review, in accordance with section 735(c)(5)(B) of the Act.

Preliminary Results of Review

We preliminarily determine that the following estimated weighted-average dumping margins exist for the period November 1, 2023, through October 31, 2024:

Producer or exporter	Weighted-average dumping margin (percent)
Hansol Paper Company[14]	0.00
Tele-Paper (M) Sdn. Bhd.	0.00

Disclosure and Public Comment

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).

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.[15] Interested parties who submit case briefs or rebuttal briefs in this administrative review must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[16] All briefs must be filed electronically using ACCESS.[17] An electronically filed document must be received successfully in its entirety by 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 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 (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties

[10] *See, e.g., Dioctyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022,* 88 FR 24758 (April 24, 2023); *see also Certain Carbon and Alloy Steel Cut- to Length Plate from the Federal Republic of Germany: Recission of Antidumping Administrative Review; 2020–2021,* 88 FR 4157 (January 24, 2023).

[11] *See* 19 CFR 351.212(b)(2).

[12] *See* 19 CFR 351.213(d)(3).

[13] *See* Memorandum, ''Notice of Intent to Rescind'' dated February 4, 2025 (Intent to Rescind Memorandum).

[14] Hansol Paper Company is also known as Hansol Paper Co., Ltd. *See, e.g.,* Hansol's Letter, ''Section A Questionnaire Response,'' dated February 10, 2025, at A–1 and Exhibit Appendix I; *see also Thermal Paper from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023,* 89 FR 96640 (December 5, 2024), and accompanying Preliminary Decision Memorandum at 1.

[15] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023).

[16] *See* 19 CFR 351.309(c)(2) and (d)(2).

[17] *See* 19 CFR 351.303.

[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 Final Rule,* 88 FR at 67077.

will be notified of the time and date for the hearing.[20]

Assessment Rates

Upon completion of this administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.[21] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Pursuant to 19 CFR 351.212(b)(1), if Hansol's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we intend to calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those same sales. If Hansol's weighted-average dumping margin in the final results is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(2), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's ''automatic assessment'' practice will apply to entries of subject merchandise during the POR produced by Hansol for which it did not know that the merchandise it sold to an intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate those entries at the all-others rate (*i.e.,* 6.19 percent),[22] if there is no rate for the intermediate company(ies) involved in the transaction.[23]

For Tele-Paper, the company that was not selected for individual examination, we intend to assign an assessment rate equal to the weighted-average dumping margin calculated in the final results of this review for Hansol, unless that rate is zero or *de minimis,* in which case we intend to instruct CBP to liquidate relevant entries without regards to antidumping duties..

For the companies for which we are rescinding this review, we will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, in accordance with 19 CFR 351.212(c)(l)(i). Commerce intends to issue these rescission instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 6.19 percent, the all-others rate established in the LTFV investigation.[24] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping 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 antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 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 I

List of Topics in the Preliminary Decision Memorandum

Appendix II

Companies Rescinded From Review

1. Akon Rulo Kagit Plastik Imalat IHR ITH. SAN. TIC. A.S.
2. Amtress (M) Sdn. Bhd.
3. Besto Sdn. Bhd.
4. Convertidoras PCM, S.A. de C.V.
5. Dor Etiket San VE Tic. Ltd.
6. Engin Kagir Mamulleri San. Tic.
7. Formas para Negocios, S.A. de C.V.
8. Formularios de Mexico S.A. de C.V.
9. Kagit Mamulleri San. Tic. Ltd., Stl.
10. Kooka Paper Manufacturing Sdn. Bhd.
11. Papeles y Conversiones de Mexico, S.A. de C.V.
12. Sailing Paper (Malaysia) Sdn. Bhd.
13. ShenZhen Sailing Paper Co., Ltd.
14. Wellden (M) Sdn. Bhd.
15. Wingle Industrial (Malaysia) Sdn. Bhd.

[FR Doc. 2026–01601 Filed 1–26–26; 8:45 am]

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[20] *See* 19 CFR 351.310(d).

[21] *See* section 751(a)(2)(C) of the Act.

[22] *See Order,* 86 FR at 66286.

[23] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[24] *See Order,* 86 FR at 66286.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–182, A–552–845]

Thermoformed Molded Fiber Products From the People's Republic of China and the Socialist Republic of Vietnam: Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on the affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing the antidumping (AD) orders on thermoformed molded fiber products (molded fiber products) from the People's Republic of China (China) and the Socialist Republic of Vietnam (Vietnam).

DATES: Applicable January 27, 2026.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Matthew Lipka (China) and Zachary Shaykin (Vietnam), AD/CVD Operations, Offices VIII and IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5973, (202) 482–7976, or (202) 482–2638, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i) of the Tariff Act of 1930, as amended (the Act), on September 30, 2025, Commerce published its affirmative final determinations of sales at less-than-fair-value (LFTV) of molded fiber products from China and Vietnam.[1]

On January 5, 2025, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured within the meanings of 735(b)(1)(A)(i) of the Act, by reason of imports of thermoformed molded fiber products from China and Vietnam sold in the United States at less than fair value.[2]

Scope of the Orders

The products covered by these orders are molded fiber products from China and Vietnam. For a complete description of the scope of the orders, *see* the appendix to this notice.

Antidumping Duty Orders

Based on the above-referenced final determinations, in accordance with sections 735(c)(2) and 736 of the Act, Commerce is issuing these AD orders. Because the ITC determined that imports of molded fiber products from China and Vietnam are materially injuring a U.S. industry, unliquidated entries of such merchandise from China and Vietnam, 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 for all relevant entries of molded fiber products from China and Vietnam. Antidumping duties will be assessed on unliquidated entries of molded fiber products from China and Vietnam entered, or withdrawn from warehouse, for consumption on or after May 12, 2025, the date of publication of the *Preliminary Determinations,*[3] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination, as further described in the ''Provisional Measures'' section of this notice.

Suspension of Liquidation and Cash Deposits

In accordance with section 736 of the Act, Commerce intends to instruct CBP to reinstitute the suspension of liquidation of molded fiber products from China and Vietnam effective the date of publication of the ITC's final affirmative injury determinations in the **Federal Register**. These instructions suspending liquidation will remain in effect until further notice. Commerce also intends to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins, adjusted by the relevant subsidy offsets, indicated in the *Final Determinations*.[4] The rates for the China- and Vietnam-wide entities applies to all producers and exporters from China and Vietnam, respectively, not specifically listed, as appropriate.

Provisional Measures

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 exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. At the request of exporters that account for a significant proportion of exports of thermoformed molded fiber products from China and Vietnam, Commerce extended the four-month period to six months in these investigations.[5]

The provisional measures period, beginning on the date of publication of the *Preliminary Determinations,* ended on November 8, 2025. Therefore, in accordance with section 733(d) of the Act and our practice,[6] Commerce instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of thermoformed molded fiber products from China and Vietnam entered, or withdrawn from warehouse, for consumption after November 8, 2025, the final day on which the provisional measures were in effect, until and through the day preceding the date of publication of the ITC's final affirmative 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**.

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[1] *See Thermoformed Molded Fiber Products from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value,* 90 FR 46800 (September 30, 2025) (*China Final Determination*); *see also Thermoformed Molded Fiber Products from the Socialist Republic of Vietnam: Final Affirmative Determination of Sales at Less Than Fair Value,* 90 FR 46791 (September 30, 2025) (*Vietnam Final Determination*) (collectively, the *Final Determinations*).

[2] *See* ITC's Letter, ''Notification of ITC Final Determination, '' dated January 5, 2026 (ITC Notification Letter).

[3] *See Thermoformed Molded Fiber Products from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Extension of Provisional Measures,* 90 FR 20147 (May 12, 2025), and accompanying Preliminary Decision Memorandum (PDM); *Thermoformed Molded Fiber Products from the People's Republic of China: Correction and Amended Preliminary Determination at Sales at Less Than Fair Value,* 90 FR 24590 (June 11, 2025); *Thermoformed Molded Fiber Products from the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Extension of Provisional Measures,* 90 FR 20153 (May 12, 2025), and accompanying PDM (collectively, the *Preliminary Determinations*).

[4] *See China Final Determination,* 90 FR at 46802–03; *Vietnam Final Determination,* 90 FR at 46793.

[5] *See Preliminary Determinations,* 90 FR at 20152, 20155.

[6] *See, e.g., Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390, 48392 (July 25, 2016).

Establishment of the Annual Inquiry Service Lists

On September 20, 2021, Commerce published the *Final Rule* in the **Federal Register**.[7] On September 27, 2021, Commerce also published the *Procedural Guidance* in the **Federal Register**.[8] *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 an order 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.'' [9]

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,[10] 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 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 Petitioners 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.'' [11] Accordingly, as stated above, the petitioner and the Governments of China and Vietnam should submit their initial entries of appearance after publication of this notice in order to appear in the first annual inquiry service lists for this order. Pursuant to 19 CFR 351.225(n)(3), the petitioner and the Governments of China and Vietnam 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 Governments of China and Vietnam 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 orders with respect to molded fiber products from China pursuant to sections 736(a) of the Act. Interested parties can find a list of duty orders currently in effect at *https://www.trade.gov/data-visualization/adcvd-proceedings.*

These orders are published in accordance with sections 736(a) of the Act, and 19 CFR 351.211(b).

Dated: January 22, 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 subject to these orders consists of thermoformed molded fiber products regardless of shape, form, function, fiber source, or finish. Thermoformed molded fiber products are formed with cellulose fibers, thermoformed using one or more heated molds, and dried/cured in the mold.

Thermoformed molded fiber products include, but are not limited to, plates, bowls, clamshells, trays, lids, food or foodservice contact packaging, and consumer or other product packaging.

Thermoformed molded fiber products are relatively dense, with a typical fiber density above 0.5 grams per cubic centimeter, and are generally characterized by relatively smooth surfaces. They may be derived from any virgin or recycled cellulose fiber source (including, but not limited to, those sourced from wood, woody crops, agricultural crops/byproducts/residue, and agricultural/industrial/other waste). They may have any weight, shape, dimensionality, design, or size, and may be bleached, unbleached, dyed, colored, or printed. They may include ingredients, additives, or chemistries to enhance functionality including, but not limited to, anti-microbial, anti-fungal, anti-bacterial, heat/flame resistant, hydrophobic, oleophobic, absorbent, or adsorbent. Thermoformed molded fiber products may also be subject to other processing or treatments, including, but not limited to, hot or after pressing, die-cutting, punching, trimming, padding, perforating, printing, labeling, dying, coloring, coating, laminating, embossing, debossing, repacking, or denesting. Thermoformed molded fiber products subject to these orders may also have additional design features, including, but not limited to, tab closures, venting, channeling, or stiffening.

Thermoformed molded fiber products remain covered by the scope of these orders if the subject product is encased by exterior packaging. They also remain covered by the scope of these orders whether imported alone, or in any combination of subject and non-subject merchandise (*e.g.,* a lid or cover of any type packaged with a molded fiber bowl, addition of any items to make the thermoformed molded fiber packaging suitable for end-use such as absorbent pads). When thermoformed molded fiber products are imported in combination with non-subject merchandise, only the thermoformed molded fiber products are subject merchandise.

Also excluded from the scope of these orders are products covered by the scope of the antidumping and countervailing duty orders on paper plates from People's Republic of China, the Kingdom of Thailand, and the Socialist Republic of Vietnam.

Excluded from the scope of these orders are thermoformed molded fiber products

[7] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300 (September 20, 2021) (*Final Rule*).

[8] *See Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions,* 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

[9] 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.

[10] *See Procedural Guidance,* 86 FR at 53206.

[11] *See Final Rule,* 86 FR at 52335.

imported as packaging material that enclose and/or surround non-subject merchandise prepackaged for final sale upon importation into the United States (*e.g.,* molded fiber packaging surrounding a cellular phone).

Thermoformed molded fiber products include thermoformed molded fiber products matching the above description that have been finished, packaged, or otherwise processed in a third country by performing finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of these orders if performed in the country of manufacture of the thermoformed molded fiber products. Examples of finishing, packaging, or other processing in a third country that would not otherwise remove the merchandise from the scope of these orders if performed in the country of manufacture of the thermoformed molded fiber products include, but are not limited to, hot or after pressing, die-cutting, punching, trimming, padding, perforating, printing, labeling, dying, coloring, coating, laminating, embossing, debossing, repacking, or denesting.

Thermoformed molded fiber products are classified under subheadings 4823.70.0020 and 4823.70.0040, Harmonized Tariff Schedule of the United States (HTSUS). Imports may also be classified under subheadings 4823.61.0020, 4823.61.0040, 4823.69.0020, 4823.69.0040, 4823.90.1000, HTSUS. References to the HTSUS classification are provided for convenience and customs purposes, and the written description of the merchandise of these orders is dispositive.

[FR Doc. 2026–01604 Filed 1–26–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–847]

Forged Steel Fluid End Blocks From Germany: Final Results of the Antidumping Duty Administrative Review; 2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain producers/exporters subject to this administrative review made sales of forged steel fluid end blocks (fluid end blocks) from Germany at less than normal value during the period of review (POR) January 1, 2023, through December 31, 2023.

DATES: Applicable January 27, 2026.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley, 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) 482–3148.

SUPPLEMENTARY INFORMATION:

Background

On May 14, 2025, Commerce published in the **Federal Register** the *Preliminary Results* of this administrative review.[1] On August 27, 2025, Commerce issued a post-preliminary memorandum in which it made certain changes to its differential pricing analysis.[2] We invited interested parties to comment on the *Preliminary Results* and Post Preliminary Results.

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 20, 2026.

A summary of the events that occurred since Commerce published the *Preliminary Results,* as well as a full discussion of the issues raised by parties for these final results, are discussed in 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 *https://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.*

Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

[1] *See Forged Steel Fluid End Blocks from Germany: Preliminary Results of Antidumping Duty Administrative Review and Rescission; 2023,* 90 FR 20451 (May 14, 2025) (*Preliminary Results*).

[2] *See* Memorandum, ''Post-Preliminary Analysis for Administrative Review of Fluid End Blocks from Germany; 2023,'' dated August 26, 2025 (Post Preliminary Results)

[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 Results of the Antidumping Duty Administrative Review of Forged Steel Fluid End Blocks from Germany; 2023,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Scope of the Order [6]

The merchandise subject to the *Order* is fluid end blocks from Germany. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are listed in the appendix to this notice and addressed in the Issues and Decision Memorandum.

Changes Since the Post Preliminary Results

Commerce examined the record and the comments in the case and rebuttal briefs, and we made no changes since the Post Preliminary Results. For a discussion of these comments, *see* the Issues and Decision Memorandum.

Final Results of Review

Commerce determines that the following estimated weighted-average dumping margin exists for the period January 1, 2023, through December 31, 2023:

Producer/exporter	Weighted-average dumping margin (percent)
BGH Edelstahl Siegen GmbH ..	11.92

Disclosure

Normally, Commerce will disclose the calculations performed in connection with the final results to parties in this proceeding within five days of the date of public announcement, in accordance with 19 CFR 351.224(b). However, because we have made no changes from the Post Preliminary Results, there are no new calculations to disclose.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For BGH, the sole producer/exporter subject to this review, whose weighted-average dumping margin is above *de minimis,* we calculated importer-specific *ad valorem* duty assessment rates by dividing the total amount of antidumping duties calculated for the examined sales to

[6] *See Forged Steel Fluid End Blocks from the Federal Republic of Germany and Italy: Amended Final Antidumping Duty Determination for the Federal Republic of Germany and Antidumping Duty Orders,* 86 FR 7528 (January 29, 2021) (*Order*).

each importer by the value of the examined sales to that importer pursuant to 19 CFR 351.212(b)(1).

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for BGH will be that established in these final results; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the investigation of sales at less than fair value (LTFV), but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 4.79 percent, the all-others rate established in the LTFV investigation.[7] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing 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 antidumping and/or countervailing duties has occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of countervailing duties.

[7] *See Order,* 86 FR at 7530.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. 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 the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

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

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2026–01596 Filed 1–26–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–938]

Oleoresin Paprika From India: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable January 27, 2026.

FOR FURTHER INFORMATION CONTACT: Matthew Palmer or Elizabeth Talbot Russ, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1678 or (202) 482–5516, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 15, 2025, the U.S. Department of Commerce (Commerce) initiated a less-than-fair-value (LTFV) investigation of imports of oleoresin paprika from India.[1] Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] 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.[3] Accordingly, the deadline for this preliminary determination is now February 9, 2026.[4]

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A)(b)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner [5] makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19

[1] *See Oleoresin Paprika from India: Initiation of Less-Than-Fair-Value Investigation,* 90 FR 34419 (July 22, 2025) (*Initiation Notice*).

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[4] The preliminary determination is currently due February 8, 2026. However, Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[5] The petitioner is Rezolex, Ltd. Co.

CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On January 14, 2026, the petitioner submitted a timely request that Commerce postpone the preliminary determination in the LTFV investigation.[6] The petitioner stated that it requests postponement ''in light of the lapse in appropriations that resulted in the federal government shutting down for 47 days and significant delays in this proceeding. The information submitted by the respondents to this investigation has also required extensive clarification and supplementation.'' [7]

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination by 50 days (*i.e.,* 190 days after the date on which this investigation was initiated). As a result, Commerce will issue its preliminary determination no later than March 30, 2026. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: January 22, 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. 2026–01599 Filed 1–26–26; 8:45 am]

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[6] *See* Petitioner's Letter, ''Request for Extension of the Preliminary Determination,'' dated January, 14, 2026.

[7] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–174, C–570–175]

Certain Brake Drums From the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from Webb Wheel Products, Inc. (Webb), the U.S. Department of Commerce (Commerce) is initiating a country-wide circumvention inquiry to determine whether imports of compacted graphite iron (CGI) brake drums from the People's Republic of China (China) are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on certain brake drums (brake drums) from China.

DATES: Applicable January 27, 2026.

FOR FURTHER INFORMATION CONTACT: Justin Enck at (202) 482–1614 or Walter Schaub at (202) 482–0907, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On November 17, 2025, pursuant to section 781(d) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.226(k), Webb filed a circumvention inquiry request [1] alleging that CGI brake drums produced in China, including model number M328D557, produced by PanAsia CVD (HK) Limited (PanAsia), constitute later-developed merchandise that are circumventing the AD and CVD orders on brake drums from China,[2] and accordingly, should be included within the scope of the *Orders.*

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.[3] On December 30, 2025, Commerce extended the initiation deadline by an additional 15 days, in accordance with 19 CFR 351.226(d)(1).[4]

On November 27, 2025, CAIEC Trailer Master Co., Ltd. (CAIEC Trailer) filed opposition comments in response to the Circumvention Request.[5] On December 17, 2025, Webb submitted rebuttal comments in response to CAIEC Trailer's Comments.[6] On January 2, 2026, we issued a supplemental questionnaire to Webb.[7] On January 12, 2026, Webb filed its response to our request for additional information.[8]

Scope of the Orders

The merchandise covered by these *Orders* is certain brake drums made of gray cast iron, whether finished or unfinished, with an actual or nominal inside diameter of 14.75 inches or more but not over 16.6 inches, weighing more than 50 pounds. For a full description of the scope of the *Orders, see* the appendix to this notice.[9]

Merchandise Subject to the Circumvention Inquiry

The circumvention inquiry covers compacted graphite iron brake drums with an actual or nominal inside diameter of 14.75 inches or more but not over 16.6 inches, weighing more than 50 pounds,[10] that are produced in China and exported to the United States, including, for example, model number M328D557 produced by PanAsia CVD (HK) Limited.[11]

Initiation of Circumvention Inquiry

Section 351.226(d)(1)(iii) of Commerce's regulations states that if Commerce determines that a request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c), then Commerce ''will accept the request and

[1] *See* Webb's Letter, ''Request for Anti-Circumvention Inquiry Pursuant to Section 781(d) of the Tariff Act of 1930,'' dated November 17, 2025 (Circumvention Request).

[2] *See Certain Brake Drums from the People's Republic of China and the Republic of Türkiye: Antidumping Duty* Orders, 90 FR 38730 (August 12, 2025) (*AD Order*); *see also Certain Brake Drums from the People's Republic of* China and the Order) (collectively, *Orders*).

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[4] *See* Memorandum, ''Extension of Circumvention Inquiry Initiation Deadline,'' dated December 30, 2025.

[5] *See* CAIEC Trailer's Letter, ''CAIEC TRAILER's Rebuttal Comments on Request for Anti-Circumvention Inquiry,'' dated November 27, 2025 (CAIEC Trailer's Comments).

[6] *See* Webb's Letter, ''Rebuttal Comments and Factual Information in Response to CAIEC Trailer Master's Pre-Initiation Comments,'' dated December 17, 2025 (Webb's Rebuttal Comments).

[7] *See* Commerce's Letter, ''Circumvention Inquiry Request Supplemental Questionnaire,'' dated January 2, 2026.

[8] *See* Webb's Letter, ''Response to Circumvention Inquiry Supplemental Questionnaire,'' dated January 12, 2026.

[9] *See also* Initiation Checklist, ''Certain Brake Drums from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Initiation Checklist), at Attachment I.

[10] *See* Webb's Rebuttal Comments at 8.

[11] *See* Initiation Checklist.

initiate a circumvention inquiry.'' Section 351.226(c)(1) of Commerce's regulations, in turn, requires that each circumvention inquiry request allege ''that the elements necessary for a circumvention determination under section 781 of the Act exist'' and be ''accompanied by information reasonably available to the interested party supporting these allegations.'' Webb alleges circumvention pursuant to section 781(d) of the Act (*i.e.,* merchandise developed after an investigation is initiated).

Section 781(d)(1) of the Act provides that Commerce may find circumvention of an AD or CVD order when merchandise is developed after an investigation is initiated. In conducting a later-developed merchandise inquiry under section 781(d)(1) of the Act and 19 CFR 351.226(k), Commerce will consider whether: (A) the later-developed merchandise has the same general physical characteristics as the merchandise with respect to which the order was originally issued (earlier product); (B) the expectations of the ultimate purchasers of the later-developed merchandise are the same as for the earlier product; (C) the ultimate use of the earlier product and the later-developed merchandise are the same; (D) the later-developed merchandise is sold through the same channels of trade as the earlier product; and (E) the later-developed merchandise is advertised and displayed in a manner similar to the earlier product.

In addition, section 781(d)(2) of the Act establishes that Commerce may not exclude a later-developed merchandise from a countervailing or antidumping duty order merely because the merchandise is classified under a tariff classification other than that identified in the petition or Commerce's prior notices during the proceeding, or permits the purchaser to perform additional functions, unless such additional functions constitute the primary use of the merchandise and the cost of the additional functions constitute more than a significant proportion of the total cost of production of the merchandise.

In accordance with 19 CFR 351.226(m)(2), for companion AD and CVD proceedings, ''the Secretary will initiate and conduct a single inquiry with respect to the product at issue for both orders only on the record of the antidumping proceeding.'' Further, once ''the Secretary issues a final circumvention determination on the record of the AD proceeding, the Secretary will include a copy of that determination on the record of the CVD.'' Accordingly, once Commerce concludes this circumvention inquiry, Commerce intends to place its final circumvention determination on the record of the companion CVD proceeding.

Analysis

Based on our analysis of Webb's circumvention inquiry request and supplemental questionnaire response, we determine that they have satisfied the criteria under 19 CFR 351.226(c), and thus, pursuant to 19 CFR 351.226(d)(1)(iii), we are initiating the requested circumvention inquiry. For a full discussion of the basis for our decision to initiate the circumvention inquiry regarding the later-developed merchandise allegation, *see* the Circumvention Initiation Checklist. The Circumvention Initiation Checklist is available on ACCESS. ACCESS is available to registered users at *https://access.trade.gov.*

As explained in the Circumvention Initiation Checklist, the information provided by Webb warrants initiating the circumvention inquiry on a country-wide basis. Commerce has taken this approach in prior circumvention inquiries, where the facts warranted initiation on a country-wide basis.[12]

Suspension of Liquidation

Pursuant to 19 CFR 351.226(l)(1), Commerce will notify CBP of this initiation and direct CBP to continue the suspension of liquidation of entries of products subject to the circumvention inquiry that were already subject to the suspension of liquidation under the *Orders* and to apply the cash deposit rates that would be applicable if the products were determined to be covered by the scope of the *Orders.*

Should Commerce issue an affirmative preliminary or final circumvention determination, Commerce will follow the suspension of liquidation rules under 19 CFR 351.226(l)(2)–(4). In the event that Commerce issues an affirmative preliminary or final circumvention determination that the inquiry merchandise is circumventing the *Orders,* Commerce will instruct CBP to continue the suspension of liquidation of previously suspended entries and to apply the applicable cash deposit rate. Commerce will also instruct CBP to begin the suspension of liquidation and application of cash deposits for any unliquidated entries of inquiry merchandise not yet suspended, entered, or withdrawn from warehouse, for consumption, on or after the date of publication of the notice of initiation of the circumvention inquiry pursuant to paragraphs (l)(2)(ii) and (l)(3)(ii). In addition, pursuant to paragraphs (l)(2)(iii)(A) and (l)(3)(iii)(A), Commerce may instruct CBP to begin the suspension of liquidation and application of cash deposits for any unliquidated entries not yet suspended, entered, or withdrawn from warehouse, for consumption, prior to the date of initiation of the circumvention inquiry, but not for such entries prior to November 4, 2021, the effective date of these provisions in the *Final Rule.*[13] These rules will not affect CBP's authority to take any additional action with respect to the suspension of liquidation or related measures for these entries, as stated in 19 CFR 351.226(l)(5).

Notification to Interested Parties

In accordance with 19 CFR 351.226(d) and section 781(d) of the Act, Commerce determines that Webb's request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c). Accordingly, Commerce is notifying all interested parties of the initiation of the circumvention inquiry to determine whether CGI brake drums, including PanAsia's model number M328D557, produced in and exported from China, are circumventing the *Orders.* In addition, we have included a description of the products that are subject to this inquiry and an explanation of Commerce's decision to initiate the inquiry as provided in the accompanying Circumvention Initiation Checklist.[14]

In accordance with 19 CFR 351.226(e)(1), unless the circumvention inquiry is rescinded, in whole or in part, or the deadline for the preliminary circumvention determination is extended, Commerce intends to issue its preliminary circumvention determination no later than 150 days from the date of publication of the notice of initiation of this circumvention inquiry in the **Federal Register**. Furthermore, in accordance with section 781(f) of the Act and 19 CFR 351.226(e)(2), unless the circumvention inquiry is rescinded, in whole or in part, or the deadline for the final circumvention deadline is extended, Commerce intends to issue its final determination within 300 days from the date of publication of the

[12] *See, e.g., Hydrofluorocarbon Blends from the People's Republic of China: Initiation of Circumvention Inquiry on* the Antidumping Duty Order, 88 FR 74150 (October 30, 2023).

[13] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300, 52345 (September 20, 2021) (*Final Rule*).

[14] *See* Initiation Checklist.

notice of initiation of the circumvention inquiry in the **Federal Register**.

This notice is published in accordance with section 781(d) of the Act, and 19 CFR 351.226(d)(1)(iii).

Dated: January 22, 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 certain brake drums made of gray cast iron, whether finished or unfinished, with an actual or nominal inside diameter of 14.75 inches or more but not over 16.6 inches, weighing more than 50 pounds. Unfinished brake drums are those which have undergone some turning or machining but are not ready for installation. Subject brake drums are included within the scope whether imported individually or with non-subject merchandise (for example, a hub), whether assembled or unassembled, or if joined with non-subject merchandise. When a subject drum is imported together with non-subject merchandise, such as, but not limited to, a drum-hub assembly, only the subject drum is covered by the scope.

Subject merchandise also includes finished and unfinished brake drums that are further processed in a third country or in the United States, including, but not limited to, assembly or any other processing that would not otherwise remove the merchandise from the scope of these *Orders* if performed in the country of manufacture of the subject brake drums. The inclusion, attachment, joining, or assembly of non-subject merchandise with subject drums either in the country of manufacture of the subject drum or in a third country does not remove the subject drum from the scope. Specifically excluded is merchandise 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 scope also excludes composite brake drums that contain more than 38 percent steel by weight.

The merchandise covered by these *Orders* is classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 8708.30.5020. The merchandise covered by these *Orders* may be classifiable under HTSUS subheading 8708.30.5090 when entered as part of an assembly. Subject merchandise may also enter under HTSUS subheading 8716.90.5060, 8704.10, 8704.23.01, 8704.32.01, 8704.43.00, 8704.52.00, 8704.60.00, 8708.50.61, 8708.50.6500, 8716.90.5010, 8716.31.00, 8716.39.00, 8716.40.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by these *Orders* is dispositive.

[FR Doc. 2026–01598 Filed 1–26–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–183, C–552–846]

Thermoformed Molded Fiber Products From the People's Republic of China and the Socialist Republic of Vietnam: Countervailing Duty Orders

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 the countervailing duty (CVD) orders on thermoformed molded fiber products (molded fiber products) from the People's Republic of China (China) and the Socialist Republic of Vietnam (Vietnam).

DATES: Applicable January 27, 2026.

FOR FURTHER INFORMATION CONTACT: Allison Hollander (China), Office IX, telephone: (202) 482–2805; and Thomas Martin (Vietnam), Office IV, telephone: (202) 482–3936; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d) and 777(i) of the Tariff Act of 1930, as amended (the Act), on September 30, 2025, Commerce published its affirmative final determinations that countervailable subsidies are being provided to producers and exporters of molded fiber products China and Vietnam.[1]

On January 5, 2026, pursuant to section 705(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 subsidized imports of molded fiber products from China and Vietnam, within the meaning of section 705(b)(1)(A)(i) of the Act, and its determination that critical circumstances exist with respect to imports of molded fiber products from Vietnam.[2]

Scope of the Orders

The product covered by these orders is molded fiber products from China and Vietnam. For a complete description of the scope of these orders, *see* the appendix to this notice.

Countervailing Duty Orders

Based on the ITC's affirmative final determinations 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 molded fiber products from China and Vietnam,[3] in accordance with section 705(c)(2) of the Act, Commerce is issuing these CVD orders. Moreover, because the ITC determined that imports of molded fiber products from China and Vietnam are materially injuring a U.S. industry, unliquidated entries of such merchandise entered, or withdrawn from warehouse, for consumption, are subject to the assessment of countervailing duties.

Furthermore, the ITC found that critical circumstances exist with respect to imports of molded fiber from Vietnam subject to Commerce's affirmative critical circumstances finding within the meaning of section 705(b)(4)(A) of the Act. As a result of Commerce's affirmative critical circumstances determination under section 705(a)(2) of the Act and the ITC's affirmative critical circumstances determination under section 705(b)(4)(A) of the Act, retroactive duties will be applied to the relevant imports for a period of 90 days prior to the suspension of liquidation (*i.e.,* 90 days prior to the publication of the *Vietnam Preliminary Determination*).[4]

[1] *See Thermoformed Molded Fiber Products from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 90 FR 46787 (September 30, 2025) (*China Final Determination*); *see also Thermoformed Molded Fiber Products From the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination,* 90 FR 46805 (September 30, 2025) (*Vietnam Final Determination*).

[2] *See* ITC's Letter, ''Notification of ITC Final Determination,'' dated January 5, 2026 (ITC Notification Letter).

[3] *Id.*

[4] *See Thermoformed Molded Fiber Products from the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, and Alignment of Final Determination With Final Antidumping Duty Determination,* 90 FR 12126 (March 14, 2025) (*Vietnam Preliminary Determination*); *see also* section 705(c)(4) of the Act; and Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, H.R. Doc. 103–316, Vol. 1

Continued

Therefore, in accordance with section 706(a) of the Act, Commerce is directing U.S. Customs Border and Protection (CBP) to continue suspending liquidation of all relevant entries of molded fiber products from China and Vietnam. Countervailing duties will be assessed on unliquidated entries of molded fiber products from Vietnam which are entered, or withdrawn from warehouse, for consumption on or after December 14, 2024, which is 90 days prior to the date of publication of the *Vietnam Preliminary Determination*.[5] Countervailing duties will be assessed on unliquidated entries of molded fiber products from China which are entered, or withdrawn from warehouse, for consumption on or after March 14, 2025, the date of publication of the *China Preliminary Determination*.[6] Countervailing duties on unliquidated entries of molded fiber products from China and Vietnam will not be assessed on entries occurring after the expiration of the provisional measures period and before the publication of the ITC's final affirmative injury determination, as further described in the ''Provisional Measures'' section of this notice.

Suspension of Liquidation and Cash Deposits

In accordance with section 706 of the Act, Commerce intends to instruct CBP to reinstitute the suspension of liquidation of molded fiber products from China and Vietnam, 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. These instructions suspending liquidation will remain in effect until further notice.

Commerce also intends, pursuant to section 706(a)(1) of the Act, to instruct CBP to require cash deposits equal to the amounts as indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, CBP will require, at the same time as importers would normally deposit estimated customs duties on the subject merchandise, a cash deposit for each entry of subject merchandise equal to the subsidy rates listed in the *China Final Determination*.[7] The all-others rates apply to all producers or exporters not specifically listed, as appropriate.

Provisional Measures

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 Determinations* on March 14, 2025.[8] As such, the four-month period beginning on the date of the publication of the *Preliminary Determinations* ended on July 11, 2025. Therefore, entries of molded fiber products from China and Vietnam made on or after July 12, 2025, and prior to the date of publication of the ITC's final injury determinations in the **Federal Register**, are not subject to the assessment of countervailing duties due to Commerce's discontinuation of the suspension of liquidation.

In accordance with section 703(d) of the Act, Commerce instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of molded fiber products from China and Vietnam entered, or withdrawn from warehouse, for consumption, on or after July 12, 2025, the date on which the provisional CVD measures expired, through the day preceding the date of publication of the ITC's final injury determinations 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 determinations in the **Federal Register**.

Establishment of the Annual Inquiry Service Lists

On September 20, 2021, Commerce published the *Final Rule* in the **Federal Register**.[9] On September 27, 2021, Commerce also published the *Procedural Guidance* in the **Federal Register**.[10] 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.'' [11]

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,*[12] 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 appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or

(1994) at 876 (''If both agencies make affirmative critical circumstances determinations in their final investigations, retroactive duties will be applied for a period ninety days prior to suspension of liquidation.'').

[5] *See Vietnam Preliminary Determination.*

[6] *See Thermoformed Molded Fiber Products from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination,* 90 FR 12123 (March 14, 2025) (*China Preliminary Determination*).

[7] *See China Final Determination,* 90 FR at 46789; *Vietnam Final Determination,* 90 FR at 46806; section 706(a)(3) of the Act.

[8] *See China Preliminary Determination* and *Vietnam Preliminary Determination* (collectively, *Preliminary Determinations*).

[9] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300 (September 20, 2021) (*Final Rule*).

[10] *See Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions,* 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

[11] 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.

[12] *See Procedural Guidance,* 86 FR at 53206.

announcements pertaining to these procedures will be posted to the ACCESS website at *https://access.trade.gov.*

Special Instructions for the 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.'' [13] Accordingly, as stated above, the petitioner and foreign governments 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 foreign governments 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 foreign governments 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 CVD orders with respect to molded fiber products from China and Vietnam, pursuant to section 706(a) of the Act. Interested parties can find a list of antidumping duty and CVD orders currently in effect at *https://www.trade.gov/datavisualization/adcvd-proceedings.*

These CVD orders are issued and published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: January 22, 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 subject to these orders consists of thermoformed molded fiber products regardless of shape, form, function, fiber source, or finish. Thermoformed molded fiber products are formed with cellulose fibers, thermoformed using one or more heated molds, and dried/cured in the mold.

Thermoformed molded fiber products include, but are not limited to, plates, bowls, clamshells, trays, lids, food or foodservice contact packaging, and consumer or other product packaging.

Thermoformed molded fiber products are relatively dense, with a typical fiber density above 0.5 grams per cubic centimeter, and are generally characterized by relatively smooth surfaces. They may be derived from any virgin or recycled cellulose fiber source (including, but not limited to, those sourced from wood, woody crops, agricultural crops/byproducts/residue, and agricultural/industrial/other waste). They may have any weight, shape, dimensionality, design, or size, and may be bleached, unbleached, dyed, colored, or printed. They may include ingredients, additives, or chemistries to enhance functionality including, but not limited to, anti-microbial, anti-fungal, anti-bacterial, heat/flame resistant, hydrophobic, oleophobic, absorbent, or adsorbent. Thermoformed molded fiber products may also be subject to other processing or treatments, including, but not limited to, hot or after pressing, die-cutting, punching, trimming, padding, perforating, printing, labeling, dying, coloring, coating, laminating, embossing, debossing, repacking, or denesting. Thermoformed molded fiber products subject to these orders may also have additional design features, including, but not limited to, tab closures, venting, channeling, or stiffening.

Thermoformed molded fiber products remain covered by the scope of these orders if the subject product is encased by exterior packaging. They also remain covered by the scope of these orders whether imported alone, or in any combination of subject and non-subject merchandise (*e.g.,* a lid or cover of any type packaged with a molded fiber bowl, addition of any items to make the thermoformed molded fiber packaging suitable for end-use such as absorbent pads). When thermoformed molded fiber products are imported in combination with non-subject merchandise, only the thermoformed molded fiber products are subject merchandise.

Also excluded from the scope of these orders are products covered by the scope of the antidumping and countervailing duty orders on paper plates from People's Republic of China, the Kingdom of Thailand, and the Socialist Republic of Vietnam.

Excluded from the scope of these orders are thermoformed molded fiber products imported as packaging material that enclose and/or surround non-subject merchandise prepackaged for final sale upon importation into the United States (*e.g.,* molded fiber packaging surrounding a cellular phone).

Thermoformed molded fiber products include thermoformed molded fiber products matching the above description that have been finished, packaged, or otherwise processed in a third country by performing finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of these orders if performed in the country of manufacture of the thermoformed molded fiber products. Examples of finishing, packaging, or other processing in a third country that would not otherwise remove the merchandise from the scope of these orders if performed in the country of manufacture of the thermoformed molded fiber products include, but are not limited to, hot or after pressing, die-cutting, punching, trimming, padding, perforating, printing, labeling, dying, coloring, coating, laminating, embossing, debossing, repacking, or denesting.

Thermoformed molded fiber products are classified under subheadings 4823.70.0020 and 4823.70.0040, Harmonized Tariff Schedule of the United States (HTSUS). Imports may also be classified under subheadings 4823.61.0020, 4823.61.0040, 4823.69.0020, 4823.69.0040, 4823.90.1000, HTSUS. References to the HTSUS classification are provided for convenience and customs purposes, and the written description of the merchandise of these orders is dispositive.

[FR Doc. 2026–01605 Filed 1–26–26; 8:45 am]

BILLING CODE 3510–DS–P

[13] *See Final Rule,* 86 FR at 52335.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF493]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene an online meeting of its Ad Hoc Ecosystem Workgroup (EWG), which is open to the public.

DATES: The online meeting will be held on Wednesday, February 25, 2026, from 8:30 a.m. to 12 p.m. Pacific Time, or until business for the day is completed.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements, will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@pcouncil.org*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Gilly Lyons, Staff Officer, Pacific Council; telephone: (503) 820–2427.

SUPPLEMENTARY INFORMATION: The primary purpose of this online meeting is to provide a briefing for Pacific Council advisory body members and the public on the 2025–2026 California Current Ecosystem Status Report, which will be a topic on the Pacific Council's March 2–9, 2026, meeting agenda. In

addition to providing this briefing, the EWG may discuss other items relevant to its work for the Pacific Council. A detailed meeting agenda will be available on the Pacific Council's website prior to the meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@pcouncil.org;* (503) 820–2412) at least 10 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 23, 2026.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–01613 Filed 1–26–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Alaska American Fisheries Act Reports

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 June 11, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Alaska American Fisheries Act Reports.

OMB Control Number: 0648–0401.

Form Number(s): None.

Type of Request: Regular submission (extension of a current information collection, revision).

Number of Respondents: 10.

Average Hours per Response: AFA Cooperative Contract 8 hours; Bering Sea Pollock Fishery Incentive Plan Agreement 50 hours; Bering Sea Pollock Fishery IPA Annual Report 80 hours; IPA administrative appeals 4 hours.

Total Annual Burden Hours: 350 hours.

Needs and Uses: The National Marine Fisheries Services (NMFS), Alaska Region, requests an extension of a currently approved information collection for American Fisheries Act reporting requirements.

NMFS Alaska Region manages the groundfish fisheries of the Bering Sea and Aleutian Islands Management Area in the Exclusive Economic Zone off Alaska. The North Pacific Fishery Management Council (Council) prepared the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.,* and other applicable laws. Regulations implementing the FMP are at 50 CFR part 679.

The Bering Sea pollock fishery is managed under the American Fisheries Act (AFA). The purpose of the AFA was to tighten U.S. ownership standards for U.S. fishing vessels under the Anti-reflagging Act and to provide the Bering Sea pollock fleet the opportunity to conduct its fishery in a more rational manner while protecting non-AFA participants in the other fisheries. The AFA established sector allocations in the Bering Sea pollock fishery, determined eligible vessels and processors, allowed the formation of cooperatives, set limits on the participation of AFA vessels in other fisheries, and imposed special catch weighing and monitoring requirements on AFA vessels.

This information collection contains the annual and periodic reporting requirements for AFA cooperatives. These requirements include reports about on-going fishing operations of the cooperatives and reports focused on efforts to minimize salmon bycatch in the Bering Sea pollock fishery. These reporting requirements are at 50 CFR 679.21 and 679.61.

This information is used to manage the Bering Sea pollock fishery, to evaluate the salmon bycatch management measures, and to provide the public with information about how the program operates and information about bycatch reduction under this program. This information collection provides the Council and NMFS with information about the organization and fishing operations of the AFA cooperatives, allocations to the AFA cooperatives, and the effectiveness of the Chinook salmon and chum salmon bycatch management measures. This information is necessary to ensure long-term conservation and abundance of salmon and pollock, maintain a healthy marine ecosystem, and provide maximum benefit to fishermen and communities that depend on salmon and pollock.

Affected Public: Business or other for-profit organizations.

Frequency: Annually; As needed.

Respondent's Obligation: Required to Obtain or Retain Benefits; Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act; American Fisheries Act.

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 0648–0401.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–01548 Filed 1–26–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

NTIA Listening Session on the Use of BEAD Funds Saved Through the Trump Administration's Benefit of the Bargain Reforms

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will convene a virtual listening session on the use of the Broadband Equity Access and Deployment (BEAD) program funds saved thanks to the Trump Administration and Secretary Lutnick's Benefit of the Bargain reforms. This session will gather input from stakeholders to inform NTIA's future planning and policy development regarding the use of these ''nondeployment'' funds.

DATES: The listening session will be held on Wednesday, February 11, 2026, from 2:00 p.m. to 4:00 p.m. EST.

ADDRESSES: The session will be held virtually and you can preregister for the session at *https://ntia-gov.zoomgov.com/webinar/register/WN_C_edeFU8QWOm0m4Y-qtvaQ#/registration.* For further information, please consult *https://ntia-gov.zoomgov.com/webinar/register/WN_C_edeFU8QWOm0m4Y-qtvaQ#/registration.*

FOR FURTHER INFORMATION CONTACT: Please direct questions regarding this notice to *broadbandgrants@ntia.gov,* indicating ''BEAD Savings Listening Session'' in the subject line, or if by mail, addressed to National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–3806. Please direct media inquiries to NTIA's Office of Public Affairs at *press@ntia.gov.*

SUPPLEMENTARY INFORMATION:

Background and Authority: The National Telecommunications and Information Administration (NTIA), part of the U.S. Department of Commerce, is the President's principal advisor on telecommunications and information policy issues. NTIA's programs and policymaking focus on expanding broadband internet access in America, maximizing the use of spectrum by all users, advancing public safety communications, and ensuring that the internet remains an engine for innovation and economic growth. Pursuant to our authorities under 47 U.S.C. 902(b)(2)(M), NTIA will host a public listening session to gather stakeholder input that will inform the allowable uses for BEAD funds saved through the Benefit of the Bargain reforms.

Time and Date: NTIA will convene the public listening session on Wednesday, February 11, 2026, from 2:00 p.m. to 4:00 p.m., Eastern Standard Time (EST). The exact time of the meeting is subject to change. Please refer to NTIA's BroadbandUSA website, *https://broadbandusa.ntia.gov,* for the most up-to-date information.

Place: The meeting will be held virtually, with pre-registration required at *https://broadbandusa.ntia.gov.* The virtual meeting is open to the public and the press on a first-come, first-served basis. The virtual meeting is accessible to people with disabilities. Individuals requiring accommodations such as real-time captioning, sign language interpretation or other ancillary aids should notify the Department at *broadbandgrants@ntia.gov* at least seven (7) business days prior to the meeting. Access details for the meeting are subject to change. Please refer to NTIA's BroadbandUSA website, *https://broadbandusa.ntia.gov,* for the most current information.

Dated: January 28, 2026.

David Brodian,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2026–01594 Filed 1–26–26; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Agency Information Collection Activities; Submission for OMB Review; Comment Request; NTIA Space Launch Frequency Coordination Portal

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 October 1, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Telecommunications and Information Administration (NTIA), Commerce.

Title: NTIA Space Launch Frequency Coordination Portal.

OMB Control Number: 0660–XXXX.

Form Number(s): None.

Type of Request: New information collection.

Number of Respondents: 15.

Average Hours per Response: 1.

Burden Hours: 1,000.

Needs and Uses: The information is submitted to a web-based platform and is used by NTIA to ensure that spectrum requested for Space launches is available. The data is used for analysis in determination of non-interference.

Affected Public: Applicants seeking to utilize spectrum in a commercial Space launch.

Frequency: Per application.

Respondent's Obligation: Mandatory.

Legal Authority: Executive Order 12046, 47 CFR part 300, 47 U.S.C. 902(b)(2).

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 the title of the collection.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary of Economic Affairs, Commerce Department.

[FR Doc. 2026–01563 Filed 1–26–26; 8:45 am]

BILLING CODE 3510–60–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 26–C0001]

Proposed Settlement Agreement, Stipulation, Order and Judgement, etc.; The Clorox Company

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Commission publishes in the **Federal Register** any settlement that it provisionally accepts under the Consumer Product Safety Act. Published below is a provisionally accepted Settlement Agreement with The Clorox Company, containing a civil penalty in the amount of $14,150,000 subject to the terms and conditions of the Settlement Agreement. The Commission provisionally accepted the proposed Settlement Agreement and

Order pertaining to The Clorox Company.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by February 11, 2026.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to Comment 26–C0001, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504–7479 (office); email: *cpsc-os@cpsc.gov.*

FOR FURTHER INFORMATION CONTACT: Mark Raffman, Trial Attorney, Division of Enforcement and Litigation, Office of Compliance and Field Operations, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814; *mraffman@cpsc.gov;* 301–504–6906 (office)/202–329–3309 (mobile).

SUPPLEMENTARY INFORMATION: The text of the Settlement Agreement and Order appear below.

Dated: January 22, 2026.

Brianna Bell,

Paralegal Specialist.

United States of America

Consumer Product Safety Commission

In the Matter of: THE CLOROX COMPANY

CPSC Docket No.: 26–C0001

Settlement Agreement

1. In accordance with the Consumer Product Safety Act, 15 U.S.C. 2051–2089 (''CPSA''), and 16 CFR 1118.20, The Clorox Company (''Clorox'' or ''the Firm''), and the United States Consumer Product Safety Commission (''Commission'' or ''CPSC''), through its staff, hereby enter into this Settlement Agreement (''Agreement''). The Agreement and the incorporated attached Order resolve staff's charges set forth below.

The Parties

2. The Commission is an independent federal regulatory agency, established pursuant to, and responsible for, the enforcement of the CPSA, 15 U.S.C. 2051–2089. By executing the Agreement, staff is acting on behalf of the Commission, pursuant to 16 CFR 1118.20(b). The Commission issues the Order under the provisions of the CPSA.

3. The Clorox Company is a corporation, organized and existing under the laws of the state of Delaware, with its principal place of business in Oakland, California.

Staff Charges

4. Between 2009 and 2022, Clorox manufactured, imported and distributed in the United States approximately 440 million units of Pine Sol Scented Multi-Surface Cleaners, including 37 million units produced between January 2021 and September 2022 where testing identified bacteria in certain products (the ''Subject Products'').

5. The Subject Products are ''consumer products'' that were ''manufactured'' and ''distribut[ed] in commerce,'' as those terms are defined or used in sections 3(a)(5), (8), and (10) of the CPSA, 15 U.S.C. 2052(a)(5), (8), and (10). Clorox is a ''manufacturer'' and ''distributor'' of the Subject Products, as such terms are defined in sections 3(a)(7) and (11) of the CPSA, 15 U.S.C. 2052(a)(7) and (11).

Violation of CPSA Section 19(a)(4)

6. The Subject Products contain a defect which could create a substantial product hazard or create an unreasonable risk of serious injury because they may contain bacteria, including *Pseudomonas aeruginosa,* and because people with weakened immune systems or external medical devices who are exposed to *Pseudomonas aeruginosa* face a risk of serious infection that may require medical treatment.

7. In early 2019, Clorox microbiologists issued a written report documenting bacterial contamination in storage tanks and finished product, which they described as ''possibly a *Pseudomonad.*'' Subsequently, Clorox received reports of cloudiness in products in certain retail stores, and a report from a distributor regarding cloudy products that had been distributed in multiple locations. While Clorox took steps to mitigate the potential for bacterial contamination, Clorox did not immediately report to the Commission.

8. Despite possessing information that reasonably supported the conclusion that the Subject Products contained a defect that could create a substantial product hazard or created an unreasonable risk of serious injury, Clorox did not immediately report to the Commission. In fact Clorox did not report the defect or risk to the Commission until September 2022.

9. The Commission and Clorox jointly announced a voluntary recall of the Subject Products on October 25, 2022.

Failure To Timely Report

10. Despite having information reasonably supporting the conclusion that the Subject Products contained a defect which could create a substantial product hazard or created an unreasonable risk of serious injury or death, Clorox did not notify the Commission immediately of such defect or risk, as required by sections 15(b)(3) and (4) of the CPSA, 15 U.S.C. 2064(b)(3), (4), in violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

11. Because the information in Clorox's possession about the Subject Products constituted actual and presumed knowledge, Clorox knowingly violated section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), as the term ''knowingly'' is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d).

12. Pursuant to section 20 of the CPSA, 15 U.S.C. 2069, Clorox is subject to civil penalties for its knowing violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

Response of Firm

13. This Agreement does not constitute an admission by Clorox to the staff's charges as set forth in paragraphs 4 through 12 above, including without limitation that the Subject Products in fact contained a defect that could create a substantial product hazard or created an unreasonable risk of serious injury or death; that Clorox had an obligation to, and failed to, notify the Commission in a timely matter in accordance with section 15(b) of the CPSA, 15 U.S.C. 2064(b); and that Clorox knowingly violated section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), as the term ''knowingly'' is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d).

14. At all relevant times, Clorox had a compliance program and took reasonable steps to monitor, evaluate, and address reports of possible bacteria contained in the Subject Products.

15. Clorox promptly notified the Commission under Section 15(b) of the CPSA after identifying *Pseudomonas aeruginosa* and conducted a voluntary recall of the Subject Products, which was announced in October 2022.

16. Clorox enters into this Agreement to settle this matter and to avoid the cost, distraction, delay, uncertainty, and inconvenience of protracted litigation or other proceedings. Clorox does not admit that it violated the CPSA or any other law, nor that reportable information or a substantial product hazard existed. Clorox's willingness to enter into this Agreement and Order does not constitute, nor is it evidence of,

an admission by Clorox of liability, or violation of any law.

Agreement of the Parties

17. Under the CPSA, the Commission has jurisdiction over the matter involving the Subject Products and over Clorox.

18. The parties enter into the Agreement for settlement purposes only. The Agreement does not constitute an admission by Clorox or a determination by the Commission that Clorox violated the CPSA.

19. In settlement of staff's charges, Clorox shall pay a civil penalty in the amount of fourteen million, one hundred and fifty thousand dollars ($14,150,000.00). The $14.15 million Payment shall be paid within thirty (30) calendar days after receiving service of the Commission's final Order accepting the Agreement. All payments to be made under the Agreement shall constitute debts owing to the United States and shall be made by electronic wire transfer to the United States via *http://www.pay.gov,* for allocation to, and credit against, the payment obligations of Clorox under this Agreement. Failure to make such payment by the date specified in the Commission's final Order shall constitute Default.

20. The Commission or the United States may seek enforcement for any breach of, or any failure to comply with, any provision of this Agreement and Order in United States District Court, to seek relief including, but not limited to, collecting amounts due.

21. All unpaid amounts, if any, due and owing under the Agreement, shall constitute a debt due and immediately owing by Clorox to the United States, and interest shall accrue and be paid by Clorox at the federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b) from the date of Default, until all amounts due have been paid in full (hereinafter ''Default Payment Amount'' and ''Default Interest Balance''). Clorox shall consent to a Consent Judgment in the amount of the Default Payment Amount and Default Interest Balance, and the United States, at its sole option, may collect the entire Default Payment Amount and Default Interest Balance, or exercise any other rights granted by law or in equity, including, but not limited to, referring such matters for private collection, and Clorox agrees not to contest, and hereby waives and discharges any defenses to, any collection action undertaken by the United States, or its agents or contractors, pursuant to this paragraph. Clorox shall pay the United States all reasonable costs of collection and enforcement under this paragraph, respectively, including reasonable attorney's fees and expenses.

22. After staff receives this Agreement executed on behalf of Clorox, staff shall promptly submit the Agreement to the Commission for provisional acceptance. Promptly following provisional acceptance of the Agreement by the Commission, the Agreement shall be placed on the public record and published in the **Federal Register**, in accordance with the procedures set forth in 16 CFR 1118.20(e). If the Commission does not receive any written request not to accept the Agreement within fifteen (15) calendar days, the Agreement shall be deemed finally accepted on the 16th calendar day after the date the Agreement is published in the **Federal Register**, in accordance with 16 CFR 1118.20(f).

23. This Agreement is conditioned upon, and subject to, the Commission's final acceptance, as set forth above, and it is subject to the provisions of 16 CFR 1118.20(h). Upon the later of: (i) the Commission's final acceptance of this Agreement and service of the accepted Agreement upon Clorox, and (ii) the date of issuance of the final Order, this Agreement shall be in full force and effect, and shall be binding upon the parties.

24. Effective upon the later of: (1) the Commission's final acceptance of the Agreement and service of the accepted Agreement upon Clorox and (2) and the date of issuance of the final Order, for good and valuable consideration, Clorox hereby expressly and irrevocably waives and agrees not to assert any past, present, or future rights to the following, in connection with the matter described in this Agreement:

(i) an administrative or judicial hearing;

(ii) judicial review or other challenge or contest of the Commission's actions;

(iii) a determination by the Commission of whether Clorox failed to comply with the CPSA and the underlying regulations;

(iv) a statement of findings of fact and conclusions of law; and

(v) any claims under the Equal Access to Justice Act.

25. Clorox shall maintain a compliance program (''Compliance Program'') designed to ensure compliance with the CPSA with respect to any consumer product imported, manufactured, distributed or sold by Clorox, which shall contain the following elements:

(i) written standards, policies, and procedures, including those designed to ensure that information that may relate to or impact CPSA compliance is conveyed effectively to personnel responsible for CPSA compliance, whether or not an injury has been reported;

(ii) procedures and systems for tracking and reviewing claims, including warranty claims, and reports for safety concerns and for implementing corrective and preventive actions when compliance deficiencies or violations are identified;

(iii) procedures requiring that information required to be disclosed by Clorox to the Commission is recorded, processed, and reported in accordance with applicable law;

(iv) procedures requiring that all reporting made to the Commission is timely, truthful, complete, accurate, and in accordance with applicable law;

(v) procedures requiring that prompt disclosure is made to Clorox management of any significant deficiencies or material weaknesses in the design or operation of such internal controls that are reasonably likely to affect adversely, in any material respect, Clorox's ability to record, process and report to the Commission in accordance with applicable law;

(vi) mechanisms to effectively communicate to all applicable Clorox employees, through training programs or other means, compliance-related company policies and procedures to prevent violations of the CPSA;

(vii) a mechanism for confidential employee reporting of compliance-related questions or concerns to either a compliance officer or to another senior manager with authority to act as necessary;

(viii) Clorox's senior management responsibility for, and general board oversight of, CPSA compliance, including the implementation of steps to ensure that incident and injury data is reviewed and analyzed for purposes of CPSA Section 15(b) reporting;

(ix) specific protocols for the prevention, detection, remediation, and reporting of bacterial contamination hazards in Pine Sol Scented Multi-Surface Cleaners (including but not limited to *Pseudomonas aeruginosa),* including: (a) protocols for routine cleaning and sanitation of manufacturing equipment, including environmental monitoring; (b) protocols for identifying potentially-contaminated product; (c) triggers for species-specific testing; (d) triggers for escalation of potentially-reportable bacterial hazards; and (e) protocols for corrective action where warranted;

(x) an annual internal audit of the effectiveness of policies, procedures, systems, and training related to CPSA compliance that evaluates opportunities

for improvement, deficiencies or weaknesses, and the Firm's overall culture of compliance; and

(xi) retention of all CPSA compliance-related records for at least five (5) years, and availability of such records to CPSC staff upon request.

26. Clorox shall submit a report under CPSA Section 16(b), sworn to under penalty of perjury:

(i) describing in detail its compliance program and internal controls and the actions Clorox has taken to maintain its compliance program and comply with each subparagraph of paragraph 25;

(ii) affirming that during the reporting period, Clorox has reviewed its compliance program and internal controls, including the actions referenced in subparagraph (i) of this paragraph, for effectiveness, and that it complies with each subparagraph of paragraph 25, or describing in detail any non-compliance with any such subparagraph; and

(iii) identifying the results of the annual internal audit referenced in paragraph 25(x) and any changes or modifications made during the reporting period to Firm's compliance program or internal controls to ensure compliance with the terms of the CPSA and, in particular, the requirements of CPSA Section 15 related to timely reporting.

Such reports shall be submitted annually to the Director, Office of Compliance, Division of Enforcement and Litigation, for a period of three (3) years. The first report shall be submitted 30 days after the close of the first 12-month reporting period, which begins on the date of the Commission's Final Order of Acceptance of the Agreement, and successive reports shall be due annually on the same date thereafter. Without limitation, Clorox acknowledges and agrees that failure to make such timely and accurate reports, as required by this Agreement and Order, may constitute a violation of Section 19(a)(3) of the CPSA, 15 U.S.C. 2068(a)(3), and may subject Clorox to enforcement under Section 22 of the CPSA, 15 U.S.C. 2071.

27. Notwithstanding and in addition to the above, during the reporting period set forth in Section 26 above, on a quarterly basis Clorox shall provide written documentation of any changes or modifications to its Compliance Program or internal controls and procedures, including the effective dates of the changes or modifications thereto. Clorox shall cooperate fully and truthfully with staff and shall make available all non-privileged information and materials and personnel deemed necessary by staff to evaluate Clorox's compliance with the terms of the Agreement.

28. The parties acknowledge and agree that the Commission may publicize the terms of the Agreement and the Order.

29. Clorox represents that the Agreement:

(i) is entered into freely and voluntarily, without any degree of duress or compulsion whatsoever;

(ii) has been duly authorized; and

(iii) constitutes the valid and binding obligation of Clorox, enforceable against Clorox in accordance with its terms. The individuals signing the Agreement on behalf of Clorox represent and warrant that they are duly authorized by Clorox to execute the Agreement.

30. The signatories represent that they are authorized to execute this Agreement.

31. The Agreement is governed by the laws of the United States.

32. The Agreement and the Order shall apply to, and be binding upon, Clorox and each of its parents, successors, transferees, and assigns; and a violation of the Agreement or Order may subject Clorox, and each of its parents, successors, transferees, and assigns, to appropriate legal action.

33. The Agreement, any attachments, and the Order constitute the complete agreement between the parties on the subject matter contained therein.

34. The Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and the Order may not be used to vary or contradict their terms. For purposes of construction, the Agreement shall be deemed to have been drafted by both of the parties and shall not, therefore, be construed against any party, for that reason, in any subsequent dispute.

35. The Agreement may not be waived, amended, modified, or otherwise altered, except as in accordance with the provisions of 16 CFR 1118.20(h). The Agreement may be executed in counterparts.

36. If any provision of the Agreement or the Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and Firm agree in writing that severing the provision materially affects the purpose of the Agreement and the Order.

(Signatures on next page)

THE CLOROX COMPANY

Dated: 1/15/2026.

By:_____S_____

Chris Hyder,

The Clorox Company, EVP and Group President—Health & Hygiene.

Dated: 1/15/2026.

By:_____S_____

Matthew R. Howsare,

Cooley LLP, Counsel to The Clorox Company.

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Mary B. Murphy,

Director.

Leah Wade,

Supervisory Attorney.

Dated: 1/16/2026.

By:_____S_____

Mark S. Raffman,

Senior Trial Attorney, Division of Enforcement and Litigation, Office of Compliance and Field Operations.

United States of America

Consumer Product Safety Commission

In the Matter of: THE CLOROX COMPANY

CPSC Docket No.: 26–C0001

Order

Upon consideration of the Settlement Agreement entered into between The Clorox Company (''Firm'') and the U.S. Consumer Product Safety Commission (''Commission'' or ''CPSC''), and the Commission having jurisdiction over the subject matter and over Firm, and it appearing that the Settlement Agreement is in the public interest, the Settlement Agreement is incorporated by reference and it is:

Provisionally accepted and this Order issued on the 22 day of January, 2026.

By order of the commission.

Alberta E. Mills,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2026–01545 Filed 1–26–26; 8:45 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Revision of the Corporation for National and Community Service Strategic Plan; Request for Input

AGENCY: Corporation for National and Community Service.

ACTION: Notice of Request for Information (RFI).

SUMMARY: The Corporation for National and Community Service (operating as AmeriCorps) invites the public to provide input into its proposed Strategic Plan for fiscal years 2026–2030.

DATES: Comments must be received within 15 days from posting of this notice. AmeriCorps will consider comments filed after this date to the extent practicable.

ADDRESSES: Written comments may be submitted electronically or via U.S. mail. Respondents are encouraged to submit comments electronically to ensure timely receipt. Please include your name, title, organization, postal address, telephone number, and email address.

Electronic Submission (preferred): Go to *http://www.regulations.gov.* Search by using the docket number (provided above). Follow the instructions for submitting comments on the electronic docket site.

Email: KHussey-Sloniker@americorps.gov. Please include the full body of your comments in the text of the electronic message and as an attachment.

Mail: AmeriCorps, Katy Hussey-Sloniker, 250 E Street SW, Washington, DC 20525.

Comments submitted in response to this notice may be made available to the public through *regulations.gov*. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Katy Hussey-Sloniker, Office of Research and Evaluation, *KHussey-Sloniker@americorps.gov*.

SUPPLEMENTARY INFORMATION:

AmeriCorps is inviting input from the public concerning the draft 2026–2030 Strategic Plan. The goal is to accurately reflect AmeriCorps' strategic and programmatic priorities for the next four years.

AmeriCorps' proposed 2026–2030 Strategic Plan [*https://americorps.gov/sites/default/files/document/2026-01/2026_2030_Strategic_Plan_Final_Draft_Jan2026.pdf*] leverages the strength of national service volunteers, agency partners, and the American public to build a network of programs that offer effective solutions in six priority areas: Disaster Services, Economic Opportunity, Education, Environmental Stewardship, Healthy Futures, and Veterans and Military Families. We will produce these results by investing in effective local initiatives, engaging more Americans in volunteer service, supporting evidence-based programs, and leveraging public-private partnerships.

- AmeriCorps invites the public to provide comments to inform the Strategic Plan for FY 2026–2030. In particular, comments may respond to any or all of the following questions: How might the Strategic Plan be updated to reflect current community priorities?
- How can AmeriCorps best create value for its activities with stakeholders? What agency priorities are less relevant in today's environment, allowing resources to be focused elsewhere?

AmeriCorps anticipates that the final Strategic Plan for FY 2026–2030 will be posted on the AmeriCorps website around February 2026.

This notice is published under the authority of the Government Performance and Results Act (GPRA) of 1993 (Pub. L. 103–62), as amended by the GPRA Modernization Act of 2010 (Pub. L. 111–352), and Office of Management and Budget Circular No. A–11 (2025).

Jennifer Bastress,

Interim Agency Head.

[FR Doc. 2026–01518 Filed 1–26–26; 8:45 am]

BILLING CODE 6050–28–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Comment Request; Day of Service Application Instructions (MLK & 9/11)

AGENCY: Corporation for National and Community Service.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Corporation for National and Community Service (operating as AmeriCorps) is proposing to revise the information collection.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by March 30, 2026.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) Electronically through *www.regulations.gov* (preferred method).

(2) By mail sent to: AmeriCorps, Attention Emily Stock, 250 E Street SW, Washington, DC 20525.

(3) By hand delivery or by courier to the AmeriCorps mailroom at the mail address given in paragraph (2) above, between 9 a.m. and 4 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Comments submitted in response to this notice may be made available to the public through regulations.gov. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Emily Stock, Project Manager for Volunteer Initiatives, at 202–606–3836 or by email to *estock@americorps.gov*.

SUPPLEMENTARY INFORMATION:

Title of Collection: Day of Service Application Instructions (MLK & 9/11)

OMB Control Number: 3045–0180.

Type of Review: Revision.

Respondents/Affected Public: Individuals, Households, Businesses, Organizations, State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 70.

Total Estimated Number of Annual Burden Hours: 1,400.

Abstract: This information collection seeks feedback on AmeriCorps Day of Service Application Instructions for future MLK and 9/11 Day of Service grant competitions after the expiration of the current Application Instructions. AmeriCorps seeks to revise the current information collection instrument to reflect the Single Audit threshold of $1,000,000 (formerly $750,000), revise the definition of ''equipment'' to reflect an acquisition cost of $10,000 or more per unit (formerly $5,000), and update the *de minimis* rate to 15% of modified total direct costs (formerly 10%). The information collection will be used in the same manner as the existing application. AmeriCorps also seeks to continue using the current application

until the revised application is approved by OMB. The current application is due to expire on March 31, 2026.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on *regulations.gov*.

Mary Hyde,

Acting Chief of Program Operations.

[FR Doc. 2026–01488 Filed 1–26–26; 8:45 am]

BILLING CODE 6050–28–P

COUNCIL ON ENVIRONMENTAL QUALITY

Emergencies and the National Environmental Policy Act Guidance

AGENCY: Council on Environmental Quality.

ACTION: Notice of availability.

SUMMARY: On January 21, 2026, the Council on Environmental Quality (CEQ) issued guidance in a memorandum to the heads of Federal departments and agencies (agencies) to assist agencies with their compliance with the National Environmental Policy Act (NEPA) during emergencies.

DATES: This guidance was issued on January 21, 2026.

FOR FURTHER INFORMATION CONTACT: Jomar Maldonado, Director for NEPA, 202–395–5750, *Jomar.MaldonadoVazquez@ceq.eop.gov*. The guidance is available for viewing online at *www.nepa.gov.*

SUPPLEMENTARY INFORMATION: On January 21, 2026, CEQ issued a memorandum entitled Guidance on Emergencies and the National Environmental Policy Act, which rescinds and replaces CEQ's *Memorandum for Heads of Departments and Agencies, Emergencies and NEPA Guidance* (89 FR 106448 (Dec. 30, 2024)).

This guidance addresses development of alternative arrangements during emergencies when an agency's action is likely to have significant effects and would require preparation of an environmental impact statement. This guidance also addresses compliance with NEPA when the action is unlikely to have significant effects and might require preparation of an environmental assessment or application of a categorical exclusion.

CEQ has developed this guidance based on its extensive experience assisting agencies in implementing NEPA during emergency situations and, more specifically, in helping agencies develop alternative arrangements for compliance with Section 102(2)(C) of NEPA (42 U.S.C. 4332(2)(C)) during these exigent situations. CEQ also has substantial experience, pursuant to Section 102(2)(B) of NEPA (42 U.S.C. 4332(2)(B)), in consulting with agencies on development of agency NEPA procedures, including development of emergency procedures. CEQ has approved and agencies have successfully applied numerous alternative arrangements to comply with Section 102(2)(C) of NEPA when authorizing, funding, or carrying out a wide range of proposed actions in emergency circumstances, including natural disasters, catastrophic wildfires, threats to species and their habitat, economic crises, infectious disease outbreaks, potential dam failures, insect infestations, and emergencies declared by the President. Alternative arrangements do not waive the requirement to comply with the NEPA statute. Rather, they establish an alternative means for an agency to meet its NEPA obligations.

The contents of the guidance do not have the force and effect of law and are not meant to create legal rights or obligations to any public party. The guidance does not establish new policy requirements. The guidance is intended only to provide clarity to the agencies regarding existing requirements under the law or agency policies.

The updated guidance is available at *www.nepa.gov*.

Katherine R. Scarlett,

Chairman.

[FR Doc. 2026–01555 Filed 1–26–26; 8:45 am]

BILLING CODE 3325–FC–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–72]

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 25–72, Policy Justification, and Sensitivity of Technology.

Dated: January 22, 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

September 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. 25-72, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the Netherlands for defense articles and services estimated to cost $570 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. 25–72

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 *	$535 million
Other	$ 35 million
TOTAL	$570 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
- Up to two hundred thirty-two (232) AIM–120C–8 Advanced Medium Range Air-to-Air Missiles (AMRAAM)
- Up to eight (8) AIM–120C–8 AMRAAM guidance sections

Non-Major Defense Equipment:
- The following non-MDE items will also be included: AMRAAM control section spares, Captive Air Training Missiles and missile containers; spare parts, consumables and accessories, and repair and return support; weapon system support and software; classified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; transportation 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:* Air Force (NE–D–YAL)

(v) *Prior Related Cases, if any:* NE–D–YAE; NE–D–YAG

(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:* September 16, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Netherlands—AIM–120C–8 Advanced Medium Range Air-to-Air Missiles

The Government of the Netherlands has requested to buy up to two hundred thirty-two (232) AIM–120C–8 Advanced Medium Range Air-to-Air Missiles (AMRAAM) and up to eight (8) AIM–120C–8 AMRAAM guidance sections. The following non-Major Defense Equipment items will be included: AMRAAM control section spares, Captive Air Training Missiles, and missile containers; spare parts, consumables and accessories, and repair and return support; weapon system support and software; classified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment;

transportation 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 $570 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 the Netherlands capability to meet current and future threats by ensuring it has modern, capable air-to-air munitions. The Netherlands already has AMRAAMs in its inventory and 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 RTX Corporation, 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 not require the assignment of any additional U.S. Government or contractor representatives to the Netherlands.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–72

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AIM–120C–8 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a supersonic, air- or surface-launched, aerial intercept guided missile featuring digital technology and micro-miniature, solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high- and low-flying and maneuvering targets. This potential sale will include Captive Air Training Missiles, and AMRAAM guidance sections, control sections, and containers.

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. 2026–01504 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–51]

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 25–51, Policy Justification, and Sensitivity of Technology.

Dated: January 22, 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

August 29, 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. 25-51, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Denmark for defense articles and services estimated to cost $8.5 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. 25–51

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 Denmark

(ii) *Total Estimated Value:*

Major Defense Equipment *	$4.25 billion
Other	$4.25 billion
TOTAL	$8.50 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
- Thirty-six (36) PATRIOT MIM–104E Guidance Enhanced Missiles-Tactical (GEM–T)
- Twenty (20) PATRIOT Advanced Capability-3 (PAC–3) Missile Segment Enhancement
- Two (2) AN/MPQ–65 radar sets
- Two (2) Engagement Control Stations
- Two (2) Radar Interface Unit modification kits
- Six (6) PATRIOT M903A2 launching stations (LS)
- Six (6) Integrated Battle Command System (IBCS) software launcher integrated network kits
- Two (2) IBCS Engagement Operations Centers
- Two (2) IBCS Integrated Collaborative Environments
- Six (6) IBCS integrated fire control network relays
- Two (2) Electrical Power Plants III

Non-Major Defense Equipment:
- The following non-MDE items will also be included: communications equipment including, but not limited to, AN/TPX–57A identification friend or foe (IFF), Defense Advanced Global Positioning System (GPS) Receiver (DAGR), AN/PYQ–10 Simple Key Loader, KIV–77 encryptor, KG–250X Inline Network Encryptor, IPS–250X HAIPE Encryptor, future Combat Net Radio, and AN/PRC–163 radio; tools and test equipment; support equipment; generators; publications and technical documentation; training equipment including the Air Defense Reconfigurable Trainer; spare and repair parts; personnel training; Technical Assistance Field Team support; United States (U.S.) Government and contractor technical assistance and services, engineering, and logistics support; System Integration and Checkout; field office support; and other related elements of logistics and program support.

(iv) *Military Department:* Army (DE–B–VMI)

(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:* August 29, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Denmark—Integrated Battle Command System Enabled PATRIOT

The Government of Denmark has requested to buy thirty-six (36) PATRIOT MIM–104E guidance enhanced missile-tactical (GEM–T) ballistic missiles; twenty (20) PATRIOT Advanced Capability-3 (PAC–3) Missile Segment Enhancement (MSE) missiles; two (2) AN/MPQ–65 radar sets; two (2) Engagement Control Stations (ECS); two (2) Radar Interface Units (RIU) modification kits; six (6) PATRIOT M903A2 launching stations (LS); six (6) Integrated Battle Command System (IBCS) Software Launcher Integrated Network Kits (LINKs); two (2) IBCS Engagement Operations Centers (EOCs); two (2) IBCS Integrated Collaborative Environments (ICE); six (6) IBCS integrated fire control network (IFCN) relays; and two (2) Electrical Power Plants III (EPP III). The following non-MDE items will also be included: communications equipment including, but not limited to, AN/TPX–57A identification friend or foe (IFF), Defense Advanced Global Positioning System (GPS) Receiver (DAGR), AN/PYQ–10 Simple Key Loader, KIV–77 encryptor, KG–250X Inline Network Encryptor, IPS–250X HAIPE Encryptor, future Combat Net Radio, and AN/PRC–163 radio; tools and test equipment; support equipment; generators; publications and technical documentation; training equipment including the Air Defense Reconfigurable Trainer; spare and repair parts; personnel training; Technical Assistance Field Team support; U.S. Government and contractor technical assistance and services, engineering, and logistics support; System Integration and Checkout; field office support; and other related elements of logistics and program support. The estimated total cost is $8.5 billion.

This proposed sale will support the foreign policy 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 Denmark's capability to meet current and future threats by increasing its combat capability. Denmark will use these munitions to defend NATO Allies and its partners. Denmark will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be RTX Corporation, located in Arlington, VA; Lockheed-Martin, located in Dallas, TX; and Northrop Grumman, located in Falls Church, 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 the assignment of 12–17 additional U.S. Government and 17–23 contractor representatives to travel to Denmark periodically for up to 7 years for equipment fielding, system checkout, training, and technical and logistics support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–51

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 PATRIOT Advanced Capability-3 (PAC–3) Missile Segment Enhanced (MSE) missile is a small, highly agile, kinetic interceptor for defense against tactical ballistic missiles, cruise missiles, and air-breathing threats. The MSE variant of the PAC–3 missile is the next generation of hit-to-kill interceptors and provides expanded battlespace against evolving threats. The PAC–3 MSE improves upon the original PAC–3 capability with a higher performance solid rocket motor, modified lethality enhancer, more responsive control surfaces, upgraded guidance software, and insensitive munitions improvements.

2. The PATRIOT MIM–104E Guidance Enhanced Missiles-Tactical (GEM–T) missile is the latest in-production series of the highly successful RTX Patriot missile variants available to both U.S. forces and international partners. GEM–T deliveries to the U.S. Army began in 2006. This capability adds a low-noise oscillator for improved acquisition and tracking performance. The GEM–T missile provides an upgraded capability to defeat tactical ballistic missiles, cruise missiles, and adversary aircraft in complement to the PAC–3 missile.

3. The AN/MPQ–65 Configuration 3+ Increment 3 PATRIOT radar set (RS) consists of a multifunction phased-array radar mounted on a semitrailer. The RS is powered by an electric power plant and controlled by the Radar Interface Unit (RIU). The AN/MPQ–65 RS provides airspace surveillance, detection, target tracking, identification, classification, discrimination, missile acquisition, missile tracking, missile guidance, and electronic counter-countermeasures. The RS has the capability to track a wide range of targets under a variety of conditions and support the simultaneous operation of multiple PATRIOT missiles to defend against a threat.

4. The Configuration 3+ Increment 3 RIU provides operational control of the PATRIOTMPQ–65 RS. The RIU is an adapted Patriot AN/MSQ–132 Configuration 3+ Increment 3 Engagement Control Station (ECS) with a Patriot A-kit modification kit added.

5. The M903 launcher stations can launch the entire family of PATRIOT missiles.

6. The Army Integrated Air and Missile Defense (AIAMD) Integrated Battle Command System (IBCS) adapts existing and forthcoming air and missile defense (AMD) sensors, weaponry, and mission command technologies into a unified defense system. This integration facilitates a comprehensive air picture, enhances defended areas, and provides flexible deployment options. IBCS comprises two primary components: the Engagement Operations Center (EOC) and the IBCS integrated fire control network relays. The EOC delivers C4ISR functions at the battalion, battery, and platoon levels within the AMD task force.

7. The Integrated Battle Command System (IBCS) enhances defense effectiveness by using composite tracks from multiple sensors to provide accurate target tracking and weapon firing solutions. It offers a common engagement center and data sharing across all Army AMD echelons, improving response to threats with near real-time coordination. IBCS supports dynamic defense design, extended range, and non-line-of-sight engagements, reducing coverage gaps, manpower, and costs while improving training capabilities.

8. The AN/TPX–57A(V)1 Identification Friend or Foe (IFF) system is a highly sensitive military technology designed to securely identify friendly aircraft and vehicles in contested environments. It uses advanced Mode 5 encryption, ensuring secure and reliable authentication to prevent spoofing or misidentification. The system is critical for reducing the risk of friendly fire and enhancing situational awareness in joint operations. Strict export controls and access restrictions safeguard the AN/TPX–57A(V)1 from unauthorized use,

ensuring its capabilities remain protected to support national security and allied interoperability.

9. The Defense Advanced Global Positioning System (GPS) Receiver (DAGR) is a small commercial NAVSTAR GPS receiver designed for military operations. The Selective Availability/Anti Spoofing Module (SAASM) is a security device controlling the encryption that enables Precise Positioning Service (PPS) Y-code signals from GPS satellites and resists adversary attempts to spoof GPS signals. The DAGR with SAASM will provide position and location information necessary for ground-based operation. The DAGR provides secure, SAASM-based GPS in the most reliable and proven handheld form available today. It is the military-grade, dual frequency receiver, and has the security hardware necessary to decode encrypted P(Y)-code GPS signals. Features include graphical screen, with the ability to overlap map images, 12-channel continuous satellite tracking for ''all-in view'' operation, simultaneous L1/L2 dual frequency GPS signal reception, extended performance in a diverse jamming environment, and SAASM compatibility.

10. The Simple Key loader (SKL) is a ruggedized, portable, hand-held device, for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment. The SKL employs type 1 encryption to protect stored key data, and its software, firmware, and security architecture are subject to strict Department of Defense (DoD) and National security Agency (NSA) security controls. The SKL is considered an unclassified controlled item (CCI).

11. The KIV–77 Encryptor is a highly sensitive cryptographic device certified by the National Security Agency (NSA) to secure Mode 4/5 Identification Friend or Foe (IFF) systems. It provides advanced encryption to authenticate friendly aircraft and vehicles, ensuring secure and reliable identification while preventing spoofing or unauthorized access. The KIV–77 is critical for enhancing situational awareness, reducing the risk of friendly fire, and supporting joint and allied operations. Strict export controls and access restrictions protect the KIV–77 from unauthorized use, ensuring its capabilities remain secure and vital to national defense.

12. The KG–250X Inline Network Encryptor is a highly sensitive device certified by the National Security Agency (NSA) to protect classified U.S. Government and military communications up to the Top Secret/SCI level. It ensures secure, high-speed encryption for critical data transmitted over networks, including voice, video, and large-scale operations. The KG–250X features advanced anti-tamper protections, secure key management, and interoperability with other secure systems, making it essential for safeguarding national security. Strict export controls and access restrictions are in place to prevent unauthorized use or compromise, ensuring its capabilities remain protected from adversaries.

13. The IPS–250X HAIPE Encryptor is a highly sensitive device certified by the National Security Agency (NSA)to protect classified U.S. Government and military communications up to the Top Secret/SCI level. It uses advanced encryption to secure data transmitted over IP networks, ensuring confidentiality and integrity for critical operations. Designed for interoperability, it integrates seamlessly with other secure systems and features anti-tamper protections and secure key management. Strict export controls and access restrictions safeguard the IPS–250X from unauthorized use or compromise, making it a vital tool for protecting national security.

14. The AN/PRC–163 Multichannel Handheld Radio is a highly advanced and sensitive communication device designed to provide secure, simultaneous voice, data, and video transmission for U.S. military and allied forces. It supports multiple waveforms, including SATCOM, SINCGARS, and TrellisWare TSM, ensuring interoperability across tactical networks. With NSA-certified encryption, dual-channel operation, and a rugged design, the AN/PRC–163 is critical for maintaining secure and reliable communication in dynamic and contested environments. Strict export controls and access restrictions safeguard the device from unauthorized use, ensuring its capabilities remain secure and essential to national security.

15. The Combat Net Radio will replace the RT–1523 Single Channel Ground and Airborne Radio System (SINCGARS). The RT–1523F Receiver-Transmitter is a core component of the SINCGARS (Single Channel Ground and Airborne Radio System) family, providing secure voice and data communication for U.S. military and allied forces. It supports frequency-hopping technology to resist jamming and interception, ensuring reliable communication in contested environments. The RT–1523F is versatile, used in manpack, vehicle-mounted, and base station configurations, making it essential for tactical operations and command and control. Strict export controls and access restrictions protect the RT–1523F from unauthorized use, ensuring its capabilities remain secure and vital to national defense.

16. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

17. 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.

18. A determination has been made that Denmark 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.

19. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Denmark.

[FR Doc. 2026–01491 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–96]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 25–96, Policy Justification, and Sensitivity of Technology.

Dated: January 22, 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

September 15, 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-96, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Peru for defense articles and services estimated to cost $3.42 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. 25–96

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Peru

(ii) *Total Estimated Value:*

Major Defense Equipment *	$1.81 billion
Other	$1.61 billion
TOTAL	$3.42 billion

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
Ten (10) F–16C Block 70 aircraft
Two (2) F–16D Block 70 aircraft
Fourteen (14) F110–GE–129 engines (12 installed, 2 spares)
Fourteen (14) Improved Programmable Display Generators (12 installed, 2 spares)
Twelve (12) AIM–120C–8 Advanced Medium Range Air-to-Air Missiles (AMRAAM)
Fifty-two (52) LAU–129 guided missile launchers (48 installed, 4 spares)
Twelve (12) M61A1 anti-aircraft guns
Fourteen (14) Embedded Global Positioning System Inertial Navigation Systems (12 installed, 2 spares)
Fourteen (14) AN/APG–83 active electronically scanned array Scalable Agile Beam Radars (12 installed, 2 spares)
Fourteen (14) Modular Mission Computers 7000AH (or next generation mission computer equivalent) (12 installed, 2 spares)
Twelve (12) AIM–9X Block II Sidewinder missiles
Two (2) AIM–9X Block II Sidewinder tactical guidance units
One (1) AIM–9X Block II Sidewinder Captive Air Training Missile (CATM) guidance unit
Two (2) AIM–9X Block II Sidewinder CATMs
Fourteen (14) Multifunctional Information Distribution System-Joint Tactical Radio Systems (12 installed, 2 spares)

Non-Major Defense Equipment:
The following non-MDE items will also be included: Infrared Search and Track systems; missile warning systems; AN/ALQ–254 Viper Shield or equivalent electronic warfare systems; AN/AAQ–28 Litening targeting pods; Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); AIM–120C–8 AMRAAM CATMs; Joint Helmet Mounted Cueing Systems II (JHMCS II) helmet-mounted displays; ammunition; cartridges, chaffs, and flares; weapons support equipment; embedded communications security devices; AN/ALE–47 airborne countermeasures dispenser systems; countermeasure processors, sequencer switching units, and Control Display Units; AN/APX–127 advanced identification friend or foe or equivalent; AN/ARC–238 radios; KIV–78A and KY–58M cryptographic devices; AN/PYQ–10 Simple Key Loaders; night vision devices (NVD) and NVD intensifier tubes; ADU–890 and ADU–891 adaptor group computer test sets; Joint Mission Planning System; pylons, launcher adapters, weapon interfaces, and bomb and ejection racks; fuel tanks; Precision Measurement Equipment Laboratory (PMEL) and calibration support; Common Munitions Built-in-Test Reprogramming Equipment; targeting systems; spare and repair

parts, consumables, and accessories; repair and return support; aircraft, engine, ground, and pilot life support equipment; classified and unclassified computer program identification number systems; classified and unclassified software and software support; classified and unclassified publications, manuals, and technical documentation; National Geospatial-Intelligence Agency (NGA) maps and mapping data; personnel training and training equipment, simulators, and training devices; studies and surveys; facilities and construction support transportation, ferry, and fuel 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:* Air Force (PE–D–SAA)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* September 15, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Peru—F–16 Aircraft

The Government of Peru has requested to buy ten (10) F–16C Block 70 aircraft; two (2) F–16D Block 70 aircraft; fourteen (14) F110–GE–129 engines (12 installed, 2 spares); fourteen (14) Improved Programmable Display Generators (12 installed, 2 spares); twelve (12) AIM–120C–8 Advanced Medium Range Air-to-Air Missiles (AMRAAM); fifty-two (52) LAU–129 guided missile launchers (48 installed, 4 spares); twelve (12) M61A1 anti-aircraft guns; fourteen (14) Embedded Global Positioning System Inertial Navigation Systems (12 installed, 2 spares); fourteen (14) AN/APG–83 active electronically scanned array Scalable Agile Beam Radars (12 installed, 2 spares); fourteen (14) Modular Mission Computers 7000AH (or next generation mission computer equivalent) (12 installed, 2 spares); twelve (12) AIM–9X Block II Sidewinder missiles; two (2) AIM–9X Block II Sidewinder tactical guidance units; one (1) AIM–9X Block II Sidewinder Captive Air Training Missile (CATM) guidance unit; two (2) AIM–9X Block II Sidewinder CATMs; and fourteen (14) Multifunctional Information Distribution System-Joint Tactical Radio Systems (12 installed, 2 spares). The following non-MDE items will also be included: Infrared Search and Track systems; missile warning systems; AN/ALQ–254 Viper Shield or equivalent electronic warfare systems; AN/AAQ–28 Litening targeting pods; Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); AIM–120C–8 AMRAAM CATMs; Joint Helmet Mounted Cueing Systems II (JHMCS II) helmet-mounted displays; ammunition; cartridges, chaffs, and flares; weapons support equipment; embedded communications security devices; AN/ALE–47 airborne countermeasures dispenser systems; countermeasure processors, sequencer switching units, and Control Display Units; AN/APX–127 advanced identification friend or foe or equivalent; AN/ARC–238 radios; KIV–78A and KY–58M cryptographic devices; AN/PYQ–10 Simple Key Loaders; night vision devices (NVD) and NVD intensifier tubes; ADU–890 and ADU–891 adaptor group computer test sets; Joint Mission Planning System; pylons, launcher adapters, weapon interfaces, and bomb and ejection racks; fuel tanks; Precision Measurement Equipment Laboratory (PMEL) and calibration support; Common Munitions Built-in-Test Reprogramming Equipment; targeting systems; spare and repair parts, consumables, and accessories; repair and return support; aircraft, engine, ground, and pilot life support equipment; classified and unclassified computer program identification number systems; classified and unclassified software and software support; classified and unclassified publications, manuals, and technical documentation; National Geospatial-Intelligence Agency (NGA) maps and mapping data; personnel training and training equipment, simulators, and training devices; studies and surveys; facilities and construction support transportation, ferry, and fuel 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 $3.42 billion.

This proposed sale will contribute to the foreign policy objectives of the U.S. by helping to improve the security of an important partner which is a force for political stability, peace, and economic progress in South America.

The proposed sale will enhance the Peruvian Air Force's ability to control its sovereign airspace, defend its territorial borders, and conduct precision air-to-ground attack operations in support of ground forces in counter-narcotics and counterterrorism operations. The sale will also enhance Peru's military partnership with the U.S. on an enduring long-term basis. Peru will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Lockheed Martin, located in Greenville, SC; General Electric Aerospace, located in Cincinnati, OH; and RTX Corporation, 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 not require the assignment of any additional U.S. Government or contractor representatives to Peru.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–96

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The F–16 Block 70 is a fourth generation, single-engine, supersonic, all-weather multirole fighter aircraft that features advanced avionics and systems. It contains the General Electric F110–129D engine, AN/APG–83 radar, digital flight control system, embedded internal global navigation system, Joint Helmet Mounted Cueing Systems (JHMCS) II or Scorpion Hybrid Optical-based Inertial Tracker (HObIT) with night vision device compatibility, internal and external electronic warfare (EW) equipment, advanced identification friend or foe (AIFF), Link-16 datalink, and software computer systems.

a. The General Electric F110–GE–129D engine is an afterburning turbofan jet engine that powers the F–16. Engine spare modules are kits made up of spare engine components including the following modules: inlet fan, core engine, fan drive turbine, augmenter duct and nozzle, and gear box.

b. The Modular Mission Computer 7000AHC is the central aircraft computer of the F–16. It serves as the hub for all aircraft subsystems and avionics data transfer.

c. The Improved Programmable Display Generator and color multifunction displays utilize ruggedized commercial liquid crystal display technology that is designed to withstand the harsh environment found in modern fighter cockpits. The display generator is the fifth-generation graphics processor for the F–16. Through the use of state-of-the-art microprocessors and graphics engines, it provides orders of magnitude increases in throughput, memory, and graphics capabilities.

d. The APG–83 Scalable Agile Beam Radar is an active electronically scanned array radar upgrade for the F–16. It includes higher processor power, higher transmission power, more sensitive receiver electronics, and synthetic aperture radar, which creates higher-resolution ground maps from a greater distance than existing mechanically scanned array radars (*e.g.,* APG–68). The upgrade features an increase in the detection range of air targets, increases in processing speed and memory, and significant improvements in all modes.

e. The Embedded Global Positioning System/Inertial Navigation System with Selective Availability Anti-Spoofing Module (SAASM)—or M-Code receiver when available—and Precise Positioning Service is a self-contained navigation system that provides the following: acceleration, velocity, position, attitude, platform azimuth, magnetic and true heading, altitude, body angular rates, time tags, and coordinated universal time (UTC) synchronized time. SAASM or M-Code enables the GPS receiver access to the encrypted P(Y or M) signal, providing protection against active spoofing attacks.

f. The integrated EW suite provides passive radar warning, wide spectrum radio frequency jamming, and control and management of the entire EW system. This system is anticipated to be internal to the aircraft although mounted pod variants are used in certain circumstances.

g. The Multifunction Information Distribution System Joint Tactical Radio System is a four-channel software programmable radio for Link-16 digital voice communications and datalink, Tactical Air Navigation, and advanced waveforms. Link-16 is a command, control, communications, and intelligence system incorporating high-capacity, jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements.

2. The LAU–129 guided missile launcher is capable of launching the Air Intercept Missile (AIM)-9 family of missiles or AIM–120 Advanced Medium Range Air-to-Air Missile (AMRAAM). The LAU–129 launcher provides the mechanical and electrical interface between the missile and aircraft.

3. The M61A1 anti-aircraft gun is a six-barreled automatic cannon chambered in 20x120 mm with a cyclic rate of fire of 2,500–6,000 rounds per minute. This weapon is a hydraulically powered air-cooled Gatling gun used to damage and destroy aerial targets, suppress and incapacitate personnel targets, and damage and destroy moving and stationary light material targets.

4. AN/ARC–238 radio with HAVE QUICK II is a voice communications radio system that is equipped with HAVE QUICK II, which employs cryptographic technology. Other waveforms may be included as needed.

5. The AN/APX–127 AIFF is a system capable of transmitting and interrogating Mode 5. The AN/APX–127 is a form, fit, and function refresh of the AN/APX–126 and is the next generation to be produced.

6. The AN/ALE–47 airborne countermeasures dispenser system provides an integrated threat-adaptive, computer-controlled capability for dispensing chaff, flares, and active radio frequency expendables. The system is internally mounted and may be operated as a stand-alone system or may be integrated with other on-board EW and avionics systems. The AN/ALE–47 uses threat data received over the aircraft interfaces to assess the threat situation and determine a response. Expendable routines tailored to the immediate aircraft and threat environment may be dispensed using one of four operational modes.

7. The KY–58 is a secure voice module primarily used to encrypt radio communication to and from military aircraft and other tactical vehicles.

8. The KIV–78 is a cryptographic appliqué for AIFF. It can be loaded with Mode 5 classified elements.

9. The AN/PYQ–10 Simple Key Loader is a handheld device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

10. The Joint Mission Planning System is a multi-platform, computer-based mission planning system. Its modular suite of systems is tailored to user needs, allowing operators of various aircraft to install planning modules required for flight planning, weapons delivery planning, post-flight debrief, and operational integration.

11. The Joint Helmet Mounted Cueing System II or Scorpion HObIT is a device used in aircraft to project information to the pilot's eyes and aid in tasks such as cueing weapons and aircraft sensors to air and ground targets. This provides improvement for close combat targeting and engagement.

12. The AIM–9X Block II Sidewinder missile is a short-range air-to-air missile with a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe, and the ability to integrate the JHMCS. This potential sale will include AIM–9X guidance sections, Active Optical Target Detectors, training missiles, Captive Air Training Missiles (CATMs), and CATM guidance units.

13. The AIM–120C–8 AMRAAM is a supersonic, air-launched, aerial intercept guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high and low-flying and maneuvering targets. This potential sale will include CATMs and AMRAAM guidance and control sections.

14. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

15. 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.

16. A determination has been made that Peru 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.

17. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Peru.

[FR Doc. 2026–01503 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–1E]

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 25–1E.

Dated: January 22, 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

September 9, 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 25-1E. 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 21-31 of March 19, 2021.

Sincerely,

Michael F. Miller
Director

Enclosure:
1. Transmittal

BILLING CODE 6001–FR–C

Transmittal No. 25–1E

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.:* 21–31

Date: March 19, 2021

Implementing Agency: Army

(iii) *Description:* On March 19, 2021, Congress was notified by congressional certification transmittal number 21–31 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of two hundred eighty-eight (288) AGM–114R Hellfire missiles. Also included were AGM–114R spare parts; United States (U.S.) Government and contractor engineering, technical, and logistics support services; repair and return; storage; and other related elements of logistics and program support. The estimated total value was $36 million. Major Defense Equipment (MDE) constituted $33 million of this total.

On October 1, 2021, Congress was notified by congressional certification transmittal number 0P–21, under Section 36(b)(5)(A) of the Arms Export Control Act, of an increase in value of the AGM–114R Hellfire missiles. The estimated total increase in MDE value was $9 million. This resulted in a total cost of MDE value of $42 million. The total case value increased to $47 million.

This transmittal notifies the inclusion of the following additional MDE items: up to one thousand and twenty-two (1,022) AGM–114R Hellfire 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 $400 million. The estimated non-MDE value will increase by $50 million to a revised $55 million. The revised estimated total case value will be $447 million. MDE will constitute $392 million of this total.

(iv) *Significance:* This notification is being provided as the additional MDE items were not enumerated in the original notification. The inclusion of this MDE represents an increase in capability over what was previously notified. The proposed sale will improve the Republic of Korea's air and missile defense capability and ensure

greater interoperability with other Hellfire missile users in the region.

(v) *Justification:* This proposed sale will support the foreign policy 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:* September 9, 2025

[FR Doc. 2026–01484 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–0W]

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 25–0W.

Dated: January 22, 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

September 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. 25-0W. 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 18-03 of July 10, 2018.

Sincerely,

Michael F. Miller
Director

Enclosure:
1. Transmittal

BILLING CODE 6001–FR–C

Transmittal No. 25–0W

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)

(i) *Prospective Purchaser:* Government of the United Kingdom

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 18–03

Date: July 10, 2018

Implementing Agency: Air Force

(iii) *Description:* On July 10, 2018, Congress was notified by congressional certification transmittal number 18–03 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of up to two hundred (200) AIM–120D Advanced Medium Range Air-to-Air Missiles (AMRAAM). Also included in this sale were missile containers; weapon system support equipment; support and test equipment; site surveys; transportation; repair and return support; warranties; spare and repair parts; publications and technical documentation; maintenance and personnel training; training equipment; United States (U.S.) Government and contractor engineering, logistics, and technical support services; and other

related elements of logistics and program support. The estimated total cost was $650 million. Major Defense Equipment (MDE) constituted $600 million of this total.

On March 12, 2019, Congress was notified by congressional certification transmittal number 0C–19, of the addition of MDE items from what was originally notified: one (1) AMRAAM AIM–120D Integrated Test Vehicle (ITV) and ten (10) AMRAAM Instrumented Air Vehicles. Additionally, this transmittal updated the notification of non-MDE to add embedded communication security devices. The addition of these items resulted in a net increase in cost of MDE to $618 million. The total case value remained $650 million.

On November 20, 2024, Congress was notified by congressional certification transmittal number 24–0V, of the inclusion of the following MDE items: fifty-six (56) AIM–120D Advanced Medium Range Air-to-Air Missiles (AMRAAM); and four (4) AIM–120 AMRAAM guidance sections. The following non-MDE items were also included: weapons systems support and weapons support equipment. The estimated total value of the new items was $174 million but did not result in an increase to the estimated total case value of $650 million. The estimated total MDE value remained at $618 million of this total.

This transmittal notifies the inclusion of the following additional MDE items: two hundred forty-four (244) AIM–120D Advanced Medium Range Air-to-Air Missiles (AMRAAM); four (4) AIM–120D–3 AMRAAM guidance sections; and one (1) AMRAAM Integrated Test Vehicle (ITV). The following non-MDE items will also be included: AMRAAM containers, components, parts, and support equipment; KGV–135A embedded communications security (COMSEC) device; and other related elements of logistics and program support. The estimated total value of the new items is $790 million. The estimated MDE value will increase by $742 million. The estimated non-MDE value will increase by $48 million to a revised $80 million. The estimated total cost will increase by $790 million to a revised $1.44 billion. MDE will constitute $1.36 billion of this total.

(iv) *Significance:* This notification is being provided as 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 improving the security of a key NATO Ally that is an important force for political stability and economic progress in Europe.

(vi) *Sensitivity of Technology:*

The KGV–135A embedded COMSEC device is a high-speed general purpose encryptor and decryptor module used for wideband data encryption.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress:* September 10, 2025

[FR Doc. 2026–01489 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–69]

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 25–69 and Policy Justification.

Dated: January 22, 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

August 29, 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. 25-69, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Ukraine for defense articles and services estimated to cost $179.1 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

BILLING CODE 6001–FR–C

Transmittal No. 25–69

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 Ukraine

Major Defense Equipment*	$ 0
Other	$179.1 million
TOTAL	$179.1 million

(ii) *Total Estimated Value:*
Funding Source: Foreign Military Financing

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Ukraine has requested to buy equipment and services to support sustainment of its Patriot air defense systems.

Major Defense Equipment (MDE):
None

Non-MDE:
The following non-MDE items will be included: classified and unclassified spare parts; maintenance support; classified and unclassified software and software updates; system modifications and associated modification kits; test equipment; communication equipment and associated accessories; integration services; repair and return; storage; tooling; Field Surveillance Program; International Engineering Services Program; maintenance support equipment; United States (U.S.) Government and contractor representative technical assistance; training; engineering and logistics support services; classified and unclassified publications and technical documentation; classified software; and other related elements of logistics and program support.

(iv) *Military Department:* Army (UP–B–UDC)

(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:* August 29, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Ukraine—Patriot Air Defense System Sustainment

The Government of Ukraine has requested to buy equipment and services to support sustainment of its Patriot air defense systems. The following non-MDE items will be included: classified and unclassified spare parts; maintenance support; classified and unclassified software and software updates; system modifications and associated modification kits; test equipment; communication equipment and associated accessories; integration services; repair and return; storage; tooling; Field Surveillance Program; International Engineering Services Program; maintenance support equipment; U.S. Government and contractor representative technical

assistance; training; engineering and logistics support services; classified and unclassified publications and technical documentation; classified software; and other related elements of logistics and program support. The estimated total program cost is $179.1 million.

This proposed sale will support the foreign policy 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.

The proposed sale will improve Ukraine's ability to meet current and future threats by further equipping it to conduct self-defense and regional security missions with a more robust air defense capability. Ukraine will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be RTX Corporation, located in Arlington, VA; and Lockheed Martin, located in Bethesda, MD. 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 five U.S. Government and fifteen contractor representatives to travel to the United States European Command to support training and periodic meetings.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026–01479 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–89]

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 25–89, Policy Justification, and Sensitivity of Technology.

Dated: January 22, 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

September 17, 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. 25-89, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Norway for defense articles and services estimated to cost $162.1 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

BILLING CODE 6001–FR–C

Transmittal No. 25–89

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Norway

(ii) *Total Estimated Value:*

Major Defense Equipment *.	$125.6 million
Other	$ 36.5 million
TOTAL	$162.1 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Up to fifty (50) MK 54 MOD 0 lightweight torpedo all up rounds

Non-Major Defense Equipment:

The following non-MDE items will also be included: torpedo components; containers; software; training; support equipment; spare and repair parts; publications and technical documentation; transportation; 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:* Navy (NO–P–AIJ)

(v) *Prior Related Cases, if any:* NO–P–AIA

(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:* September 17, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Norway—MK 54 MOD 0 Lightweight Torpedoes

The Government of Norway has requested to buy up to fifty (50) MK 54 MOD 0 lightweight torpedo all up rounds. The following non-MDE items will also be included: torpedo components; containers; software; training; support equipment; spare and repair parts; publications and technical documentation; transportation; 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 $162.1 million.

This proposed sale will support the foreign policy 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 Norway's capability to meet current and future threats and increase its interoperability with the U.S. and other NATO members. Norway currently has MK 54 MOD 0 lightweight torpedoes 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 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 the proposed sale will require the assignment of U.S. Government and contractor representatives to Norway on a temporary basis in conjunction with program technical oversight and support requirements.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–89

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 MK 54 MOD 0 lightweight torpedo is a conventional torpedo that can be launched from surface ships and aircraft. The MK 54 is an upgrade of the MK 46 torpedo. The upgrade to the MK 54 involves replacement of the torpedo's sonar and guidance and control systems with modern technology. The new guidance and control system uses a combination of commercial off-the-shelf and custom-built electronics. The warhead, fuel tank, and propulsion system from the MK 46 torpedo are re-used in the MK 54 configuration with minor modifications.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Norway can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Norway.

[FR Doc. 2026–01506 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–64]

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 25–64 and Policy Justification.

Dated: January 22, 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

August 26, 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. 25-64, 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 $1.85 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

BILLING CODE 6001–FR–C

Transmittal No. 25–64

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 *	$ 0
Other	$1.85 billion
TOTAL	$1.85 billion

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Poland has requested to buy equipment and services in support of F–35 sustainment, including the aircraft engine Component Improvement Program (CIP).

Major Defense Equipment (MDE):

None

Non-MDE:

The following non-MDE items will be included: major and minor modifications; spare parts, consumables and accessories, and repair and return support; weapon system support, including software; classified software and delivery support; classified and unclassified publications and technical documentation; clothing, textiles, and individual 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:* Air Force (PL–D–QBI)

(v) *Prior Related Cases, if any:* PL–D–SAI

(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:* August 26, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—F–35 Sustainment

The Government of Poland has requested to buy equipment and services in support of F–35 sustainment, including the aircraft engine Component Improvement Program (CIP). The following non-MDE items will be included: major and minor modifications; spare parts, consumables and accessories, and repair and return support; weapon system support, including software; classified software and delivery support; classified and unclassified publications and technical documentation; clothing, textiles, and individual 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 $1.85 billion.

This proposed sale will support the foreign policy and national security objectives 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 increasing the reliability of its F–35 fleet. Poland 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 Lockheed Martin Aeronautics Company, located in Fort Worth, TX. 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.

[FR Doc. 2026–01490 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–1F]

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 25–1F.

Dated: January 22, 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

September 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. 25-1F. 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 21-42 of June 3, 2021.

Sincerely,

Michael F. Miller
Director

Enclosure:
1. Transmittal

BILLING CODE 6001–FR–C

Transmittal No. 25–1F

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)

(i) *Prospective Purchaser:* Government of Australia

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 21–42
Date: June 3, 2021
Implementing Agency: Army

(iii) *Description:* On June 3, 2021, Congress was notified by congressional certification transmittal number 21–42 of the possible sale, under Section

36(b)(1) of the Arms Export Control Act, of twenty-nine (29) AH–64E Apache attack helicopters; sixty-four (64) T700–GE 701D engines (58 installed, 6 spares); twenty-nine (29) AN/ASQ–170 Modernized Target Acquisition and Designation Sight/AN/AAR–11 Modernized Pilot Night Vision Sensors (M–TADS/PNVS); sixteen (16) AN/APG–78 Fire Control Radars (FCR) with Radar Electronic Units; twenty-nine (29) AN/APR–48B Modernized Radar Frequency Interferometers (MRFI); seventy (70) Embedded Global Positioning Systems with Inertial Navigation Systems plus Multi-Mode Receiver (EGI+MMR) (58 installed, 12 spares); thirty-five (35) AAR–57 Common Missile Warning Systems (CMWS) (29 installed, 6 spares); seventy (70) AN/ARC–231A Very High Frequency/Ultra High Frequency (VHF/UHF) radios (58 installed, 12 spares); eighty-five (85) AGM–114R Hellfire missiles; twenty-nine (29) M36E8 Hellfire Captive Air Training Missiles (CATM); and two thousand (2,000) Advanced Precision Kill Weapon System Guidance Sections (APKWS–GS). Also included were AN/APR–39 Radar Signal Detecting Sets; AN/AVR–2B Laser Detecting Sets; AN/APX–123A Identification Friend or Foe (IFF) transponders; IDM–401 Improved Data Modems; Link-16 Small Tactical Terminal KOR–24–A; Improved Countermeasure Dispensing System (ICMD); AN/ARN–149 (V)3 Automatic Direction Finders; Doppler ASN–157 Doppler Radar Velocity Sensors; AN/APN–209 Radar Altimeters Common Core (RACC); AN/ARN–153 Tactical Air Navigation Set (TACAN); AN/PYQ–10(C) Simple Key Loader; M230E1 + M139 AWS Automatic Gun; M261 Rocket Launchers; M299 missile launchers; 2.75 inch rockets; 30mm rounds; High Explosive Warhead for airborne 2.75 rockets, inert; MK66–4 2.75 inch rocket High Explosive warhead M151 fuze M423 motor; MK66–4 2.75 inch rocket warhead M274 motor; MK66–4 2.75 inch rocket motor; M151HE 2.75 inch warhead; Manned-Unmanned Teaming-2 (MUMT–X) video receivers; Manned-Unmanned Teaming-2 (MUMT–X) Air-Air-Ground kits; training devices; communication systems; helmets; simulators; generators; transportation and organization equipment; spare and repair parts; support equipment; tools and test equipment; technical data and publications; personnel training and training equipment; United States (U.S.) Government and contractor technical assistance; technical and logistics support services; and other related elements of program and logistical support. The total estimated value was $3.5 billion. Major Defense Equipment (MDE) constituted $2.5 billion of this total.

This transmittal notifies the inclusion of up to thirty-three (33) Common Infrared Countermeasure (CIRCM) systems (29 installed, 4 spares). The following non-MDE items are also included: Blue force tracking 2 (BFT–2) systems and KGV–72 programmable encryption devices. The estimated total cost of the new items is $150 million. The estimated MDE value will increase by $140 million. The estimated non-MDE value will increase by $10 million to a revised $1.01 billion. The estimated total case value will increase by $150 million to a revised $3.65 billion. Major Defense Equipment (MDE) will constitute $2.64 billion of this total.

(iv) *Significance:* This notification is being provided as the MDE items for CIRCM systems were not enumerated in the original notification. The proposed articles and services will support Australia's capability to meet current and future threats and will enhance interoperability with U.S. and other allied forces.

(v) *Justification:* This proposed sale will support the foreign policy and national security objectives of the U.S. Australia is one of the most important U.S. 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.

(vi) *Sensitivity of Technology:*

The CIRCM system is the next-generation lightweight, laser-based, infrared countermeasure system for rotary-wing, tiltrotor, and small fixed-wing aircraft across the DoD. CIRCM provides near spherical coverage of the host platform to defeat infrared-seeking threat missiles. CIRCM receives an angular bearing hand-off from the Common Missile Warning System and employs a pointing and tracking system that acquires and tracks the incoming missile. CIRCM jams the missile by using modulated laser energy, thus degrading the tracking capability of the missile and causing it to miss the aircraft.

The KGV–72 programmable encryption device provides traffic encryption for Force Battle Command Brigade and Below (FBCB2) Blue force tracking (BFT) satellite network multicast and unicast transmission of mapping, short messaging, and geolocation application data. Designed for use in tactical ground and rotary wing platforms, the KGV–72 connects to a commercial L band transceiver and FBCB2 BFT computer to secure beyond line-of-sight communication.

The Sensitivity of Technology statement contained in the original notification applies to additional items mentioned.

The highest level of information that may be transferred in support of this proposed sale is classified SECRET.

(vii) *Date Report Delivered to Congress:* September 15, 2025

[FR Doc. 2026–01500 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–0K]

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 25–0K.

Dated: January 22, 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

SEP 17 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. 25-0K. 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 23-63 of November 2, 2023.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001–FR–C

Transmittal No. 25–0K

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)

(i) *Prospective Purchaser:* Government of Iraq

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 23–63

Date: November 2, 2023

Military Department: Army

Funding Source: National Funds

(iii) *Description:* On November 2, 2023, Congress was notified by congressional certification transmittal number 23–63 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of additional services, as indicated below, that were added to a previously implemented case whose value was under the congressional notification threshold. The original FMS case, valued at $28 million, included a Bell Contractor Logistics Support (CLS) and Field Service Representative (FSR) contract. This notification was for the combined CLS and FSR maintenance support for the following Bell aircraft: three (3) 407 variants, 206B3, OH–58A/C Kiowa, Huey II, and 505. The following was also included: United States (U.S.) Government and contractor engineering, technical and logistics support services; studies and surveys; and other related elements of logistics and program support. The estimated total cost was $300 million. There was no Major Defense Equipment (MDE) associated with this sale.

This transmittal notifies the addition of the following non-MDE items: Contractor Logistics Support (CLS) and Field Service Representative (FSR) support for all variations of the Bell 412 aircraft. The estimated total value of the new items is $200 million, resulting in a non-MDE and total case value increase of $200 million to $500 million. No MDE will be associated with this sale.

(iv) *Significance:* The proposed services will support the Iraq Army Aviation Command's rotary wing program to meet current and future threats by enhancing the strength of its homeland defense.

(v) *Justification:* This proposed sale will support the foreign policy and national security of the U.S. by helping to improve the security of a strategic partner.

(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 UNCLASSIFIED.

(vii) *Date Report Delivered to Congress:* September 17, 2025

[FR Doc. 2026–01505 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–46]

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 25–46, Policy Justification, and Sensitivity of Technology.

Dated: January 22, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

6001–FR–P

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

August 28, 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. 25-46, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Ukraine for defense articles and services estimated to cost $825 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 25–46

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 Ukraine

(ii) *Total Estimated Value:*

Major Defense Equipment *	$739 million
Other	$ 86 million
TOTAL	$825 million

Funding Source: Jumpstart Funding from Denmark, the Netherlands, and Norway; Foreign Military Financing

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Up to three thousand three hundred fifty (3,350) Extended Range Attack Munition (ERAM) missiles

Up to three thousand three hundred fifty (3,350) Embedded Global Positioning System (GPS)/Inertial Navigation Systems (INS) (EGI) with Selective Availability Anti-Spoofing Module (SAASM), Y-Code, or M-Code

Non-Major Defense Equipment:

The following non-MDE items will be included: missile containers; stoker pylons; component parts and support equipment; spare parts, consumables and accessories, and repair and return support; weapons software and support equipment; mission planning system hardware; classified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; 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 (JU–D–YAA, UP–D–YAB)

(v) *Prior Related Cases, if any:* KA–D–YAF

(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:* August 28, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Ukraine—Air Delivered Munitions

The Government of Ukraine has requested to buy up to three thousand three hundred fifty (3,350) Extended Range Attack Munition (ERAM) missiles and three thousand three hundred fifty (3,350) Embedded Global Positioning System (GPS)/Inertial Navigation Systems (INS) (EGI) with Selective Availability Anti-Spoofing Module (SAASM), Y-Code, or M-Code. The following non-MDE items will be included: missile containers; stoker pylons; component parts and support equipment; spare parts, consumables and accessories, and repair and return support; weapons software and support equipment; mission planning system hardware; classified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; 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 $825 million.

This proposed sale will support the foreign policy 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.

This proposed sale will improve Ukraine's capability to meet current and future threats by further equipping it to conduct self-defense and regional security missions. Ukraine will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Zone 5 Technologies and CoAspire. 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 Ukraine.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–46

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 Extended Range Attack Munition (ERAM) is a 500-pound class air-launched, subsonic, precision-guided, turbojet powered, conventional, air-to-ground munition used to defeat targets in adverse weather from a standoff range of approximately 250 nautical miles. It uses Global Positioning System/Inertial Navigation System (GPS/INS) guidance with a unitary warhead for maximum lethality against armored and soft stationary targets.

2. The Embedded GPS/INS (EGI) with Selective Availability Anti-Spoofing Module (SAASM), Y-Code, or M-Code receiver when available, and Precise Positioning Service is a self-contained navigation system. SAASM, Y-Code, or M-Code enables the GPS receiver access to an encrypted P signal, providing protection against active spoofing attacks.

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 Ukraine 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 Government of Ukraine.

[FR Doc. 2026–01486 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–0X]

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 25–0X.

Dated: January 22, 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

September 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. 25-0X. 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 23-54 of July 27, 2023.

Sincerely,

Michael F. Miller
Director

Enclosure:
1. Transmittal

BILLING CODE 6001–FR–C

Transmittal No. 25–0X

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)

(i) *Prospective Purchaser:* Government of Romania

(ii) *Sec. 36(B)(1), AECA Transmittal No.:* 23–54

Date: July 27, 2023

Implementing Agency: Navy

Funding Source: National Funds

(iii) *Description:* On July 27, 2023, Congress was notified by congressional certification transmittal number 23–54 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of sixteen (16) Assault Amphibious Vehicles (AAVs), Personnel Variant (AAVP–7A1); three (3) Assault Amphibious Vehicles, Command Variant (AAVC–7A1); two (2) Assault Amphibious Vehicles, Recovery Variant (AAVR–7A1); sixteen (16) 50 Cal Machine Guns (Heavy Barrel); and five (5) 7.62 mm M240B Machine Guns. Also included were MK–19 Grenade Launchers; M36E T1 Thermal Sighting Systems (TSS); supply support (spare parts); support equipment (including special mission kits/Enhanced Applique Kits (EAAK)); training, unclassified technical manuals, technical data package, engineering and technical support and assistance (including Contractor Engineering Technical Services (CETS)); and other related elements of program and logistics support. The estimated total program cost was $120.5 million. Major Defense Equipment (MDE) constituted $75.5 million of this total.

This transmittal notifies the inclusion of the following additional MDE items: thirty-seven (37) Assault Amphibious Vehicles, Personnel variant (AAVP–7A1) Reliability, Availability, Maintainability/Rebuilt to Standard (RAM/RS); five (5) Assault Amphibious Vehicles, Command variant (AAVC–7A1) RAM/RS; two (2) Assault Amphibious Vehicles, Recovery variant (AAVR–7A1) RAM/RS; thirty-seven (37) .50 caliber machine guns (heavy barrel); and seven (7) 7.62 mm M240B machine guns. The following non-MDE will also be included: MK–19 grenade launchers; M36E T1 thermal sights; supply support and spare parts; support equipment, including special mission kits and Enhanced Applique Kits); training; unclassified technical manuals; technical data package; engineering and technical support and assistance, including contractor engineering technical services); and other related elements of logistics and program support. The estimated total cost of the new items is $404.0 million. The estimated MDE value will increase by $210.3 million to a revised $285.8 million. The estimated non-MDE value will increase by $193.7 million to a revised $238.7 million. The estimated total case value will increase by $404.0 million to a revised $524.5 million.

(iv) *Significance:* This notification is being provided as the additional MDE items were not enumerated in the original notification. The inclusion of this MDE represents an increase in capability over what was previously notified. The proposed sale will improve Romania's capability to meet current and future threats by modernizing and ensuring its continued expeditionary capability to counter regional threats.

(v) *Justification:* This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO Ally that is a force for

political stability and economic progress in Europe.

(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:* September 15, 2025

[FR Doc. 2026–01482 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–60]

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 25–60, Policy Justification, and Sensitivity of Technology.

Dated: January 22, 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

September 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)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-60, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Finland for defense articles and services estimated to cost $1.07 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. 25–60

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 Finland

(ii) *Total Estimated Value:*

Major Defense Equipment *	$0.95 billion
Other	$0.12 billion
TOTAL	$1.07 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Up to four hundred five (405) AIM–120D–3 Advanced Medium Range Air-to-Air Missiles (AMRAAM)

Eight (8) AIM–120D–3 guidance sections, with precise positioning provided by either the Selective Availability Anti-Spoofing Module or M-Code

Non-Major Defense Equipment:

The following non-MDE items will be included: AMRAAM control sections, containers, and support equipment; Common Munitions Built-in Test (BIT)/Reprogramming Equipment (CMBRE); ADU–891 adaptor group test sets; munitions support and support equipment; spare parts, consumables and accessories, and repair and return support; weapons software and support equipment; classified software delivery and support; classified publications and technical documentation; personnel training and training equipment; transportation support; site 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 (FI–D–YAR)

(v) *Prior Related Cases, if any:* FI–D–YAK

(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:* September 10, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Finland—AIM–120D–3 Advanced Medium Range Air-to-Air Missiles

The Government of Finland has requested to buy up to four hundred five (405) AIM–120D–3 Advanced Medium Range Air-to-Air Missiles (AMRAAM); and eight (8) AIM–120D–3 guidance sections, with precise positioning provided by either the Selective Availability Anti-Spoofing Module or M-Code. The following non-MDE items will be included: AMRAAM control sections, containers, and support equipment; Common Munitions Built-in Test (BIT)/Reprogramming Equipment (CMBRE); ADU–891 adaptor group test sets; munitions support and support equipment; spare parts, consumables and accessories, and repair and return support; weapons software and support equipment; classified software delivery and support; classified publications and technical documentation; personnel training and training equipment; transportation support; site surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is $1.07 billion.

This proposed sale will support the foreign policy 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 Finland's capability to meet current and future threats and enhance its interoperability with U.S. and other allied forces. Finland already has AMRAAMs in its inventory and 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 RTX Corporation, 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 not require the assignment of any additional U.S. Government or contractor representatives to Finland.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–60

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. The Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE) is support equipment 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 (GPS) cryptographic keys, and declassification of munitions memory.

3. The ADU–891 adapter group test set provides the physical and electrical interface between the CMBRE and the missile.

4. This potential sale will include AMRAAM guidance and control section spares.

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 Finland 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.

8. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Finland.

[FR Doc. 2026–01487 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–66]

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 25–66, Policy Justification, and Sensitivity of Technology.

Dated: January 22, 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

September 15, 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-66, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Belgium for defense articles and services estimated to cost $567.8 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. 25–66

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 Belgium

(ii) *Total Estimated Value:*

Major Defense Equipment *.	$505.0 million
Other	$ 62.8 million
TOTAL	$567.8 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Three hundred twenty (320) AIM–9X Block II Sidewinder tactical missiles

Two hundred fifty-eight (258) AIM–9X Block II+ Sidewinder tactical missiles

Fifty (50) AIM–9X Block II tactical guidance units

Thirty (30) AIM–9X Block II+ tactical guidance units

Non-Major Defense Equipment:

The following non-MDE items will also be included: missile containers; weapon software; transportation; 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:* Navy (BE–P–ADC)

(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:* September 15, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Belgium—AIM–9X Sidewinder Missiles

The Government of Belgium has requested to buy three hundred twenty (320) AIM–9X Block II Sidewinder tactical missiles; two hundred fifty-eight (258) AIM–9X Block II+ Sidewinder tactical missiles; fifty (50) AIM–9X Block II tactical guidance units; and thirty (30) AIM–9X Block II+ tactical guidance units. The following non-Major Defense Equipment items will also be included: missile containers; weapon software; transportation; 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 $567.8 million.

This proposed sale will support the foreign policy 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 Belgium's capability to meet current and future threats by providing air-to-air missiles and guidance units for Belgium's F–35 fleet in support of NATO's defense mission. Belgium will have no difficulty absorbing these weapons 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 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 the proposed sale will require the assignment of four U.S. Government and two contractor representatives to Belgium on a temporary basis in conjunction with program technical oversight and support requirements.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–66

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 Sidewinder Block II and Block II+ 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, enhanced countermeasure rejection capability, low drag/high angle of attack airframe, and the ability to integrate the helmet mounted cueing system. The software algorithms are the most sensitive portion of the AIM–9X missile. The software continues to be modified via a pre-planned product improvement (P^3I) program to improve its counter-countermeasure capabilities. The most current AIM–9X Block II/II+ operational flight software developed for all international partner countries, which is authorized by U.S. Government export policy, provides fifth-generation infrared missile capabilities such as Lock-on after launch, weapon 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 Belgium can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Belgium.

[FR Doc. 2026–01501 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–62]

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 25–62, Policy Justification, and Sensitivity of Technology.

Dated: January 22, 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

September 18, 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. 25-62, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost $780 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. 25–62

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 *	$720 million
Other	$ 60 million
TOTAL	$780 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Two thousand five hundred six (2,506) FGM–148F Javelin missiles

Two hundred fifty-three (253) Javelin Lightweight Command Launch Units

Non-Major Defense Equipment:

The following non-MDE items will be included: missile simulation rounds; battery coolant units; tool kits; spares support; training; United States (U.S.) Government and contractor technical assistance; transportation; and other related elements of logistics and program support.

(iv) *Military Department:* Army (PL–B–UFJ)

(v) *Prior Related Cases, if any:* PL–B–UDN

(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:* September 18, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—Javelin Missile Systems

The Government of Poland has requested to buy two thousand five hundred six (2,506) FGM–148F Javelin missiles and two hundred fifty-three (253) Javelin Lightweight Command Launch Units. The following non-MDE items will be included: missile simulation rounds; battery coolant units; tool kits; spares support; training; U.S. Government and contractor technical assistance; transportation; and other related elements of logistics and program support. The estimated total cost is $780 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 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 upgrading its existing legacy Command Launch Units and increasing its defense inventory, thereby reinforcing its capability to protect Polish sovereign territory and improving its ability to meet NATO requirements. Poland will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be RTX Corporation, located in Arlington, VA; and Lockheed Martin, 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 Poland.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–62

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 is a medium-range, man-portable, shoulder-launched, fire-and-forget anti-tank system for infantry, scouts, and combat engineers. It can 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 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 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 can also be used in a stand-alone mode for battlefield surveillance and target detection. The LwCLU's thermal sight is a second 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 the Government of Poland 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.

8. All defense articles and services listed on this transmittal have been authorized for release and export to the Government of Poland.

[FR Doc. 2026–01507 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–58]

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 25–58 and Policy Justification.

Dated: January 22, 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

August 29, 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. 25-58, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Ukraine for defense articles and services estimated to cost $150 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. 25–58

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 Ukraine

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0
Other	$150 million
TOTAL	$150 million

Funding Source: JUMPSTART Funding from Germany

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Ukraine has requested to buy an extension of satellite communications services for its Starlink terminals.

Major Defense Equipment (MDE):

None

Non-Major Defense Equipment:

The following non-MDE items will be included: 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 (JU–D–DAA)

(v) *Prior Related Cases, if any:* NX–D–DAA; NW–D–DAA

(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:* August 29, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Ukraine—Satellite Communications Services

The Government of Ukraine has requested to buy an extension of satellite communications services for its Starlink terminals. The following non-MDE items will be included: 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 $150 million.

This proposed sale will support the foreign policy 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.

The proposed sale will improve Ukraine's ability to meet current and future threats by further equipping it to conduct self-defense and regional security missions with a more robust defense capability. Ukraine 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 for this effort will be Starlink Services, located in Hawthorne, CA. 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 Ukraine.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026–01480 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–55]

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 25–55, Policy Justification, and Sensitivity of Technology.

Dated: January 22, 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

August 27, 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. 25-55, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the NATO Support and Procurement Agency (NSPA) for defense articles and services estimated to cost $103.9 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. 25–55

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:* NATO Support and Procurement Agency (NSPA) as Agent for Belgium, Italy, and Romania

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 74.1 million
Other	$ 29.8 million
TOTAL	$103.9 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Up to ninety-six (96) AIM–9X Sidewinder Block II or Block II+ tactical missiles (Belgium: 8; Italy: 24; Romania: 64)

Twelve (12) AIM–9X Block II or Block II+ tactical guidance units (Romania)

Non-Major Defense Equipment:

The following non-MDE items will also be included: missile containers; United States (U.S.) Government engineering, technical, training, and logistics support services; classified and unclassified publications and technical documents; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (W7–P–AAD)

(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:* August 27, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

NATO Support and Procurement Agency—AIM–9X Sidewinder Missiles

The NATO Support and Procurement Agency (NSPA), as Agent for Belgium, Italy, and Romania, has requested to buy up to ninety-six (96) AIM–9X Sidewinder Block II or Block II+ tactical missiles (Belgium: 8; Italy: 24; Romania: 64) and twelve (12) AIM–9X Block II or Block II+ tactical guidance units (Romania). The following non-MDE items will also be included: missile containers; U.S. Government engineering, technical, training, and logistics support services; classified and unclassified publications and technical documents; and other related elements of logistics and program support. The estimated total cost is $103.9 million.

This proposed sale will support the foreign policy and national security objectives of the U.S. by improving the security of NATO Allies that are a force for political stability and economic progress in the North Atlantic region.

The proposed sale will improve NATO's capability to meet current and future threats by utilizing air-to-air missiles and guidance units for its F–35 fleets in support of NATO's defense mission. NATO will have no difficulty absorbing these weapons 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 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 not require the assignment of any additional U.S. Government or contractor representatives to NATO, however, U.S. Government engineering and technical services may be required on an interim basis for technical assistance.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–55

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 Sidewinder Block II and Block II+ (Plus) missiles represent a substantial increase in missile acquisition and kinematics performance over the AIM–9M and replace the AIM–9X Block I missile configuration. The missiles include a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe, and the ability to integrate the Helmet Mounted Cueing System. The software algorithms are the most sensitive portion of the AIM–9X missile. The software continues to be modified via a pre-planned product improvement (P^3I) program to improve its counter-countermeasure capabilities. The most current AIM–9X Block II/II+ Operational Flight Software, developed for all international partner countries and authorized for export by U.S. Government 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 NATO 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 NATO.

[FR Doc. 2026–01481 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–1C]

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 25–1C.

Dated: January 22, 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

September 18, 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. 25-1C. 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 23-67 of September 13, 2023.

Sincerely,

Michael F. Miller
Director

Enclosure:
1. Transmittal

BILLING CODE 6001–FR–C

Transmittal No. 25–1C

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.:* 23–67

Date: September 13, 2023

Implementing Agency: Air Force

Funding Source: National Funds

(iii) *Description:* On September 13, 2023, Congress was notified by congressional certification transmittal number 23–67 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of Electronic Warfare database reprogramming support; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; spare parts, consumables, accessories, and repair and return support; computer program identification numbers; engine Component Improvement Program support; minor modifications; maintenance and maintenance 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. The estimated total cost was $389 million. There was no Major Defense Equipment (MDE) associated with this sale.

This transmittal notifies the inclusion of the following additional non-MDE items: aircraft components, parts, and accessories; and other related elements of logistics and program support. The estimated total cost of the new items is $611 million. The estimated total case value will increase by $611 million to a revised $1 billion. There is no MDE associated with this sale.

(iv) *Significance:* This notification is being provided as the additional non-MDE items were not enumerated in the original notification. The inclusion of these items represents an increase in capability over what was previously notified. The proposed sale will support Poland's capability to meet current and future threats by increasing the reliability of their F–16 fleet, while expanding its national defense capabilities and supporting the common defense of NATO.

(v) *Justification:* This proposed sale will support the foreign policy 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.

(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:* September 18, 2025

[FR Doc. 2026–01508 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–68]

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 25–68, Policy Justification, and Sensitivity of Technology.

Dated: January 22, 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

September 15, 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-68, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Norway for defense articles and services estimated to cost $113 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. 25–68

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Norway

(ii) *Total Estimated Value:*

Major Defense Equipment *	$107 million
Other	$ 6 million
TOTAL	$113 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Eight hundred sixteen (816) GBU–39/B Small Diameter Bombs Increment I

Non-Major Defense Equipment:

The following non-MDE items will also be included: spare parts, consumables and accessories, and repair and return support; training aids, devices, and spare parts; classified and unclassified software delivery and support; classified and unclassified publications and technical data; 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 (NO–D–YAK)

(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:* September 15, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Norway—GBU–39B Small Diameter Bomb Increment I

The Government of Norway has requested to buy eight hundred sixteen (816) GBU–39/B Small Diameter Bombs Increment I. The following non-MDE items will also be included: spare parts, consumables and accessories, and repair and return support; training aids, devices, and spare parts; classified and unclassified software delivery and support; classified and unclassified publications and technical data; 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 $113 million.

This proposed sale will support the foreign policy 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 Norway's capability to meet current and future threats and increase its interoperability with the U.S. and other NATO members. Norway 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 The Boeing Company, located in Arlington, VA. The purchaser typically requests offsets. 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 Norway.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–68

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 Increment I (SDB–I) all up round is a 250-lb GPS-aided inertial navigation system with precise positioning services provided by Selective Availability Anti-Spoofing Module or M-Code, small autonomous, day or night, adverse weather, conventional, air-to-ground precision glide weapon able to strike fixed and stationary relocatable non-hardened targets from standoff ranges. It provides aircraft with an ability to four SDBs in place of one 2,000-lb 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 Norway can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Norway.

[FR Doc. 2026–01502 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–81]

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 25–81, Policy Justification, and Sensitivity of Technology.

Dated: January 22, 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

September 25, 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. 25-81, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Germany for defense articles and services estimated to cost $1.23 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. 25–81

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 Germany

(ii) *Total Estimated Value:*

Major Defense Equipment *	$1.10 billion
Other	$0.13 billion
TOTAL	$1.23 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Up to four hundred (400) AIM–120D–3 Advanced Medium Range Air-to-Air Missiles (AMRAAM)

Up to 12 twelve (12) AIM–120D–3 AMRAAM guidance sections, including precise positioning provided by either Selective Availability Anti-Spoofing Module or M-Code

One (1) AIM–120 AMRAAM Integrated Test Vehicle

Non-Major Defense Equipment:

The following non-MDE items will also be included: AMRAAM telemetry kits, control sections, containers, and support equipment; ADU–891 Adaptor Group Test Sets; KGV–135A encryption devices; spare parts, consumables and accessories, and repair and return support; weapons system support and software; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (GY–D–YAM)

(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:* September 25, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Germany—AIM–120D–3 Advanced Medium Range Air-to-Air Missiles

The Government of Germany has requested to buy up to four hundred (400) AIM–120D–3 Advanced Medium Range Air-to-Air Missiles (AMRAAM); up to twelve (12) AIM–120D–3 AMRAAM guidance sections, including precise positioning provided by either Selective Availability Anti-Spoofing Module or M-Code; and one (1) AIM–120 AMRAAM Integrated Test Vehicle. The following non-Major Defense Equipment items will also be included: AMRAAM telemetry kits, control sections, containers, and support equipment; ADU–891 Adaptor Group Test sets; KGV–135A encryption devices; spare parts, consumables and accessories, and repair and return support; weapons 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 logistics support services; and other related elements of logistics

and program support. The estimated total cost is $1.23 billion.

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 Germany's capability to meet current and future threats by providing increased air-to-air capability for the German F–35 program and supporting German and shared NATO planning, training, and operational requirements. Germany 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 RTX Corporation, 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 by 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 Germany.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–81

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-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 features a quadrangle target detection device and an electronics unit within the guidance section that performs all radar signal processing, mid-course and terminal guidance, flight control, target detection, and warhead detonation. Precise positioning will be provided by either Selective Availability Anti-Spoofing Module or M-Code. This potential sale will include an AMRAAM Integrated Test Vehicle and guidance and control sections.

2. The ADU–891 Adapter Group Test Set provides the physical and electrical interface between the Common Munitions Built-in-Test Reprogramming Equipment (CMBRE) and the missile.

3. The KGV–135A is a high-speed, general purpose encryptor/decryptor module used for wideband data encryption.

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 Germany 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 Germany.

[FR Doc. 2026–01509 Filed 1–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

Agency Information Collection Modification

AGENCY: Bonneville Power Administration (BPA), U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on an information collection request modification that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995.

DATES: Comments regarding this proposed information collection must be received on or before March 30, 2026. If you anticipate any difficulty in submitting comments within that period, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

ADDRESSES: Written comments may be sent to Bonneville Power Administration, Attn: Stephanie Noell, Privacy Program, CGI–7, P.O. Box 3621, Portland, OR 97208–3621, or by email at *privacy@bpa.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Attn: Stephanie Noell, Privacy Program, by email at *privacy@bpa.gov,* or by phone at (503) 230–3881.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, 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 respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

(1) *OMB No.:* 1910–5205;

(2) *Information Collection Request Title:* BPA Realty—Application for Proposed use of Right-of-Way;

(3) *Type of Request:* Modification;

(4) *Purpose:* This information collection is associated with BPA's management and oversight of applications for public use of BPA right-of way. This submittal is an update of the form to ask questions to facilitate the review of these requests. The general public completes BPA F 4300.03e;

(5) *Annual Estimated Number of Respondents:* 400;

(6) *Annual Estimated Number of Total Responses:* 400;

(7) *Annual Estimated Number of Burden Hours:* 464;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $110,000.

Statutory Authority: 16 U.S.C. 832a *et seq.*

Signing Authority

This document of the Department of Energy was signed on December 10, 2025, by Candice D. Palen, Information Collection Clearance Manager, Bonneville 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 22, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–01472 Filed 1–26–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/livestreamed meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, February 19, 2026; 5:30–7 p.m. CST.

ADDRESSES: West Kentucky Community and Technical College (WKCTC), Emerging Technology Center, Room 215, 5100 Alben Barkley Drive, Paducah, Kentucky 42001. This meeting will be held in-person at the WKCTC Emerging Technology Center, Room 215 and livestreamed. The meeting will be streamed on YouTube at *https://www.youtube.com/@pppoadvisoryboards8584.* No registration is necessary.

FOR FURTHER INFORMATION CONTACT: Zachary Boyarski at by Phone: (270) 441–6812 or Email: *Zachary.Boyarski@pppo.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on other EM program components. The Board also provides an avenue to fulfill public participation requirements outlined in the National Environmental Policy Act (NEPA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERLA), the Resource Conservation and Recovery Act (RCRA), Federal Facility Agreements, Consent Orders, Consent Decrees and Settlement Agreements.

Tentative Agenda: (agenda topics are subject to change; please contact Zachary Boyarski for the most current agenda)

- Administrative Activities
- Public Comment Period

Public Participation: The meeting is open to the public and public comment can be given orally or in writing. Fifteen minutes are allocated during the meeting for public comment and those wishing to make oral comment will be given a minimum of two minutes to speak. Written comments received at least two working days prior to the meeting will be provided to the members and included in the meeting minutes. Written comments received within two working days after the meeting will be included in the minutes. For additional information on public comment and to submit written comment, please contact Zachary Boyarski at *Zachary.Boyarski@pppo.gov.* The EM SSAB, Paducah, welcomes the attendance of the public at its meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Zachary Boyarski at least seven days in advance of the meeting.

Meeting conduct: The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Questioning of board members or presenters by the public is not permitted.

Minutes: Minutes will be available at the following website: *https://www.energy.gov/pppo/pgdp-cab/listings/meeting-materials.*

Signing Authority: This document of the Department of Energy was signed on January 23, 2026, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on January 23, 2026.

Jennifer Hartzell,

Alternate Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–01559 Filed 1–26–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER25–1890–000]

PJM Interconnection, L.L.C.; Notice Granting Motion To Hold Proceeding in Abeyance

On January 13, 2026, Sugar Maple Wind, LLC and Twin Ridges LLC filed a joint motion in the above-captioned proceeding requesting that the Commission hold the proceeding in abeyance for a period of three months from the date of an order granting their motion. No comments were filed.

Upon consideration, notice is hereby given that the joint motion is granted. As such, the proceeding will be held in abeyance for three months, up to and including April 21, 2026, as requested.

Dated: January 21, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–01474 Filed 1–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC26–51–000.

Applicants: SR Adamsville, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of SR Adamsville, LLC.

Filed Date: 1/21/26.

Accession Number: 20260121–5183.

Comment Date: 5 p.m. ET 2/11/26.

Docket Numbers: EC26–52–000.

Applicants: Blythe Mesa Solar II, LLC, IP Oberon, LLC, IP Oberon II, LLC, IP Energy Marketing, LLC, IP Aramis, LLC, IP Easley, LLC, IP Easley II, LLC, Pape, Nicholas, TPG Rise Idaho, L.P., Climate Adaptive Infrastructure LLC, Greenbelt Capital Partners MGP, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Blythe Mesa Solar II, LLC, et al.

Filed Date: 1/21/26.
Accession Number: 20260121–5186.
Comment Date: 5 p.m. ET 2/11/26.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–42–000.
Applicants: Pacific Gas and Electric Company.
Description: Petition for Declaratory Order of Pacific Gas and Electric Company.
Filed Date: 1/16/26.
Accession Number: 20260116–5194.
Comment Date: 5 p.m. ET 2/17/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–2254–007.
Applicants: Scrubgrass Generating Company, L.P.
Description: Compliance filing: Scrubgrass Reclamation Company, L.P. submits tariff filing per 35: Compliance Filing Revising Filed Tariff Records to be effective 11/15/2024.
Filed Date: 1/21/26.
Accession Number: 20260121–5168.
Comment Date: 5 p.m. ET 2/11/26.

Docket Numbers: ER17–556–011; ER17–104–013; ER17–105–013; ER15–1019–013; ER12–726–014; ER10–1362–012; ER12–2639–016; ER18–2158–008; ER23–2469–006; ER11–3959–013; ER21–2330–006; ER21–2331–006; ER21–2333–006; ER21–2336–006; ER22–2703–009.
Applicants: Pattern Energy Management Services LLC, Tecolote Wind LLC, Red Cloud Wind LLC, Duran Mesa LLC, Clines Corners Wind Farm LLC, Post Rock Wind Power Project, LLC, Lost Creek Wind, LLC, Stillwater Wind, LLC, Ocotillo Express LLC, Hatchet Ridge Wind, LLC, Spring Valley Wind LLC, Fowler Ridge IV Wind Farm LLC, Broadview Energy JN, LLC, Broadview Energy KW, LLC, Grady Wind Energy Center, LLC.
Description: Notice of Change in Status of Grady Wind Energy Center, LLC, et al.
Filed Date: 1/16/26.
Accession Number: 20260116–5199.
Comment Date: 5 p.m. ET 2/6/26.

Docket Numbers: ER22–1839–003.
Applicants: Panther Creek Power Operating, LLC.
Description: Compliance filing: Compliance Filing Revising Filed Tariff Records to be effective 1/21/2026.
Filed Date: 1/21/26.
Accession Number: 20260121–5160.
Comment Date: 5 p.m. ET 2/11/26.

Docket Numbers: ER26–1095–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2026–01–21—SPS Transmission Incentive Filing to be effective 3/23/2026.
Filed Date: 1/21/26.
Accession Number: 20260121–5144.
Comment Date: 5 p.m. ET 2/11/26.

Docket Numbers: ER26–1096–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: GIA, SA No. 7805; AG1–135 and Notice of Cancellation of SA Nos. 6919 and 6920 to be effective 12/23/2025.
Filed Date: 1/22/26.
Accession Number: 20260122–5054.
Comment Date: 5 p.m. ET 2/12/26.

Docket Numbers: ER26–1097–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Non-Substantive Revisions to Section 6.2 of the SPP Bylaws to be effective 4/1/2026.
Filed Date: 1/22/26.
Accession Number: 20260122–5061.
Comment Date: 5 p.m. ET 2/12/26.

Docket Numbers: ER26–1098–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: GIA SA No. 7804 & Cancellation of IISA SA No. 6979 & ICSA SA No. 6986; AG1–153 to be effective 12/23/2025.
Filed Date: 1/22/26.
Accession Number: 20260122–5070.
Comment Date: 5 p.m. ET 2/12/26.

Docket Numbers: ER26–1099–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Ministerial Clean-Up Revisions to PJM Tariff and Operating Agreement to be effective 6/1/2023.
Filed Date: 1/22/26.
Accession Number: 20260122–5086.
Comment Date: 5 p.m. ET 2/12/26.

Docket Numbers: ER26–1100–000.
Applicants: PacifiCorp.
Description: Tariff Amendment: Notice of Termination (RS No. 783) to be effective 3/26/2026.
Filed Date: 1/22/26.
Accession Number: 20260122–5093.
Comment Date: 5 p.m. ET 2/12/26.

Docket Numbers: ER26–1101–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Service Agreement No. 173, NITS w/ APS M&T Amendment No. 1 to be effective 3/24/2026.
Filed Date: 1/22/26.
Accession Number: 20260122–5097.
Comment Date: 5 p.m. ET 2/12/26.

Docket Numbers: ER26–1102–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to GIA, SA No. 7349; AF1–084 to be effective 3/24/2026.
Filed Date: 1/22/26.
Accession Number: 20260122–5134.
Comment Date: 5 p.m. ET 2/12/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: January 22, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–01584 Filed 1–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[P–10481–072]

Eagle Creek Hydro Power, LLC; Eagle Creek Land Resources, LLC; Eagle Creek Water Resources, LLC; Notice of Application Accepted for Filing and 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. *Type of Application:* Amendment of license to replace hydropower project penstock.
b. *Project No.:* 10481–072.
c. *Date Filed:* January 5, 2026.
d. *Applicants:* Eagle Creek Hydro Power, LLC, Eagle Creek Land Resources, LLC, Eagle Creek Water Resources, LLC.

e. *Name of Project:* Mongaup Falls Project.

f. *Location:* The project is located on the Mongaup River in Sullivan County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Jody Smet, Eagle Creek Renewable Energy, LLC, 7315 Wisconsin Avenue, Suite 1100W, Bethesda, MD 20814, (804) 382–1764, *jody.smet@eaglecreekre.com.*

i. *FERC Contact:* Mr. Steven Sachs, (202) 502–8666, *Steven.Sachs@ferc.gov.*

j. *Cooperating agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k. below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* February 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, Maryland 20852. The first page of any filing should include the docket number P–10481–072. Comments emailed to Commission staff are not part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The applicants request an amendment of license to replace the existing woodstave penstock, which catastrophically failed in November 2024 and was completely demolished in October 2025, with a fiber reinforced polymer pipeline. The proposed pipeline would be identical in diameter and length to the existing pipe, at 8 feet and 2,650 feet, respectively, and would follow the same course between the dam and surge tank. The proposed pipe would be supported by both existing and new concrete foundations and would be partially buried for 166 feet of its length. An approximately 165-foot-long gabion retaining wall and backfill would be placed in the area eroded during the penstock failure to restore slope stability and support the penstock and adjacent access road. The applicants propose no changes to operation once the project is functional.

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.

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 21, 2026

Debbie-Ann A. Reese,

Secretary.

[FR Doc. 2026–01473 Filed 1–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–61–000]

Trans-Foreland Pipeline Company, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on January 9, 2026, Trans-Foreland Pipeline Company LLC (Trans-Foreland), 1111 Travis Street, Houston, Texas 77002, filed an application under section 3 of the Natural Gas Act (NGA) and Part 153 of the Commission's regulations to amend the existing authorization for the Kenai LNG Terminal located in Kenai, Alaska (Kenai LNG Terminal). This amendment application (Cool Down Expansion Project) proposes modifications to the facilities described in the Kenai LNG Cool Down Project under Docket No. CP19–118–000 (Cool Down Project), which was authorized on December 17, 2020. The Cool Down Project permitted Trans-Foreland to import LNG at the Kenai LNG Terminal through the installation of an LNG vaporizer module, an electric drive boil-off gas booster compressor, a vaporizer feed

pump, a circulation pump, and appurtenant facilities. These modifications would have resulted in an increase in natural gas supply to Southwest Alaska.

This current filing includes a request to vacate, to the extent necessary, limited portions of that original authorization with respect to the construction of certain facilities of the Cool Down Project and substitute with related facilities, including: (1) higher efficiency facilities for LNG vaporization; (2) additional compressors related to boil-off gas (BOG); (3) enhanced LNG transfer system; and (4) LNG recirculation pumps. With this amendment, the Kenai LNG Terminal will be expanded to receive up to 0.4 million metric tons per annum of LNG and achieve a send out capacity of up to 20 billion cubic feet per year, all as more fully set forth in the application which is on file with the Commission and open for 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 regarding the proposed project should be directed to Chris Miller, Senior Vice President and General Counsel, Harvest Midstream Company, 1111 Travis Street, Houston, Texas 77002, by phone at (713) 289–2737, or by email at *cmiller@harvestmidstream.com.*

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on February 11, 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.*

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)[2] and 385.211[3] of the Commission's regulations under the NGA, any person[4] may file a protest to the application. Protests must comply with the requirements specified in section 385.2001[5] of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on February 11, 2026.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP26–61–000 in your submission.

(1) 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;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. 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 ''Comment on a Filing''; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP26–61–000).

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 courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, 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

[1] 18 CFR 157.9.

[2] 18 CFR 157.10(a)(4).

[3] 18 CFR 385.211.

[4] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[5] 18 CFR 385.2001.

proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[6] 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 Procedure[7] and the regulations under the NGA[8] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on February 11, 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.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP26–61–000 in your submission.

(1) You may file your motion to intervene 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 ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf*; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP26–61–000.

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 courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (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: Chris Miller, Senior Vice President and General Counsel, Harvest Midstream Company, 1111 Travis Street, Houston, Texas 77002, or by email (with a link to the document) at *cmiller@harvestmidstream.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. Service can be via email with a link to the document.

All timely, unopposed[9] motions to intervene are automatically granted by operation of Rule 214(c)(1).[10] 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.[11] 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.

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.*

Intervention Deadline: 5:00 p.m. Eastern Time on February 11, 2026.

(Authority: 18 CFR 2.1)

Dated: January 21, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–01477 Filed 1–26–26; 8:45 am]

BILLING CODE 6717–01–P

[6] 18 CFR 385.102(d).

[7] 18 CFR 385.214.

[8] 18 CFR 157.10.

[9] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[10] 18 CFR 385.214(c)(1).

[11] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2302–101]

Brookfield White Pine Hydro, LLC; Notice of Revised Schedule for Environmental Assessment

On August 28, 2024, Brookfield White Pine Hydro, LLC filed an application for a new major license for the 26.84-megawatt Lewiston Falls Hydroelectric Project (Lewiston Falls Project; FERC No. 2302). The Lewiston Falls project is located on the Androscoggin River in Androscoggin County, Maine.

In accordance with the Commission's regulations, on May 15, 2025, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. On July 30, 2025, the Commission issued a notice indicating that staff intended to prepare a draft and final Environmental Assessment (EA). The notice included an anticipated schedule for issuing the draft EA in January 2026. However, upon further review, staff intends to prepare a single EA on the application to relicense the Lewiston Falls Project.[1]

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

For public inquiries and assistance with making filings such as interventions, comments, or requests for

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1753881652.

rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov*.

By this notice, Commission staff is updating the procedural schedule for completing the EA. The revised schedule is shown below. The EA will be issued for a 30-day comment period. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA	June 15, 2026.

Any questions regarding this notice may be directed to Lauren Townson at *Lauren.Townson@ferc.gov*.

(Authority: 18 CFR 2.1)

Dated: January 22, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–01581 Filed 1–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–45–000]

Egan Hub Storage, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Egan Cavern Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the Egan Cavern Expansion Project involving construction and operation of facilities by Egan Hub Storage, LLC (Egan Hub) in Acadia Parish, Louisiana. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on February 23, 2026. Comments may be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on December 18, 2025, you will need to file those comments in Docket No. CP26–45–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Egan Hub provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas, Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. 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; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP26–45–000) on your letter. 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.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you

subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

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.*

Summary of the Proposed Project

Egan Hub proposes to expand operations at its existing natural gas storage facility in Acadia Parish, Louisiana. Specifically, at its existing facility, Egan Hub would construct and operate two new salt dome storage caverns each with a working gas capacity of 8.0 billion cubic feet (Bcf) and a base gas capacity of 4.3 Bcf; a new leaching and dewatering facility; new on-site compression facilities; and one new freshwater supply well. A new 0.75-mile-long 18-inch-diameter freshwater pipeline would also be installed to connect the freshwater well to the leaching and dewatering facility; a 0.25-mile-long, 16-inch-diameter freshwater pipeline and a 0.25-mile-long, 16-inch-diameter brine pipeline would be constructed to connect the new caverns to the new leaching and dewatering system; and two new 0.25-mile-long 16-inch-diameter gas pipelines would be constructed to tie-in the new caverns to the existing facility.

The project also includes construction of a new saltwater disposal (SWD) well at a separate site located 1.5 miles southwest of the Egan Facility which would be tied into an existing brine disposal pipeline via installation of 485 feet total of 16-, 12-, and 8-inch-diameter pipeline.

The general location of the project facilities is shown in appendix A.[1]

Land Requirements for Construction

With the exception of the new proposed SWD well and associated pipelines and access roads, project workspace would be fully within the existing 192-acre Egan Facility. Specifically, during construction, 65.4 acres of the existing Egan Hub property would be required to support construction of the project. Operation of the facility would result in 11.4 acres of new permanent impacts, including footprints of the new facilities, new permanent access roads, and permanent modifications of existing access roads.

Construction of the new SWD well and associated access roads and tie-in pipeline would require 5.4 total acres of land and would result in new permanent impacts of 1.2 acres.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- socioeconomics;
- land use;
- air quality and noise; and
- reliability and safety.

Commission staff have already identified issues that deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Egan Hub. This preliminary list of issues may change based on your comments and our analysis:

- surficial subsidence due to groundwater and hydrocarbon withdrawal; and
- impacts on groundwater users in the project vicinity from groundwater extraction required for leaching of the new storage caverns.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary[2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary.'' For instructions on connecting to eLibrary, refer to the last page of this notice. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] Cooperating agency responsibilities are addressed in Section 107(a)(3) of NEPA (42 U.S.C. 4336(a)(3)).

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Environmental Mailing List

The environmental mailing list includes: federal, state, and local government representatives and agencies; elected officials; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP26–45 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached ''Mailing List Update Form'' (appendix B).

Additional Information

Additional information about the project is available from the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

(Authority: 18 CFR 2.1)

Dated: January 22, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–01579 Filed 1–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3015–019]

Southeast Alaska Power Agency; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 CFR part 380, Commission staff reviewed Southeast Alaska Power Agency's application for a capacity amendment of the license for the Tyee Lake Hydroelectric Project No. 3015 and have prepared an Environmental Assessment (EA) for the project.[1] The licensee proposes to install a third turbine-generator unit, which would increase the total installed capacity of the project to 33.75–MW. The project is located on Tyee Creek in Wrangell Borough, Alaska. The project occupies federal lands administered by the U.S. Forest Service within the Tongass National Forest.

The EA contains Commission staff's analysis of the potential environmental effects of the proposed amendment, alternatives to the proposed action, and concludes that the proposed amendment, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The EA may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–3015) in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

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, contact FERC Online Support.

[1] The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1755615863.

All comments must be filed by February 23, 2026, by 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments 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. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–3015–019.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

For further information, contact Kelly Fitzpatrick at 202–502–8435 or *kelly.fitzpatrick@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: January 22, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–01580 Filed 1–26–26; 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: RP26–396–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreement—Citadel RPK–5006 to be effective 1/21/2026.
*Filed Date:*1/22/26.
Accession Number: 20260122–5001.
Comment Date: 5 p.m. ET 2/3/26.

Docket Numbers: RP26–397–000.
Applicants: Cheniere Creole Trail Pipeline, L.P.

Description: § 4(d) Rate Filing: Creole Trail Revised Tariff Filing to be effective 2/21/2026.

Filed Date: 1/22/26.

Accession Number: 20260122–5059.

Comment Date: 5 p.m. ET 2/3/26.

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.*

Dated: January 22, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–01578 Filed 1–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DI26–1–000; Project No. 13871–000]

Wagon Wheel Associates, Inc., Wagon Wheel Associates; Notice of Petition for Declaratory Order and Soliciting Comments, Protests, and Motions To Intervene

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Petition for Declaratory Order.

b. *Docket Nos:* DI26–1–000 and P–13871–000.

c. *Date Filed:* October 29, 2025.

d. *Applicant:* Wagon Wheel Associates, Inc.

e. *Name of Project:* Humphreys Hydroelectric Project.

f. *Location:* The Humphreys Hydroelectric Project is located on Goose Creek, near the town of South Fork, in Mineral County, Colorado.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b)(1).

h. *Applicant Contact:* Ruth Brown, Wagon Wheel Associates, Inc., 7.5 Goose Creek Road, South Fork, CO 81154; email: *ruthiebrown@comcast.net*; Agent Contact: Karl F. Kumli, III, 2060 Broadway, Suite 400, Boulder, Colorado 80302; telephone: (303) 447–1375; email: *karlk@dietzedavis.com.*

i. *FERC Contact:* Maryam Akhavan, (202) 502–6110, or *Maryam.Akhavan@ferc.gov.*

j. *Deadline for filing comments, protests, and motions to intervene is:* February 20, 2026, by 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, protests, and motions to intervene using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket numbers DI26–1–000 and P–13871–000. Comments emailed to Commission staff are not considered part of the Commission record.

k. *Description of Project:* The existing Humphreys Hydroelectric Project (P–13871) consists of: (1) 186-foot-long, 90-foot-high concrete arch dam with twin 36-inch outlets; (2) 148-foot long, 70-foot-wide concrete ogee overflow spillway; (3) 44-acre reservoir with normal storage of 842 acre feet and a normal surface elevation of 8,971.15 feet mean sea level; (4) siphon intake and trash rack constructed on the left abutment of the dam at an elevation 8,971.15 feet mean sea level; (5) 36-inch-diameter, 600-foot-long above ground steel penstock leading from the siphon intake to the powerhouse; (6)16-foot-wide by 24-foot-long powerhouse housing the turbine, generator, switchgear and controls; (7) 310-kilowatt nameplate capacity turbine generator; (8) 500-foot-long, 25-kilovolt buried cable connecting the powerhouse to the existing underground power line located adjacent to the main ranch access road; and (9) appurtenant facilities.

This petition seeks a declaration finding that the Humphreys Hydroelectric Project is non-jurisdictional because the project is not located on a navigable stream or a tributary to a navigable waterway over which Congress has jurisdiction under the Commerce Clause; does not involve post-1935 construction; and does not directly affect interstate or foreign commerce.

When a Petition for Declaratory Order is filed with the Commission, requesting a jurisdictional determination for an existing project, a review is begun to determine if the interests of interstate or foreign commerce are affected by the project. The Commission also determines whether or not the project: (1) is located on a navigable waterway; (2) is occupying or affecting public lands or reservations of the United States; (3) is utilizing surplus water or water power from a government dam; or (4) if applicable, has undertaken any construction subsequent to 1935 that may have increased the project's head or generating capacity, or has otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* 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.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *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, and .214. 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.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTESTS'', and ''MOTIONS 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.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

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 21, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–01475 Filed 1–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–62–000]

ANR Pipeline Company; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 9, 2026, ANR Pipeline Company (ANR), 700 Louisiana Street, Suite 1300, Houston, Texas 77002, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.213, and 157.216 of the Commission's regulations under the Natural Gas Act (NGA), and ANR's blanket certificate issued in Docket No. CP82–480–000, for authorization to: (1) abandon eight injection/withdrawal (I/W) storage wells, ten associated pipelines, and appurtenant facilities; and (2) convert one active I/W well to observation status in its Loreed Storage Field located in Osceola County, Michigan (2026 Loreed Wells Project). ANR states that eight I/W wells do not provide significant value in terms of flow performance or maintaining current integrity standards. The estimated cost for the project is $4,859,725, 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 application should be directed to LaShawndra R. Proctor, Manager, Project Authorizations, 7000 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, by phone at 832–320–5232; or 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 person [2] 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

[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).

in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] 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 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 CP26–62–000 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 CP26–62–000.

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, Project Authorizations, 7000 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 21, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–01476 Filed 1–26–26; 8:45 am]

BILLING CODE 6717–01–P

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[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.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R06–OW–2025–0307; FRL–12770–01–R6]

Proposed Modification of NPDES General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf of the Gulf of America (GMG290000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed modification of NPDES General Permit.

SUMMARY: The Regional Administrator of Region 6 is seeking comments on a proposed narrow modification to the National Pollutant Discharge Elimination System (NPDES) General Permit No. GMG290000 for existing and new sources and new dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category, located in and discharging to the Outer Continental Shelf offshore of Louisiana and Texas. The discharge of produced water to that portion of the Outer Continental Shelf from Offshore Subcategory facilities located in the territorial seas of Louisiana and Texas is also authorized by this permit. The proposed modification: changes the compliance date for acute Whole Effluent Toxicity (WET) limitations for Well Treatment Fluids, Completion Fluids, and Workover Fluids (TCW) discharges; change the name ''Gulf of Mexico'' to ''Gulf of America''; and, adds duration of discharge reporting requirements for TCW fluids. The current compliance schedule to meet acute WET limitations for TCW discharges ended May 11, 2025. The proposed modification changes the final date for compliance with these WET limitations to May 11, 2028, which is the end of the permit term. Region 6 is also seeking comments on the Draft Environmental Assessment (EA) and Preliminary Finding of No Significant Impact (FONSI) during the 60-day public comment period for this general permit. The Draft EA addresses

potential impacts from proposed modification to the general permit. EPA is not reopening any other conditions of this permit as a part of this modification.

DATES: Comments must be submitted in writing to EPA on or before March 30, 2026. A virtual public hearing will be held. More information on the date and how to participate will be posted on the EPA public notices web pages for Texas and Louisiana at *https://www.epa.gov/publicnotices* at least 30 days prior to the virtual public hearing.

Proposed Documents: A draft permit, fact sheet, draft Environmental Assessment (EA) and preliminary Finding of No Significant Impact (FONSI), and other supporting documents are available online via the docket for this action at: *https://www.regulations.gov* or on EPA public notices web pages for Texas and Louisiana at: *https://www.epa.gov/publicnotices/notices-search.*

To obtain hard copies of these documents or any other information in the administrative record, please email *R6NPDES@epa.gov.*

Other Legal Requirements: Other statutory and regulatory requirements are discussed in the fact sheet that include: Oil Spill Requirement; Ocean Discharge Criteria Evaluation; Marine Protection, Research, and Sanctuaries Act; National Environmental Policy Act; Magnuson-Stevens Fisheries Conservation and Management Act; Endangered Species Act; State Water Quality Standards and State Certification; Coastal Zone Management Act; Paperwork Reduction Act; Regulatory Flexibility Act; National Historic Preservation Act; Offshore Subcategory of the Oil and Gas Extraction Point Source Category; 40 CFR 122.62; 40 CFR 124.13; and 40 CFR 124.5(c)(2).

How do I comment on this proposal?

Comment Submittals: You may send comments, identified by Docket ID. No. EPA–R06–OW–2025–0307; by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method).
- *By Email:* Send comments by email to *R6NPDES@epa.gov.* Include Docket ID. No. EPA–R06–OW–2025–0307; in the subject line of the email.
- *By Mail/Hand Delivery/Courier:* Deliver comments to U.S. EPA, Attn: 6WDPE, 1201 Elm Street, Dallas, Texas 75270.
- We encourage the public to submit comments via *www.Regulations.gov* or via email.
- Please submit your comments within the specified time period cited in the **DATES** section of this document. Comments received after the close of the comment period will be marked ''late''. The EPA is not required to consider these late comments. All comments received by the EPA in accordance with this section by the ending date of the comment period will be considered by the EPA before a final decision is made regarding permit issuance.
- Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket.

Do not submit to EPA's docket or email any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Administrative record: All documents and references used in the development of this permit are part of the Administrative Record for this permit. 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, will be publicly available only in hard copy. Publicly available materials are available either electronically or in hard copy from *R6NPDES@epa.gov.* The Administrative Record may also be viewed at the EPA Region 6 Offices from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. For more information on scheduling a time to view the Record or to obtain copies of available documents, please email *R6NPDES@epa.gov.*

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Troy Hill,

Director, Water Division, EPA Region 6.

[FR Doc. 2026–01469 Filed 1–26–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1161; FR ID 327585]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before March 30, 2026. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1161.

Title: Construction requirements; Interim reports—Sections 27.14(g)–(l).

Form Number: N/A.

Type of Review: Extension of currently approved information collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 200 respondents; 200 responses.

Estimated Time per Response: 15 hours.

Frequency of Response: One-time reporting requirement and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for, these collections are contained in 47 U.S.C. 154, 301, 302(a), 303, 309, 332, 336, and 337 unless otherwise noted.

Total Annual Burden: 3,000 hours.

Total Annual Cost: $180,000.

Needs and Uses: The information collection requirements contained in this collection are as follows: a. 700 MHz Construction Notification—47 CFR 27.14(k). 47 CFR 27.14(k) requires certain 700 MHz licensees to file a construction notification with the Commission within 15 days of the expiration of the relevant benchmark in accordance with the provisions set forth in 47 CFR 1.946(d), demonstrating compliance with performance requirements or, if they have not met the performance requirements, a description and certification of the areas for which they are providing service. In the construction notification, a licensee must certify whether it has met the applicable performance requirement as set forth below. The licensee must file a description and certification of the areas for which it is providing service, using electronic coverage maps, supporting technical documentation and other information as the Wireless Telecommunications Bureau may prescribe by Public Notice.

47 CFR 27.14(g). 47 CFR 27.14(g) requires 700 MHz licensees holding EA authorizations for Block A in the 698–704/728–734 MHz bands (''Block A''), CMA authorizations for Block B in the 704–710/734–740 MHz bands (''Block B''), and EA authorizations for Block E in the 722–728 MHz band (''Block E''), where the results of the first auction in which licenses for such authorizations were offered satisfy the reserve price for the applicable block, to file construction notifications with the Commission within 15 days after:

(1) June 12, 2013, or the fourth anniversary of initial license grant if the initial authorization in a market is granted after June 12, 2009. In the construction notification, licensees must certify and demonstrate that they are providing signal coverage and offering service over at least 35 percent of the geographic area of each of their license authorizations.

(2) The end of the applicable license term. In the construction notification, licensees must certify and demonstrate that they are providing such service over at least 70 percent of the geographic area of each of these authorizations.

47 CFR 27.14(h). 700 MHz licensees holding REAG authorizations for Block C in the 746–757/776–787 MHz bands (''Block C''), as well as 700 MHz licensees holding REAG authorizations for Block C2 in the 752–757/782–787 MHz bands (C2), must file construction notifications with the Commission within 15 days after:

(1) June 12, 2013, or the fourth anniversary of initial license grant if the initial authorization in a market is granted after June 12, 2009. In the construction notification, licensees must certify and demonstrate that they are providing signal coverage and offering service over at least 40 percent of the population in each EA comprising the REAG license area.

(2) The end of the applicable license term. In the construction notification, licensees must certify and demonstrate that they are providing such service over at least 75 percent of the population of each of these EAs.

47 CFR 27.14(i). 700 MHz licensees holding EA authorizations for Block A, CMA authorizations for Block B, and EA authorizations for Block E where the results of the first auction in which licenses for such authorizations in Blocks A, B, and E were offered did not satisfy the reserve price for the applicable block, as well as EA authorizations for Block C1 in the 746–752/776–782 MHz bands (''Block C1'') must file construction notifications with the Commission within 15 days after:

(1) June 12, 2013, or the fourth anniversary of initial license grant if the initial authorization in a market is granted after June 12, 2009. In the construction notification, licensees must certify and demonstrate that they are providing signal coverage and offering service over at least 40 percent of the population in each license area.

(2) The end of the applicable license term. In the construction notification, licensees must certify and demonstrate that they are providing such service over at least 75 percent of the population of the areas.

47 CFR 27.14(j). 47 CFR 27.14(j) provides that, in the event that a licensee's authority to operate in an area terminates automatically for failure to comply with the applicable construction requirements identified in 47 CFR 27.14(g), (h), or (i), the unserved area will become available for relicensing to third parties. A 700 MHz licensee holding an authorization granted pursuant to the unserved area licensing procedures set forth in 47 CFR 27.14(j) must file a construction notification with the Commission within 15 days after the one-year anniversary of initial license grant. In the construction notification, a licensee must certify and demonstrate that it is providing signal coverage and offering service over 100 percent of the geographic area of the new license area.

700 MHz Interoperability Order. Pursuant to the 700 MHz Interoperability Order, the interim construction deadline for Block A and Block B licensees was extended to December 13, 2016. The 700 MHz Interoperability Order waived the interim construction requirement for certain Block A licensees due to technical issues arising from their proximity to Television Channel 51 stations. Further, the interim construction deadline for Block E was extended to March 7, 2017, and the final Block E construction deadline was moved to March 7, 2021.

b. 700 MHz Interim Reporting Requirement—47 CFR 27.14(l). Pursuant to 47 CFR 27.14(l), 700 MHz licensees with authorizations in the spectrum blocks identified above (Blocks A, B, E, C, C1 and C2), excluding any licensee that obtained its license pursuant to the procedures set forth in 47 CFR 27.14(j), must file interim reports with the Commission that provide the Commission, at a minimum, with information concerning the status of their efforts to meet the performance requirements applicable to their authorizations in such spectrum blocks and the manner in which that spectrum is being utilized.

Required Information. Licensees must identify the date the license term commenced, and provide a description of the steps the licensee has taken toward meeting its construction obligations in a timely manner, including the technology or technologies and service(s) being provided, as well as the areas within their license areas in which those services are available.

Deadlines. Pursuant to 47 CFR 27.14(l), licensees were required to file their first interim report with the Commission no later than June 12, 2011 and no sooner than 30 days prior to this date. Licensees that meet their interim construction benchmarks must file a second interim report with the Commission no later than June 12, 2016, and no sooner than 30 days prior to this date. Licensees that do not meet their interim construction benchmarks must file their second interim report no later

than on June 12, 2015, and no sooner than 30 days prior to this date.

However, the 700 MHz Interoperability Order waived the second interim report requirement for Lower 700 MHz band A and B Block licensees subject to the extended interim construction benchmark deadline. The 700 MHz Interoperability Order did not waive the reporting requirement for Lower 700 MHz band A Block licensees subject to a waiver of the interim construction benchmark deadline because of Channel 51 interference protection requirements. That order also extended the deadline until March 7, 2019, for Lower 700 MHz band E Block licensees to file a second status report regarding the licensees' efforts to meet their performance requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–01557 Filed 1–26–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 327629]

Sunshine Act Meeting; Open Commission Meeting Thursday, January 29, 2026

January 22, 2026.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, January 29, 2026 which is scheduled to commence at 10:30 a.m. in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC.

While attendance at the Open Meeting is available to the public, the FCC headquarters building is not open access, and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the Open Meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: *www.fcc.gov/visit.* Open Meetings are streamed live at: *www.fcc.gov/live* and on the FCC's YouTube channel.

Item No.	*Bureau*	*Subject*
1	Office Of Engineering and Technology	*Title:* Expanding Unlicensed Operations in the 6 GHz Band (ET Docket No. 18–295) *Summary:* The Commission will consider a Fourth Report and Order that would permit a new class of unlicensed 6 GHz devices—geofenced variable power (GVP) unlicensed devices—that operate outdoors at higher power. The Commission will also consider a Third Further Notice of Proposed Rulemaking that would allow for increased power for certain 6 GHz operations controlled by automated frequency coordination systems and extend low-power indoor operations to cruise ships.
2	Wireline Competition	*Title:* Establishing Transparency in Foreign Adversary Control (GN Docket No. 25–166) *Summary:* The Commission will consider a Report and Order that would adopt new attestation and disclosure requirements for holders of Commission-granted licenses, leases, authorizations, permits, grants and other approvals, that would enhance public transparency over Foreign Adversary Control over U.S. communications networks operators.
3	Office of International Affairs	*Title:* Promoting Clarity By Codifying and Simplifying Foreign Ownership Rules (GN Docket No. 25–149) *Summary:* The Commission will consider a Report and Order that would adopt clarifications to the Commission's foreign ownership rules and practices for foreign investment in common carrier wireless and aeronautical radio, and broadcast licensees to reduce unnecessary burdens on industry while continuing to protect the public interest, including national security, law enforcement, foreign policy, and trade policy.
4	Consumer and Governmental Affairs	*Title:* Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities (CG Docket No. 03–123); Structure and Practices of the Video Relay Service Program (CG Docket No. 10–51); Misuse of Internet Protocol Relay Service (CG Docket No. 12–38) *Summary:* The Commission will consider a Notice of Proposed Rulemaking that would seek comment on enhancements for Internet Protocol (IP) Relay and Video Relay Services (VRS), administrative reforms to streamline the TRS program, updating or eliminating obsolete rules, and closing outdated dockets.

* * * * *

The meeting will be webcast at: *www.fcc.gov/live.* Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Press Access—Members of the news media are welcome to attend the meeting and will be provided reserved seating on a first-come, first-served basis. Following the meeting, the Chairman may hold a news conference in which he will take questions from credentialed members of the press in attendance. Also, senior policy and legal staff will be made available to the press in attendance for questions related to the items on the meeting agenda. Commissioners may also choose to hold press conferences. Press may also direct questions to the Office of Media Relations (OMR): *MediaRelations@fcc.gov.* Questions about credentialing should be directed to OMR.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.*

Authority: This meeting is held, in accordance with the Government in the Sunshine Act (Sunshine Act), Public Law 94–409, as amended (5 U.S.C. 552b).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–01556 Filed 1–23–26; 11:15 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreement to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of General Counsel at (202)–523–5740 or *GeneralCounsel@fmc.gov.*

Agreement No.: 010071–049.

Agreement Name: Cruise Lines International Association.

Parties: Aida Cruises, American Cruise Lines, Inc., Albatros Expeditions A/S; Ambassador Cruise Line Limited; American Cruise Lines Inc.; Atlas Ocean Voyages; Aurora Expeditions; Australian Pacific Touring Pty Ltd; Azamara; Carnival Cruise Lines; Celebrity Cruises, Inc.; Celestyal Cruises; Coral Expeditions; Costa Cruise Lines (Costa Crociere S.P.A.); Crystal Cruises USA LLC (Crystal Cruises Ltd); Cunard Line; Disney Cruise Line Limited; Disney Cruise Line; Emerald Cruises; Explora SA; Fred Olsen Cruise Lines Limited; Hapag-Lloyd Cruises; Heritage Expeditions Limited; Holland America Line N.V.; Marella Cruises; MSC Cruises S.A.; Mystic Cruises; Norwegian Cruise Line Holdings Ltd; Oceania Cruises Inc.; P&O Cruises; Pearl Seas Cruises LLC; Ponant Yacht Cruises & Expeditions; Princess Cruises; Quark Expeditions; Regent Seves Seas Cruises; Royal Caribbean International; SAGA Cruises Limited; Scenic Luxury Cruises & Tours; Sea Cloud Cruises GmbH; Seabourn Cruise Line Limited; Seadream Yacht Club, Ltd.; Swan Hellenic Cruises; TUI Cruises GmbH; Virgin Voyages; and Windstar Cruises.

Filing Party: Tonia Woodley, Cruise Lines International Association.

Synopsis: The amendment updates the membership of the Agreement and revises the Agreement's by-laws.

Proposed Effective Date: 1/21/2026.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/999.

Agreement No.: 201349–006.

Agreement Name: World Shipping Council Agreement.

Parties: COSCO Shipping Lines Co., Ltd., Orient Overseas Container Line Ltd., and OOCL (Europe) Limited (acting as a single party); CMA CGM S.A., APL Co. Pte. Ltd., American President Lines, LLC and ANL Singapore Pte Ltd. (acting as a single party); Crowley Caribbean Services, LLC and Crowley Latin America Services, LLC (acting as a single party); Emirates Shipping Line FZE; Evergreen Marine Corporation (Taiwan) Ltd.; Hapag-Lloyd AG; HMM Company Limited; Independent Container Line, Ltd.; Kawasaki Kisen Kaisha Ltd., Maersk A/S and Hamburg Sud (acting as a single party); Matson Navigation Company, Inc.; MSC Mediterranean Shipping Company SA; Mitsui O.S.K. Lines Ltd.; Nippon Yusen Kaisha; Ocean Network Express Pte. Ltd.; Swire Shipping, Pte. Ltd.; Wallenius Wilhelmsen Ocean AS; Wan Hai Lines Ltd. and Wan Hai Lines (Singapore) Pte Ltd. (acting as a single party); Yang Ming Marine Transport Corp.; and Zim Integrated Shipping Services, Ltd.

Filing Party: Robert Magovern, Cozen O'Connor.

Synopsis: The Amendment would add Höegh Autoliners AS as a party to the Agreement.

Proposed Effective Date: 3/2/2026.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/34503.

Agreement No.: 201429–003.

Agreement Name: Gemini Cooperation Agreement.

Parties: Hapag-Lloyd AG and Hapag-Lloyd USA LLC (acting as a single party); and Maersk A/S.

Filing Party: Wayne Rohde, Cozen O'Connor.

Synopsis: The amendment revises the Agreement to modify the timing of discussions regarding potential seasonal blank sailings.

Proposed Effective Date: 3/6/2026.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/86566.

Agreement No.: 201449–001.

Agreement Name: ONE to YML AT4 Slot Charter Agreement.

Parties: Ocean Network Express Pte. Ltd.; & Yang Ming Joint Service Agreement.

Filing Party: Joshua Stein, Cozen O'Connor.

Synopsis: The amendment adds France and Canada to the geographic scope of the Agreement.

Proposed Effective Date: 1/20/2026.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/88599.

Dated: January 23, 2026.

Jennifer Everling,

Assistant Secretary.

[FR Doc. 2026–01607 Filed 1–26–26; 8:45 am]

BILLING CODE 6730–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–26–1128]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''State Unintentional Drug Overdose Reporting System (SUDORS)'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on 9/30/2025 to obtain comments from the public and affected agencies. CDC received 15 comments relating to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

State Unintentional Drug Overdose Reporting System (SUDORS) (OMB Control Number 0920–1128, exp. 2/26/2026)—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

There has been a rapid increase in opioid overdose deaths since 2013. In the United States, more people are now dying of drug overdose than automobile crashes, although opioids—both opioid pain relievers (OPRs) and illicit forms such as heroin—are also a major factor in overdose-related automobile crashes. On October 26, 2017, the U.S. Department of Health and Human Services (HHS) declared the opioid overdose epidemic to be a national public health emergency.

CDC established the State Unintentional Drug Overdose Reporting System (SUDORS) in order to detect new trends in fatal unintentional drug overdoses, support targeting drug overdose prevention efforts, and assess the progress of the HHS initiative to reduce opioid misuse and overdoses. Respondents are state- or jurisdiction-level health departments. The SUDORS surveillance system generates detailed, timely public health information on unintentional, fatal opioid-related drug overdoses and has been used to inform prevention and response efforts at the national, state, and local levels. SUDORS consolidates and supplements information available to health departments, including vital statistics and records created by medical examiners and coroners (ME/C). SUDORS is built on a web-based software platform and a collaborative surveillance and data integration model developed by CDC and health departments to improve understanding of homicide, suicide, undetermined deaths, and unintentional firearm deaths (National Violent Death Reporting System (NVDRS), OMB Control No. 0920–0607).

Through SUDORS, CDC currently collects information that is not provided on death certificates, such as whether the drug(s) causing the overdoses were injected or taken orally; a toxicology report on the decedent, if available; and risk factors for fatal drug overdoses including previous drug overdoses, decedent's mental health, and whether the decedent recently exited a treatment program. Without this information, efforts to prevent drug overdose deaths are often based on limited information available on the death certificate and anecdotal evidence.

This is a Revision request for the currently approved State Unintentional Drug Overdose Reporting System (SUDORS)—OMB Control No. 0920–1128 (Expiration Date 2/28/2026). With this Revision, CDC is requesting OMB approval for an additional three years to continue data collection efforts. SUDORS assists with ongoing surveillance of fatal unintentional and undetermined intent drug overdoses to support prevention and response efforts. Specifically, participating health departments must abstract medical examiner and/or coroner (ME/C) data and death certificate (DC) data on CDC required data elements into SUDORS.

This Revision request does not entail a change in the estimated burden per response, which is based on the time needed for a health department to retrieve and refile vital statistics records, ME/C records. Modifications to SUDORS include: (1) implementation of updates to the web-based system to improve performance, functionality, and accessibility; and (2) addition of several new data elements to the system. The estimated burden per response does not include the time needed to abstract SUDORS data variables from those sources, since this activity is funded by the SUDORS cooperative agreement. The total estimated annualized burden is 43,631 hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Total number of responses per respondent	Average burden per response (in hours)
Public Agencies	Retrieving and refiling records	51	1,711	30/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–01616 Filed 1–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–26–0995; Docket No. CDC–2026–0100]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National Network of Sexually Transmitted Diseases Clinical Prevention Training Centers (NNPTC). The purpose of the collection is to support program management of the National Network of Sexually Transmitted Disease Clinical Prevention Training Center (NNPTC) and to evaluate the reach and impact of the NNPTC's training activities.

DATES: CDC must receive written comments on or before March 30, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2026–0100 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. 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;

2. 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;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. 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 submissions of responses; and

5. Assess information collection costs.

Proposed Project

National Network of Sexually Transmitted Diseases Clinical Prevention Training Centers (NNPTC) (OMB Control No. 0920–0995, Exp. 3/31/2026)—Extension—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), Division of STD Prevention (DSTDP) requests an Extension of the currently approved information collection request (ICR) that comprises the National Network of Sexually Transmitted Diseases Clinical Prevention Training Centers (NNPTC) Abbreviated Health Professional Application for Training (NNPTC Abbreviated HPAT) for a period of 12 months. This Extension ICR will allow the NNPTC Abbreviated HPAT to continue to serve as the official training application form used for training activities conducted by the Sexually Transmitted Disease (STD) Prevention Training Centers' (PTCs) grantees funded by the (CDC).

The PTCs are funded by CDC/DSTDP to provide training and capacity-building including information, training, technical assistance, and technology transfer. The PTCs offer classroom and experiential training, web-based training, clinical consultation, and capacity building assistance to maintain and enhance the capacity of health care professionals to control and prevent STDs and HIV. The NNPTC Abbreviated HPAT is used to monitor and evaluate performance and reach of grantees that offer STD and HIV prevention training, training assistance, and capacity building assistance to physicians, nurses, disease intervention specialists, health educators, etc. During the previously approved period, data was collected to monitor and evaluate the performance of the NNTPC grantees and the NNPTC program. These data provided the NNPTC with necessary information to improve program processes and operations to improve the quality of STD prevention and treatment.

The 4,500 respondents (who will engage in a total of 11,680 respondent instances) represent an average of the number of health professionals trained by PTC grantees during a grant year. The evaluation instruments collect data on the impact of the training by the NNPTC. This data collection is necessary to assess and evaluate the performance of the grantees in delivering training and to standardize training registration processes across the PTCs.

The NNPTC Abbreviated HPAT allows CDC grantees to use a single instrument when collecting demographic data from its training and capacity building participants, regarding their: (1) occupations, professions, and functional roles; (2) principal employment settings; (3) location of

their work settings; and (4) programmatic and population foci of their work. The NNPTC HPAT takes approximately three minutes to complete. This data collection provides CDC with information to determine whether the training grantees are reaching their target audiences in terms of provider type, the types of organizations in which participants work, the focus of their work and the population groups and geographic areas served. The evaluation instruments are used to assess training and capacity-building outcomes (knowledge, confidence, intention to use information, actual changes made as a result of training) immediately after and again 90 days after training events. The evaluation instruments vary based on the type of training offered and take between approximately 10 minutes to complete (for intensive multi-day trainings) to three minutes to complete (for short didactic or webinar sessions). In the latest grant year, 94% of participants reported having most or all of the knowledge on a topic after completing the training; 88% of participants reported feeling confident or very confident in their skills after completing the training. Of participants that completed the pre- and post-training knowledge and confidence evaluation, 77% indicated an increase in knowledge and 67% reported an increase in skills confidence. Aside from minor updates to ensure compliance with Executive Orders issued since January 2025, there are no substantive changes to the previously approved data collection instruments.

The CDC's Funding Opportunity Announcement PS 20–2024, National Network of Sexually Transmitted Diseases Clinical Prevention Training Centers (NNPTC), requires the collection of national demographic information on grantees' trainees and national evaluation outcomes. There is no change to the previously approved burden estimate. The estimated annualized burden hours for this data collection are 453 hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Total burden (hours)
Healthcare Professionals	NNPTC Abbreviated Health Professional Application for Training (NNPTC HPAT).	4,500	1	3/60	225
Healthcare Professionals	Immediate Post-Course email invitation.	4,500	1	1/60	75
Healthcare Professionals	3 Month Long-Term email invitation	660	1	1/60	11
Healthcare Professionals	Basic Post-Course Evaluation	1200	1	3/60	60
Healthcare Professionals	Basic Long-Term Evaluation	400	1	3/60	20
Healthcare Professionals	Intensive Complete Post-Course Evaluation.	300	1	10/60	50
Healthcare Professionals	Intensive Complete Long-Term Evaluation.	120	1	6/60	12
Total					453

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–01619 Filed 1–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–26–0976]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Million Hearts® Hypertension Control Champions Challenge'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''2025 Million Hearts® Hypertension Control Champions Challenge'' notice on June 16, 2025 to obtain comments from the public and affected agencies. CDC received two comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th

Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Million Hearts® Hypertension Control Champions Challenge (OMB Control No. 0920–0976, Exp. 3/31/2026)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Cardiovascular disease is a leading cause of death for men and women in the United States, among the most costly health problems facing our nation today, and among the most preventable. Heart disease and stroke also contribute significantly to disability. High blood pressure, also known as hypertension, is one of the leading causes of heart disease and stroke. Currently, about 120 million American adults have high blood pressure but only 27 million or one in four adults with hypertension have their blood pressure adequately controlled. The costs of hypertension are estimated at $48.6 billion annually in direct medical costs.

In September 2011, CDC launched the Million Hearts® initiative to prevent one million heart attacks and strokes by 2017. In February 2022, CDC launched Million Hearts® 2027 to continue to prevent one million heart attacks, strokes, and related health conditions. In order to achieve this goal, at least 10 million more Americans must have their blood pressure under control. Million Hearts® is working to reach this goal through the promotion of clinical practices that are effective in increasing blood pressure control among patient populations. There is scientific evidence that provides general guidance on the types of system-based changes to clinical practice that can improve patient blood pressure control, but additional information is needed to fully understand implementation practices so that they can be shared and promoted.

In 2012, CDC launched the Million Hearts® Hypertension Control Challenge, authorized by Public Law 111–358, the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science Reauthorization Act of 2010 (COMPETES Act). The Challenge is designed to help CDC (1) identify clinical practices and health systems that have been successful in achieving high rates of hypertension control, and (2) develop models for dissemination. The Challenge is open to single practice providers, group practice providers, and healthcare systems. Providers whose hypertensive population achieves exemplary levels of hypertension control are recognized as Million Hearts® Hypertension Control Champions.

Interested clinicians or practices complete a web-based application form which collects the minimum amount of data needed to demonstrate hypertension control among their adult patients, including: (a) Two point-in-time measures of the clinical hypertension control rate for the patient population; (b) the size of the clinic population served; (c) a brief description of the characteristics of the patient population served and geographic location; and (d) a description of the sustainable systems and strategies adopted to achieve and maintain hypertension control rates. The estimated burden for completing the application form is 30 minutes. CDC scientists or contractors review each application form and rank applications by reported hypertension control rate.

In the second phase of assessment, applicants with the highest preliminary scores are asked to participate in a two-hour data verification and validation process. The applicant reviews the application form with a reviewer, describes how information was obtained from the providers' (or practices') electronic records, chart reviews, or other sources, and reviews the methodology used to calculate the reported hypertension control rate. Data verification and validation is conducted to ensure that all applicants meet eligibility criteria and assure accuracy of their reported hypertension control rate according to a standardized method. Applicants must have achieved a hypertension control rate of at least 80% among their adult patients aged 18–85 years with hypertension.

Up to 35 finalists who pass the data verification and background check are selected as Champions. Several Champions participate in a one-hour, semi-structured interview and provide detailed information about the patient population served, the geographic region served, and the strategies employed by the practice or health system to achieve exemplary rates of hypertension control, including barriers and facilitators for those strategies. Based on the information collected for Challenges in 2013 through 2024, CDC recognized a total of 199 public and private health care practices and systems as Million Hearts® Hypertension Control Champions. The Champions are announced annually, approximately six months after the Challenge application period ends. The current OMB approval for information collection expires March 31, 2026.

CDC plans to conduct the Million Hearts® Hypertension Control Challenge annually through 2027. The 2026 Challenge is planned to launch in early 2026. The application period will be open for approximately 30–60 days, with recognition of the 2026 Champions in the fall of 2026.

The overall goal of the Million Hearts® initiative is to prevent one million heart attacks and strokes, and controlling hypertension is one focus of the initiative. CDC will use the information collected through the Million Hearts® Hypertension Control Challenge to increase widespread attention to hypertension at the clinical practice level, improve understanding of successful and sustainable implementation strategies at the practice or health system level, bring visibility to organizations that invest in hypertension control, and motivate individual practices to strengthen their hypertension control efforts. Information collected through the Million Hearts® Hypertension Control Challenge will link success in clinical outcomes of hypertension control with information about strategies that can be used to achieve similar favorable outcomes so that the strategies can be replicated by other providers and health care systems.

OMB approval is requested for three years. CDC requests OMB approval for an estimated 165 annual burden hours. Participation is voluntary. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Clinicians, practices, and healthcare systems	Million Hearts® Hypertension Control Champion Application form.	100	1	30/60
Finalists	Data Verification Form	40	1	2
Champions	Semi-structured interview guide	35	1	1

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–01614 Filed 1–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–26–0019; Docket No. CDC–2026–0101]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled, Evaluation of the Supporting Young Breast Cancer Survivors, Metastatic Breast Cancer Patients, and their Families Program. CDC is requesting to collect information about this program using a web-based survey and in-depth interviews to assess whether a specific cooperative agreement has been implemented as intended and to understand recipients' achievements of the program goals and outcomes.

DATES: CDC must receive written comments on or before March 30, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2026–0101 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. 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;

2. 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;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. 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 submissions of responses; and

5. Assess information collection costs.

Proposed Project

Evaluation of the Supporting Young Breast Cancer Survivors, Metastatic Breast Cancer Patients, and their Families Program—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Supporting Young Breast Cancer Survivors, Metastatic Breast Cancer Patients, and their Families program is part of a nationwide initiative of the Centers for Disease Control and Prevention (CDC). In response to the 2010 Education and Awareness Requires Learning Young (EARLY) Act, CDC established the Young Breast Cancer Survivors (YBCS) program, which aims to increase the health and quality of life for women under 45 diagnosed with breast cancer. The YBCS program addresses the unique challenges young women diagnosed with breast cancer encounter such as late detection, aggressive treatment options, severe side effects from treatments, and reproductive health needs such as counseling about premature menopause or fertility changes, which can complicate their care. Recognizing the severity of late-stage cancer, the YBCS program expanded to include young metastatic breast cancer (MBC) patients as they often face significantly aggressive and costly treatments due to harder-to-treat subtypes. CDC awards cooperative agreements to organizations that

demonstrate the capacity to implement proven and innovative strategies to support YBCS, MBC patients, and their families. Those organizations work to: (1) foster meaningful partnerships; (2) educate, inform, and support young breast cancer survivors, metastatic breast cancer patients, and their families; and (3) educate health care providers, community health workers, and patient navigators.

CDC proposes to evaluate the fourth YBCS program cycle (DP24–0061) to examine the funded organizations that provide structured support services, resources, or education to young breast cancer survivors, metastatic breast cancer patients, their families, health care providers, community health workers, and patient navigators. The evaluation will include two primary data collection methods: (1) in-depth interviews; and (2) a web-based survey with each of the 11 funded organizations. Data collection will be facilitated annually with key programmatic staff from the funded organizations to better understand implementation efforts, challenges faced, and outcomes achieved.

To facilitate recruitment and scheduling for the evaluation, four forms of information collection will be implemented. This includes a nomination form and three scheduling forms tailored to the interview respondent's role in the program (one per role: Program Leadership, Program Implementer, and Evaluator). The nomination form will assist recipients with identifying primary and alternate respondents for the interviews and web-survey. The scheduling forms will help invited participants to quickly identify suitable times for interviews. The gather insights from respondents, four additional forms of information will be administered. This includes a web-based survey and three interview guides (one per role: Program Leadership, Program Implementer, Evaluator). The web-based survey will gather information regarding implementation efforts, promising practices, and outcomes of the YBCS program (DP24–0061). The virtual in-depth interviews will be used to provide additional context for how YBCS program recipients (DP24–0061) implement and assess their respective strategies; the factors that facilitate or impede the implementation of specific activities, interventions, and strategies; and the extent to which recipients were able to achieve planned outcomes.

The evaluation may yield information from programs related to support services, resources, and patient-provider interactions. CDC will be able to use the findings from the evaluation to enhance existing efforts to provide educational resources and support services to YBCS, MBC patients, their families, and heath care workers and to inform future funded YBCS programs. Findings will be summarized in a topline report by methodology as well as a comprehensive report.

CDC is requesting new approval. OMB approval is requested for three years. The total estimated annual burden is 79 hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hours)
Program Leadership	Nomination Form	15	1	30/60	8
Program Leadership	Interview Scheduling Form	4	1	5/60	1
Program Implementer	Interview Scheduling Form	7	1	5/60	1
Evaluator	Interview Scheduling Form	4	1	5/60	1
Program Leadership	Program Leadership Interview Guide.	4	1	1.5	6
Program Implementer	Program Implementer Interview Guide.	7	1	1.5	11
Evaluator	Evaluator Interview Guide	4	1	1.5	6
Program Leadership	Web-based Survey	15	1	3	45
Total		60			79

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–01618 Filed 1–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–26–0017; Docket No. CDC–2026–0067]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comments on a proposed information collection project titled Survey to Promote Resources and Opportunities for aUtistic Teens and young adults (SPROUT). This follow-up survey will allow CDC to collect longitudinal data on prior participants in the Study to Explore Early Development (SEED) and family members in order to better understand the healthcare utilization, service and support needs, and impact of co-occurring conditions on autistic adolescents and young adults and their families, as well as the educational,

social, and/or vocational needs and experiences of autistic adolescents and young adults.

DATES: CDC must receive written comments on or before March 30, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2026–0067 by either of the following methods:

□ *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

□ *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. 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;

2. 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;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. 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 submissions of responses; and

5. Assess information collection costs.

Proposed Project

Survey to Promote Resources and Opportunities for aUtistic Teens and young adults (SPROUT)—New—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In 2022, an estimated one in 31 children eight years of age living in 16 communities across the United States had autism, a developmental disability that can cause significant social, communication, and behavior challenges. The Study to Explore Early Development (SEED) was implemented in 2006 to learn more about autism and other developmental disabilities in children 2–5-years of age. Extensive data, from interviews, in-person evaluations, and other sources were collected across three phases (SEED 1–3) in eight geographic areas (California, Colorado, Georgia, Maryland, Missouri, North Carolina, Pennsylvania, and Wisconsin). SEED 1–3 collected data on 9,808 preschool-aged children with autism, another developmental delay or disability, or from the general population. To date, almost 100 analyses of SEED 1–3 data have been published in peer-reviewed journals.

To better understand transition and lifespan issues affecting people with autism as they age, caregivers of children enrolled in SEED 1 (2006–2011) were eligible to participate in a pilot follow-up survey when their child was between 12–16 years of age (2018–2021; SEED Teen). An important outcome of SEED Teen was to demonstrate that longitudinal data collection from SEED participants is feasible (*i.e.,* contact was established with approximately 97% of eligible participants and, of those, 64% enrolled in SEED Teen). SEED Follow-Up was thus initiated in 2021 to survey the broader cohort of SEED 1–3 participants on adolescent and young adult health and well-being. SEED Follow-Up is currently ongoing until June 2026.

The federal government identified a need to improve efforts to better understand lifespan issues among people with autism in the Autism CARES Act of 2024 and a report to Congress in 2017. Despite this, a recent portfolio analysis from the Interagency Autism Coordinating Committee (IACC), indicated that lifespan issues continue to receive the least amount of autism funding from federal agencies. Both the SEED Teen and SEED Follow-Up surveys helped identify healthcare needs and experiences among adolescents with autism. However, gaps in understanding remain in how we can best support adolescents and young adults with autism and their families.

Draft chapters of the 2024 IACC Strategic Plan Update emphasize the need for data on service and support needs and conditions that commonly co-occur with autism. On behalf of the IACC, the Office of National Autism Coordination (ONAC) released a Request for Public Comment on these topics from members of the autistic community. Some identified service and support needs were: (1) provider training; (2) more benefits and insurance coverage; and 3) help with system navigation. Some commonly reported co-occurring conditions were sensory and motor issues, anxiety disorder, sleep problems, attention deficits, hyperactivity, gastrointestinal issues, learning and memory issues, and suicidal ideation. Other topics identified as important to the autistic community are social, education, and vocational experiences and outcomes.

The current information collection request is to conduct longitudinal follow-up surveys that offer unique information about autistic adolescents and young adults, thereby addressing the priorities established in the Autism CARES Act of 2024 and draft 2024 IACC Strategic Plan. Given the size of the original SEED birth cohorts and the wealth of baseline and follow-up information collected, additional surveys of participants can help address critical information gaps. Specifically, the information collected from the Survey to Promote Resources and Opportunities for aUtistic Teens and young adults (SPROUT) will allow us to better understand: (1) the healthcare utilization of, service and support needs of, and impact of co-occurring conditions on autistic people and their families; and (2) the educational, social, and/or vocational needs and experiences of autistic adolescents and young adults.

One survey will be administered to caregivers and a second is a self-report survey administered to children, adolescents and young adults age 9–27. The survey version will be based on the child participant's age and ability to self-report on healthcare utilization, service and support needs, co-occurring conditions, and healthcare transition. CDC requests OMB approval for an estimated 1,510 annual burden hours. There are no costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Caregivers	Survey 1	1,310	1	30/60	565
Caregivers	Survey 2	180	1	30/60	90
Caregivers	Survey 3	90	1	30/60	45
Caregivers	Survey 4	1,600	1	10/60	266
Children and adolescents	Self-report Survey 1	575	1	15/60	144
Young adults	Self-report Survey 2	800	1	30/60	400
Total					1,510

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–01617 Filed 1–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–26–0980]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''National Environmental Assessment Reporting System (NEARS)'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on October 2, 2025 to obtain comments from the public and affected agencies. CDC received one anonymous comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

National Environmental Assessment Reporting System (NEARS) (OMB Control No. 0920–0980, Exp. 2/28/2026)—Revision—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is requesting OMB approval for the National Environmental Assessment Reporting System (NEARS) to collect data from outbreak environmental assessments routinely conducted by local, state, territorial, or tribal food safety programs during foodborne outbreak investigations. Prior to the development of NEARS, environmental assessment data were not collected at the national level. The data reported through this surveillance system provides timely information on the causes of outbreaks, including environmental factors associated with outbreaks, and are essential to environmental public health regulators' efforts to respond more effectively to outbreaks and prevent future, similar outbreaks.

NEARS was developed by the Environmental Health Specialists Network (EHS-Net), a collaborative network of CDC, the U.S. Food and Drug Administration (FDA), the U.S. Department of Agriculture (USDA), and state and local food safety programs. The network consists of environmental health specialists (EHS), epidemiologists, and laboratorians. EHS-Net developed a standardized protocol for identifying, reporting, and analyzing data relevant to foodborne illness outbreak environmental assessments. While conducting environmental assessments during foodborne outbreak investigations is routine for food safety program officials, reporting information from the environmental assessments to CDC is not routine. Local, state, federal,

territorial, and tribal food safety programs are the primary respondents for this data collection. One official from each participating program will report environmental assessment data on outbreaks. These programs are typically located in public health or agriculture agencies. In the U.S., there are approximately 3,000 such agencies. Not every one of these agencies will register in NEARS or respond every year.

It is not possible to determine exactly how many outbreaks will occur in the future, nor where they will occur. Forty programs reported outbreaks to NEARS from 2021–2024. Based on our experience over those years, we expect a maximum of six additional sites (two per year) to register with and report data to NEARS over the next PRA cycle, for a total of 46 reporting programs. We also expect each program to report an average of six outbreaks annually, for a total of 276 outbreaks annually.

The activities associated with NEARS that require a burden estimate consist of registration, training, observing and reporting the data, and interviewing managers and reporting the data. Food safety programs interested in participating in NEARS must first register to use the system, which takes about 10 minutes. We anticipate six new programs to join in the next three years, resulting in two new programs per year. Therefore, the total estimated annual burden associated with registration is one hour (10 minutes × 2 programs = 0.3 hours rounded to one hour).

The second activity is the training for the new food safety program personnel participating in NEARS. These staff will be encouraged to attend a Microsoft Teams (*i.e.,* webinar) training session on using the NEARS data entry system, conducted by CDC staff. We estimate the burden of this training to be a maximum of two hours. Respondents will only be required to take this training one time. Assuming two new programs annually and about five staff being trained at each participating program, the total estimated annual burden associated with this training is 20 hours (2 programs × 5 staff × 2 hours).

New food safety program personnel participating in NEARS will also be encouraged to complete CDC's Environmental Assessment Training Series (EATS). This e-Learning course provides training to staff on how to use a systems approach in foodborne illness outbreak environmental assessments. We estimate the burden of this training to be a maximum of 10 hours. Respondents will only take this training one time. Assuming a maximum participation of up to two new programs annually and approximately five staff being trained at each program, the estimated annual burden associated with this training is 100 hours (2 programs × 5 staff × 10 hours).

Program respondents (one official from each participating program) will record environmental assessment data on pen and paper for each establishment associated with an outbreak. Most outbreaks are associated with only one establishment; however, some are associated with multiple establishments. We estimate a maximum of four establishments will be associated with any given outbreak. Recording for each assessment will take about 25 minutes. The annual burden for this activity is 460 hours (276 outbreaks × 4 establishments × 25 minutes).

Program respondents will conduct a manager interview with each establishment associated with an outbreak and initially record the data with pen and paper. Each interview will take about 20 minutes. The annual burden for this activity is 368 hours (276 outbreaks × 4 establishments × 20 minutes). Respondents will also report this environmental assessment and manager interview data into the NEARS web-based system. This data entry is expected to take approximately 25 minutes for the environmental assessment data and 20 minutes for each manager interview (assuming a maximum of four). The annual burden for this activity is 207 hours (276 outbreaks × 45 minutes). Retail food managers interviewed are another group of respondents. Again, assuming a maximum number of 276 outbreaks, the estimated annual burden is 368 hours (276 outbreaks × 4 establishments × 20 minutes each).

CDC requests OMB approval for an estimated 1,524 annual burden hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Food safety program personnel	NEARS registration	2	1	10/60
	NEARS introduction training	10	1	2
	NEARS e-learning (screenshots)	10	1	10
	NEARS environmental assessment (recording form)	46	24	25/60
	NEARS manager interview form	46	24	20/60
	NEARS web entry (screenshots)	46	6	45/60
Retail food personnel	NEARS manager interview form	1,104	1	20/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–01615 Filed 1–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10282]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by March 30, 2026.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address:

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier: ____/OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Conditions of Participation for Comprehensive Outpatient Rehabilitation Facilities (CORFs); *Use:* The purpose of this package is to request approval from the Office of Management and Budget (OMB) to reinstate, with change, the information collection request. CORFs provide coordinated outpatient diagnostic, therapeutic, and restorative services to rehabilitate individuals who are injured, disabled or ill. Physical, occupational and speech-language therapy may be provided at a single, off-site location. CORFs must provide the following core services:

- Physician consultation and supervision of staff, oversight of treatment plans, and facility administration;
- Physical therapy and social or psychological services.

The information collections (ICs) described herein enable the Centers for Medicare & Medicaid Services (CMS) to ensure CORFs comply with the initial and ongoing Medicare Conditions of Participation (CoPs) specified at Title 42 Code for Regulations (CFR) Section 485, Subpart B. These CoPs help assure a minimal level of patient health and safety in participating facilities and help ensure that Medicare requirements are being met. The only CoP with ICs is 42 CFR 485.66 and the burden estimates are designated as: IC–1a: § 485.66(a)—for Newly Certified CORFs to Develop Utilization Review Plan and IC–1b: § 485.66—for Currently Certified CORFs to Conduct Annual Utilization Reviews.

The previous iteration of this package included an estimated annual burden of 1,504 hours and an annual cost of $103,776. For this reinstatement, the total annual hourly burden is revised to 1,260 hours, with an annual burden cost of $108,190. The 16% decrease in burden hours (from 1,504 to 1,260) is primarily due to the decrease in number of certified CORFs from 188 in the prior iteration to 155 in this reinstatement and the addition of IC–1a for newly certified CORFs to develop a utilization review plan which was unintentionally omitted in prior request but is not a new requirement. *Form Number:* CMS–10282 (OMB control number: 0938–1091); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 158; *Total Annual Responses:* 158; *Total Annual Hours:* 1,260. (For policy questions regarding this collection contact Claudia Molinar at 410–786–8445.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–01562 Filed 1–26–26; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2024–E–2243 and FDA–2024–E–2244]

Determination of Regulatory Review Period for Purposes of Patent Extension; REZDIFFRA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for REZDIFFRA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by March 30, 2026. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by July 27, 2026. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 30, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2024–E–2243 and FDA–2024–E–2244 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; REZDIFFRA.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Jack Dan, Office of Regulatory Policy, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 240–402–6940.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory

review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, REZDIFFRA (resmetirom), indicated in conjunction with diet and exercise for the treatment of adults with noncirrhotic nonalcoholic steatohepatitis (NASH) with moderate to advanced liver fibrosis (consistent with stages F2 to F3 fibrosis). This indication is approved under accelerated approval based on improvement of NASH and fibrosis. Continued approval for this indication may be contingent upon verification and description of clinical benefit in confirmatory trials. Subsequent to this approval, the USPTO received patent term restoration applications for REZDIFFRA (U.S. Patent Nos. 7,452,882; and 9,266,861) from Hoffmann-La Roche Inc. and the USPTO requested FDA's assistance in determining these patents' eligibility for patent term restoration. In a letter dated August 12, 2025, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of REZDIFFRA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for REZDIFFRA is 4,913 days. Of this time, 4,668 days occurred during the testing phase of the regulatory review period, while 245 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* October 3, 2010. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on October 3, 2010.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* July 14, 2023. FDA has verified the applicant's claim that the new drug application (NDA) for REZDIFFRA (NDA 217785) was initially submitted on July 14, 2023.

3. *The date the application was approved:* March 14, 2024. FDA has verified the applicant's claim that NDA 217785 was approved on March 14, 2024.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,594 days or 5 years of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Brian Fahey,

Associate Commissioner for Legislation.

[FR Doc. 2026–01585 Filed 1–26–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–E–3574]

Determination of Regulatory Review Period for Purposes of Patent Extension; TRYVIO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for TRYVIO and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by March 30, 2026. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by July 27, 2026. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 30, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a

written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–E–3574 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; TRYVIO.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Jack Dan, Office of Regulatory Policy, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 240–402–6940.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, TRYVIO (aprocitentan) in combination with other antihypertensive drugs, indicated for the treatment of hypertension, to lower blood pressure (BP) in adult patients who are not adequately controlled on other drugs.

Subsequent to this approval, the USPTO received a patent term restoration application for TRYVIO (U.S. Patent No. 8,324,232) from Idorsia Pharmaceuticals Ltd. and the USPTO requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated August 12, 2025, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of TRYVIO represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for TRYVIO is 3,413 days. Of this time, 2,956 days occurred during the testing phase of the regulatory review period, while 457 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* November 16, 2014. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on November 16, 2014.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* December 19, 2022. FDA has verified the applicant's claim that the new drug application (NDA) for TRYVIO (NDA 217686) was initially submitted on December 19, 2022.

3. *The date the application was approved:* March 19, 2024. FDA has verified the applicant's claim that NDA 217686 was approved on March 19, 2024.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,826 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**).

Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Brian Fahey,

Associate Commissioner for Legislation.

[FR Doc. 2026–01573 Filed 1–26–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2024–E–1282; FDA–2024–E–1965; FDA–2024–E–1966; FDA–2024–E–1967]

Determination of Regulatory Review Period for Purposes of Patent Extension; Symplicity Spyral Renal Denervation System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for SYMPLICITY SPYRAL RENAL DENERVATION SYSTEM and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 30, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2024–E–1282; FDA–2024–E–1965; FDA–2024–E–1966; FDA–2024–E–1967 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; SYMPLICITY SPYRAL RENAL DENERVATION SYSTEM.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Jack Dan, Office of Regulatory Policy, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 240–402–6940.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be

extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device SYMPLICITY SPYRAL RENAL DENERVATION SYSTEM. SYMPLICITY SPYRAL RENAL DENERVATION SYSTEM is indicated to reduce blood pressure as an adjunctive treatment in patients with hypertension in whom lifestyle modifications and antihypertensive medications do not adequately control blood pressure. Subsequent to this approval, the USPTO received patent term restoration applications for SYMPLICITY SPYRAL RENAL DENERVATION SYSTEM (U.S. Patent Nos. 8,131,371; 9,314,630; 9,314,644; and 9,452,017) from Medtronic Ireland Manufacturing Unlimited Company, and the USPTO requested FDA's assistance in determining these patents' eligibility for patent term restoration. In a letter dated August 25, 2025, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of SYMPLICITY SPYRAL RENAL DENERVATION SYSTEM represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that the FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for SYMPLICITY SPYRAL RENAL DENERVATION SYSTEM is 3,161 days. Of this time, 2,801 days occurred during the testing phase of the regulatory review period, while 360 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(g)) involving this device became effective:* March 25, 2015. FDA has verified the applicant's claim that the date the investigational device exemption (IDE) required under section 520(g) of the act for human tests to begin became effective March 25, 2015.

2. *The date an application was initially submitted with respect to the device under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e):* November 23, 2022. The applicant claims November 8, 2022, as the date the premarket approval application (PMA) for SYMPLICITY SPYRAL RENAL DENERVATION SYSTEM (PMA P220026) was initially submitted. However, FDA records indicate that PMA P220026 was submitted on November 23, 2022.

3. *The date the application was approved:* November 17, 2023. FDA has verified the applicant's claim that PMA P220026 was approved on November 17, 2023.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,491, 1,571 or 1,767 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Brian Fahey,

Associate Commissioner for Legislation.

[FR Doc. 2026–01574 Filed 1–26–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–6869]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medication Guides for Prescription Drug Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection associated with Medication Guides for prescription drug products.

DATES: Either electronic or written comments on the collection of information must be submitted by March 30, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 30, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–N–6869 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Medication Guides for Prescription Drug Products.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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 the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Medication Guide Requirements for Prescription Drug Product Labeling

OMB Control Number 0910–0393—Extension

This information collection supports FDA regulations pertaining to the distribution of patient labeling, called Medication Guides, for human prescription drug and biological products used primarily on an outpatient basis, and required for products that pose a serious and significant public health concern. The regulations are codified in part 208 (21 CFR part 208): *Medication Guides for Prescription Drug Products* and set forth general requirements including both content and format, as well as provide for exemptions and deferrals. Medication Guides provide patients with important information about drug products, including the drug's approved uses, contraindications, adverse drug reactions, and cautions for specific populations, and are required in accordance with Agency regulations.

To assist both consumers and industry with understanding the applicable regulatory requirements and purpose of Medication Guides, we have developed resources and made them available on our website at *https://www.fda.gov/drugs/fdas-labeling-resources-human-prescription-drugs/patient-labeling-resources#medication-guides.* Among the resources, we include the guidance document entitled *Medication Guides —Distribution Requirements and Inclusion in Risk Evaluation and Mitigation Strategies (REMS)* (November 2011) (available at *https://www.fda.gov/media/79776/download*), as well as a discussion of the distinction between Medication Guides and Consumer Medication information. The regulations, guidance, and informational resources are

intended to improve the public health by enabling patients to use certain medications most safely and effectively.

As part of the new drug application process (21 CFR part 314), we review Medication Guides to determine whether the labeling for certain prescription drug products and biological products comply with the applicable regulations.

Description of Respondents: Respondents to this collection of information are holders and sponsors of applications, distributors of prescription drug products, and authorized dispensers of prescription drug products (pharmacists).

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity; 21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Content and format of a Medication Guide; § 208.20	70	1	70	320	22,400
Exemptions and deferrals; § 208.26(a)	1	1	1	4	4
Total			71		22,404

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on our evaluation of data from our records, we estimate that, in the next three years, 70 holders of applications will prepare and submit one Medication Guide annually for our review. We estimate that the application holders will spend approximately 320 hours to prepare and submit the Medication Guide. In addition, we estimate that, in the next three years, one sponsor of one of the new or supplementary applications will request an exemption under § 208.26(a) from at least some of the Medication Guide format or content requirements, annually. We estimate that the sponsor will spend approximately 4 hours to prepare and submit the request for exemption. Our estimated burden for the information collection reflects an overall increase of 9,280 hours and a corresponding increase of 29 responses/records. We attribute this adjustment to an increase in the number of submissions we received over the last few years.

TABLE 2—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity; 21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure [2]	Total hours
Distributor provides Medication Guides to authorized dispensers; § 208.24(c).	191	9,000	1,719,000	1.25	2,148,750
Authorized dispenser provides Medication Guides to patients; § 208.24(e).	88,736	5,705	506,238,880	0.05 (3 minutes).	25,311,944
Total			507,957,880		27,460,694

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Numbers may not sum due to rounding.

We estimate that, in the next three years, 191 distributors will provide Medication Guides to approximately 9,000 authorized dispensers, annually. We estimate that the dispensers will spend approximately 1.25 hours to prepare and distribute the Medication Guides. Under 21 CFR 201.24(e), authorized dispensers are required to provide a Medication Guide directly to the patient (or the patient's agent) upon dispensing a product for which a Medication Guide is required. We estimate that, in the next three years, 88,736 authorized dispensers will provide Medication Guides to approximately 5,705 patients, annually. We estimate that authorized dispensers will spend approximately 3 minutes to provide the Medication Guide to a patient.

We have increased our estimated burden associated with disclosures to reflect an increase in related submissions over the past 3 years.

Brian Fahey,

Associate Commissioner for Legislation.

[FR Doc. 2026–01576 Filed 1–26–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–E–2147]

Determination of Regulatory Review Period for Purposes of Patent Extension; RYZNEUTA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for RYZNEUTA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human biological product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect must submit either electronic or written comments and ask for a redetermination by March 30, 2026. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence

during the regulatory review period by July 27, 2026. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 30, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–E–2147 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; RYZNEUTA.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Jack Dan, Office of Regulatory Policy, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 240–402–6940.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biologic product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product RYZNEUTA (efbemalenograstim alfa-vuxw). RYZNEUTA is indicated to decrease the incidence of infection, as manifested by febrile neutropenia, in adult patients with non-myeloid malignancies receiving myelosuppressive anti-cancer drugs associated with a clinically significant incidence of febrile neutropenia. RYZNEUTA is not indicated for the mobilization of peripheral blood progenitor cells for hematopoietic stem cell transplantation. Subsequent to this approval, the USPTO received a patent term restoration application for RYZNEUTA (U.S. Patent No. 8,557,546) from Evive Biotechnology (Shanghai) Ltd, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated August 12, 2025, FDA advised the USPTO that this human biological

product had undergone a regulatory review period and that the approval of RYZNEUTA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for RYZNEUTA is 4,217 days. Of this time, 3,255 days occurred during the testing phase of the regulatory review period, while 962 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* May 2, 2012. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on May 2, 2012.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* March 30, 2021. FDA has verified the applicant's claim that the biologics license application (BLA) for RYZNEUTA (BLA 761134) was initially submitted on March 30, 2021.

3. *The date the application was approved:* November 16, 2023. FDA has verified the applicant's claim that BLA 761134 was approved on November 16, 2023.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,827 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Brian Fahey,

Associate Commissioner for Legislation.

[FR Doc. 2026–01588 Filed 1–26–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–E–1961]

Determination of Regulatory Review Period for Purposes of Patent Extension; BIMZELX

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for BIMZELX and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human biological product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect must submit either electronic or written comments and ask for a redetermination by March 30, 2026. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by July 27, 2026. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 30, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–E–1961 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; BIMZELX.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential

information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Jack Dan, Office of Regulatory Policy, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 240–402–6940.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biologic product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product BIMZELX (bimekizumab-bkzx). BIMZELX is indicated for the treatment of moderate to severe plaque psoriasis in adult patients who are candidates for systemic therapy or phototherapy. Subsequent to this approval, the USPTO received a patent term restoration application for BIMZELX (U.S. Patent No. 8,580,265) from UCB BIOPHARMA SRL, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated August 12, 2025, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of BIMZELX represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for BIMZELX is 2,653 days. Of this time, 1,463 days occurred during the testing phase of the regulatory review period, while 1,190 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* July 14, 2016. The applicant claims August 16, 2016, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was July 14, 2016, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* July 15, 2020. FDA has verified the applicant's claim that the biologics license application (BLA) for BIMZELX (BLA 761151) was initially submitted on July 15, 2020.

3. *The date the application was approved:* October 17, 2023. FDA has verified the applicant's claim that BLA 761151 was approved on October 17, 2023.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,827 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Brian Fahey,

Associate Commissioner for Legislation.

[FR Doc. 2026–01577 Filed 1–26–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–E–2192]

Determination of Regulatory Review Period for Purposes of Patent Extension; IMAAVY

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for IMAAVY and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human biological product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect must submit either electronic or written comments and ask for a redetermination by March 30, 2026. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by July 27, 2026. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 30, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–E–2192 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; IMAAVY.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Jack Dan, Office of Regulatory Policy, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 240–402–6940.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biologic product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension

that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product IMAAVY (nipocalimab-aahu). IMAAVY is indicated for the treatment of generalized myasthenia gravis (gMG) in adult and pediatric patients 12 years of age and older who are anti-acetylcholine receptor (AChR) or antimuscle-specific tyrosine kinase (MuSK) antibody positive. Subsequent to this approval, the USPTO received a patent term restoration application for IMAAVY (U.S. Patent No. 10,676,526) from Momenta Pharmaceuticals, Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated August 19, 2025, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of IMAAVY represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for IMAAVY is 2,453 days. Of this time, 2,209 days occurred during the testing phase of the regulatory review period, while 244 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* August 13, 2018. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on August 13, 2018.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* August 29, 2024. FDA has verified the applicant's claim that the biologics license application (BLA) for IMAAVY (BLA 761430) was initially submitted on August 29, 2024.

3. *The date the application was approved:* April 29, 2025. FDA has verified the applicant's claim that BLA 761430 was approved on April 29, 2025.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,007 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Brian Fahey,

Associate Commissioner for Legislation.

[FR Doc. 2026–01575 Filed 1–26–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2024–E–2125 and FDA–2024–E–2145]

Determination of Regulatory Review Period for Purposes of Patent Extension; EXBLIFEP

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for EXBLIFEP and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by March 30, 2026. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by July 27, 2026. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 30, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions)*: Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2024–E–2125 and FDA–2024–E–2145 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; EXBLIFEP.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Jack Dan, Office of Regulatory Policy, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 240–402–6940.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product.

Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, EXBLIFEP (cefepime hydrochloride/enmetazobactam), indicated for the treatment of patients 18 years of age and older with complicated urinary tract infections (cUTI) including pyelonephritis, caused by the following susceptible microorganisms: *Escherichia coli, Klebsiella pneumoniae,Pseudomonas aeruginosa, Proteus mirabilis,* and *Enterobacter cloacae* complex. Subsequent to this approval, the USPTO received patent term restoration applications for EXBLIFEP (U.S. Patent Nos. 7,687,488; and 11,124,526) from Allecra Therapeutics GmbH and the USPTO requested FDA's assistance in determining these patents' eligibility for patent term restoration. In a letter dated August 12, 2025, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of EXBLIFEP represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for EXBLIFEP is 2,374 days. Of this time, 2,128 days occurred during the testing phase of the regulatory review period, while 246 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* August 25, 2017. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on August 25, 2017.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* June 22, 2023. FDA has verified the applicant's claim that the new drug application (NDA) for EXBLIFEP (NDA 216165) was initially submitted on June 22, 2023.

3. *The date the application was approved:* February 22, 2024. FDA has verified the applicant's claim that NDA 216165 was approved on February 22, 2024.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 574 days or 1,309 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may

submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Brian Fahey,

Associate Commissioner for Legislation.

[FR Doc. 2026–01587 Filed 1–26–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rescission of Guidance to Nation's Retail Pharmacies: Obligations Under Federal Civil Rights Laws To Ensure Nondiscriminatory Access to Health Care at Pharmacies (Issued September 29, 2023)

AGENCY: Office for Civil Rights (OCR), Office of the Secretary, Department of Health and Human Services.

ACTION: Notice; rescission of guidance.

SUMMARY: The U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR) hereby rescinds ''Guidance to Nation's Retail Pharmacies: Obligations under Federal Civil Rights Laws to Ensure Nondiscriminatory Access to Health Care at Pharmacies,'' issued on September 29, 2023 (2023 Guidance) as revised guidance to ''Guidance to Nation's Retail Pharmacies: Obligations under Federal Civil Rights Laws to Ensure Access to Comprehensive Reproductive Health Care Services,'' originally issued on July 13, 2022 (2022 Guidance). This recission is effective upon publication.

DATES: This action is effective January 27, 2026.

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

In light of the stated policy in 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 to Nation's Retail Pharmacies: Obligations under Federal Civil Rights Laws to Ensure Nondiscriminatory Access to Health Care at Pharmacies.''

On July 13, 2022, OCR issued ''Guidance to Nation's Retail Pharmacies: Obligations under Federal Civil Rights Laws to Ensure Access to Comprehensive Reproductive Health Care Services,'' (2022 Guidance) to purportedly remind roughly 60,000 retail pharmacies in the United States that they must comply with civil rights laws such as Section 1557 of the Affordable Care Act (Section 1557), 42 U.S.C. 18116,[2] which prohibits discrimination on the basis of sex, among other bases, and Section 504 of the Rehabilitation Act of 1973 (Section 504), 42 U.S.C. 794,[3] which prohibits discrimination on the basis of disability. The 2022 Guidance stated that pharmacies may not discriminate against pharmacy customers based on sex and disability, which it contended might be the case if pharmacists did not stock or dispense various drugs. It also asserted the application of federal civil rights laws to pharmacies in various ways. First, according to the 2022 Guidance, disparities in maternal health for minority women would be exacerbated by the Supreme Court decision in *Dobbs* v. *Jackson Women's Health Organization*.[4] Second, the 2022 Guidance also stated that OCR is responsible for protecting the ''rights of women and pregnant people'' (sic) in their ability to access health care that is free from discrimination, including nondiscriminatory access to ''reproductive health care,'' including prescription medication from their pharmacy. Third, the 2022 Guidance specified examples of what may constitute discrimination by a pharmacist, including failure to stock or fill prescriptions for drugs that may be used as contraceptives and abortion, if refusal to distribute the drugs would deny individuals with certain conditions their use. A few examples discussed the drugs ''mifepristone,'' ''misoprostol,'' and ''methotrexate,'' all of which can cause an abortion, but the latter two of which have FDA-approved uses for non-abortion purposes. Mifepristone and misoprostol are part of the FDA-approved abortion regimen, while methotrexate can end an ectopic pregnancy.

The 2022 Guidance was challenged in district court by the State of Texas and individual providers who contended that it required pharmacies to dispense abortion-inducing drugs as a condition of receiving federal financial assistance in violation of federal law. OCR, in response to this litigation, issued ''Guidance to Nation's Retail Pharmacies: Obligations under Federal Civil Rights Laws to Ensure Nondiscriminatory Access to Health Care at Pharmacies'' (September 29, 2023) (2023 Guidance), which revised the 2022 Guidance in several ways. The 2023 Guidance removed the mention of ''mifepristone,'' removed the reference to the claim that the *Dobbs* decision would exacerbate ''inequities and disparities for women,'' and added language stating the guidance does not ''require pharmacies to fill prescriptions for medication for the purpose of abortion'' or imply any obligation for pharmacies to fill prescriptions in violation of state laws, including those that restrict abortion. In addition, the

[1] Pursuant to Section 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).).

[2] Section 1557's implementing regulation, 45 CFR part 92, prohibits recipients of federal financial assistance from excluding an individual from participation in, denying an individual the benefits of, or otherwise subjecting an individual to discrimination on the basis of sex and disability, among other bases.

[3] Section 504's implementing regulation, 45 CFR part 84, prohibits recipients of federal financial assistance from discriminating in their programs or activities on the basis of disability.

[4] 597 U.S. 215 (2022).

2023 Guidance amended sections of the 2022 Guidance which referenced conscience protections contained in the Church Amendments by adding references to potential protections under the Religious Freedom Restoration Act, 42 U.S.C. 2000bb, *et seq.* for pharmacists with certain religious objections in the context of the referenced medications. Despite these changes, and as detailed below, the 2023 Guidance remains inconsistent with the law and the policies set forth in E.O. 14182 and E.O. 14219.

II. Basis for Rescission

OCR rescinds the 2023 Guidance in light of the stated policy in 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 guidance that is not based on the best reading of the underlying statutory authority or prohibition, for several reasons.

First, Section 1 of E.O. 14182 notes that ''Congress has annually enacted the Hyde Amendment and similar laws that prevent Federal funding of elective abortion.'' Section 1 states it is the policy of the United States ''to end the forced use of Federal taxpayer dollars to fund or promote elective abortion.'' The 2022 Guidance was issued in response to the *Dobbs* decision and promoted [5] abortion. The 2023 Guidance revised the 2022 Guidance due to litigation. However, the 2023 Guidance can still be read as an effort to use taxpayer dollars to promote abortion and likely force pharmacists to participate in abortion even if doing so violated their convictions, which would be potentially against the law.

The revisions in the 2023 Guidance removed references to ''mifepristone,'' to ''reproductive healthcare services,'' and to the *Dobbs* decision. The 2023 Guidance also added a statement that the revised guidance ''does not require pharmacies to fill prescriptions for medication for the purpose of abortion.'' To litigants representing those seeking to defend their federally enshrined conscience protections, however, the 2023 revisions read like litigation-minded boilerplate. Indeed, the 2023 Guidance could still be read to threaten pharmacists who refuse to fill certain other medications that may also be used for abortion. In doing so, at a minimum, it conflicts with Section 1 and Section 2 of E.O. 14182. The 2023 Guidance asserts that a pharmacist's refusal to fill or stock methotrexate or misoprostol (which can each be used for non-abortion purposes) because of the pharmacist's concern that those drugs can be used to induce an abortion may constitute discrimination on the basis of disability or sex. But while the 2023 Guidance pretextually purports to base its protection of access to abortion-inducing drugs on non-abortion purposes, this 2023 Guidance cannot be removed from its historical context, namely, an attempt to respond to litigation while retaining the original design of the 2022 Guidance, which a federal judge found promoted abortion, including with the use of taxpayer dollars. The 2023 Guidance could also be seen, in some cases, as requiring unwilling providers to participate in abortion, potentially contrary to federal protections against discrimination based on conscience. Evincing this historical context, the 2023 Guidance maintains all of the original 2022 examples that would require a pharmacist to stock a drug that can be used for abortion. The 2023 Guidance, thus, at a minimum, is vague and ambiguous, and can be read as continuing to promote abortion and, consequently, is inconsistent with E.O. 14182 and with this Administration's position in support of protecting rights of conscience.

Second, the 2023 Guidance is undercut by admissions made in litigation that show the guidance is ''based on anything other than the best reading of the underlying statutory authority or prohibition.'' [6] As noted above, the 2022 Guidance was challenged in district court on grounds that it required dispensing of abortion-inducing drugs as a condition of receiving federal financial assistance like Medicare and Medicaid funds. *Texas* v. *United States Dep't of Health & Hum. Servs.,* 681 F. Supp. 3d 665, 671 (W.D. Tex. 2023). As noted by the court, *id.* at 676–77, the 2022 Guidance explained that OCR ''is responsible for protecting the rights of women and pregnant people [sic] in their ability . . . to access reproductive health care, including prescription medication from their pharmacy.'' *Id.* at 676–77.

In litigation, despite the federal government's attempt to focus on the 2022 Guidance's use of examples unrelated to abortion, the federal government ''oppose[d] a declaratory judgment in Texas's favor, stating that the Pharmacy Guidance does not require Texas pharmacies to dispense drugs for abortion purposes in violation of Texas law.'' *Id.* at 679. The district court ruled that the plaintiffs had standing to challenge the complaint, because (1) ''Texas [ ] clearly indicated that it intends to enforce its state laws and prevent Texas pharmacies from dispensing the drugs for abortion purposes[ ]'' and (2) ''[t]he Pharmacy Guidance does require pharmacies to dispense drugs for abortion purposes. It seeks to preempt and interfere with Texas's sovereign interest in enforcing its legal code[.]'' *Id.* at 680.

As described above, after a federal court ruled that Texas had standing to challenge the guidance, OCR attempted to address the alleged legal infirmities in the 2022 Guidance by issuing the updated 2023 Guidance, which removed references to ''mifepristone,'' to ''reproductive health care,'' and to the *Dobbs* decision, and added a line about not requiring pharmacists to dispense drugs for the purpose of abortion. Plaintiffs, despite the updates to the 2022 Guidance, argued that the 2023 Guidance still mandated pharmacies dispense abortion-inducing drugs, citing the guidance's reference to methotrexate. The district court upheld the 2023 Guidance only after receiving and relying upon representations and assurances made by HHS's representatives at oral argument about the nature of the revisions in the 2023 Guidance. The need for these oral representations and assurances showed that the 2023 Guidance was facially confusing (and potentially misleading) even to a federal judge, and further revealed that the guidance was not based on the best reading of the law. At oral argument, the court raised ''the million-dollar question''—''assuming a complaint was filed, would [ ] OCR's enforcement hammer come crashing

[5] The 2022 Guidance was issued between two now-rescinded Executive Orders that by their express terms sought to ''protect access'' to abortion. E.O. 14076 (''Protecting Access to Reproductive Healthcare Services''); E.O. 14709 (''Securing Access to Reproductive and Other Healthcare Services''). E.O. 14076 was issued on July 8, 2022, just after the June 2022 *Dobbs* decision. E.O. 14076's stated purpose was to ''protect access to reproductive health care services,'' a term the E.O. defined to include abortion (''the termination of a pregnancy''). This goal was further reinforced by E.O. 14709, issued on August 3, 2022, which significantly referred to HHS's issuance of ''guidance to the Nation's retail pharmacies'' as a ''critical step'' for reminding pharmacies ''of their civil rights obligations under Federal civil rights laws . . . to ensure equal access to comprehensive *reproductive* and other health care services.'' (emphasis added). E.O. 14709 also defined ''reproductive healthcare services'' to include abortion. E.O. 14182 rescinded both of these executive orders.

[6] E.O. 14219, *Ensuring Lawful Governance and Implementing the President's 'Department Of Government Efficiency' Deregulatory Initiative,* 90 FR 10583 at 2(a)(iii) (Feb. 19, 2025).

down on Plaintiffs'' who had repeatedly answered they would not dispense methotrexate ''because doing so would 'knowingly' be providing a means to end human life.'' *Texas* v. *United States Dep't of Health & Hum. Servs.,* No. 23–CV–00022–DC, 2024 WL 1493809, at *6 (W.D. Tex. Apr. 5, 2024). The court summarized the ensuing colloquy:

> Much to the Court's surprise, Defendants' answer at the summary judgment hearing was a resounding no. In fact, the Defendants stated that even ''if OCR received a complaint, OCR would determine on the basis of the complaint that it is invalid.'' And when the Court pressed the hypothetical again, Defendants affirmed once more ''if HHS received a complaint based on that, HHS would quickly reject that complaint because in HHS's view, that is not a violation of law. And that's certainly not something that HHS would go out of its way to investigate.''
>
> The Court then changed the question slightly, asking Defendants if OCR would investigate if the pharmacy's reason for not dispensing the drugs was *because* the woman was pregnant—which seemingly would violate Title IX's prohibition on pregnancy discrimination. Defendants responded with the same answer: ''if that complaint came before HHS, HHS would quickly reject it because its position is that that's not a violation of the law.''

Id. at *6.[7] Thus, considering that these verbal concessions (a literal ''surprise'' to the presiding judge based upon a plain reading of the 2023 Guidance) were needed to convince a federal judge that it was legally defensible, OCR finds it is difficult to maintain that the 2023 Guidance advances the best reading of the civil rights statutes enforced by OCR. The language of the 2023 Guidance requires pharmacies to stock and fill prescriptions for drugs such as methotrexate and misoprostol, even if the pharmacist objects due to their potential abortion-related uses. When the 2023 Guidance is considered in light of HHS's assurances to the court that it would not pursue investigations of such actions the 2023 Guidance purports to prohibit, it is confusing (and potentially misleading) to the public and regulated entities.

In furtherance of the requirements in sections 2(a)(iii) and 3 of E.O. 14219 to identify, deprioritize, and rescind guidance documents that ''are based on anything other than the best reading of the underlying statutory authority or prohibition,'' [8] OCR is rescinding this guidance.

Finally, the 2023 Guidance uses the phrase ''pregnant person.'' This term is inconsistent with E.O. 14148 ''Initial Rescissions Of Harmful Executive Orders And Actions,'' which repealed E.O. 13988 on ''Preventing and Combatting Discrimination on the Basis of Gender Identity or Sexual Orientation,'' and with E.O. 14168 ''Defending Women From Gender Ideology Extremism And Restoring Biological Truth To The Federal Government.'' E.O. 14168 defines a ''woman'' or a ''girl'' as ''female'' based on biological facts and rejects efforts to ''invalidate'' the biological category of ''woman.'' Accordingly, the term ''pregnant person'' is unnecessarily broad since only women and girls can be pregnant.

The 2023 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. 2026–01550 Filed 1–23–26; 11:15 am]

BILLING CODE 4153–01–P

[7] Based on this discussion, the court concluded that ''OCR's enforcement hammer'' would *not* ''come crashing down on Plaintiffs'' for not dispensing methotrexate. *Id.* at *1, *6–*8. The court concluded that the revised guidance, with HHS's assurances, did not require the plaintiffs to dispense drugs for abortion purposes, or for non-abortion purposes if it would violate Texas law or plaintiffs' sincerely held religious beliefs. *Id* at *8.

[8] E.O. 14219, *Ensuring Lawful Governance and Implementing the President's 'Department Of Government Efficiency' Deregulatory Initiative,* 90 FR 10583 at 2(a)(iii) (Feb. 19, 2025).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Council for Complementary and Integrative Health, April 17, 2026, 10:00 a.m. to April 17, 2026, 05:00 p.m., National Institutes of Health, DEM 2, 6707 Democracy Boulevard, Bethesda, MD 20892 which was published in the **Federal Register** on December 16, 2025, 90 FR 58257.

This amendment reflects the new end time for the NACCIH Advisory Council Meeting, with the Closed Session ending at 11:30 a.m. and the Open Session starting at 12:00 p.m. The Open Session will be broadcast to the public. The meeting is partially Closed to the public.

Dated: January 22, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–01561 Filed 1–26–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7106–N–11]

Privacy Act of 1974; System of Records

AGENCY: Office of Administration HUD.

ACTION: Notice of a modified system of records.

SUMMARY: Under the Privacy Act of 1974, as amended, the Department of Housing and Urban Development (HUD), Office of Administration, Office of the Executive Secretariat (Exec Sec) is issuing a public notice of its intent to modify the Privacy Act system of records titled ''Correspondence Tracking System (CTS)''. This system of records is being revised to make clarifying changes within: System Location, System Manager(s), Categories of Records in the System, and Policies and Practices for Retrieval of Records.

DATES: *Comments will be accepted on or before* February 26, 2026: This SORN becomes effective immediately.

ADDRESSES: You may submit comments, identified by docket number or by one of the following methods:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the instructions provided on that site to submit comments electronically.

Fax: 202–619–8365.

Email: privacy@hud.gov.

Mail: Attention: Privacy Office; Shalanda Capehart, Acting Chief Privacy Officer; The Executive Secretariat; 451 Seventh Street SW, Room 10139; Washington, DC 20410–0001.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Shalanda Capehart, The Privacy Office 451 Seventh Street SW, Room 10139; Washington, DC 20410–1000; telephone number (202) 402–5085 (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.*

SUPPLEMENTARY INFORMATION: The Executive Secretariat (Exec Sec) maintains the Correspondence Tracking System (CTS) system.

This update includes the following changes since the previous SORN publication:

1. System Manager(s): Updated to reflect personnel changes.

2. System Location: Updated to bring the information current.

3. Categories of Records in the System: Updated with a new record.

4. Policies and Practices for Retrieval of Records: Updated to reference the correct unique identifier.

SYSTEM NAME AND NUMBER:

Correspondence Tracking System (CTS), HUD/ADM–09.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

OPEXUS, 1101 17th Street NW, 12th Floor, Washington, DC 20036–0001 and HUD Headquarters, Office of Administration, 451 7th Street SW, Room 10139, Washington, DC 20410–0001.

SYSTEM MANAGER(S):

Paul Miller, Deputy Director, Executive Secretariat, Office of the Secretary, 451 Seventh Street SW, Room 2242, Washington, DC 20410–0001, telephone number (202) 402–6316, and Kadianne Ming, Clearance Coordinator, Executive Secretariat, Office of the Secretary, 451 Seventh Street SW, Room 2242, Washington, DC 20410–0001, telephone number (202) 251–0497.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 2 and 7(d) of the Department of Housing and Urban Development Act of 1965, Public Law 89–174.

PURPOSES OF THE SYSTEM:

CTS will allow users and management to track and report on correspondence throughout the workflow process. HUD uses information in CTS to provide appropriate responses to inquiries. CTS will streamline the collection of inquiries from the public regarding their requests for assistance with HUD funded programs.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who correspond with HUD's Secretary, Deputy Secretary, or Assistant Secretaries, Individuals whose correspondence has been referred by the White House, other federal agencies, or Members of Congress to the Secretary or Deputy Secretary.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, home address, email address(es), home telephone number(s), work telephone number(s), work address, legal documents and records, requesters, attorneys or representatives' names, fax number, office information, case identifier.

RECORD SOURCE CATEGORIES:

Records are provided by individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

(1) To a congressional office from the record of an individual, in response to an inquiry from the congressional office made at the request of that individual.

(2) To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, or cooperative agreement with HUD, when necessary to accomplish an agency function related to a system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function. Contractors provided information under these routine use conditions are subject to Privacy Act requirements and disclosure limitations imposed on the Department.

(3) To contractors, experts, and consultants with whom HUD has a contract, service agreement, or other assignment of the Department, when necessary to utilize data to test new technology and systems designed to enhance program operations and performance.

(4) To appropriate agencies, entities, and persons when (1) HUD suspects or has confirmed that there has been a breach of the system of records; (2) HUD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HUD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(5) To another Federal agency or Federal entity, when HUD determines that information from this system of record is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal government, or national security resulting from a suspected or confirmed breach.

(6) To appropriate Federal, State, local, tribal, or other governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where HUD determines that the information would assist in the enforcement of civil or criminal laws and when such records, either alone or in conjunction with other information, indicate a violation or potential violation of law.

(7) To a court, magistrate, administrative tribunal, or arbitrator in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, mediation, or settlement negotiations, or in connection with criminal law proceedings; when HUD determines that use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where HUD has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(8) To any component of the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when HUD determines that the use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where the Department of Justice or agency

conducting the litigation has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(9) To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures, and compliance with the Freedom of Information Act (FOIA), and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic and Paper.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Name and Case Identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Destroyed upon verification of successful creation of the final document or file or when no longer needed for business use, whichever is later.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

For Electronic Records: All personal data will be maintained on a secure workstation or virtual server that is protected by a firewall and complex passwords in a directory that can only be accessed by the system administrators and the analysts actively working on the data; the system used to process or store data have Federal security controls applied to them; the data will be backed up on a regular basis to safeguard against system failures or disasters; and, unencrypted data will not be stored on a laptop or on removable media such as CDs, diskettes, or USB flash drives. Electronic Records are maintained and stored in an electronic encryption database system. These records can only be accessed based on the user's rights and privileges to the system. A multifactor identification method is required which consists of several layers of security to access the records, such as a valid common access card, access to HUD's network with a valid User ID and password.

For Paper Records: The analysts will securely store any hard copy forms with personal identifiers until they are archived; all hard copy forms with personal identifying data will be stored securely in a locked cabinet that can only be accessed by authorized individuals working on the data.

RECORD ACCESS PROCEDURES:

Individuals requesting records of themselves should address written inquiries to the Department of Housing and Urban Development 451 7th Street SW, Washington, DC 20410–0001. For verification, individuals should provide their full name, current address, and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

CONTESTING RECORD PROCEDURES:

The HUD rule for contesting the content of any record pertaining to the individual by the individual concerned is published in 24 CFR 16.8 or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals requesting notification of records of themselves should address written inquiries to the Department of Housing Urban Development, 451 Seventh Street SW, Washington, DC 20410–0001. For verification purposes, individuals should provide their full name, office or organization where assigned, if applicable, and current address and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Docket No. FR–7092–N–35, 89 FR 63440 (August 5, 2024); Docket No. FR–5130–N–13, 72 FR 55801 (October 1, 2007).

Shalanda Capehart,

Acting Chief Privacy Officer, Office of Administration.

[FR Doc. 2026–01558 Filed 1–26–26; 8:45 am]

BILLING CODE 4210–67–P

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

Cessation of Trustee Terms

AGENCY: Institute of American Indian and Alaska Native Culture and Arts Development.

ACTION: Notice of cessation of trustee terms.

SUMMARY: The Chair of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development gives notice of the cessation of the terms of two Trustees on May 19, 2026.

ADDRESSES: Institute of American Indian Arts, 83 Avan Nu Po Road, Santa Fe, New Mexico 87508.

FOR FURTHER INFORMATION CONTACT: Dr. Shelly Lowe, President, 505–424–2301.

(Authority: Sec.6(a) Pub. L. 112–166 August 10, 2012.)

Dated: January 19, 2026.

Shelly Lowe,

President.

[FR Doc. 2026–01493 Filed 1–26–26; 8:45 am]

BILLING CODE 4312–W4–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[267A2100DD/AAKC001030/A0A501010.000000]

Confederated Tribes of Siletz Indians of Oregon; Amendments to Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes amendments to the Siletz Liquor Control Ordinance, which amends and supersedes the existing Siletz Liquor Control Ordinance enacted by the Siletz Tribal Council on June 21, 1997.

DATES: The amended liquor ordinance is effective on February 26, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Sharon Jackson, Tribal Government Specialist, Northwest Regional Office, Bureau of Indian Affairs, 911 NE 11th Avenue, Portland, Oregon 97232; *sharon.jackson@bia.gov;* (360) 614–5869.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586 (18 U.S.C. 1161), as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor control ordinances for the purpose of regulating liquor transactions in Indian country. On September 19, 2025, the Siletz Tribal Council duly adopted amendments to the Siletz Liquor Control Ordinance by Resolution No. 2025–322, which comprehensively amends and supersedes the existing Confederated Tribes of Siletz Indians of Oregon Liquor Control Ordinance enacted by Resolution No. 97–211 and published in the **Federal Register** on July 24, 1997, (62 FR 39855).

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that Confederated Tribes of Siletz Indians of Oregon, duly adopted these amendments to the Liquor Control Ordinance, codified at STC § 14.001 on June 21, 1997, and September 19, 2025.

William Henry Kirkland, III,

Assistant Secretary—Indian Affairs.

The Confederated Tribes of Siletz Indian of Oregon Liquor Control Ordinance as amended, shall read as follows:

LIQUOR CONTROL ORDINANCE

Siletz Tribal Code § 14.001

Part I—Introduction

14.001 Title

This Ordinance shall be known as the ''Liquor Ordinance of the Confederated Tribes of Siletz Indians'' (hereinafter ''Siletz Tribe''). This Ordinance may be referred to as the ''Siletz Liquor Control Ordinance.''

14.002 Purpose and Authority

The purpose of this Ordinance is to regulate and control the possession and sale of liquor within Siletz Indian country, as specifically authorized and approved by General Council referendum under Article VII, Section 2 of the Siletz Tribal Constitution. The authority for enactment of this Ordinance is as follows:

(a) The Act of August 15, 1953, (Public Law 83–277, 67 Stat. 586, codified at 18 U.S.C. 1161), which provides a Federal statutory basis for the Siletz Tribe to regulate the activities of the manufacture, distribution, sale and consumption of liquor on Indian lands under the jurisdiction of the Confederated Tribes of Siletz Indians, so long as such ordinance is in conformance with the laws of the State; and

(b) Article IV, Section 1 of the Constitution of the Confederated Tribes of Siletz Indians, which vests the Tribal Council with legislative and administrative authority, and otherwise empowers the Tribal Council to act for the Confederated Tribes of Siletz Indians.

Part II

14.003 Definitions

(a) As used in this Ordinance, the following words shall have the following meanings unless the context clearly requires otherwise:

(1) ''Alcohol'' means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions of this substance.

(2) ''Alcoholic Beverage'' is synonymous with the term ''Liquor'' as defined in paragraph (6) of this section.

(3) ''Bar'' means any establishment with special space and accommodations for sale by the glass and for consumption on the premises of liquor, as herein defined.

(4) ''Beer'' means any beverage obtained by the alcoholic fermentation of any infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain of cereal in pure water containing not more than four percent of alcohol by volume.

(5) ''Committee'' for the purposes of this Ordinance shall mean the Tribal Council of the Siletz Tribe.

(6) ''Liquor'' includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented spirituous, vinous, or malt liquor or combination thereof, and mixed liquor, or otherwise intoxicating and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semisolid, solid, or other substances, which contain more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

(7) ''Liquor Store'' means any store at which liquor is sold, and for the purposes of this Ordinance, includes a store at which only a portion of which is devoted to the sale of liquor or beer.

(8) ''Malt Liquor'' means beer, ale, stout, and porter.

(9) ''Package'' means any container or receptacle used for holding liquor.

(10) ''Public Place'' includes state or county or tribal or Federal highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; soft drink establishment, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theater, gaming facilities, entertainment centers, store garages, and filling stations which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds of character; and all other places of like or similar nature to which the general public has right of access, and which are generally used by the public. For the purposes of this Ordinance, ''Public Place'' shall also include any establishment other than a single family home which is designed for or may be used by more than just the owner of the establishment.

(11) ''Reservation'' means the Siletz Tribe Reservation, which is held in trust by the United States Government for the benefit of the Siletz Tribe; any land located within the exterior boundaries of said reservation; and any lands held in trust by the United States for the benefit of the Siletz Tribe or held in trust for the benefit of an individual member of the Siletz Tribe.

(12) ''Sale'' and ''Sell'' include exchange, barter, and traffic; and also include the selling or supplying or distributing by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or wine by any person to any person.

(13) ''Spirits'' means any beverage, which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

(14) ''Tribe'' means the Confederated Tribes of Siletz Indians.

(15) ''Wine'' means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits such as port, sherry, muscatel, and angelica, not exceeding seventeen percent of alcohol by weight.

(b)(1) To the extent that definitions are not inconsistent with tribal or Federal law, the terms used in this Ordinance shall have the same meaning as defined in Title 37, Oregon Revised Statutes, Chapter 471, and as defined in Oregon Administrative Rules, Chapter 845.

(2) References in this § 14.003 to Federal and Oregon state law shall be those laws and regulations in effect as of April 17, 2025. Subsequent changes in those laws and regulations shall be considered incorporated into this Ordinance and effective unless the Siletz Tribal Council or the General Council amends this Ordinance.

14.004 Conformity to State Law

(a) Statement of Objection. The Confederated Tribes of Siletz Indians does not agree with the alleged authority of the United States or the State of Oregon to interfere with the Siletz Tribe's sovereign authority to regulate the control of liquor within Siletz Indian country. Nothing in this Ordinance shall be interpreted as a waiver of the Siletz Tribe's right and power to challenge such authority in judicial forums of competent jurisdiction, or by use of the political process. This Ordinance shall conform with the laws of the State of Oregon as required by 18 U.S.C. 1161, and *Rice* v. *Rehner,* 463 U.S. 713 (1983).

(b) Conformity to State Law. The Confederated Tribes of Siletz Indians agrees to perform in the sale and possession of liquor in the same manner as any other Oregon business entity for the purpose of liquor licensing and regulations, including but not limited to licensing, compliance with the regulations of the Oregon Liquor Control Commission (OLCC), maintenance of liquor liability insurance, and other applicable subjects as the State may address by statute or regulation from time to time. The Tribal Council may enter into an inter-governmental agreement with the State of Oregon to address the details of compliance with state law and regulation under this Ordinance, provided, that any such intergovernmental agreement shall not conflict with or supersede the terms of this Ordinance, and shall not have force of law, unless and until this Ordinance has been validly amended pursuant to STC § 14.039 and such amendment has been approved by the appropriate officials of the United States Department of the Interior, as required by Federal law.

(c) Jurisdiction and Dispute Resolution. Jurisdiction for enforcement of the provisions of this Ordinance by the State of Oregon shall be set forth in an appropriate inter-governmental agreement between the Siletz Tribe and the State of Oregon. No consent to

jurisdiction in the courts of the State of Oregon and no consent to limited waiver of the Siletz Tribe's sovereign immunity shall be implied or inferred except through negotiation and express consent to jurisdiction and limited waiver of sovereign immunity in a valid inter-governmental agreement. Such agreement shall not supersede or conflict with any of the terms of this Ordinance, and shall not have force of law, unless and until this Ordinance has been validly amended pursuant to STC § 14.039 and such amendment has been approved by the appropriate officials of the United States Department of the Interior, as required by Federal law.

(d) Future Changes in the Law. Amendment or modification of regulation by the Siletz Tribe of the sale and possession of liquor shall not be effective until this Ordinance has been validly amended pursuant to STC § 14.039, and such amendment has been approved by appropriate officials of the United States Department of the Interior, as required by Federal law.

Part III

14.005 Powers of Enforcement

(a) Powers: The Committee, in furtherance of the Ordinance, shall have the following powers and duties, or may delegate such duties by resolution:

(1) To publish and enforce the rules and regulations governing the sale, manufacture, and distribution of alcoholic beverages on the Reservation;

(2) To employ managers, accountants, security personnel, inspectors, and such other persons as shall be reasonably necessary to allow the Committee to perform its functions. Such employees shall be tribal employees;

(3) To issue licenses permitting the sale or manufacture or distribution of liquor on the Reservation;

(4) To hold hearing on violations of this Ordinance or for the issuance or revocation of licenses hereunder;

(5) To bring suit in the appropriate court to enforce this Ordinance as necessary;

(6) To determine and seek damages for violation of this Ordinance;

(7) To make such reports as may be required;

(8) To collect taxes and fees levied or set by the Committee, and to keep accurate records, books and accounts; and

(9) To exercise such other powers as are necessary and appropriate to fulfill the purposes of this Ordinance.

The Committee shall have the authority to authorize the sale of liquor only on those areas of the Siletz Tribe's reservation that have been specifically approved by the Siletz General Council, by referendum, and under such conditions as may be included in said referendum.

§ 14.006 Limitation on Powers

In the exercise of its powers and duties under this Ordinance, the Committee and its individual members shall not accept any gratuity, compensation or other thing of value from any liquor wholesaler, retailer, or distributor or from any licensee.

§ 14.007 Inspection Rights

The premises on which liquor is sold or distributed shall be open for inspection by the Committee at all reasonable time for the purposes of ascertaining whether the rules and regulations of this Ordinance are being complied with.

Part IV—Sales of Liquor

§ 14.008 Licenses Required

No sales of alcoholic beverages shall be made, except at a tribally-licensed or tribally-owned business operated on Reservation land within the exterior boundaries of the Siletz Tribe.

§ 14.009 Sales for Cash

All liquor sales within the Reservation boundaries shall be on a cash only basis and no credit shall be extended to any person, organization, or entity, except that this provision does not prevent the use of major credit cards.

§ 14.010 Sale for Personal Consumption

All sales shall be for the personal use and consumption of the purchaser. Resale of any alcoholic beverage purchased within the exterior boundaries of the Reservation is prohibited. Any person who is not licensed pursuant to this Ordinance who purchases an alcoholic beverage within the boundaries of the Reservation and sells it, whether in the original container or not, shall be guilty of a violation of this Ordinance and shall be subjected to paying damages to the Siletz Tribe as set forth herein.

Part V—Licensing

§ 14.011 Requirements for Application for Tribal Liquor License

No individual tribal license shall issue under this Ordinance except upon a sworn application filed with the Committee containing a full and complete showing of the following:

(a) Satisfactory proof that the applicant is or will be duly licensed by the State of Oregon.

(b) Satisfactory proof that the applicant is of good moral character and reputation among the people of the Reservation and that the applicant is financially responsible.

(c) The description of the premises in which the intoxicating beverages are to be sold, proof that the applicant is the owner of such premises, or lessee of such premises, for at least the term of the license.

(d) Agreement by the applicant to accept and abide by all conditions of the tribal license.

(e) Payment of a license fee as prescribed by the Committee.

(f) Satisfactory proof that neither the applicant nor the applicant's spouse has ever been convicted of a felony.

(g) Satisfactory proof that notice of the application has been posted in a prominent, noticeable place on the premises where intoxicating beverages are to be sold for at least 30 days prior to consideration by the Committee and has been published at least twice in such local newspaper serving the community that may be affected by the license. The notice shall state the date, time, and place when the application shall be considered by the Committee pursuant to STC § 14.012.

§ 14.012 Hearing on Application for Tribal Liquor License

All applications for a tribal liquor license shall be considered by the Committee in open session at which the applicant, his/her attorney, and any person protesting the application shall have the right to be present, and to offer sworn oral or documentary evidence relevant to the application. After the hearing, the Committee, by secret ballot, shall determine whether to grant or deny the application based on:

(a) Whether the requirements of STC § 14.011 have been met; and

(b) Whether the Committee, in its discretion, determines that granting the license is in the best interest of the Siletz Tribe.

In the event that the applicant is a member of the Tribal Council, or a member of the immediate family of a Tribal Council member, such member shall not vote on the application or participate in the hearings as a Committee member.

§ 14.013 Temporary Permits

The Committee or its designee may grant a temporary permit for the sale of intoxicating beverages for a period not to exceed three (3) days to any person applying for the same in connection with a tribal or community activity, provided that the conditions prescribed in STC § 14.014 shall be observed by the permittee. Each permit issued shall specify the types of intoxicating beverages to be sold. Further, a fee, as set by the Committee, will be assessed on temporary permits.

§ 14.014 Conditions of the Tribal License

Any tribal license issued under this Ordinance shall be subject to such reasonable conditions as the Committee shall fix, including, but not limited to the following:

(a) The license shall be for a term not to exceed 2 years;

(b) The licensee shall at all times maintain an orderly, clean, and neat establishment, both inside and outside the licensed premises;

(c) The licensed premises shall be subject to patrol by the tribal police department, and such other law enforcement officials as may be authorized under applicable law;

(d) The licenses premises shall be open to inspection by duly authorized tribal officials at all times during the regular business hours;

(e) Subject to the provisions of subsection (g) to this section, no intoxicating beverages shall be sold, served, disposed of, delivered or given to any person, or consumed on the licensed premises except in conformity with the hours and days prescribed by the laws of the State of Oregon, and in accordance with the hours fixed by the Committee, provided that the licensed premises shall not operate or open earlier or operate or close later than is permitted by the laws of the State of Oregon.

(f) No liquor shall be sold within 200 feet of a polling place on tribal election days, or when a referendum is held of the people of the Siletz Tribe, and including special days

of observance as designated by the Committee.

(g) All acts and transactions under authority of the tribal liquor license shall be in conformity with the laws of the State of Oregon, as required by Federal law, and shall be in accordance with this ordinance and any tribal license issued pursuant to this Ordinance.

(h) No person under the age permitted under the laws of the State of Oregon shall be sold, served, delivered, given, or allowed to consume alcoholic beverages in the licensed establishment and/or area.

(i) There shall be no discrimination in the operations under the tribal license by reason of race, color, or creed.

§ 14.015 License not a Property Right

Notwithstanding any other provision of this ordinance, a tribal liquor license is a mere permit for a fixed duration of time. A tribal liquor license shall not be deemed a property right or vested right of any kind, nor shall the granting of a tribal liquor license give rise to a presumption of legal entitlement to the granting of such license for a subsequent time period.

§ 14.016 Assignment or Transfer

No tribal license issued under this Ordinance shall be assigned or transferred without the written approval of the Committee expressed by formal resolution.

Part VI—Rules, Regulations and Enforcement

§ 14.017 Sales or Possession With Intent To Sell Without a Permit

Any person who shall sell or offer for sale or distribute or transport in any manner, any liquor in violation of this ordinance, or who shall operate or shall have liquor in his/her possession with intent to sell or distribute without a permit, shall be guilty of a violation of this Ordinance.

§ 14.018 Purchases From Other Than Licensed Facilities

Any person within the boundaries of the Reservation who buys liquor from any person other than at a properly licensed facility shall be guilty of a violation of this Ordinance.

§ 14.019 Sales to Persons Under The Influence Of Liquor

Any person who sells liquor to a person apparently under the influence of liquor shall be guilty of a violation of this Ordinance.

§ 14.020 Consuming Liquor in Public Conveyance

Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant or employee of such person who shall knowingly permit any person to drink any liquor in any public conveyance shall be guilty of a violation of this Ordinance. Any person who shall drink any liquor in a public conveyance shall be guilty of a violation of this Ordinance.

§ 14.021 Consumption or Possession of Liquor by Persons Under 21 Years of Age

No person under the age of 21 years shall consume, acquire or have in his/her possession any alcoholic beverage. No person shall permit any other person under the age of 21 to consume liquor on his/her premises or any premises under his/her control except in those situations set out in this section. Any person violating this section shall be guilty of a separate violation of this Ordinance for each and every drink so consumed.

§ 14.022 Sales of Liquor to Persons Under 21 Years of Age

Any person who shall sell or provide liquor to any person under the age of 21 years shall be guilty of a violation of this Ordinance for each sale or drink provided.

§ 14.023 Transfer of Identification to Minor

Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor shall be guilty of an offense; provided, that corroborative testimony of a witness other than the minor shall be a requirement of finding a violation of this ordinance.

§ 14.024 Use of False or Altered Identification

Any person who attempts to purchase an alcoholic beverage through the use of false or altered identification which falsely purports to show the individual to be over the age of 21 years shall be guilty of violating this Ordinance.

§ 14.025 Violation of This Ordinance

Any person guilty of a violation of this Ordinance shall be liable to pay the Siletz Tribe a penalty not to exceed $500 per violation as civil damages to defray the Siletz Tribe's cost of enforcement of this Ordinance. In addition to any penalties so imposed, any license issued hereunder may be suspended or canceled by the Committee for the violation of any of the provisions of this Ordinance, or of the tribal license, upon hearing before the Committee after 10 days notice to the licensee. The decision of the Committee shall be final.

§ 14.026 Acceptable Identification

Where there may be a question of a person's right to purchase liquor by reason of his/her age, such person shall be required to present any one of the following issued cards of identification which shows his/her correct age and bears his/her signature and photograph:

(a) Driver's license of any state or identification card issued by any State Department of Motor Vehicles;

(b) United States Active Duty Military Identification;

(c) Passport;

(d) Driver's license or identification card issued by a Canadian province or territory;

(e) Identification card issued by a United States territory or protectorate; or

(f) Identification card issued by a federally recognized Tribe.

§ 14.027 Possession of Liquor Contrary to This Ordinance

Alcoholic beverages which are possessed contrary to the terms of this Ordinance are declared to be contraband. Any tribal agent, employee, or officer who is authorized by the Committee to enforce this section shall have the authority to and shall seize, all contraband.

§ 14.028 Disposition of Seized Contraband

Any officer seizing contraband shall preserve the contraband in accordance with applicable law. Upon being found in violation of the Ordinance by the Committee, the party shall forfeit all right, title and interest in the items seized which shall become the property of the Siletz Tribe.

Part VII—Taxes

§ 14.029 Sales Tax

The Committee shall have the authority, by regulation, to levy and collect a sales tax on each sale of alcoholic beverages on the Reservation. The amount of such tax shall be set by regulation, shall include credit card payments, and shall include all retail sales of liquor on the Reservation.

§ 14.030 Payment of Taxes to Tribe

All taxes from the sale of alcoholic beverages on the Reservation shall be paid over to the agent of the Siletz Tribe.

§ 14.031 Taxes Due

All taxes for the sale of alcoholic beverages on the Reservation are due within thirty (30) days of the end of the calendar quarter for which the taxes are due.

§ 14.032 Reports

Along with payment of the taxes imposed herein, the taxpayers shall submit an accounting for the quarter of all income from the sale or distribution of said beverages as well as for the taxes collected.

§ 14.033 Audit

As a condition of obtaining a license, the licensee must agree to the review or audit of its books and records relating to the sale of alcoholic beverages on the Reservation. Said review or audit may be done annually by the Tribe through its agents or employees whenever, in the opinion of the Committee, such a review or audit is necessary to verify the accuracy of reports.

Part VIII—Profits

§ 14.034 Disposition of Proceeds

The gross proceeds collected by the Committee from all licensing and provided from the taxation of the sales of alcoholic beverages on the Reservation shall be distributed as follows:

(a) For the payment of all necessary personnel, administrative costs, and legal fees for the operation of the Committee and its activities.

(b) The remainder shall be turned over to the account of the Tribe.

Part IX—Severability and Miscellaneous

§ 14.035 Severability

If any provision or application of this ordinance is determined by review to be invalid, such adjudication shall not be held to render ineffectual the remaining portions of this Ordinance or to render such provisions inapplicable to other persons or circumstances.

§ 14.036 Prior Enactments

All prior enactments of the Tribal Council which are inconsistent with the provisions of this Ordinance are hereby rescinded.

§ 14.037 Conformance With Oregon Laws

All acts and transactions under this Ordinance shall be in conformity with the laws of the State of Oregon as that term is used in 18 U.S.C. 1161.

§ 14.038 Effective Date

This Ordinance shall be effective upon publication in the **Federal Register** after approval by the Secretary of the Interior or his designee.

Part X

§ 14.039 Amendment

This ordinance may only be amended or repealed by a majority vote of the Tribal Council. The authorized areas of the Tribe's reservation where alcohol may be sold may only be amended or repealed by the General Council.

Part XI

§ 14.040 Sovereign Immunity

Nothing contained in this Ordinance is intended to, nor does in any way limit, alter, restrict, or waive the Tribe's sovereign immunity from unconsented suit.

[FR Doc. 2026–01567 Filed 1–26–26; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[OMB Control Number 1076–0174; 267A2100DD/AAKP300000/A0A501010.000000]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Energy and Mineral Development Program Grants

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Indian Affairs is proposing to renew an information collection without change.

DATES: Interested persons are invited to submit comments. To be considered, your comments must be received on or before February 26, 2026.

ADDRESSES: Send your written comments and recommendations for the proposed information collection request (ICR) to the Office of Information and Regulatory Affairs (OIRA) through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202508-1076-002* or by visiting *https://www.reginfo.gov/public/do/PRAMain* and selecting ''Currently under Review—Open for Public Comments'' and then scrolling down to the ''Department of the Interior.''

FOR FURTHER INFORMATION CONTACT: Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; *comments@bia.gov;* (202) 924–2650. 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. You may also view the ICR at *https://www.reginfo.gov/public/Forward?SearchTarget=PRA&textfield=1076-0174.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA 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 September 22, 2025 (90 FR 45403). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. 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; and

(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. 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: The Energy Policy Act of 2005 authorizes the Secretary of the Interior to provide grants to Indian Tribes for energy development and appropriates funds for such grants on a year-to-year basis. See 25 U.S.C. 3502 (a)(2)(B). When funding is available, the Division of Energy and Mineral Development (DEMD) may solicit applications for energy development projects from Indian Tribes whose lands are held in trust or restricted fee by the Federal Government under the Energy and Mineral Development Program (EMDP). Indian Tribes that would like to apply for an EMDP grant must submit an application that includes certain information, and once funding is received, recipients must submit reports on how they are using the funding.

Title of Collection: Energy and Mineral Development Program Grants.

OMB Control Number: 1076–0174.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Federally recognized Indian Tribes with Indian land.

Total Estimated Number of Annual Respondents: 113.

Total Estimated Number of Annual Responses: 143.

Estimated Completion Time per Response: Varies from 3 to 100 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 8,480 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Annual for applications; semi-annual for progress reports.

Total Estimated Annual Nonhour Burden Cost: $0.

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.

Authority

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Steven Mullen,

Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2026–01512 Filed 1–26–26; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6888; NPS–WASO–NAGPRA–NPS0041886; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after February 26, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to David Blackburn, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email *NagpraOffice@floridamuseum.ufl.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FLMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 28 unassociated funerary items have been requested for repatriation from an unnamed site in St. Lucie County, FL. The objects include one check stamped pottery sherd, one bark-like pattern pottery sherd, and 26 sand-tempered pottery sherds. The collection was presented to the Florida Museum by J.D. Almond of Fort Pierce, Florida on March 30, 1915. All objects were from a burial mound with Native American graves in the grove of Mr. Almond, F.M. O'Byrne, and R.E. Skinner. The grove is located at Ten Mile Creek. The graves were under large oak and palmetto trees. Consultation determined the objects are culturally affiliated to the Miccosukee Tribe of Indians of Florida, the Seminole Nation of Oklahoma, and the Seminole Tribe of Florida.

Determinations

The FLMNH has determined that:

- The 28 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Seminole Tribe of Florida.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after February 26, 2026. If competing requests for repatriation are received, the FLMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The FLMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: January 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–01536 Filed 1–26–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6895; NPS–WASO–NAGPRA–NPS0041892; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Tennessee, Office of Repatriation, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Tennessee, Knoxville, Office of Repatriation (UTK), has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after February 26, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Dr. Ellen Lofaro, University of Tennessee (UTK), Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37996, email *nagpra@utk.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UTK, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The five lots of associated funerary objects are five lots of objects found with or near Ancestors. These objects were recovered from the Wright's Bend site (40RE69) in Roane County, TN, by UTK's Archaeological Research Lab

under supervision of Michael Angst in June 2003 and housed at UTK since recovery. This site dates to the Middle Woodland to Late Mississippian periods, 1200–1400 C.E. To our knowledge, no potentially hazardous substances have been used to treat any of the associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

UTK has determined that:

- The five lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Alabama-Coushatta Tribe of Texas; Cherokee Nation; Eastern Band of Cherokee Indians; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after February 26, 2026. If competing requests for repatriation are received, UTK must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. UTK are responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: January 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–01542 Filed 1–26–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6890; NPS–WASO–NAGPRA–NPS0041888; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Florida Department of State, Tallahassee, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Florida Department of State (FDOS) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after February 26, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Tea Kaplan, Florida Department of State, 2100 W Tennessee Street, Tallahassee, FL 32304, email *Tea.Kaplan@dos.fl.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FDOS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. No associated funerary objects are present. Ancestral remains were transferred to the Florida Department of State under 872.05, Florida Statutes from the Leon County Sheriff's Office, after they were discovered on the dry lakebed of Lake Jackson, Tallahassee, Florida. Initially, the remains were investigated as a medicolegal case by Law Enforcement, including isotopic analyses of radiocarbon and oxygen to determine age and origination. These analyses concluded that the remains were archaeological. An anonymous tip to the police further identified that the remains were archaeological, and were originally excavated from two unknown sites, one in Arkansas and one in Missouri by a private citizen. The anonymous tip specifically lists the Caddo Nation as the affiliated Tribe of these remains. Forensic isotopic data (collected as a part of the Law Enforcement investigation) further indicated that the remains originated from Arkansas and Missouri. No known hazardous substances are present.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The FDOS has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Caddo Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after February 26, 2026. If competing requests for repatriation are received, the FDOS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The FDOS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: January 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–01538 Filed 1–26–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6896; NPS–WASO–NAGPRA–NPS0041893; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Castine Scientific Society D.B.A. Wilson Museum, Castine, ME

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Wilson Museum intends to repatriate a certain cultural item that meets the definition of a sacred objects and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after February 26, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Abby Dunham, Wilson Museum, P.O. Box 196, 120 Perkins Street, Castine, ME 04421, email *repatriation@wilsonmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Wilson Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation consisting of one sacred object.

The one sacred object is a wooden medicine man's mask from the North Pacific Coast, acquired at an unknown point by Anton Heitmuller, purchased from the Heitmuller Art Company by or for the Wilson Museum in 1926.

Determinations

The Wilson Museum has determined that:

- The one sacred object described in this notice is a specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and the Jamestown S'Klallam Tribe.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after February 26, 2026. If competing requests for repatriation are received, the Wilson Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Wilson Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: January 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–01543 Filed 1–26–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6894; NPS–WASO–NAGPRA–NPS0041887; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH), has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after February 26, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to David Blackburn, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email *NagpraOffice@floridamuseum.ufl.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FLMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least one individual has been identified from Cape Sable 2 (8MO38). The 940 associated funerary objects are faunal bone, pumice, pottery, and shell. The collection of human remains and artifacts were transferred to FLMNH from the Department of Anthropology at the University of Florida in 1977 (Acc. 80–1). Some of the faunal remains were subsequently separated and curated in the Environmental Archaeology Program (EAP) for identification and analysis (EAP 0344). The Ancestral remains were identified within the faunal samples in EAP. The site was described by John Goggin in 1944 as a midden site, in a mangrove swamp east of the long tongue of prairie running north behind middle to northwest cape. He noted that at the time it was a virtually untouched hammock mound with mangroves around a possible burial mound. The excavation consists of a trench (Trench 1), excavated in 6″ intervals to a depth of 36″. There is a well-established relationship between John Goggin and the University of Florida, Department of Anthropology, so it is possible that the remains were collected during this investigation.

Human remains representing at least one individual has been identified from

Pavillion Key (8MO107). There are no associated funerary objects. There is no information relating to the excavation of this burial, although the geographic region is generally associated with the Glades Period (1000 B.C.–A.D. 1700). The Ancestor was presented to the FLMNH in January 1953 by Mr. Orin G. Fogle from Pavillion Key. There are no known hazardous or potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The FLMNH has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The 940 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Miccosukee Tribe of Indians; Seminole Tribe of Florida; and The Seminole Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after February 26, 2026. If competing requests for repatriation are received, the FLMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The FLMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: January 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–01537 Filed 1–26–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6893; NPS–WASO–NAGPRA–NPS0041891; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Indianapolis Museum of Art, Inc. D.B.A. Newfields, Indianapolis, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Indianapolis Museum of Art, Inc. D.B.A. Newfields intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after February 26, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jennifer Gallatin Rigsby, Indianapolis Museum of Art, Inc. D.B.A. Newfields, 4000 Michigan Road, Indianapolis, IN 46208, email *jrigsby@discovernewfields.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Indianapolis Museum of Art, Inc. D.B.A. Newfields, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two sacred objects are 'umele' or wood bowls. Both bowls were obtained by Vice Admiral Albery Parker Niblack who served in the United States Navy for 47 years in many different capacities: explorer, scientist, Naval Attaché to various European and South American countries, sea commander, and as post-WWI Director of Naval Intelligence. It is unknown when he obtained them, they were passed down to his wife, Mary Augusta Niblack and his sister, Eliza Maria Niblack, who donated them to the museum in 1930 and 1948.

Determinations

The Indianapolis Museum of Art, Inc. D.B.A. Newfields, has determined that:

- The two sacred objects described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision). These two wood bowls are needed by a traditional religious leader for present-day adherents to renew the traditional Native Hawaiian religious ceremony of 'ike pāpālua', which involves spiritual communication with their ancestors.
- There is a connection between the cultural items described in this notice and the Hui Iwi Kuamoʻo.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after February 26, 2026. If competing requests for repatriation are received, the Indianapolis Museum of Art, Inc. D.B.A. Newfields, must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Indianapolis Museum of Art, Inc. D.B.A. Newfields is responsible for sending a copy of this

notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: January 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–01541 Filed 1–26–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6891; NPS–WASO–NAGPRA–NPS0041889; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), San Bernardino County Museum has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after February 26, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Gabrielle Carpentier, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, email *gabrielle.carpentier@sbcm.sbcounty.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of San Bernardino County Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual has been identified. The one associated funerary object is one candle. This collection is from Independence, CA near Owens River and was collected by Benjamin E. McCown.

Statement From Sean Scruggs, Tribal Historic Preservation Officer for the Fort Independence Indian Reservation in Eastern California

Words cannot capture or convey the outrage and sorrow that I and my tribal community feel about this ''Notice of Intended Repatriation''. Mr. Benjamin E. McCown, with a single action, destroyed the ''spiritual and physical integrity'' of an ancestors final resting place. There was no thought or regard about the work that would eventually be necessary to complete the child's journey on earth, or about the pain and torment of their parents who are waiting for them in the spiritual world.

As a Tribal Historic Preservation Officer (THPO), I do not receive funding from my grant to perform functions related to the task of repatriation. Rarely, if ever, is any consideration given to the harsh reality of generational trauma that our tribal community feels and experiences through processes like these or to the emotional weight and trauma that this puts upon myself and others who perform these acts of service on what is quickly becoming a daily basis.

If these were the remains of a regular citizen today, the public and media would explode with a call-to-action demanding justice, an immediate stop to the act of collecting and a quick conclusion to this severe and extreme example of racist activity. And yet, the archaeological community (professional and amateur) have and continue to ''legally'' loot and destroy grave sites of our ancestors who have lived on these lands since the beginning of time according to our Creation and traditional stories in the name of ''science''

The archaeological community continues to state that ''scientific study'' is a reason for collections. The practice and actions need to be deemed ''illegal'' unless requested by a tribe or tribal community. As a tribal member who grew up on my reservation and as a THPO, I can factually state that ''no one at all'' has ever come to my reservation or community to ''educate me or us'' on this so-called premise of ''scientific study'' or ''scientific results''. This unethical practice needs to come to an immediate and complete stop. . . now!

No study is necessary, unless ordained or requested by a tribe or tribal community. This should only be conducted when it is specifically requested and whereby the results and findings belong to that tribal community and not for the gain of professionals who sustain and promote their careers at the expense of our culture and heritage.

Our ancestors and culture did not vanish or mysteriously disappear. . . Our people were murdered, colonized and assimilated. And, in this particular case, we were ''stolen'' from our rightful resting places and this particular atrocity fully demonstrates that fact with painful and clear empirical evidence.

The act of repatriation is costly! It puts me, as a NAGPRA Specialist, at ''. . . emotional, spiritual and physical risk . . .'' that is otherwise completely unnecessary. As a result of ''this collection'' I will drive more than 1,000 miles, spend countless hours coordinating repatriation actions and put myself at continued ''. . . emotional, spiritual, and physical risk . . .'' to complete work that is critical and now very necessary.

This repatriation is long overdue and reflects shame on the previous versions of NAGPRA that stood in the way of an ancestors' rightful return home and to curators have in the past ''held our ancestors' as spiritual prisoners and hostages'' in the name of ''scientific''!

No apologies can be given or issued. It is now upon me, alone, to care for and bring this child home physically and help them complete their spiritual journey.

I also find it very necessary to point out the fact that the current teams and field of repatriation specialist that I work with are extremely helpful, kind and respectful. While it is critical and necessary to write about and expose the ugliness of the past, it is equally critical and necessary to recognize that many professionals put their full effort into correcting historical wrongs and are instrumental in helping tribal communities heal the past and their actions contribute to ''Transforming Archaeology for Tomorrow'' from the way we know it today.

Gabrielle Carpentier, Curator of Anthropology of the San Bernardino County Museum is one of those professionals who deserves recognition for being a part of that healing process for my tribal community.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

San Bernardino County Museum has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The one object described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Bishop Paiute Tribe and the Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after February 26, 2026. If competing requests for repatriation are received, San Bernardino County Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. San Bernardino County Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: January 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–01539 Filed 1–26–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6892; NPS–WASO–NAGPRA–NPS0041890; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation Amendment: Sonoma State University, Rohnert Park, CA

AGENCY: National Park Service, Interior.

ACTION: Notice; amendment.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sonoma State University has amended a notice of intended repatriation published in the **Federal Register** on November 17, 2025. This notice amends the Indian Tribes or Native Hawaiian organizations with cultural affiliation.

DATES: Repatriation of the cultural items in this notice may occur on or after February 26, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Kirsten Twork, Sonoma State University, 1801 East Cotati Avenue, Rohnert Park, CA 94928, email *tworkk@sonom.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Amendment

This notice amends the determination of cultural affiliation published in a notice of intended repatriation in the **Federal Register** (90 FR 51392–51393, November 17, 2025). This amendment is to include cultural affiliation of the Federated Indians of Graton Rancheria for the cultural material from the sites described in the original notice that are south of the Russian River. Repatriation of the cultural items in the original notice of intended repatriation has not occurred.

Determinations

The Sonoma State University has determined that:

- There is a reasonable connection between the cultural items described in the original notice and the Federated Indians of Graton Rancheria, California and the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after February 26, 2026. If competing requests for repatriation are received, the Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. TheSonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: January 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–01540 Filed 1–26–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket Number: BOEM–2025–0583]

Call for Information and Nominations for Central California Outer Continental Shelf Oil and Gas Lease Sales Proposed in the 11th National Outer Continental Shelf Oil and Gas Leasing Program

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Call for information and nominations; request for comments.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) issues this call for information and nominations (Call) covering proposed Outer Continental Shelf (OCS) oil and gas lease sales in the available portions of the Central California Planning Area. Those sales are described in the U.S. Department of

the Interior's (Department) recently published Draft Proposed Program for the 11th National OCS Oil and Gas Leasing Program (11th National Program), which BOEM announced on November 20, 2025. This Call solicits industry nominations of acreage for possible inclusion in these proposed sales and requests information from the public on the Call Area (as defined in the section ''Call for Information and Nominations,'' subsection 3 ''Description of the Call Area'' below) for lease sale planning. Specifically, BOEM seeks information on geological conditions, archaeological sites, potential use conflicts, areas of special concern, and other socioeconomic, biological, and environmental information. This Call is not a final decision to lease and does not prejudge any future secretarial decisions concerning leasing offshore Central California.

DATES: All nominations and comments must be received by BOEM or postmarked no later than February 26, 2026.

ADDRESSES: Do not send nominations, indications of interest, or other proprietary information through the Federal eRulemaking Portal or to any email address provided in this document. To ensure security and confidentiality of proprietary information to the maximum extent possible, send nominations, indications of interest, and other proprietary information via mail directly to: Regional Supervisor, Bureau of Ocean Energy Management, Office of Strategic Resources, 760 Paseo Camarillo (CM 102), Camarillo, California 93010. Consistent with subsection 5 ''Protection of Privileged, Proprietary, and Personal Information'' below, you should mark all documents and every page containing such information with ''Confidential—Contains Proprietary Information.'' Send your nominations in an envelope labeled ''Nominations for Central California Planning Area Lease Sales.''

All public comments should be submitted through one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* In the field entitled, ''Search,'' enter ''BOEM–2025–0583'' and then click ''search.'' Follow the instructions to submit public comments and to view supporting and related materials available for this notice.

2. *By mail to the following address:* Bureau of Ocean Energy Management, Pacific Region, Office of Strategic Resources, 760 Paseo Camarillo (CM 102), Camarillo, California 93010. Send your comments in an envelope clearly labeled ''Comments on the Call for Information and Nominations for Central California Planning Area Lease Sales.''

FOR FURTHER INFORMATION CONTACT: Necy Sumait, Regional Supervisor, Bureau of Ocean Energy Management, Pacific Region, Office of Strategic Resources, 760 Paseo Camarillo (CM 102), Camarillo, California 93010, at *Pacific.Region@boem.gov* or (805) 384–6320.

SUPPLEMENTARY INFORMATION: Because the first of the proposed Central California lease sales is tentatively scheduled to occur near the beginning of the 11th National Program and given the long lead time needed to prepare for a proposed sale, BOEM must initiate the lease sale planning process simultaneously with the development of the National Program. BOEM will use the information and nominations received in response to this Call to identify the areas to be carried forward for analysis and potential inclusion in future oil and gas leasing. Multiple steps would be required prior to holding any lease sale, including but not limited to the approval of the 11th National Program, completion of environmental analyses and other statutory requirements, and issuance of proposed and final notices of sale (NOS).

11th National OCS Program Development

Information on the development of the 11th National Program is available on BOEM's website at: *https://www.boem.gov/National-OCS-Program/.*

Environmental Review Process

BOEM intends to prepare a Programmatic Environmental Impact Statement (Programmatic EIS), in accordance with the National Environmental Policy Act (NEPA) and the Department's regulations and manual implementing NEPA, analyzing a representative California proposed lease sale and reasonable alternatives. The Programmatic EIS will be supplemented as necessary for individual decisions on all future Central and Southern California lease sales included in the 11th National Program.

The Programmatic EIS will evaluate the potential effects that oil and gas activities resulting from a lease sale could have on the human, marine, and coastal environments. The Programmatic EIS may propose measures and lease stipulations to mitigate adverse impacts for the alternatives being analyzed. Consultations will be conducted, as appropriate. Consultation with Tribal Nations, States, and Federal agencies will address BOEM's obligations under the Coastal Zone Management Act, Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, Section 106 of the National Historic Preservation Act, Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' and other applicable laws and regulations. The information gathered from these consultations will inform the Secretary in making individual leasing decisions.

BOEM's Leasing Process

Information on oil and gas leasing can be found on BOEM's website at *https://www.boem.gov/oil-gas-energy/leasing.* BOEM's regulations for planning and holding an oil and gas lease sale are found at 30 CFR part 556, subpart C. These regulations include the following steps:

(1) Call for Information and Nominations (Call; *see* 30 CFR 556.301): *See* section below.

(2) Area Identification (Area ID; *see* 30 CFR 556.302): Based on the information and nominations submitted in response to this Call, BOEM will recommend an area for further leasing consideration and environmental analysis. Upon approval by the Secretary, BOEM will announce the proposed area identified for leasing in the **Federal Register**, in accordance with 30 CFR 556.302(a)(3).

(3) Proposed Notice of Sale (Proposed NOS; *see* 30 CFR 556.304): If BOEM proceeds with the leasing process after Area Identification and environmental analysis, it will publish a Notice of Availability of a Proposed NOS in the **Federal Register**. BOEM also will send the Proposed NOS to the Governors of affected States for comment and recommendations on the size, timing, and location of the proposed sale. The Proposed NOS describes the size, timing, and location of the proposed sale; provides additional information on the areas proposed for leasing; lists proposed lease terms and conditions of the sale; and provides proposed stipulations to mitigate potential adverse impacts on the environment and other uses of the area.

(4) Final Notice of Sale (Final NOS; *see* 30 CFR 556.308) and Record of Decision (ROD): If BOEM decides to proceed with leasing, it will publish a Final NOS in the **Federal Register** at least 30 days before the date of the lease sale. The Final NOS describes the place, time, and methods for filing, opening, and publicly announcing bids. It also

contains a description of the areas offered for lease, the lease terms and conditions of the sale, and stipulations to mitigate potential adverse impacts on the environment and other uses of the area. BOEM will also publish contemporaneously a ROD to complete its NEPA obligations with regard to the sale.

Call for Information and Nominations

1. Authority

This Call is published pursuant to the Outer Continental Shelf Lands Act (OCSLA), as amended (43 U.S.C. 1331–1356) and the implementing regulation at 30 CFR 556.301.

2. Purpose of the Call

The purpose of this Call is to solicit industry nominations for areas of leasing interest and to gather comments and information from the public on the Call Area. Pursuant to 30 CFR 556.301, BOEM seeks comments from industry and the public on:

(a) industry interest in the Call Area, including nominations or indications of interest in specific blocks within the Call Area;

(b) geological conditions, including shallow hazards;

(c) archaeological sites on the seabed or near shore;

(d) potential use conflicts in the Call Area, including navigation, recreation, and fisheries;

(e) areas that should receive special concern and analysis; and

(f) other socioeconomic, biological, and environmental information.

BOEM will consider information submitted in response to this Call to:

- inform the Area ID process under 30 CFR 556.302;
- prioritize areas with potential for oil and gas development;
- develop potential lease terms and conditions;
- identify potential use conflicts and potential mitigation measures; and
- assist in BOEM's planning and environmental review process.

3. Description of the Call Area

The Central California Planning Area is located offshore the State of California, extending from the 3-nautical mile (nm) boundary of the Submerged Lands Act on the east to the OCS boundary on the west. Its easternmost point is approximately 121.4° W, while its westernmost point is approximately 128.2° W. The southern boundary extends westward from the onshore boundary between Monterey and San Luis Obispo Counties, reaching a southernmost point at approximately 35.8° N. The northern boundary extends westward from the onshore boundary between Mendocino and Sonoma Counties in California, reaching a northernmost point at approximately 38.8° N. The Call Area consists of approximately 36 million acres, as depicted on the Call Area Map. A map of the Call Area is available for download on the BOEM website at: *https://www.boem.gov/regions/pacific-ocs-region/california-oil-and-gas-leasing-activities.* Copies of Official Protraction Diagrams (OPDs) also are available for download on the BOEM website at: *https://www.boem.gov/Maps-and-GIS-Data/.*

4. Instructions on Responding to the Call

BOEM requests parties who are interested in leasing any whole or partial blocks within the Call Area to indicate their interest in, and comment on, blocks that they would like included in a proposed lease sale. Parties should explicitly nominate whole or partial blocks and rank them using the following indicators: 1 [high], 2 [medium], or 3 [low]. Parties are encouraged to be as specific as possible in prioritizing blocks and supporting nominations with detailed information, such as relevant geologic, geophysical, and economic data. BOEM will consider the areas where interest has been indicated but not prioritized as low priority areas.

Parties may also nominate blocks by OPD and leasing map designations to ensure correct interpretation of their nominations. OPDs and leasing maps are available on BOEM's website at *https://www.boem.gov/Maps-and-GIS-Data/.*

See subsection 5, ''Protection of Privileged, Proprietary, and Personal Information,'' regarding protection and release of information and how to submit proprietary information.

BOEM also seeks comments from the public regarding particular geological, environmental, biological, archaeological, and socioeconomic conditions, potential use conflicts, or other information about conditions that could affect the potential leasing and development of particular areas. Comments may refer to broad areas or particular OCS blocks.

5. Protection of Privileged, Proprietary, and Personal Information

BOEM will protect privileged or proprietary information in accordance with the Freedom of Information Act (FOIA) and OCSLA requirements. To avoid inadvertent release of such information, you should mark all documents and every page containing such information with ''Confidential—Contains Proprietary Information.'' To the extent a document contains a mix of proprietary and nonproprietary information, you should clearly mark the document to indicate which portion of the document is proprietary and which is not. Exemption 4 of FOIA applies to trade secrets and commercial or financial information that you submit that is privileged or confidential. BOEM considers nominations of specific blocks to be proprietary. Therefore, BOEM will not release information that identifies any particular nomination with any particular party, so as not to compromise the competitive position of any participants.

Please be aware that BOEM's practice is to make all other comments, including the names and addresses of individuals, available for public inspection. Before including your address, phone number, email address, and any personally identifiable information in your comment, please be advised that your entire comment, including your personally identifiable information, may be made publicly available at any time. For BOEM to consider withholding from disclosure your personally identifiable information, you must identify, in a cover letter, any information contained in your comments that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm.

Even if BOEM withholds your information in the context of this Call, your submission is subject to the FOIA. If your submission is requested under the FOIA, your information will only be withheld if BOEM determines that one of the FOIA exemptions to disclosure applies. Such a determination will be made in accordance with the Department's FOIA regulations and applicable law.

BOEM will make available for public inspection all comments, in their entirety, submitted by organizations and businesses (except as provided above for proprietary information) or by individuals identifying themselves as representatives of organizations or businesses.

Matthew N. Giacona,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2026–01571 Filed 1–26–26; 8:45 am]

BILLING CODE 4340–98–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket Number: BOEM–2025–0582]

Call for Information and Nominations for Southern California Outer Continental Shelf Oil and Gas Lease Sales Proposed in the 11th National Outer Continental Shelf Oil and Gas Leasing Program

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Call for information and nominations; request for comments.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) issues this call for information and nominations (Call) covering proposed Outer Continental Shelf (OCS) oil and gas lease sales in the available portions of the Southern California Planning Area. Those sales are described in the U.S. Department of the Interior's (Department) recently published Draft Proposed Program for the 11th National OCS Oil and Gas Leasing Program (11th National Program), which BOEM announced on November 20, 2025. This Call solicits industry nominations of acreage for possible inclusion in these proposed sales and requests information from the public on the Call Area (as defined in the section ''Call for Information and Nominations,'' subsection 3 ''Description of the Call Area'' below) for lease sale planning. Specifically, BOEM seeks information on geological conditions, archaeological sites, potential use conflicts, areas of special concern, and other socioeconomic, biological, and environmental information. This Call is not a final decision to lease and does not prejudge any future secretarial decisions concerning leasing offshore California.

DATES: All nominations and comments must be received by BOEM or postmarked no later than February 26, 2026.

ADDRESSES: Do not send nominations, indications of interest, or other proprietary information through the Federal eRulemaking Portal or to any email address provided in this document. To ensure security and confidentiality of proprietary information to the maximum extent possible, send nominations, indications of interest, and other proprietary information via mail directly to: Regional Supervisor, Bureau of Ocean Energy Management, Office of Strategic Resources, 760 Paseo Camarillo (CM 102), Camarillo, California 93010. Consistent with subsection 5 ''Protection of Privileged, Proprietary, and Personal Information'' below, you should mark all documents and every page containing such information with ''Confidential—Contains Proprietary Information.'' Send your nominations in an envelope labeled ''Nominations for Southern California Planning Area Lease Sales.''

All public comments should be submitted through one of the following methods:

1. Federal eRulemaking Portal: *http://www.regulations.gov.* In the field entitled, ''Search,'' enter ''BOEM–2025–0582'' and then click ''search.'' Follow the instructions to submit public comments and to view supporting and related materials available for this notice.

2. By mail to the following address: Bureau of Ocean Energy Management, Pacific Region, Office of Strategic Resources, 760 Paseo Camarillo (CM 102), Camarillo, California 93010. Send your comments in an envelope clearly labeled ''Comments on the Call for Information and Nominations for Southern California Planning Area Lease Sales.''

FOR FURTHER INFORMATION CONTACT: Necy Sumait, Regional Supervisor, Bureau of Ocean Energy Management, Pacific Region, Office of Strategic Resources, 760 Paseo Camarillo (CM 102), Camarillo, California 93010, at *Pacific.Region@boem.gov* or (805) 384–6320.

SUPPLEMENTARY INFORMATION: Because the first of the proposed Southern California lease sales is tentatively scheduled to occur near the beginning of the 11th National Program and given the long lead time needed to prepare for a proposed sale, BOEM must initiate the lease sale planning process simultaneously with the development of the National Program. BOEM will use the information and nominations received in response to this Call to identify the areas to be carried forward for analysis and potential inclusion in future oil and gas leasing. Multiple steps would be required prior to holding any lease sale, including but not limited to the approval of the 11th National Program, completion of environmental analyses and other statutory requirements, and issuance of proposed and final notices of sale (NOS).

11th National OCS Program Development

Information on the development of the 11th National Program is available on BOEM's website at: *https://www.boem.gov/National-OCS-Program/.*

Environmental Review Process

BOEM intends to prepare a Programmatic Environmental Impact Statement (Programmatic EIS), in accordance with the National Environmental Policy Act (NEPA) and the Department's regulations and manual implementing NEPA, analyzing a representative California proposed lease sale and reasonable alternatives. The Programmatic EIS will be supplemented as necessary for individual decisions on all future Central and Southern California lease sales included in the 11th National Program.

The Programmatic EIS will evaluate the potential effects that oil and gas activities resulting from a lease sale could have on the human, marine, and coastal environments. The Programmatic EIS may propose measures and lease stipulations to mitigate adverse impacts for the alternatives being analyzed. Consultations will be conducted, as appropriate. Consultation with Tribal Nations, States, and Federal agencies will address BOEM's obligations under the Coastal Zone Management Act, Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, Section 106 of the National Historic Preservation Act, Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' and other applicable laws and regulations. The information gathered from these consultations will inform the Secretary in making individual leasing decisions.

BOEM's Leasing Process

Information on oil and gas leasing can be found on BOEM's website at *https://www.boem.gov/oil-gas-energy/leasing.* BOEM's regulations for planning and holding an oil and gas lease sale are found at 30 CFR part 556, subpart C. These regulations include the following steps:

(1) Call for Information and Nominations (Call; *see* 30 CFR 556.301): *See* section below.

(2) Area Identification (Area ID; *see* 30 CFR 556.302): Based on the information and nominations submitted in response to this Call, BOEM will recommend an area for further leasing consideration and environmental analysis. Upon approval by the Secretary, BOEM will announce the proposed area identified for leasing in the **Federal Register**, in accordance with 30 CFR 556.302(a)(3).

(3) Proposed Notice of Sale (Proposed NOS; *see* 30 CFR 556.304): If BOEM proceeds with the leasing process after Area Identification and environmental

analysis, it will publish a Notice of Availability of a Proposed NOS in the **Federal Register**. BOEM also will send the Proposed NOS to the Governors of affected States for comment and recommendations on the size, timing, and location of the proposed sale. The Proposed NOS describes the size, timing, and location of the proposed sale; provides additional information on the areas proposed for leasing; lists proposed lease terms and conditions of the sale; and provides proposed stipulations to mitigate potential adverse impacts on the environment and other uses of the area.

(4) Final Notice of Sale (Final NOS; *see* 30 CFR 556.308) and Record of Decision (ROD): If BOEM decides to proceed with leasing, it will publish a Final NOS in the **Federal Register** at least 30 days before the date of the lease sale. The Final NOS describes the place, time, and methods for filing, opening, and publicly announcing bids. It also contains a description of the areas offered for lease, the lease terms and conditions of the sale, and stipulations to mitigate potential adverse impacts on the environment and other uses of the area. BOEM will also publish contemporaneously a ROD to complete its NEPA obligations with regard to the sale.

Call for Information and Nominations

1. Authority

This Call is published pursuant to the Outer Continental Shelf Lands Act (OCSLA), as amended (43 U.S.C. 1331–1356) and the implementing regulation at 30 CFR 556.301.

2. Purpose of the Call

The purpose of this Call is to solicit industry nominations for areas of leasing interest and to gather comments and information from the public on the Call Area. Pursuant to 30 CFR 556.301, BOEM seeks comments from industry and the public on:

(a) industry interest in the Call Area, including nominations or indications of interest in specific blocks within the Call Area;

(b) geological conditions, including shallow hazards;

(c) archaeological sites on the seabed or near shore;

(d) potential use conflicts in the Call Area, including navigation, recreation, and fisheries;

(e) areas that should receive special concern and analysis; and

(f) other socioeconomic, biological, and environmental information.

BOEM will consider information submitted in response to this Call to:

- inform the Area ID process under 30 CFR 556.302;
- prioritize areas with potential for oil and gas development;
- develop potential lease terms and conditions;
- identify potential use conflicts and potential mitigation measures; and
- assist in BOEM's planning and environmental review process.

3. Description of the Call Area

The Southern California Planning Area is located offshore the State of California, extending from the 3-nautical mile (nm) boundary of the Submerged Lands Act on the east to the OCS boundary on the west. Its easternmost point is approximately 117.2° W, while its westernmost point is approximately 126.4° W. The southern boundary follows the southern extent of the OCS boundary, reaching a southernmost point of around 30.5° N. The northern boundary extends westward from the onshore boundary between Monterey and San Luis Obispo Counties, reaching a northernmost point at approximately 35.8° N. The Call Area encompasses approximately 68 million acres, as depicted on the Call Area Map.

A map of the Call Area is available for download on the BOEM website at: *www.boem.gov/California-oil-and-gas-leasing.* Copies of Official Protraction Diagrams (OPDs) also are available for download on the BOEM website at: *https://www.boem.gov/Maps-and-GIS-Data/.*

4. Instructions on Responding to the Call

BOEM requests parties who are interested in leasing any whole or partial blocks within the Call Area to indicate their interest in, and comment on, blocks that they would like included in a proposed lease sale. Parties should explicitly nominate whole or partial blocks and rank them using the following indicators: 1 [high], 2 [medium], or 3 [low]. Parties are encouraged to be as specific as possible in prioritizing blocks and supporting nominations with detailed information, such as relevant geologic, geophysical, and economic data. BOEM will consider the areas where interest has been indicated but not prioritized as low priority areas.

Parties may also nominate blocks by OPD and leasing map designations to ensure correct interpretation of their nominations. OPDs and leasing maps are available on BOEM's website at *https://www.boem.gov/Maps-and-GIS-Data/.*

See subsection 5, ''Protection of Privileged, Proprietary, and Personal Information,'' regarding protection and release of information and how to submit proprietary information.

BOEM also seeks comments from the public regarding particular geological, environmental, biological, archaeological, and socioeconomic conditions, potential use conflicts, or other information about conditions that could affect the potential leasing and development of particular areas. Comments may refer to broad areas or particular OCS blocks.

5. Protection of Privileged, Proprietary, and Personal Information

BOEM will protect privileged or proprietary information in accordance with the Freedom of Information Act (FOIA) and OCSLA requirements. To avoid inadvertent release of such information, you should mark all documents and every page containing such information with ''Confidential—Contains Proprietary Information.'' To the extent a document contains a mix of proprietary and nonproprietary information, you should clearly mark the document to indicate which portion of the document is proprietary and which is not. Exemption 4 of FOIA applies to trade secrets and commercial or financial information that you submit that is privileged or confidential. BOEM considers nominations of specific blocks to be proprietary. Therefore, BOEM will not release information that identifies any particular nomination with any particular party, so as not to compromise the competitive position of any participants.

Please be aware that BOEM's practice is to make all other comments, including the names and addresses of individuals, available for public inspection. Before including your address, phone number, email address, and any personally identifiable information in your comment, please be advised that your entire comment, including your personally identifiable information, may be made publicly available at any time. For BOEM to consider withholding from disclosure your personally identifiable information, you must identify, in a cover letter, any information contained in your comments that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm.

Even if BOEM withholds your information in the context of this Call, your submission is subject to the FOIA. If your submission is requested under the FOIA, your information will only be

withheld if BOEM determines that one of the FOIA exemptions to disclosure applies. Such a determination will be made in accordance with the Department's FOIA regulations and applicable law.

BOEM will make available for public inspection all comments, in their entirety, submitted by organizations and businesses (except as provided above for proprietary information) or by individuals identifying themselves as representatives of organizations or businesses.

Matthew N. Giacona,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2026–01568 Filed 1–26–26; 8:45 am]

BILLING CODE 4340–98–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RX.59389832.1009676 267R5065C6 RR83550000]

Change in Discount Rate for Water Resources Planning

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of change in discount rate.

SUMMARY: The Bureau of Reclamation is announcing that the interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 3.25 percent for fiscal year 2026.

DATES: This discount rate is to be used for the period October 1, 2025, through and including September 30, 2026.

FOR FURTHER INFORMATION CONTACT: Austin Olah, Bureau of Reclamation, Reclamation Law Administration Division, P.O. Box 25007, Denver, Colorado 80225; telephone (303) 445–3240; or email at *aolah@usbr.gov.*

SUPPLEMENTARY INFORMATION: The Water Resources Planning Act of 1965 and the Water Resources Development Act of 1974 require an annual determination of a discount rate for Federal water resources planning. The discount rate for Federal water resources planning for fiscal year 2026 is 3.25 percent. The prior year's rate, as announced in the **Federal Register** on December 12, 2024 (89 FR 100533), was 3.00 percent for fiscal year 2025. Discounting is used to convert future monetary values to present values.

This rate has been computed in accordance with section 80(a), Public Law 93–251 (88 Stat. 34), and 18 CFR 704.39, which: (1) specify that the rate will be based upon the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity (average yield is rounded to nearest one-eighth percent); and (2) provide that the rate will not be raised or lowered more than one-quarter of 1 percent for any year. The U.S. Department of the Treasury calculated the specified average to be 4.7330 percent. In accordance with the Water Resource Council Rules and Regulations, the maximum adjustment allowed for the current fiscal year rate is one-quarter of one percentage point from the previous fiscal year rate, which was 3.00 percent. Therefore, the fiscal year 2026 rate is 3.25 percent.

All Federal agencies will use the rate of 3.25 percent in the formulation and evaluation of water and related land resources plans for the purpose of discounting future benefits and computing costs or otherwise converting benefits and costs to a common-time basis.

Heidi Morrow,

Acting Director, Mission Assurance and Protection Organization, Bureau of Reclamation.

[FR Doc. 2026–01591 Filed 1–26–26; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1482]

Certain Processed Slabs and Methods for Making Same; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 19, 2025, under section 337 of the Tariff Act of 1930, as amended, on behalf of Cambria Company LLC of Belle Plaine, Minnesota. A supplement to the complaint was filed on January 5, 2026. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain processed slabs and methods for making same by reason of the infringement of certain claims of U.S. Patent No. 10,195,762 (''the '762 patent''); U.S. Patent No. 10,252,440 (''the '440 patent''); and U.S. Patent No. 12,370,718 (''the '718 patent''). The complaint, as supplemented, further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 23, 2026, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 22–25 of the '762 patent; claims 14–20 of the '440 patent; and claims 1–2 and 4–16 of the '718 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the

accused products or category of accused products, which defines the scope of the investigation, is ''veined processed slabs produced with quartz, glass, or minerals'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Cambria Company LLC, 805 Enterprise Drive East, Suite H, Belle Plaine, MN 56011

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Surface Warehouse, L.P. d/b/a US Surfaces, and d/b/a Vadara Quartz Surfaces, 4601 Spicewood Springs Road, Building 1, Suite 100, Austin, TX 78759

M S International Inc. d/b/a MSI, 2095 North Batavia Street, Orange, CA 92865

Arizona Tile, LLC, 8829 South Priest Drive, Tempe, AZ 85284

OHM International Inc., 195 Prospect Plains Rd., Monroe Twp, NJ 08831

Architectural Surfaces Group LLC, 19012 State Highway 71 West, Spicewood, TX 78669

Caesarstone Ltd., Kibbutz Sdot-Yam, 3780400 Israel

Caesarstone USA, Inc., 1401 W. Morehead Street Suite 100, Charlotte, NC 28208

LX Hausys, Ltd., 98 Huam-ro, jung-gu, Seoul, 04637, Republic of Korea

LX Hausys America, Inc., 3480 Preston Ridge Road, Suite 350, Alpharetta, GA 30005

Mohawk Industries, Inc., 160 South Industrial Blvd., Calhoun, GA 30701

Dal-Tile, LLC, 7834 CF Hawn Fwy, Dallas, TX 75217

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW, Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: January 23, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–01612 Filed 1–26–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1408]

Certain Hydrodermabrasion Systems and Components Thereof; Notice of a Commission Determination To Review in Part a Final Initial Determination Finding a Violation; Extension of the Target Date for Completion of the Investigation; Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined to review in part a final initial determination (''FID'') of the presiding administrative law judge (''ALJ''). The Commission requests written submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below. The Commission has also determined to extend the target date for completion of the investigation to March 23, 2026.

FOR FURTHER INFORMATION CONTACT: Jonathan D. Link, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3103. 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: On July 17, 2024, the Commission instituted this investigation based on a complaint filed on behalf of HydraFacial LLC, f/k/a Edge Systems LLC, of Long Beach, California (''HydraFacial''). 89 FR 58188–89 (July 17, 2024). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on the importation into the United States, the sale for importation, or sale within the United States after importation of certain hydrodermabrasion systems and components thereof by reason of the infringement of certain claims of U.S. Patent No. 11,865,287 patent (''the '287 patent''). *Id.* The complaint further alleges that an industry in the United States exists as required by section 337. *Id.* The Commission's notice of investigation named as respondents Cartessa Aesthetics, LLC (''Cartessa'') of Melville, New York; and Eunsung Global Corp. of Republic of Korea. *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On August 14, 2025, the Commission determined not to review an initial determination (Order No. 3) setting the target date for completion of the investigation as December 17, 2025. *See* Order No. 3 (July 29, 2024), *unreviewed by* Comm'n Notice (Aug. 14, 2024).

On January 21, 2025, the Commission terminated the investigation as to Eunsung based on a consent order. Order No. 19 (Dec. 19, 2024), *unreviewed by* Comm'n Notice (Jan. 21, 2025).

On April 11, 2025, the Commission determined not to review an initial determination (Order No. 34) granting Complainant's unopposed motion to terminate the investigation as to claims 1–10, 15, 17, 20, 23, 26, 28–31, 33–37, and 39–45 of the '287 patent. *See* Order No. 34 (Mar. 26, 2025), *unreviewed by* Comm'n Notice (Apr. 11, 2025).

On August 26, 2025, the ALJ issued a final initial determination finding a violation of section 337 by respondent

Cartessa. On September 8, 2025, Cartessa filed a petition for review of the FID and on September 16, 2025, HydraFacial filed its response.

On December 15, 2025, the Commission determined, in view of the shutdown of the Federal Government, to extend the date for determining whether to review the FID to January 22, 2026. *See* Comm'n Notice (Dec. 15, 2025). In that notice, the Commission also asked the parties to address the impact, if any, the upcoming expiration of the '287 patent would have on the investigation.

Having reviewed the record of the investigation, including the final ID, the parties' submissions to the ALJ, the Commission has determined to review the ID in part. Specifically, the Commission has determined to review the FID's findings on (1) the construction, and findings on infringement and the technical prong of the domestic industry, for the claim limitations including the term ''fluid communication''; (2) invalidity and non-infringement findings based on the finding that the term ''block'' is indefinite, including review of any underlying related orders (*e.g.,* Order Nos. 29 and 50); and (3) unenforceability based on prosecution laches.

The Commission has also determined to extend the target date for completion of the investigation to March 23, 2026.

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: 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, Complainant is also requested to identify the remedy sought and Complainant is requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the date that the Asserted Patent expires, 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 5, 2026. All reply submissions must be filed no later than the close of business on February 12, 2026. Opening submissions from the parties are limited to 10 pages. Reply submissions from the parties are limited to 5 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–1408) 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 22, 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 22, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–01554 Filed 1–26–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1426]

Certain Crafting Machines and Components Thereof; Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on January 21, 2026, the presiding administrative law judge (''ALJ'') issued an Initial Determination on Violation of Section 337 and on pending Summary Determination Motions. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. 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: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: (1) a general exclusion order directed to certain crafting machines and components thereof that infringe U.S. Patent No. D893,563; (2) a limited exclusion order directed to certain crafting machines and components thereof imported, sold for importation, and/or sold after importation by respondents Bozhou Wanxingyu Technology Co. Ltd., Bozhou Zhongdaxiang Technology Co., Ltd., Shanghai Sishun E-commerce Co., Ltd. (collectively, the ''Vevor Respondents'') that infringe U.S. Patent No. D1,029,090; (3) a limited exclusion order directed to certain crafting machines and components thereof imported, sold for importation, and/or sold after importation by respondent Liping Zhan (''Konduone'') that infringe one or more of claims 8–12 of U.S. Patent No. 11,905,646; and (4) cease and desist orders directed to the Vevor Respondents and Konduone. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on January 21, 2026. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, 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 recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended 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 recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on February 23, 2026.

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–1426'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.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 simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). 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.

This action is taken under the authority of 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 22, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–01510 Filed 1–26–26; 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—Cable Television Laboratories, Inc.

Notice is hereby given that, on September 2, 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''), CABLE TELEVISION LABORATORIES, INC. (''CableLabs'') 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, Americable International, Inc., Yokosuka, JAPAN has been added as a party to this venture.

Also, NOWO Communications, S.A., Lisbon, PORTUGUESE REPUBLIC has been terminated as a party to this venture.

No other changes have been made in either the membership or the planned activity of the venture. Membership in this venture remains open and CableLabs intends to file additional written notifications disclosing all changes in membership.

On August 8, 1988, CableLabs 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 September 7, 1988 (53 FR 34593).

The last notification was filed with the Department on July 3, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 13, 2025 (90 FR 38999).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–01478 Filed 1–26–26; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Allied Medical Products, Inc.; Decision and Order

I. Introduction

On April 21, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Allied Medical Products, Inc., of Santa Ana, California (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 6. The OSC proposed the revocation of Registrant's DEA Certificate of Registration, number RA0235146, alleging that its registration is inconsistent with the public interest. *Id.* at 1 (citing 21 U.S.C. 823(f)).

On June 2, 2025, the Government submitted a RFAA to the Administrator requesting that the Agency [1] issue a default final order revoking Registrant's registration. RFAA, at 1, 4–5. After carefully reviewing the entire record and conducting the analysis as set forth in detail below, the Agency grants the Government's request for final agency action and revokes Registrant's registration. As a preliminary matter, this Decision addresses whether Registrant is in default and finds that it is. Thereafter, this Decision makes specific factual findings on the alleged violations as set forth in the OSC, including Registrant's failure to perform due diligence on a customer before distributing controlled substances to that customer and allowing a customer to purchase controlled substances using Registrant's account information. Next, this Decision considers whether Registrant's registration is inconsistent with the public interest and finds that it is. Lastly, this Decision determines that the appropriate sanction is revocation of Registrant's registration.

[1] The Controlled Substances Act (CSA) delegates authority to the Attorney General, who has delegated it to the Administrator of DEA (the Agency). 28 CFR 0.100.

II. Default Determination

The Government's RFAA included a declaration by a DEA Diversion Investigator (DI), in which DI declared under penalty of perjury that on April 24, 2025, he traveled to Registrant's registered location and ''personally served a copy of the OSC upon an authorized representative'' of Registrant. RFAAX 2, at 1. The declaration states that the authorized representative signed a Form DEA–12 confirming receipt of the OSC. *Id.* at 2–3. A copy of the Form DEA–12 is attached to DI's declaration. *Id.* at 3. Accordingly, due to personal service of the OSC upon a representative of Registrant, who, according to DI's declaration was authorized to be served the OSC on Registrant's behalf, the Agency finds that due process notice requirements have been satisfied.[2]

Under 21 CFR 1301.43, a registrant or applicant entitled to a hearing who fails to file a timely hearing request ''within 30 days after the date of receipt of the [OSC] . . . shall be deemed to have waived their right to a hearing and to be in default'' unless ''good cause'' is established for the failure. 21 CFR 1301.43(a), (c)(1). In the absence of a demonstration of good cause, a registrant or applicant who fails to timely file an answer also is ''deemed to have waived their right to a hearing and to be in default.'' 21 CFR 1301.43(c)(2).

The OSC notified Registrant of its right to file a written request for a hearing and an answer, and that if it failed to file such a request and answer, it would be deemed to have waived its right to a hearing and be in default. RFAAX 1, at 5 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, file an answer, or respond to the OSC in any way. RFAA, at 1–2. Accordingly, Registrant is in default. 21 CFR 1301.43(c)(1).

''A default, unless excused, shall be deemed to constitute a waiver of [Registrant's] right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e). Because

[2] The declaration omits the statutory language: ''. . . the foregoing is true and correct.'' 28 U.S.C. 1746(2). Nevertheless, the declaration begins with the statement, ''I, [DI], under penalty of perjury, declare and state the following . . . ,'' and DI's claim of personally serving a representative of Registrant, and that the representative was authorized to receive service of the OSC on Registrant's behalf, is uncontroverted. RFAAX 2, at 1; *see also David Payne, M.D.,* 90 FR 46,925, 46,925 n.2 (2025); *Immacula Michel, M.D.,* 90 FR 45,813, 45,813 n.3 (2025).

Registrant is in default and has not moved to excuse the default, the Agency finds that Registrant has admitted to the factual allegations in the OSC. 21 CFR 1301.43(c)(1), (e), (f)(1).

Further, ''[i]n the event that [a registrant] . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' 21 CFR 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), and 1301.46. RFAA, at 1, 5; *see also* 21 CFR 1316.67.

III. Public Interest Determination

A. Overview of Law

Congress enacted the Controlled Substances Act (CSA) ''to conquer drug abuse and control the legitimate and illegitimate traffic in controlled substances.'' *Gonzales* v. *Raich,* 545 U.S. 1, 12 (2005). A particular concern of Congress was ''the need to prevent the diversion of drugs from legitimate to illicit channels,'' and it ''devised a closed regulatory system making it unlawful to manufacture, distribute, dispense, or possess any controlled substance except in a manner authorized by the CSA.'' *Id.* at 12–13.

The CSA's requirements under this closed regulatory system include that ''[e]very person who . . . distributes any controlled substance . . . , or who proposes to engage in the . . . distribution of any controlled substance . . . , shall obtain annually a registration issued by [DEA].'' 21 U.S.C. 822(a)(1); *see also Gonzales* v. *Raich,* 545 U.S. at 27–28. To protect the American people and ensure compliance with the CSA, Congress empowered the Agency to deny, suspend, or revoke a registration if it would be inconsistent with the public interest.[3] 21 U.S.C. 823(f); 21 U.S.C. 824(a)(4); *Gonzales* v. *Oregon,* 546 U.S. 243, 251 (2006).

In determining whether Registrant's registration is inconsistent with the public interest, the Agency analyzes five statutorily established public interest factors. *Gonzales* v. *Oregon,* 546 U.S. at 251; 21 U.S.C. 823(f)(1)–(5). The five factors for distributors are:

(1) maintenance of effective controls against diversion of particular controlled substances into other than legitimate medical, scientific, and industrial channels;

(2) compliance with applicable State and local law;

(3) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(4) past experience in the distribution of controlled substances; and

(5) such other factors as may be relevant to and consistent with the public health and safety.

21 U.S.C. 823(f).

These five public interest factors are considered in the disjunctive. *Morris & Dickson Co., LLC,* 88 FR 34,523, 34,533 (2023); *Masters Pharm., Inc.,* 80 FR 55,418, 55,472–73 (2015); *Southwood Pharm., Inc.,* 72 FR 36,487, 36,497 (2007); *Holloway Distrib.,* 72 FR 42,118, 42,122 (2007). Any one factor, or combination of factors, may be decisive, and the Agency ''may give each factor the weight . . . deem[ed] appropriate in determining whether a registration should be revoked or an application for registration denied.'' *Morall* v. *Drug Enf't Admin.,* 412 F.3d 165, 185 n.2 (Henderson, J., concurring) (quoting *Robert A. Smith, M.D.,* 70 FR 33,207, 33,208 (2007)); *see also Penick Corp.* v. *Drug Enf't Admin.,* 491 F.3d 483, 490 (D.C. Cir. 2007); *Morris & Dickson,* 88 FR at 34,533; *Masters,* 80 FR at 55,472–73; *Southwood,* 72 FR at 36,497–98; *Holloway,* 72 FR at 42,122.

Moreover, while the Agency is required to consider each of the factors, it ''need not make explicit findings as to each one.'' *MacKay* v. *Drug Enf't Admin.,* 664 F.3d 808, 816 (10th Cir. 2011) (quoting *Volkman* v. *U.S. Drug Enf't Admin.,* 567 F.3d 215, 222 (6th Cir. 2009)); *Morris & Dickson,* 88 FR at 34,533; *Masters,* 80 FR at 55,473; *Southwood,* 72 FR at 36,497–98; *Holloway,* 72 FR at 42,122. ''In short, . . . the Agency is not required to mechanically count up the factors and determine how many favor the Government and how many favor the registrant. Rather, it is an inquiry which focuses on protecting the public interest; what matters is the seriousness of the registrant's misconduct.'' *Jayam Krishna-Iyer, M.D.,* 74 FR 459, 462 (2009). Accordingly, as the Eleventh Circuit has recognized, Agency decisions have explained that findings under a single factor can support a sanction. *Jones Total Health Care Pharmacy,* 881 F.3d at 830; *Pharmacy Doctor Enters., Inc.* v. *Drug Enf't Admin.,* 789 Fed. Appx. 724, 729 (11th Cir. 2019).

In this matter, the Government's evidence is confined to factor one. RFAAX 1, at 2. Evidence is considered under factor one when it concerns the maintenance of effective controls against diversion of controlled substances into other than legitimate channels. 21 U.S.C. 823(f)(1). To determine whether Registrant's registration is in the public interest, the Agency has evaluated the Government's allegations of Registrant's failure to maintain effective controls against diversion, including failure to conduct due diligence on a customer and allowing a customer to purchase controlled substances using Registrant's account.

The Government has the burden of proof in this proceeding, *Morris & Dickson,* 88 FR at 34,533 (citing 21 CFR 1301.44(e)), and the Agency must make its findings based on ''substantial [record] evidence.'' 5 U.S.C. 556(d); *see also* 5 U.S.C. 706(2)(E); 21 U.S.C. 877. If the Government meets its burden of establishing a *prima facie* case that revoking Registrant's registration is in the public interest, then the burden shifts to Registrant to rebut the Government's case. *Morris & Dickson,* 88 FR at 34,538; *Masters,* 80 FR at 55,473; *Southwood,* 72 FR at 36,498.

B. Public Interest Factor One: Effective Controls Against Diversion

In determining whether a distributor's registration is inconsistent with the public interest, the CSA requires the Agency to consider the distributor's ''maintenance of effective controls against diversion of particular controlled substances into other than legitimate medical, scientific, and industrial channels.'' 21 U.S.C. 823(f)(1); RFAAX 1, at 2. Likewise, DEA rules require all registrants, including distributors, to ''provide effective controls and procedures to guard against theft and diversion of controlled substances.'' 21 CFR 1301.71(a); RFAAX 1, at 2.

Part of the requirement to maintain effective controls against diversion is the ''duty to perform due diligence on [the distributor's] customers.'' *Masters,* 80 FR at 55,477 (citing 21 U.S.C. 823 and 21 CFR 1301.71(a)); RFAAX 1, at 2. A distributor ''has an affirmative duty to protect against diversion by knowing its customers and the nature of their . . . sales.'' *Holloway,* 72 FR at 42,124; RFAAX 1, at 2. A distributor's duty to know its customers includes ''conduct[ing] a reasonable investigation 'to determine the nature of a potential customer's business before it' sells to the customer, and the distributor cannot ignore 'information which raise[s] serious doubt as to the legality of [a potential or existing customer's]

[3] A statutory basis to deny an application pursuant to section 823 is also a basis to revoke or suspend a registration pursuant to section 824, and vice versa, because doing ''otherwise would mean that all applications would have to be granted only to be revoked the next day . . . .'' *Robert Wayne Locklear, M.D.,* 86 FR 33,738, 33,744–45 (2021) (collecting cases).

business practices.' '' *Masters,* 80 FR at 55,477 (quoting *Southwood,* 72 FR at 36,498); RFAAX 1, at 2. ''Moreover, the obligation to perform due diligence is ongoing throughout the course of a distributor's relationship with its customer.'' *Id.* (citing *Southwood,* 72 FR at 36,498–500); RFAAX 1, at 2.

Here, the Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. 21 CFR 1301.43(e). Accordingly, Registrant is deemed to have admitted to each of the following facts.[4]

On August 3, 2023, DEA requested Registrant's due diligence files for Salus Medical, LLC (Salus), a mid-level distributor located in Phoenix, Arizona, that was registered with DEA. RFAAX 1, at 4. Although Registrant had been distributing controlled substances to Salus since approximately June 2021, Registrant failed to maintain or conduct any meaningful due diligence prior to establishing Salus as a customer or distributing controlled substances to Salus. *Id.*

On September 7, 2023, Registrant provided DEA with limited documentation purporting to constitute Registrant's due diligence regarding Salus. *Id.* The documentation provided showed a signature/creation date of August 30, 2023—approximately one month after DEA requested information from Registrant and over two years after Registrant established Salus as a customer. *Id.*

Additionally, from at least June 2021 until at least October 2022, Registrant knowingly provided its account information and password to employees of Salus, allowing Salus to obtain direct access to Registrant's purchasing authority. RFAAX 1, at 4. This conduct allowed Salus to directly purchase controlled substances through Registrant's account, misleading suppliers with respect to the actual purchasing entity. *Id.* By providing the account and password information, and without conducting adequate due diligence, Registrant facilitated the unlawful distribution of approximately 3,221 437-ml bottles of promethazine with codeine[5] 6.25 mg.[6] *Id.*

Therefore, the Agency finds substantial record evidence that Registrant failed to maintain effective controls against diversion by: failing to conduct any due diligence (*i.e.,* failing to know its customer) prior to distributing controlled substances to Salus; failing to conduct any ongoing due diligence on Salus while it was distributing controlled substances to Salus from approximately June 2021 to August 2023; and allowing Salus to purchase controlled substances using Registrant's account information. RFAAX 1, at 4; 21 U.S.C. 823(f)(1); 21 CFR 1301.71(a); *Morris & Dickson,* 88 FR at 34,526; *Masters,* 80 FR at 55,477; *Holloway,* 72 FR at 42,124; *Southwood,* 72 FR at 36,498–500.

C. Public Interest Conclusion

While the Agency considered all the public interest factors of 21 U.S.C. 823(f),[7] its findings are relevant to factor one (maintenance of effective controls against diversion of controlled substances into other than legitimate channels). 21 U.S.C. 823(f)(1); 21 CFR 1301.71(a); *Masters,* 80 FR at 55,473, 55,477; *Southwood,* 72 FR at 36,498–500. Here, the Agency found substantial record evidence that Registrant failed to conduct due diligence on a customer prior to and while it was distributing controlled substances to that customer for over two years. *See supra* Section III.B. The Agency further found substantial record evidence that Registrant allowed another entity to purchase controlled substances using Registrant's account information. *Id.* Registrant's proven misconduct, therefore, establishes that it failed to maintain effective controls against diversion of controlled substances. 21 U.S.C. 823(f)(1); 21 CFR 1301.71(a); *Southwood,* 72 FR at 36,502; *Holloway,* 72 FR at 42,123–24.

Accordingly, the Agency finds that after considering the factors of 21 U.S.C. 823(f), the Government satisfied its *prima facie* burden showing that Registrant's registration is ''inconsistent with the public interest.''[8] 21 U.S.C. 824(a)(4); *see also* 21 U.S.C. 823(f)(1). The Agency further finds that there is insufficient mitigating evidence to rebut the Government's *prima facie* case. *See supra* Section II. Thus, the only remaining issue is whether revocation of Registrant's registration is the appropriate sanction.

IV. Sanction

When the Agency concludes that a registrant's registration is inconsistent with the public interest, the Agency then determines the appropriate sanction, which may include revocation of the registration. 21 U.S.C. 824(a)(4); s*ee also Pharmacy Doctors,* 789 Fed. Appx. at 734 (the Agency is entitled to choose a sanction); *Scott Hansen, A.R.N.P.,* 90 FR 27,338, 27,341 (2025); *Jeffrey Stein, M.D.,* 84 FR 46,968, 46,972–73 (2019). At this stage, the burden is on registrants to show why they can be trusted to maintain their registration. *Morall,* 412 F.3d at 174; *Jones Total Health Care Pharmacy,* 881 F.3d at 830; *Garrett Howard Smith, M.D.,* 83 FR 18,882, 18,904 (2018). The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual respondent. *Stein,* 84 FR at 46,972; *see also Jones Total Health Care Pharmacy,* 881 F.3d at 833.

As past performance is the best predictor of future performance, the Agency requires that a registrant who has committed acts inconsistent with the public interest accept responsibility for those acts and demonstrate that they will not engage in future misconduct. *Jones Total Health Care Pharmacy,* 881 F.3d at 833; *ALRA Labs, Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995). Moreover, the Agency requires a registrant's unequivocal acceptance of responsibility. *Morris & Dickson,* 88 FR at 34,537; *Janet S. Pettyjohn, D.O.,* 89 FR 82,639, 82,641 (2024); *Mohammed Asgar, M.D.,* 83 FR 29,569, 29,573 (2018); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 830–31.

In addition, a registrant's candor during the investigation and hearing is an important factor in determining acceptance of responsibility and the appropriate sanction. *Jones Total Health Care Pharmacy,* 881 F.3d at 830–31;

[4] According to the CSA, ''[f]indings of fact by the [DEA Administrator], if supported by substantial evidence, shall be conclusive.'' 21 U.S.C. 877. Here, where Registrant is found to be in default, all the factual allegations in the OSC are deemed to be admitted. These uncontested and deemed admitted facts constitute evidence that exceeds the ''substantial evidence'' standard of 21 U.S.C. 877; it is unrebutted evidence.

[5] This combination of promethazine with codeine falls into Schedule V. 21 CFR 1308.15(c); RFAA, at 4.

[6] In October 2024, the owners of Salus pleaded guilty in the Southern District of Texas to one count of conspiracy to unlawfully distribute and dispense controlled substances in connection with a scheme to distribute over 18.6 million dosage units of commonly diverted controlled substances. RFAAX 1, at 5. Following its conviction, on October 16, 2024, Salus surrendered for cause its DEA registration. *Id.*

[7] The lack of evidence regarding the other public interest factors is not dispositive, and weighs neither for nor against a finding that Registrant's registration is inconsistent with the public interest. *See, e.g., Tracy Amerson-Rivers, A.P.R.N.,* 90 FR 48,884, 48,886 n.10 (2025).

[8] Given the violations of law proven by unrebutted record evidence as discussed herein, the Agency need not reach the remaining allegations related to the failure to report suspicious orders of controlled substances. RFAAX 1, at 4. Registrant's failure to maintain effective controls against diversion of controlled substances are sufficient to revoke.

Hoxie, 419 F.3d at 483–84. The Agency also considers the need to deter similar acts by Registrant and by the community of registrants. *Stein,* 84 FR at 46,972–73.

Here, Registrant failed to answer the allegations contained in the OSC and did not otherwise avail itself of the opportunity to prove to the Agency that it can be trusted to maintain its registration. *See supra* Section II. Thus, there is no record evidence that Registrant takes responsibility, let alone unequivocal responsibility, for the misconduct. Accordingly, it has not convinced the Agency that its future controlled-substance-related actions will comply with the CSA such that it can be entrusted with the responsibilities of a registration.

Further, the interests of specific and general deterrence weigh in favor of revocation. Registrant's misconduct in this matter concerns the CSA's ''strict requirements regarding registration'' and, therefore, goes to the heart of the CSA's ''closed regulatory system'' specifically designed ''to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances.'' *Gonzales* v. *Raich,* 545 U.S. at 12–14. If the Agency were to allow Registrant to maintain its registration under these circumstances, it would send a dangerous message that compliance with the law is not essential to maintaining a registration.

In sum, Registrant has not offered any evidence on the record that rebuts the Government's case for revocation of its registration, and Registrant has not demonstrated that it can be entrusted with the responsibility of registration. Accordingly, the Agency will order the revocation of Registrant's registration.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a)(4) and 21 U.S.C. 823(f), I hereby revoke DEA Certificate of Registration No. RA0235146 issued to Allied Medical Products, Inc. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a)(4) and 21 U.S.C. 823(f), I hereby deny any pending applications of Allied Medical Products, Inc., to renew or modify this registration, as well as any other pending application of Allied Medical Products, Inc., for additional registration in California. This Order is effective February 26, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on January 16, 2026, by Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–01496 Filed 1–26–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Adam Maass, M.D.; Decision and Order

On September 5, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Adam Maass, M.D., of Bentonville, Arkansas (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1 at 1, 4. The OSC proposed the revocation of Registrant's Certificate of Registration, No. BM6528369, alleging that Registrant's registration should be revoked because Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Arkansas, the state in which [he is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, and the Agency finds him to be in default. RFAA, at 3.[1] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. According to the OSC, on March 5, 2025, Registrant pleaded guilty to two counts of harassment. RFAAX 1, at 2. As a result of Registrant's guilty plea, he was ordered to surrender his State of Arkansas medical license. *Id.* On April 25, 2025, Registrant surrendered[2] his Arkansas medical license to the Arkansas State Medical Board. *Id.* According to Arkansas online records, of which the Agency takes official notice,[3] the current status of Registrant's Arkansas medical license is ''Inactive.'' Arkansas State Medical Board License Verification, *https://www.armedicalboard.org/public/verify/default.aspx* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice medicine in Arkansas, the state in which he is registered with DEA.[4]

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to

[1] Based on the Government's submissions in its RFAA dated November 4, 2025, the Agency finds that service of the OSC on Registrant was adequate. Specifically, the Government's Declarations from a DEA Diversion Investigator (DI) and a DEA Task Force Officer (TFO) indicate that on September 24, 2025, Registrant was personally served with a copy of the OSC. RFAAX 2, at 2, 6 (Form–DEA 12 signed by Registrant, acknowledging receipt of the OSC); RFAAX 3, at 1.

[2] Under the Arkansas Medical Board's Definitions, ''surrendered'' means that the ''[p]ractitioner has voluntarily relinquished his license.'' Because Registrant was ordered to surrender his registration, the surrender was not voluntary, and more closely resembles the definition of a revocation. The Arkansas Medical Board defines ''revoked'' to mean that the ''[l]icense has been removed.''

[3] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

[4] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this decision, is not licensed to practice medicine in Arkansas. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration at *dea.addo.attorneys@dea.gov.*

suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. 802(21).''). The Agency has applied these principles consistently. *See, e.g., Merry Alice Troupe, N.P.,* 89 FR 81,549, (2024); *Rachel Jackson, P.A.,* 90 FR 13,198 (2025).[5]

According to Arkansas statute, ''dispense'' means ''to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the controlled substance for that delivery.'' Ark. Code Ann. 5–64–101(7) (2025). Further, a ''practitioner'' means a ''physician . . . or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in [the] state.'' *Id.* 64–101(20)(A).

Here, the undisputed evidence in the record is that Registrant lacks authority to practice medicine in Arkansas. As discussed above, an individual must be a licensed practitioner to dispense a controlled substance in Arkansas. Thus, because Registrant lacks authority to practice medicine in Arkansas and, therefore, is not authorized to handle controlled substances in Arkansas, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. BM6528369 issued to Adam Maass, M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Adam Maass, M.D., to renew or modify this registration, as well as any other pending application of Adam Maass, M.D., for additional registration in Arkansas. This Order is effective [insert Date Thirty Days From the Date of Publication in the **Federal Register**].

Signing Authority

This document of the Drug Enforcement Administration was signed on January 16, 2026, by Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–01499 Filed 1–26–26; 8:45 am]

BILLING CODE 4410–09–P

[5] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.,* 76 FR at 71,371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39,130, 39,131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51,104, 51,105 (1993); *Bobby Watts, M.D.,* 53 FR 11,919, 11,920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR at 27,617.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Complete Care Pharmacy, LLC; Decision and Order

I. Introduction

On April 2, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Complete Care Pharmacy, LLC, of Corrales, New Mexico (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 6. The OSC proposed the revocation of Registrant's DEA Certificate of Registration, number FC4167121, alleging that its registration is inconsistent with the public interest. *Id.* at 1 (citing 21 U.S.C. 823(g)(1), 824(a)(4)). Specifically, the OSC alleged that Registrant's owner and pharmacist-in-charge (PIC) issued 26 controlled substance prescriptions when he no longer had state prescriptive authority and that Registrant, acting through its owner and PIC who had also written the prescriptions without authority, then filled these 26 prescriptions, even though it knew they were issued by a person who lacked prescriptive authority.

On June 2, 2025, the Government submitted an RFAA to the Administrator requesting that the Agency [1] issue a default final order revoking Registrant's registration. RFAA, at 1, 4–5. After carefully reviewing the entire record and conducting the analysis as set forth in detail below, the Agency grants the Government's request for final agency action and revokes Registrant's registration. As a preliminary matter, this Decision addresses whether Registrant is in default and finds that it is. Thereafter, this Decision makes specific factual findings on the alleged violations as set forth in the OSC; specifically, the allegation that Registrant knowingly filled 26 illegitimate controlled substance prescriptions that were issued by a person who lacked prescriptive authority. Next, this Decision considers whether Registrant's registration is inconsistent with the public interest and finds that it is. Lastly, this Decision determines that the appropriate sanction is revocation of Registrant's registration.

II. Default Determination

The Government's RFAA included a declaration by a DEA Diversion

[1] The Controlled Substances Act delegates authority to the Attorney General, who has delegated it to the Administrator of DEA (the Agency). 28 CFR 0.100.

Investigator (DI), in which DI declared under penalty of perjury that on April 15, 2025, she personally served a copy of the OSC on Mike Gallegos (Mr. Gallegos), Registrant's owner, operator, and PIC. RFAAX 2, at 1; *see also* RFAAX 1, at 3. The declaration states that Mr. Gallegos signed a copy of the OSC confirming receipt. RFAAX 2, at 2; *see also* RFAAX 2, Attachment A (copy of the signed OSC). Accordingly, due to personal service of the OSC on Registrant's owner, operator, and PIC, the Agency finds that due process notice requirements have been satisfied.

Under 21 CFR 1301.43, a registrant or applicant entitled to a hearing who fails to file a timely hearing request ''within 30 days after the date of receipt of the [OSC] . . . shall be deemed to have waived their right to a hearing and to be in default'' unless ''good cause'' is established for the failure. 21 CFR 1301.43(a), (c)(1). In the absence of a demonstration of good cause, a registrant or applicant who fails to timely file an answer also is ''deemed to have waived their right to a hearing and to be in default.'' 21 CFR 1301.43(c)(2).

The OSC notified Registrant of its right to file a written request for a hearing and an answer, and that if it failed to file such a request and answer, it would be deemed to have waived its right to a hearing and be in default. RFAAX 1, at 4–5 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, file an answer, or respond to the OSC in any way. RFAA, at 1–2, 4. Accordingly, Registrant is in default. 21 CFR 1301.43(c)(1).

''A default, unless excused, shall be deemed to constitute a waiver of [Registrant's] right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e). Because Registrant is in default and has not moved to excuse the default, the Agency finds that Registrant has admitted to the factual allegations in the OSC. 21 CFR 1301.43(c)(1), (e), (f)(1).

Further, ''[i]n the event that [a registrant] . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' 21 CFR 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), and 1301.46. RFAA, at 1, 5; *see also* 21 CFR 1316.67.

III. Public Interest Determination

A. Overview of Law

Congress enacted the Controlled Substances Act (CSA) ''to conquer drug abuse and control the legitimate and illegitimate traffic in controlled substances.'' *Gonzales* v. *Raich,* 545 U.S. 1, 12 (2005). A particular concern of Congress was ''the need to prevent the diversion of drugs from legitimate to illicit channels,'' and it ''devised a closed regulatory system making it unlawful to manufacture, distribute, dispense, or possess any controlled substance except in a manner authorized by the CSA.'' *Id.* at 12–13.

The CSA's requirements under this closed regulatory system include that ''every person who dispenses, or who proposes to dispense, any controlled substance, shall obtain from the [DEA] a registration.'' 21 U.S.C. 822(a)(2); *see also Gonzales* v. *Raich,* 545 U.S. at 27–28. To protect the American people and ensure compliance with the CSA, Congress empowered the Agency to deny, suspend, or revoke a registration if it would be inconsistent with the public interest. 21 U.S.C. 823(g)(1), 824(a)(4); *Gonzales* v. *Oregon,* 546 U.S. 243, 251 (2006).

In determining whether a registrant's registration is inconsistent with the public interest, the Agency analyzes five statutorily established ''public interest factors.'' *Gonzales* v. *Oregon,* 546 U.S. at 251; 21 U.S.C. 823(g)(1)(A)–(E). The five factors are:

> (A) The recommendation of the appropriate State licensing board or professional disciplinary authority.
>
> (B) The [registrant's] experience in dispensing, or conducting research with respect to controlled substances.
>
> (C) The [registrant's] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.
>
> (D) Compliance with applicable State, Federal, or local laws relating to controlled substances.
>
> (E) Such other conduct which may threaten the public health and safety.
>
> 21 U.S.C. 823(g)(1)(A)–(E).

These five public interest factors are considered in the disjunctive. *Gonzales* v. *Oregon,* 546 U.S. at 292–93 (Scalia, J., dissenting) (''It is well established that these factors are to be considered in the disjunctive'' (quoting *In re Arora,* 60 FR 4,447, 4,448 (1995))); *Robert A. Leslie, M.D.,* 68 FR 15,227, 15,230 (2003). Each factor is weighed on a case-by-case basis. *David H. Gillis, M.D.,* 58 FR 37,507, 37,508 (1993); *see Morall* v. *Drug Enf't Admin.,* 412 F.3d 165, 181 (D.C. Cir. 2005) (describing the Agency's adjudicative process as ''applying a multi-factor test through case-by-case adjudication'' (quoting *LeMoyne-Owen Coll.* v. *N.L.R.B.,* 357 F.3d 55, 61 (D.C. Cir. 2004))). Any one factor, or combination of factors, may be decisive, *Gillis,* 58 FR at 37,508, and the Agency ''may give each factor the weight . . . deem[ed] appropriate in determining whether a registration should be revoked or an application for registration denied.'' *Morall,* 412 F.3d at 185 n.2 (Henderson, J., concurring) (quoting *Robert A. Smith, M.D.,* 70 FR 33,207, 33,208 (2007)); *see also Penick Corp.* v. *Drug Enf't Admin.,* 491 F.3d 483, 490 (D.C. Cir. 2007).

Moreover, while the Agency is required to consider each of the factors, it ''need not make explicit findings as to each one.'' *MacKay* v. *Drug Enf't Admin.,* 664 F.3d 808, 816 (10th Cir. 2011) (quoting *Volkman* v. *U. S. Drug Enf't Admin.,* 567 F.3d 215, 222 (6th Cir. 2009)); *Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F.3d 823, 830 (11th Cir. 2018); *Hoxie* v. *Drug Enf't Admin.,* 419 F.3d 477, 482 (6th Cir. 2005). ''In short, . . . the Agency is not required to mechanically count up the factors and determine how many favor the Government and how many favor the registrant. Rather, it is an inquiry which focuses on protecting the public interest; what matters is the seriousness of the registrant's misconduct.'' *Jayam Krishna-Iyer, M.D.,* 74 FR 459, 462 (2009). Accordingly, as the Eleventh Circuit has recognized, Agency decisions have explained that findings under a single factor can support the imposition of a sanction. *Jones Total Health Care Pharmacy,* 881 F.3d at 830; *Pharmacy Doctors Enters., Inc.* v. *Drug Enf't Admin.,* 789 Fed. Appx. 724, 729 (11th Cir. 2019).

In this matter, the Government's evidence is confined to factor D. RFAA, at 4. Evidence is considered under factor D when it reflects compliance or non-compliance with laws related to controlled substances. *Kareem Hubbard, M.D.,* 87 FR 21156, 21162 (2022). To determine whether Registrant's registration is in the public interest, the Agency has evaluated the Government's allegations of Registrant's non-compliance with applicable federal and state laws. Specifically, the Agency has evaluated the Government's allegation that Registrant filled illegitimate controlled substance prescriptions.

The Government has the burden of proof in this proceeding, *Tracy Amerson-Rivers, A.P.R.N.,* 90 FR 48884, 48885 n.8 (2025) (citing 21 CFR 1301.44(e)), and the Agency must make its findings based on ''substantial [record] evidence.'' 5 U.S.C. 556(d); *see also* 5 U.S.C. 706(2); 21 U.S.C. 877. If

the Government meets its burden of establishing a *prima facie* case that Registrant's registration is not in the public interest, then the burden shifts to Registrant to rebut the Government's case. *Pharmacy Doctors Enters.,* 789 Fed. Appx. at 729 (citing *Jones Total Health Care Pharmacy,* 881 F.3d at 830).

B. Public Interest Issue 1: Registrant Filled Illegitimate Prescriptions

According to the CSA's implementing regulations, a lawful controlled substance prescription is one that is ''issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.'' 21 CFR 1306.04(a). While the ''responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, . . . a corresponding responsibility rests with the pharmacist who fills the prescription.'' *Id.*

To prove that a pharmacist violated his corresponding responsibility, the Government must show that the pharmacist acted with the requisite degree of scienter. *See* 21 CFR 1306.04(a) (''[T]he person *knowingly* filling [a prescription issued not in the usual course of professional treatment] . . . shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.'') (emphasis added). DEA has consistently interpreted the corresponding responsibility regulation such that ''[w]hen prescriptions are clearly not issued for legitimate medical purposes, a pharmacist may not intentionally close his eyes and thereby avoid [actual] knowledge of the real purpose of the prescription.'' *Ralph J. Bertolino, d/b/a Ralph J. Bertolino Pharmacy,* 55 FR 4729, 4730 (1990) (citations omitted); *see also JM Pharmacy Group, Inc. d/b/a Pharmacia Nueva and Best Pharmacy Corp.,* 80 FR 28667, 28670–72 (2015) (applying the standard of willful blindness in assessing whether a pharmacist acted with the requisite scienter). Pursuant to their corresponding responsibility, pharmacists must exercise ''common sense and professional judgment'' when filling a prescription issued by a physician. *Bertolino,* 55 FR at 4730. When a pharmacist's suspicions are aroused by a red flag, the pharmacist must question the prescription and, if unable to resolve the red flag, refuse to fill the prescription. *Id.; see also Med. Shoppe-Jonesborough* v. *Drug Enf't Admin.,* 300 Fed. Appx. 409, 412 (6th Cir. 2008) (''When pharmacists' suspicions are aroused as reasonable professionals, they must at least verify the prescription's propriety, and if not satisfied by the answer they must refuse to dispense.'').

Turning to the relevant state law, New Mexico regulations implement the Pharmacist Prescriptive Authority Act by establishing ''minimum standards, terms and conditions for the certification, registration, practice, and supervision of pharmacist clinicians.'' N.M. Admin. Code 16.19.4.17(A). New Mexico regulations further provide that ''[o]nly a registered pharmacist clinician with current protocols, registered with the New Mexico medical board or the New Mexico board of osteopathic medical examiners, may exercise prescriptive authority.'' *Id.* at 16.19.4.17(D)(1). To exercise prescriptive authority, a pharmacist clinician must submit an application, including ''the supervising physicians' name and current medical license, protocol of collaborative practice and other information requested by the board.'' *Id.* at 16.19.4.17(D)(2). ''A pharmacist clinician shall perform only those services that are delineated in the protocol and are within the scope of practice of the supervising physician or alternate supervising physician(s).'' *Id.* at 16.19.4.17(E)(1).

New Mexico regulations define a ''prescriber'' as ''a *licensed* practitioner who generates a prescription order and assumes responsibility for the content of the prescription.'' N.M. Admin. Code 16.19.6.7(G) (emphasis added). New Mexico regulations further define a ''valid prescription'' as ''an order for a dangerous drug given individually for the person for whom prescribed, either directly from the prescribing practitioner to the pharmacist, or indirectly by means of a written order signed by the practitioner.'' *Id.* at 16.19.6.23(A).

Here, the Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. 21 CFR 1301.43(e). Accordingly, Registrant is deemed to have admitted to each of the following facts.[2]

Mr. Gallegos is Registrant's owner and PIC. RFAAX 1, at 3. Mr. Gallegos had a Pharmacist Clinician Protocol with prescriptive authority in New Mexico that identified the supervising physician as Dr. A.M.R., whose New Mexico medical license expired on July 1, 2021. RFAAX 1, at 4. Thus, by virtue of the supervising physician no longer being a licensed prescriber in New Mexico as of July 1, 2021, Mr. Gallegos did not have prescriptive authority under New Mexico law as a pharmacist clinician as of July 1, 2021. *Id.;* N.M. Admin. Code 16.19.6.7(G); N.M. Admin. Code 16.19.4.17(E)(1). And yet, between July 1, 2021, and July 23, 2022, Mr. Gallegos issued approximately 26 prescriptions for controlled substances without prescriptive authority, including prescriptions for dextro-amphetamine,[3] dexmethylphenidate,[4] lorazepam,[5] alprazolam,[6] eszopiclone,[7] zolpidem,[8] and tramadol.[9] RFAAX 1, at 4. Then Registrant, through Mr. Gallegos in his capacity as PIC, filled these 26 controlled substance prescriptions, knowing that they were invalid under state law as a result of being issued by himself without prescriptive authority. *Id.*

Therefore, the Agency finds substantial record evidence that Registrant filled 26 controlled substance prescriptions that Registrant knew were illegitimate because they were issued by a person without valid state prescriptive authority to so do. RFAAX 1, at 4; 21 CFR 1306.04(a); N.M. Admin. Code 16.19.4.17(A), (D)(1)–(2), (E)(1); N.M. Admin. Code 16.19.6.7(G), .23(A); *Trinity Pharmacy II,* 83 FR 7304, 7331 (2018); *Wheatland Pharmacy,* 78 FR 69441, 69445 (2013).

C. Public Interest Conclusion

While the Agency considered all the public interest factors of 21 U.S.C. 823(g)(1),[10] its findings are relevant to factor D (compliance or non-compliance with laws related to controlled substances). 21 U.S.C. 823(g)(1); *Hubbard,* 87 FR at 21162. Here, the Agency found substantial record evidence that between July 1, 2021, and July 23, 2022, Registrant knowingly filled 26 prescriptions for controlled substances that were illegitimate because they were issued by a person

[2] According to the CSA, ''[f]indings of fact by the [DEA Administrator], if supported by substantial evidence, shall be conclusive.'' 21 U.S.C. 877. Here, where Registrant is found to be in default, all the factual allegations in the OSC are deemed to be admitted. These uncontested and deemed admitted facts constitute evidence that exceeds the ''substantial evidence'' standard of 21 U.S.C. 877; it is unrebutted evidence.

[3] Amphetamine is a Schedule II stimulant. 21 CFR 1308.12(d)(1); RFAAX 1, at 4.

[4] Methylphenidate is a Schedule II stimulant. 21 CFR 1308.12(d)(4); RFAAX 1, at 4.

[5] Lorazepam is a Schedule IV depressant. 21 CFR 1308.14(c)(33); RFAAX 1, at 4.

[6] Alprazolam is a Schedule IV depressant. 21 CFR 1308.14(c)(2); RFAAX 1, at 4.

[7] Zopiclone is a Schedule IV depressant. 21 CFR 1308.14(c)(59); RFAAX 1, at 4.

[8] Zolpidem is a Schedule IV depressant. 21 CFR 1308.14(c)(58); RFAAX 1, at 4.

[9] Tramadol is a Schedule IV narcotic. 21 CFR 1308.14(b)(3); RFAAX 1, at 4.

[10] The lack of evidence regarding the other public interest factors is not dispositive, and weighs neither for nor against a finding that Registrant's registration is inconsistent with the public interest. *See, e.g., Amerson-Rivers,* 90 FR at 48886 n.10.

who lacked the authority to issue them, in violation of state law. *See supra* Section III.B. Registrant's misconduct, therefore, constitutes violations of both federal controlled substance regulations and New Mexico state law. 21 U.S.C. 823(g)(1)(D); 21 CFR 1306.04(a); N.M. Admin. Code 16.19.4.17(A), (D)(1)–(2), (E)(1); N.M. Admin. Code 16.19.6.7(G), .23(A); *Trinity Pharmacy II,* 83 FR at 7331; *Wheatland Pharmacy,* 78 FR at 69445.

Accordingly, the Agency finds that after considering the factors of 21 U.S.C. 823(g)(1), the Government satisfied its *prima facie* burden showing that Registrant's registration is ''inconsistent with the public interest.'' 21 U.S.C. 824(a)(4). The Agency further finds that there is insufficient mitigating evidence to rebut the Government's *prima facie* case. *See supra* Section II. Thus, the only remaining issue is whether revocation of Registrant's registration is the appropriate sanction.

IV. Sanction

When the Agency concludes that a registrant's registration is inconsistent with the public interest, the Agency then determines the appropriate sanction, which may include revocation of the registration. 21 U.S.C. 824(a)(4); *see also Pharmacy Doctors Enters.,* 789 Fed. Appx. at 734 (the Agency is entitled to choose a sanction); *Scott Hansen, A.R.N.P.,* 90 FR 27,338, 27,341 (2025); *Jeffrey Stein, M.D.,* 84 FR 46,968, 46,972–73 (2019). At this stage, the burden is on registrants to show why they can be trusted to maintain their registration. *Morall,* 412 F.3d at 174; *Jones Total Health Care Pharmacy,* 881 F.3d at 830; *Garrett Howard Smith, M.D.,* 83 FR 18,882, 18,904 (2018). The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual respondent. *Stein,* 84 FR at 46,972; *see also Jones Total Health Care Pharmacy,* 881 F.3d at 833.

As past performance is the best predictor of future performance, the Agency requires that a registrant who has committed acts inconsistent with the public interest accept responsibility for those acts and demonstrate that they will not engage in future misconduct. *Jones Total Health Care Pharmacy,* 881 F.3d at 833; *ALRA Labs, Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995). Moreover, the Agency requires a registrant's unequivocal acceptance of responsibility. *Janet S. Pettyjohn, D.O.,* 89 FR 82,639, 82,641 (2024); *Mohammed Asgar, M.D.,* 83 FR 29,569, 29,573 (2018); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 830–31.

In addition, a registrant's candor during the investigation and hearing is an important factor in determining acceptance of responsibility and the appropriate sanction. *Jones Total Health Care Pharmacy,* 881 F.3d at 830–31; *Hoxie,* 419 F.3d at 483–84. The Agency also considers the need to deter similar acts by Registrant and by the community of registrants. *Stein,* 84 FR at 46,972–73.

Here, Registrant failed to answer the allegations contained in the OSC and did not otherwise avail itself of the opportunity to prove to the Agency that it can be trusted to maintain its registration. *See supra* Section II. Thus, there is no record evidence that Registrant takes responsibility, let alone unequivocal responsibility, for the misconduct. Accordingly, it has not convinced the Agency that its future controlled-substance-related actions will comply with the CSA such that it can be entrusted with the responsibilities of a registration.

Further, the interests of specific and general deterrence weigh in favor of revocation. Registrant's conduct in this matter goes to the heart of the CSA's ''closed regulatory system'' specifically designed ''to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances.'' *Gonzales* v. *Raich,* 545 U.S. at 12–14. If the Agency were to allow Registrant to maintain its registration under these circumstances, it would send a dangerous message that compliance with the law is not essential to maintaining a registration.

In sum, Registrant has not offered any evidence on the record that rebuts the Government's case for revocation of its registration, and Registrant has not demonstrated that it can be entrusted with the responsibility of registration. Accordingly, the Agency will order the revocation of Registrant's registration.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a)(4) and 21 U.S.C. 823(g)(1), I hereby revoke DEA Certificate of Registration No. FC4167121 issued to Complete Care Pharmacy, LLC. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a)(4) and 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Complete Care Pharmacy, LLC, to renew or modify this registration, as well as any other pending application of Complete Care Pharmacy, LLC, for additional registration in New Mexico. This Order is effective February 26, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on January 16, 2026, by Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–01498 Filed 1–26–26; 8:45 am]

BILLING CODE 4410–09–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–009; NRC–2025–1864]

System Energy Resources Inc.; Grand Gulf Early Site Permit; Early Site Permit Renewal Application

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal application; exemption request; acceptance for docketing; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering an application for the renewal of the Grand Gulf Site Early Site Permit (ESP) No. ESP–002. The renewed permit would allow a construction permit or combined license application to reference the permit for an additional 20 years specified in the current permit. The current permit for the Grand Gulf Site expires on April 5, 2027.

DATES: A request for a hearing or petition for leave to intervene must be filed by March 30, 2026.

ADDRESSES: Please refer to Docket ID NRC–2025–1864 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–1864. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran;

telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *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 ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *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.

FOR FURTHER INFORMATION CONTACT: Carolyn Lauron, telephone: 301–415–2736; email: *Carolyn.Lauron@nrc.gov* or Michelle Hayes, telephone: 301–415–8375; email: *Michelle.Hayes@nrc.gov.* Both are staff of the Office of Nuclear Reactor Regulation at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC has received an application from Entergy Operations, Inc., on behalf of Systems Energy Resources, Inc. (SERI), a subsidiary of Entergy Corporation, dated September 24, 2025, (ADAMS Accession No. ML25267A217), filed pursuant to section 103 of the Atomic Energy Act of 1954, as amended (the Act), and part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), to renew ESP–002 for an additional period of 20 years.

If the NRC renews ESP–002, NRC regulations would allow an application for a construction permit under 10 CFR part 50, ''Domestic Licensing of Production and Utilization Facilities,'' or an application for a combined license under 10 CFR part 52, ''Early Site Permits, Standard Design Certifications, Combined Licenses for Nuclear Power Plants,'' to reference the early site permit for an additional 20 years beyond the period specified in the current permit and subject to the terms and conditions in the renewed permit. The current permit for the Grand Gulf Site expires on April 5, 2027. A notice of receipt of the ESP renewal application was published in the **Federal Register** on December 29, 2025, (90 FR 60763).

If an application for a Construction Permit or Combined Operating License references an early site permit, the Commission shall treat as resolved those matters resolved in the proceeding on the application for renewal of the early site permit, except as provided for in paragraphs (b), (c), and (d) of 10 CFR 52.39. Among other provisions providing for early resolution of certain matters by an early site permit, pursuant to 10 CFR 52.79(b), if an application for a combined license (COL) references an early site permit, the final safety analysis report need not contain information or analyses submitted to the Commission in connection with the early site permit, provided that the COL application provides sufficient to demonstrate that the design of the facility falls within the site characteristics and design parameters specified in the early site permit.

Pursuant to 10 CFR 52.29(a), an application for renewal must contain all information necessary to bring up to date the information and data contained in the previous application. The SERI application proposes to pilot the proposed alternative ESP renewal pathway detailed in Appendix A to NEI 25–06, which is currently under NRC staff consideration. The NRC staff has not completed its evaluation of this guidance. NEI proposed an alternative renewal pathway to provide the holder of an ESP with the option to make a business decision to defer bringing up to date the general, site safety, environmental, and other required information and data contained in its previous ESP application until a later time. The SERI application, as a pilot to this proposed guidance, does not bring up to date any information about the general, site safety, environmental, and other required information and data contained in its previous ESP application. To that end, the SERI application requests an exemption from the content of renewal application requirements in 10 CFR 52.29(a).

The NRC staff has reviewed the SERI application for acceptability for docketing. The application relies, in part, on the acceptability of an associated exemption request from the requirements for the content of renewal applications in 10 CFR 52.29(a), which require that an ESP renewal application contain all information necessary to bring up to date the information and data contained in the previous ESP. The NRC staff has determined that the exemption request appears to contain sufficient information to enable the staff to begin its detailed review. Based on the NRC staff's determination that SERI's exemption request contains sufficient information for the NRC staff to begin its detailed review, the staff has determined that the application is acceptable for docketing as a request to renew the Grand Gulf Site ESP, provided that the renewed ESP would not provide finality under 10 CFR 52.39 for the general, site safety, environmental and other matters that would typically be resolved in a proceeding on the application for issuance or renewal of an ESP. Specifically, should SERI wish to reference the renewed Grand Gulf ESP in a future license application, SERI could submit all information necessary to update its ESP renewal to the NRC staff for its review in one of three ways: (1) in a request to amend the ESP to update the information; (2) in an application for a construction permit that references the ESP; or (3) in a combined license application that references the ESP. In each case, the adequacy of the updated information, which is not updated in this renewal application and is not requested to be resolved by this renewal proceeding, could be a subject of a hearing on the application. Therefore, the application to renew the Grand Gulf ESP is acceptable for docketing. The current Docket No. 52–009 for Grand Gulf Site ESP No. ESP–002 will be retained. The determination to accept the renewal application for docketing does not constitute a determination that a renewed permit should be issued and does not preclude the NRC staff from requesting additional information as the review proceeds. In addition, the determination to accept the renewal application for docketing as a pilot of the alternative ESP renewal pathway detailed in Appendix A to NEI 25–06 does not constitute an endorsement of NEI 25–06.

The NRC may grant the request to renew the permit only if the NRC makes the findings required by the Act and the Commission's rules and regulations. In accordance with 10 CFR 52.31, the NRC shall grant the renewal only if it determines that: (1) the site complies with the Act, the Commission's regulations, and orders applicable and in effect at the time the site permit was originally issued, and (2) any new requirements the Commission may wish to impose that are necessary for

adequate protection to public health and safety or common defense and security, necessary for compliance with the Commission's regulations, and orders applicable and in effect at the time the site permit was originally issued, or result in a substantial increase in overall protection of the public health and safety or the common defense and security, and the direct and indirect costs of implementation of those requirements are justified in view of this increased protection.

The NRC staff will also complete an environmental review of the application and will document its findings in accordance with the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.'' SERI did not include an environmental report in the renewal application. The NRC staff is still determining the type of environmental review that is required.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://www.nrc.gov/docs/ML2034/ML20340A053.pdf*) and the NRC's public website at *https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate.*

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that request to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056) and on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html.*

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov*, or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* After a digital ID certificate is obtained and a docket is created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and

you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

Copies of the application to renew ESP–002 are available for public inspection at the NRC's PDR and *https://www.nrc.gov/docs/ML2526/ML25267A217.pdf.*

Dated: January 22, 2026.

For the Nuclear Regulatory Commission.

Michele Sampson,

Director, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2026–01470 Filed 1–26–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–2194]

Applications for Amendments to Facility Operating Licenses Involving Proposed No Significant Hazards Consideration Determination and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC, the Commission) received, and is considering approval of, two requests to amend operating licenses. The license amendment requests are for Oconee Nuclear Station, Units 1, 2, and 3, and Joseph M. Farley Nuclear Plant, Units 1 and 2. For each amendment request, the NRC proposes to determine that it involves no significant hazards consideration (NSHC). Because each amendment request contains sensitive unclassified non-safeguards information (SUNSI), the NRC is issuing an order imposing procedures to obtain access to SUNSI for contention preparation by persons who file a hearing request or a petition for leave to intervene.

DATES: Comments must be received by February 26, 2026. A request for a hearing or a petition for leave to intervene must be filed by March 30, 2026. Any potential party as defined in section 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to SUNSI is necessary to respond to this notice must request document access by February 6, 2026.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website.

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–2194. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Angela Baxter, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8209; email: *Angela.Baxter@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–2194, facility name, unit number(s), docket number(s), application date, and subject 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–2025–2194.
- *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 ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *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.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2025–2194, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Pursuant to section 189a.(1)–(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any license amendments issued or proposed to be issued and grants the Commission the authority to issue and make

immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves NSHC, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of license amendments containing SUNSI.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following license amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown as follows.

The Commission is seeking public comments on these proposed NSHC determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the license amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendments involve no significant hazards consideration. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. If the Commission makes a final no significant hazards consideration determination for any of these license amendments, any hearing on those amendments will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration, which will serve to establish when the hearing is held. If the final determination is that the license amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*), and the NRC's public website (*https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate*).

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056), and on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*).

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to: (1) request a digital identification (ID) certificate which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* After a digital ID certificate is obtained and a docket is created, the participant must submit adjudicatory documents in the Portable Document Format. Guidance on

submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed in order to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless otherwise excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The following table provides the nuclear power plant names, docket numbers, dates of application, ADAMS accession numbers, and locations in the application of the licensees' proposed NSHC determination. For further details with respect to these license amendment applications, see the applications for amendment, publicly available portions of which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Carolinas, LLC; Oconee Nuclear Station, Units 1, 2, and 3; Oconee County, SC

Docket Nos	50–269, 50–270, 50–287.
Application Date	October 30, 2025.
ADAMS Accession No	ML25303A005.
Location in Application of NSHC	Pages 8–10 of the Enclosure.
Brief Description of Amendments	The proposed amendments would revise Technical Specification (TS) 3.4.3, ''RCS [Reactor Coolant System] Pressure and Temperature (P/T) Limits,'' to reflect updated P/T limit curves for all three units in TS Figures 3.4.3–1 through 3.4.3–9. The proposed change would also specify that the revised P/T limit curves in TS 3.4.3 are applicable to 72 effective full-power years, corresponding to 80 years of operation.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tracey Mitchell LeRoy, Deputy General Counsel, Duke Energy Corporation, 525 S Tryon Street, Charlotte, NC 28202.
NRC Project Manager, Telephone Number	Shawn Williams, 301–415–1009.

Southern Nuclear Operating Company, Inc.; Joseph M. Farley Nuclear Plant, Units 1 and 2; Houston County, AL

Docket Nos	50–348, 50–364.
Application Date	September 4, 2025.
ADAMS Accession No	ML25254A180.
Location in Application of NSHC	Pages E–9 to E–11 of the Enclosure.
Brief Description of Amendments	The proposed amendments would revise selected Allowable Values in Technical Specifications 3.3.1, ''Reactor Trip System (RTS) Instrumentation,'' and 3.3.2, ''Engineered Safety Feature Actuation System (ESFAS) Instrumentation,'' as described in the request.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201–1295.
NRC Project Manager, Telephone Number	G. Ed Miller, 301–415–2481.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Duke Energy Carolinas, LLC; Oconee Nuclear Station, Units 1, 2, and 3; Oconee County, SC

Southern Nuclear Operating Company, Inc.; Joseph M. Farley Nuclear Plant, Units 1 and 2; Houston County, AL

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing or opportunity for hearing, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Licensing, Hearings, and Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mailing address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email addresses for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *RidsOgcMailCenter.Resource@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C, the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the requestor is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2), the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the requestor's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the requestor may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) the presiding officer designated in this proceeding; or (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if this individual is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, then with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) the presiding officer designated in this proceeding; or (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if this individual is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, then with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. Interlocutory review by the Commission on orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for Protective Orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or proposed Non-Disclosure Agreement or Affidavit for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012, 78 FR 34247, June 7, 2013) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated: January 23, 2026.

For the Nuclear Regulatory Commission.

Carrie Safford,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/activity
0	Publication of **Federal Register** notice of hearing or opportunity for hearing, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) which contains information: (i) supporting the standing of a potential party identified by name and address; and (ii) describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention which contains: (i) demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and demonstrates the need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (i.e., preparation of redactions or review of redacted documents).
25	If NRC staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requestor to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff's reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and proposed Non-Disclosure Agreement or Affidavit. Deadline for applicant/licensee to file proposed Non-Disclosure Agreement or Affidavit for SUNSI.
A	If access is granted: issuance of presiding officer or other designated officer decision on motion for Protective Order for access to SUNSI (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Agreements or Affidavits. Access provided to SUNSI consistent with decision issuing the Protective Order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or notice of opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2026–01552 Filed 1–26–26; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104664]

Order Granting Exemptive Relief, Pursuant to Section 36(a)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') and Rule 608(e) of Regulation NMS Thereunder, From Certain Requirements of the National Market System Plan Governing the Consolidated Audit Trail Related to Port-Level Settings

January 23, 2026.

I. Introduction

By letter dated October 20, 2025, Financial Information Forum (''FIF'') requested that the Securities and Exchange Commission (''Commission'' or ''SEC'') grant exemptive relief, pursuant to its authority under section 36 of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 608(e) of Regulation NMS under the Exchange Act,[2] related to the reporting of port-level settings pursuant to the National Market System Plan Governing the Consolidated Audit Trail (''CAT NMS Plan'').[3]

Section 36(a)(1) of the Exchange Act grants the Commission the authority, with certain limitations, to ''conditionally or unconditionally exempt any person, security, or transaction . . . from any provision or provisions of [the Exchange Act] or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.'' [4] Under Rule 608(e) of Regulation NMS, the Commission may ''exempt from [Rule 608], either unconditionally or on specified terms and conditions, any self-regulatory organization, member thereof, or specified security, if the Commission determines that such exemption is consistent with the public interest, the

[1] 15 U.S.C. 78mm(a)(1).

[2] 17 CFR 242.608(e).

[3] *See* letter to Vanessa Countryman, Secretary, Commission, from Howard Meyerson, Managing Director, FIF, dated Oct. 20, 2025 (the ''FIF Request''), *available at: https://fif.com/index.php/working-groups/category/271-comment-letters?download=3412:fif-letter-to-the-sec-requesting-interpretive-guidance-relating-to-the-cat-reporting-of-port-settings-or-in-the-alternative-requesting-exemptive-relief-to-the-same-effect&view=category.* The FIF Request requests either ''written clarification'' or exemptive relief. *Id.* at 1–2. Unless otherwise noted, capitalized terms are used as defined in the CAT NMS Plan. The Participants to the CAT NMS Plan are 24X National Exchange LLC, BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, Long-Term Stock Exchange, Inc., MEMX LLC, Miami International Securities Exchange LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, MIAX Sapphire, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc., and NYSE Texas, Inc.

[4] 15 U.S.C. 78mm(a)(1).

protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanism of, a national market system.'' [5]

For the reasons set forth below, the Commission has determined to provide exemptive relief from relevant provisions in the CAT NMS Plan requiring the reporting of port-level settings by CAT Reporters that send an Order to another CAT Reporter.

II. Background

Rule 613 and sections 6.3(d)(i)(F), 6.3(d)(ii)(G), 6.3(d)(iii)(F), 6.3(d)(iv)(E), and 6.4(d)(i) of the CAT NMS Plan require the Participants to report, and to amend their Compliance Rules to require Industry Members to report, the ''Material Terms of the Order'' for certain events in an order's lifecycle, including ''for original receipt or origination of an order,'' ''for the routing of an order,'' ''for the receipt of an order that has been routed,'' and for orders that are ''modified or cancelled.'' [6] Rule 613 and the CAT NMS Plan further define the ''Material Terms of the Order'' to include ''any special handling instructions.'' [7] Port-level settings are used by Industry Members and Participants as one method of communicating various Material Terms of the Order, including, in some cases, special handling instructions. When port-level settings are used to communicate Material Terms of the Order, Rule 613 and the CAT NMS Plan thus require these port-level settings to be reported for that order by both senders and receivers.

On December 16, 2020, the Commission issued an exemptive relief order regarding the implementation of the CAT NMS Plan (the ''2020 Order''). [8] The 2020 Order granted temporary conditional exemptive relief from several requirements set forth in the CAT NMS Plan, including an exemption to the Participants from requiring that both the CAT Reporter sending an Order and the CAT Reporter receiving an Order report port-level settings as part of the Material Terms of an Order until July 31, 2023. [9] On July 8, 2022, the Commission issued another exemptive relief order (the ''2022 Order''), that, among other things, superseded the 2020 Order, and granted temporary conditional exemptive relief from the requirements set forth in Rule 613(c)(7) and sections 6.3(d)(i)(F), 6.3(d)(ii)(G), 6.3(d)(iii)(F), 6.3(d)(iv)(E), and 6.4(d)(i) of the CAT NMS Plan that the Participants report, and amend their Compliance Rules to require Industry Members to report, the Material Terms of the Order for certain events in an order's lifecycle that are communicated through a port-level setting, until July 31, 2024 and subject to certain conditions. [10]

On November 2, 2023, the Commission granted conditional exemptive relief related to certain requirements of the CAT NMS Plan, including, among other things, conditional exemptive relief from the requirements as applied to port-level settings that are set forth in Rule 613(c)(7) and sections 6.3(d)(i)(F), 6.3(d)(ii)(G), 6.3(d)(iii)(F), 6.3(d)(iv)(E), and 6.4(d)(i) of the CAT NMS Plan for six specific handling instructions described in the then-current CAT Industry Member Technical Specifications that may be set by Industry Members at the various Participant exchanges via exchange ports (the ''Exempted Port-Level Settings''). [11] This exemptive relief was limited to the Exempted Port-Level Settings when set at the port-level at a national securities exchange and did not extend exemptive relief to port-level settings on Industry Member alternative trading systems or broker-dealer port-level settings. [12]

III. Request for Exemptive Relief

FIF has requested that the SEC provide written clarification that the CAT NMS Plan does not require a Routing Firm [13] to report to the consolidated audit trail (''CAT'') Port Settings [14] applied by a Receiving Firm [15] that are not part of the Routing Firm's books and records, and, as an alternative, has requested that the SEC grant Industry Members exemptive relief to the same effect. In support of its request for exemptive relief, FIF states that ''CAT already has 100% of the Port Settings data . . .'' because all port-level settings are currently reported to the CAT, and because firms that receive an order must report all material terms of that order to CAT, including any terms that are added due to the receiving firm's port-level settings. [16] FIF asserts that there is no regulatory benefit to routing firms reporting port-level settings because the receiving firm is already reporting the data and the routing firm does not have the data in its books and records. [17] FIF states that requiring two-sided reporting of port-level settings would create an ''enormous'' implementation cost for the industry without any surveillance or other tangible benefit. [18] FIF states that because routing firms do not have port-level settings in their books and records, requiring the routing firm to report port-level settings would create a ''misleading, inaccurate audit trail,'' and require routing firms to report ''in a manner that is inconsistent with its books and records.'' [19]

FIF states that, without relief, the obligation for two-sided reporting of port-level settings would require collaboration between every routing and receiving firm where a relationship exists, including developing a way to transmit and translate port-level settings for all orders submitted by a routing firm to each of their receiving firms on a daily basis, a collection, processing and validation process that would essentially duplicate a process that CAT already performs on a daily basis except repeated thousands of times, all across the industry. [20] The FIF Request

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[5] 17 CFR 242.608(e).

[6] *See also* 17 CFR 242.613(c)(7).

[7] *See* CAT NMS Plan, *supra* note 3, at section 1.1; 17 CFR 242.613(j)(7).

[8] *See* Securities Exchange Act Release No. 90688 (Dec. 16, 2020), 85 FR 83634, at 83635 (Dec. 22, 2020) (''2020 Order'').

[9] This exemptive relief was conditioned on, among other things, the Participants engaging both the Commission and Industry Members on a plan to address the reporting of port-level settings on an exchange-by-exchange basis and the release of updated specifications and/or scenarios documents relating to the reporting of port-level settings by both the sender and receiver of an Order as a special handling instruction. *Id.* at 83636.

[10] *See* Securities Exchange Act Release No. 95234, 87 FR 42247, 42254–55 (July 14, 2022).

[11] *See* Securities Exchange Act Release No. 98848, 88 FR 77128 (Dec. 8, 2023) (''2023 Order''). In the 2023 Order, the Commission explained that, notwithstanding the 2023 Order, it understood that the Participants continued to disagree with its interpretation of these requirements and challenge the feasibility of strict compliance with these requirements, other than with respect to the Exempted Port-Level Settings. *Id.* at 77131 n.26.

[12] *Id.* at 77131–32. The 2023 Order stated that to the extent Participants and/or Industry Members wish to receive similar exemptive relief related to other Material Terms of the Order set at the port-level, they must submit an exemptive relief request to the Commission for its consideration. *Id.*

[13] '' 'Routing Firm' refers to any CAT reporter that routes orders to any Receiving Firm or Exchange and must report such route events to CAT.'' FIF Request, at 2.

[14] '' 'Port Settings' refer to any CAT-reportable terms of an order that are not known systematically to the Routing Firm but are applied to the order by the Receiving Firm.'' *Id.* at 3.

[15] '' 'Receiving Firm' refers to any CAT reporter (broker-dealer or exchange) that receives orders from a Routing Firm and must report such orders to CAT.'' *Id.*

[16] *See id.* at 3.

[17] *See id.* at 4.

[18] *See id.* at 5.

[19] *Id.* at 4–5. Specifically, routing firms would be reporting data that is not in the firm's books and records or accurately reflect the actual instructions transmitted to the receiving firm. *Id.* at 5, 15–17. FIF states that surveillance personnel will lose the ability to differentiate between material terms ''known systematically'' by routing firms and settings that were applied by the receiving firm. *Id.* at 16.

[20] *See* FIF Request at 8–9.

describes potential approaches for implementation of two-sided CAT reporting,[21] and cautions that requiring two-sided reporting of port-level settings would likely result in some firms changing from intraday to end-of-day reporting, increasing CAT operating costs, impairing the quality of CAT data, and increasing the risk of firms missing CAT reporting deadlines.[22]

In addition to the FIF Request, the Commission has received comment letters from other market participants supportive of broader exemptive relief for port-level settings. One commenter states that the Commission should ''confirm that port-level settings are not required CAT records,'' and states that they ''provide little regulatory value, give rise to significant reconciliation and other operational issues, and significantly increase the costs of CAT reporting and processing.'' [23] The commenter states that the 2023 Order ''actually gives no real relief to broker-dealers,'' and expresses support for FIF's similar position.[24] Another commenter states that the Commission should issue ''immediate permanent exemptive relief related to the reporting of so-called 'Port Settings,''' which are settings that the industry does not believe are required to be reported under the CAT NMS Plan.[25]

[21] *See id.* at 9–14. FIF states that there is not currently an industry-wide consensus as to how port-level setting data would be shared between routing and receiving firms. *Id.* at 15.

[22] *See id.* at 14–15. FIF states that larger firms (with more CAT data to report) will begin submitting their CAT data early in the trading day, in order to lessen the work required in the evening, and in the absence of relief, these firms will likely need to change some or all of their reporting to end-of-day. *Id.* at 15. In addition, FIF states that transmission of billions of additional order records between routing and receiving firms would create new cybersecurity risks, and that requiring two-sided reporting would have a negative impact on industry innovation and future enhancements and innovations by receiving firms. *Id.*

[23] *See* letter to Paul S. Atkins, Chairman, Securities and Exchange Commission, from Joanna Mallers, Secretary, FIA Principal Traders Group, dated June 26, 2025, at 3–4, *available at: https://www.sec.gov/comments/4-853/4853-618547-1815754.pdf.*

[24] *See id.* at 4. *See also* letter to Sai Rao, Securities and Exchange Commission, from Howard Meyerson, Managing Director, FIF, dated Jan. 25, 2024, *available at: https://fif.com/index.php/working-groups/category/271-comment-letters?download=2859:fif-letter-to-the-sec-on-the-requirement-for-a-routing-firm-to-report-to-cat-the-settings-applied-by-a-receiving-firm&start=90&view=category* (stating that the relief granted by the Commission in the 2023 Order ''does not address the concerns of FIF members previously communicated by FIF and our members to Commission Representatives'').

[25] *See* letter to Paul S. Atkins, Chairman, Securities and Exchange Commission, from Joseph Corcoran, Managing Director and Associate General Counsel and Gerald O'Hara, Vice President and Assistant General Counsel, Securities Industry and Financial Markets Association (''SIFMA''), dated June 6, 2025, at 5, *available at: https://www.sec.gov/comments/4-698/4698-610487-1785814.pdf. See also* letter to Vanessa Countryman, Secretary, Securities and Exchange Commission, from Joseph Corcoran, Managing Director and Associate General Counsel and Ellen Greene, Managing Director, Equities & Options Market Structure, SIFMA, and Howard Meyerson, Managing Director, FIF, dated July 31, 2023 (''FIF/SIFMA 2023 Letter''), *available at: https://www.sec.gov/comments/4-698/4698-238359-498762.pdf* (recommending that the Commission not require the CAT Plan Participants to extend the Technical Specifications by requiring an order sender to report port-level settings applied by a receiving firm).

IV. Discussion

The Commission has carefully considered the exemption request. The Commission has determined that granting exemptive relief, pursuant to section 36(a)(1) of the Exchange Act, is appropriate in the public interest and is consistent with the protection of investors, and that pursuant to Rule 608(e), this exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and the perfection of, the mechanisms of a national market system. Specifically, with this relief, which supplements the relief granted in the 2023 Order, Industry Members will be exempt from any obligation to report port-level settings when an Industry Member routes an order through a port that is configured to apply port-level settings, regardless of whether the port is an exchange port or a port maintained by an alternative trading system or a broker-dealer, and such relief is not limited to the Exempted Port-Level Settings.

Although the two-sided reporting of port-level settings (those that are also material terms of the order) [26] has regulatory benefits, including allowing regulators to more easily identify potential inaccuracies in reported CAT Data,[27] the regulatory benefits are not sufficient to justify the implementation costs and technical difficulty of accurate reporting of port-level settings by both the sender and receiver of an Order. Unlike other material terms of orders, port-level settings are not managed by a sending firm on an order-by-order basis, but are instead applied by the receiving firm to all orders sent to a given port. Thus, port-level settings are not generally part of standard order messages (*e.g.,* FIX messages) sent by firms, and these sending firms do not have the relevant data in their books and records.[28] To the extent that a sending firm wants to change port-level settings applied to its orders by the receiving firm, it may require manual processes such as usage of an online portal, email, or even a verbal request to the receiving firm.[29] As discussed by FIF, ensuring that both the sender and receiver of Orders with port-level settings have the same understanding with respect to port-level settings to ensure accurate reporting would likely require ''an enormous industry-wide data sharing and pre-linkage process,'' incurring substantial costs.[30] The Commission does not believe that imposing these costs on Industry Members is appropriate when regulators will still have information related to port-level settings on CAT records submitted by receiving firms.

The Commission now grants exemptive relief from the requirements that are set forth in Rule 613(c)(7) and sections 6.3(d)(i)(F), 6.3(d)(ii)(G), 6.3(d)(iii)(F), 6.3(d)(iv)(E), and Rule 6.4(d)(i) of the CAT NMS Plan, as applied to port-level settings that are used to communicate Material Terms. This relief supplements the relief granted in the 2023 Order, and thus the Participants and Industry Members may still rely on the exemptive relief granted in the 2023 Order. Pursuant to the exemptive relief granted here, the Participants will not be required to obligate Industry Members to report the applicable port-level settings that are used to communicate Material Terms when an Industry Member routes an order through a port that is configured to apply port-level settings, regardless of whether the port is an exchange port or a port maintained by an alternative trading system or a broker-dealer. Such relief, however, does not alter the obligation of the recipient of the order that utilizes a port-level setting to communicate a Material Term of the Order to report the port-level setting as part of the same order receipt record.

[26] As previously stated by the Commission, the CAT NMS Plan does not require all port-level settings to be reported to the CAT. *See* 2023 Order, at 77131 n.27. Rule 613 and the CAT NMS Plan require Participants and Industry Members to report only port-level settings that are used by a sender or a receiver of an order to communicate the Material Terms of the Order, including ''any special handling instructions.''

[27] For example, the two-sided reporting of port-level settings would allow regulators to determine if a receiving firm and routing firm had the same understanding as to which port-level settings were attached to orders through that port. A routing firm could report that its order has a particular port-level setting attached, such as a price sliding instruction, when in fact that instruction was not attached by the receiving firm because the port was configured to not attach such an instruction.

[28] *See* FIF Request at 4.

[29] *See* FIF/SIFMA Letter, at 19.

[30] *See* FIF Request, at 5. FIF states that the ''cost to build and maintain this, and the security issues created by it, would be extreme.'' *Id.* at 9.

IV. Conclusion

Accordingly, *it is hereby ordered*, pursuant to section 36(a)(1) of the Exchange Act [31] and Rule 608(e) under the Exchange Act,[32] that the above-described exemptive relief be granted.

By the Commission.

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–01611 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104657; File No. SR–24X–2026–01]

Self-Regulatory Organizations; 24X National Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Allow Designation of Retail Orders

January 22, 2026.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 9, 2026, 24X National Exchange LLC (''24X'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 adopt new Rule 11.24 to enable members of the Exchange (''Members'') [4] to designate certain orders they submit to the Exchange on behalf of retail customers to be identified as retail orders to the Exchange. The proposed rule change is available on the Exchange's website at *https://equities.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 adopt new Rule 11.24 to enable Members to designate certain orders they submit to the Exchange on behalf of retail customers to be identified as retail orders to the Exchange. Under the proposed rule change, the Exchange would create a new class of market participant for any Member that satisfies the requirements under proposed Rule 11.24 called a Retail Member Organization (''RMO''), which would be eligible to submit certain retail order flow (''Retail Orders'') to the Exchange. Specifically, proposed Rule 11.24 would: (i) define a Retail Order and RMO; (ii) set forth an RMO's qualification and application requirements and the Exchange's approval process; (iii) outline procedures for when an RMO fails to abide by the Retail Order requirements; and (iv) outline the procedures under which a Member may appeal the Exchange's decision to disapprove it or disqualify it as an RMO. The Exchange notes that proposed Rule 11.24 is substantially similar to and based on MEMX LLC (''MEMX'') Rule 11.21.[5]

a. Definitions

The Exchange proposes to adopt the following definitions under proposed Rule 11.24(a). First, the term ''Retail Member Organization'' or ''RMO'' would be defined as a Member (or a division thereof) that has been approved by the Exchange to submit Retail Orders. Second, the term ''Retail Order'' would be defined as an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by an RMO, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology.

b. RMO Qualifications and Approval Process

Under proposed Rule 11.24(b), any Member could qualify as an RMO if it conducts a retail business or routes retail orders on behalf of another broker-dealer. Proposed Rule 11.24(b)(1) makes clear that an RMO that carries retail customer accounts on a fully disclosed basis would be considered to conduct a retail business for purposes of the rule. The qualification standards and approval process under proposed Rule 11.24(b) are designed to ensure that Members are properly qualified as an RMO and only designate as Retail Orders those orders that meet the definition of Retail Orders under proposed Rule 11.24(a)(2) described above. Any Member that wishes to obtain RMO status would be required to submit: (i) an application form; (ii) supporting documentation sufficient to demonstrate the retail nature and characteristics of the applicant's order flow; [6] and (iii) an attestation, in a form prescribed by the Exchange, that substantially all orders submitted by the Member as a Retail Order will qualify as such under proposed Rule 11.24(b).

An RMO would be required to have written policies and procedures reasonably designed to ensure that it will only designate orders as Retail Orders if all requirements of a Retail Order are met. Such written policies and procedures must require the Member to (i) exercise due diligence before entering a Retail Order to ensure that entry as a Retail Order is in compliance with the requirements of proposed Rule 11.24, and (ii) monitor whether orders entered as Retail Orders meet the applicable requirements. If the RMO does not itself conduct a retail business but routes Retail Orders on behalf another broker-dealer, the RMO's supervisory procedures must be reasonably designed to ensure that the orders it receives from such other broker-dealer that it designates as Retail Orders meet the definition of a Retail Order. Such an RMO must (i) obtain an annual written representation, in a form acceptable to the Exchange, from each other broker-dealer that sends it orders to be designated as Retail Orders that

[31] 15 U.S.C. 78mm(a)(1).

[32] 17 CFR 242.608(e).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* 24X Rule 1.5(u).

[5] *See* MEMX Rule 11.21; *see also* Securities Exchange Act Release No. 34–90278 (October 28, 2020), 85 FR 69671 (November 3, 2020) (SR–MEMX–2020–13).

[6] For example, a prospective RMO could be required to provide sample marketing literature, website screenshots, other publicly disclosed materials describing the retail nature of its order flow, and such other documentation and information as the Exchange may require to obtain reasonable assurance that the applicant's order flow would meet the requirements of the Retail Order definition.

entry of such orders as Retail Orders will be in compliance with the requirements of proposed Rule 11.24, and (ii) monitor whether Retail Order flow routed on behalf of such other broker-dealers continues to meet the applicable requirements.[7]

If the Exchange disapproves a Member's application to be an RMO, the Exchange would provide a written notice to the Member. The disapproved applicant could appeal the disapproval by the Exchange as provided in proposed Rule 11.24(d) and/or reapply for RMO status 90 days after the disapproval notice is issued by the Exchange. An RMO also could voluntarily withdraw from such status at any time by giving written notice to the Exchange.

As described above, under proposed Rule 11.24(b), any Member could qualify as an RMO if it conducts a retail business or routes retail orders on behalf of another broker-dealer, and Proposed Rule 11.24(b)(1) makes clear that an RMO that carries retail customer accounts on a fully disclosed basis would be considered to conduct a retail business for purposes of the rule. The Exchange proposes to distinguish an RMO's routing services on behalf of another broker-dealer from services provided by an RMO that carries retail customer accounts on a fully disclosed basis, as described below. As background with respect to this aspect of the proposed change, the Exchange first would like to describe the terms ''introducing broker-dealer,'' ''carrying firm'' or ''carrying broker-dealer,'' and ''fully disclosed,'' as such terms are commonly used in the securities industry. An ''introducing'' broker-dealer is ''one that has a contractual arrangement with another firm, known as the carrying or clearing firm, under which the carrying firm agrees to perform certain services for the introducing firm. Usually, the introducing firm submits its customer accounts and customer orders to the carrying firm, which executes the orders and carries the account. The carrying firm's duties include the proper disposition of the customer funds and securities after trade date, the custody of customer securities and funds, and the recordkeeping associated with carrying customer accounts.'' [8] Further, a ''fully disclosed'' introducing arrangement is ''distinguished from an omnibus clearing arrangement where the clearing firm maintains one account for all the customer transactions of the introducing firm. In an omnibus relationship, the clearing firm does not know the identity of the customers of the introducing firm. In a fully-disclosed clearing arrangement, the clearing firm knows the names, addresses, securities positions and other relevant data as to each customer.'' [9]

With respect to a broker-dealer that is routing on behalf of another broker-dealer, the Exchange does not believe that the routing broker-dealer has sufficient information to assess whether orders are truly retail in nature, and thus, requires an RMO routing on behalf of other broker-dealers to maintain additional supervisory procedures and obtain annual attestations, as described above, in order to submit Retail Orders to the Exchange. In contrast, however, if a broker-dealer is carrying a customer account on a fully disclosed basis, then such carrying broker-dealer is required to perform certain diligence regarding such account that the Exchange believes is sufficient to assess whether a customer is a retail customer in order to submit orders on behalf of such a customer to the Exchange as a Retail Order. The carrying broker of an account typically handles orders from its retail customers that are ''introduced'' by an introducing broker. However, as noted above, in contrast to a typical routing relationship on behalf of another broker-dealer, a carrying broker does obtain a significant level of information regarding each customer introduced by the introducing broker. Accordingly, the Exchange proposes to state in Rule 11.24(b)(1) that for purposes of Rule 11.24, ''conducting a retail business shall include carrying retail customer accounts on a fully disclosed basis.''

c. Failure of RMO to Abide by Retail Order Requirements

Proposed Rule 11.24(c) addresses an RMO's failure to abide by Retail Order requirements. If an RMO designates orders submitted to the Exchange as Retail Orders and the Exchange determines, in its sole discretion, that those orders fail to meet any of the requirements of Retail Orders, the Exchange may disqualify a Member from its status as an RMO. When disqualification determinations are made, the Exchange would provide a written disqualification notice to the Member. A disqualified RMO could appeal the disqualification provided in proposed Rule 11.24(d) and/or reapply for RMO status 90 days after the disqualification notice issued by the Exchange.

d. Appeal of Disapproval or Disqualification

Proposed Rule 11.24(d) provides appeal rights to Members. If a Member disputes the Exchange's decision to disapprove it as an RMO under proposed Rule 11.24(b) or disqualify it under proposed Rule 11.24(c), such Member may request, within five business days after notice of the decision is issued by the Exchange, that the Retail Member Organization Panel (the ''RMO Panel'') review the decision to determine if it was correct. The RMO Panel would consist of the Exchange's Chief Regulatory Officer (''CRO''), or a designee of the CRO, and two officers of the Exchange designated by the Exchange's Chief Executive Officer. The RMO Panel would review the facts and render a decision within the time frame prescribed by the Exchange. The RMO Panel could overturn or modify an action taken by the Exchange and all determinations by the RMO Panel would constitute final action by the Exchange on the matter at issue.

e. Implementation

The Exchange notes that, under the proposed rule change, an order involving any Regulation NMS security traded on the Exchange that meets the definition of Retail Order would be eligible to be designated as such by an RMO. The Exchange also notes that orders designated as Retail Orders would only be designated as such to the Exchange and would not be designated as such on the Exchange's market data feeds or otherwise identifiable as Retail Orders by any market participants or the public. Further, the Exchange notes that orders designated as Retail Orders would be handled in the exact same way under the Exchange's rules as if such orders were not designated as Retail Orders. In other words, the designation of an order as a Retail Order would not in any way affect the priority or other handling procedures applicable to such order under the Exchange's rules.

The purpose of enabling RMOs to designate orders as Retail Orders to the Exchange under the proposed rule change is so the Exchange may identify and track orders designated as such, which the Exchange believes will be useful for it in considering potential pricing modifications to such orders as it continues to evaluate its pricing structure following the recent commencement of its operations as a national securities exchange. The

[7] The Exchange or another self-regulatory organization on behalf of the Exchange will review an RMO's compliance with these requirements through an exam-based review of the RMO's internal controls.

[8] *See* Securities Exchange Act Release No. 31511 (Nov. 24, 1992), 57 FR 56973 (December 2, 1992).

[9] *Id.*

Exchange further believes that the proposed rule change would enable the Exchange to have the appropriate mechanisms and processes in place to implement any differentiated pricing for Retail Orders if and when the Exchange proposes to do so in the future. The Exchange notes that, at some point following the adoption and implementation of proposed Rule 11.24 as described in this proposed rule change, the Exchange may separately propose to amend its fee schedule to adopt a specific fee code for Retail Orders to be provided on an RMO's execution reports and/or to provide differentiated pricing for Retail Orders, which the Exchange believes would attract additional retail order flow to the Exchange, thereby providing the benefits of exchange transparency, regulation, and oversight to more retail orders. The Exchange believes that the proposed rule change would allow it to be organized with the appropriate infrastructure (*i.e.,* mechanisms and processes) in advance of any such proposal, and as such, would allow the Exchange to more quickly implement any such differentiated pricing.

f. Comparison to Existing Rules of Other Equity Exchanges

As noted above, proposed Rule 11.24 is substantially similar to MEMX Rule 11.21.[10] The Exchange further notes that proposed Rule 11.24 is also substantially similar to the existing rules of several other equity exchanges.[11] Certain of these exchanges include these rules as part of a retail attribution program,[12] retail liquidity program [13] or retail price improvement program.[14] However, unlike those programs, the Exchange does not propose to attribute retail orders in its market data feeds, to adopt any special order handling for Retail Orders or orders intended to provide liquidity to Retail Orders, or to adopt any mechanics for price improvement for Retail Orders. Instead, as described above, the proposed rule change would only enable an RMO to designate that their Retail Orders be identified as such to the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act [15] in general, and with Section 6(b)(5) of the Act [16] in particular, because 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 mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest; and it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change is consistent with these principles because it would increase competition among execution venues and enable the Exchange to implement future pricing changes to encourage the submission of additional Retail Orders to the Exchange. The Exchange notes that a significant percentage of the orders of retail investors are executed over-the-counter.[17] The Exchange believes that it is appropriate to put in place the mechanisms and processes to enable the Exchange to subsequently offer any differentiated pricing for Retail Orders as the Exchange believes that such pricing could incentivize market participants to bring more retail order flow to the Exchange, thereby providing the benefits of exchange transparency, regulation, and oversight to more retail orders.

The Exchange notes that the proposed rule change is substantially similar to MEMX Rule 11.21 and the existing rules of several other equity exchanges, as described in more detail above.[18] Specifically, proposed Rule 11.24 contains nearly identical definitions, standards and qualification procedures as MEMX Rule 11.21 and the comparable retail order rules of Cboe BZX, Cboe EDGX, Cboe BYX, Nasdaq BX, and NYSE Arca.[19] However, unlike certain of these exchanges' rules, the proposed rule change does not propose to attribute retail orders in the Exchange's market data feeds, to adopt any special order handling for Retail Orders or orders intended to provide liquidity to Retail Orders, or to adopt any mechanics for price improvement for Retail Orders, as described above.

The Exchange also believes its proposed qualification standards and review process under proposed Rule 11.24 promote just and equitable principles and are not unfairly discriminatory because they are designed to ensure that Members are properly qualified as RMOs and only designate as Retail Orders those orders that meet the definition of Retail Orders under proposed Rule 11.24(a)(1) described above. The qualification process proposed herein by the Exchange is not designed to permit unfair discrimination, but rather ensure that orders that are designated as Retail Orders are, in fact, orders submitted by a retail customer that satisfy the proposed definition of Retail Order. Lastly, the Exchange notes that these qualification and review provisions are nearly identical to those included in the rules of MEMX, Cboe BZX, Cboe EDGX, Cboe BYX, Nasdaq BX, and NYSE Arca.[20]

The Exchange further believes that distinguishing an RMO's routing services on behalf of another broker-dealer from services provided by an RMO that carries retail customer accounts on a fully disclosed basis in proposed Rule 11.24(b)(1) is designed to prevent fraudulent and manipulative acts and practices because it highlights the parties for whom additional procedures are required because they do not maintain relationships with the end customer (*i.e.,* routing brokers) and still requires the RMO to follow such procedures to ensure that such orders qualify as Retail Orders. As proposed, however, an RMO would not be required to follow such procedures, including obtaining annual attestations, to the extent such RMO actually knows the end customer and carries the account of such customer and thus can itself confirm that the orders qualify as Retail Orders. The Exchange believes that this aspect of the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system because it will allow RMOs that carry retail customer accounts to designate Retail Orders as such without imposing additional attestation requirements that the Exchange believes are not necessary for such RMOs, as described above.

[10] *See supra* note 4.

[11] *See, e.g.,* Cboe BZX Exchange, Inc. (''Cboe BZX'') Rule 11.25; Cboe EDGX Exchange, Inc. (''Cboe EDGX'') Rule 11.21; Cboe BYX Exchange, Inc. (''Cboe BYX'') Rule 11.24; Nasdaq BX, Inc. (''Nasdaq BX'') Rule 4780; NYSE Arca, Inc. (''NYSE Arca'') Rule 7.44–E.

[12] *See, e.g.,* Cboe EDGX Rule 11.21.

[13] *See, e.g.,* NYSE Arca Rule 7.44–E.

[14] *See, e.g.,* Nasdaq BX Rule 4780.

[15] 15 U.S.C. 78f.

[16] 15 U.S.C. 78f(b)(5).

[17] *See* MEMX Retail Trading Insights (September 5, 2025), available at *https://memx.com/insights/retail-trading-insights* (''off-exchange market share included 34% from retail wholesalers'').

[18] *See supra* note 10.

[19] *Id.*

[20] *Id.*

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 believes that the proposed amendment would not burden intramarket competition because the ability to designate Retail Orders to be identified as such to the Exchange would be open to all Members that wish to send Retail Orders to the Exchange. The Exchange believes the proposed rule change would not burden, but rather increase, intermarket competition by permitting RMOs to identify orders as Retail Orders when submitted to the Exchange, which would ultimately enable the Exchange to better compete with other exchanges that offer retail order programs.[21] As noted above, at this time the Exchange is not proposing to attribute retail orders in the Exchange's market data feeds, to adopt any special order handling for Retail Orders or orders intended to provide liquidity to Retail Orders, or to adopt any mechanics for price improvement for Retail Orders. Rather, adoption of the proposed rule will enable the Exchange to have the appropriate mechanisms and processes in place to implement differentiated pricing for Retail Orders if and when the Exchange proposes to do so in the future.

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 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)[22] of the Act and Rule 19b–4(f)(6) thereunder.[23]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[24] 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–24X–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–24X–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–24X–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.[25]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–01523 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

[21] *See supra* note 10.

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f)(6).

[24] 15 U.S.C. 78s(b)(2)(B).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104668; File No. SR–SAPPHIRE–2026–02]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Sapphire Options Exchange Fee Schedule To Reflect Certain CRD Fees Collected by FINRA

January 22, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 9, 2026, MIAX Sapphire, LLC (''MIAX Sapphire'' or ''Exchange'') 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 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 MIAX Sapphire Options Exchange Fee Schedule (''Fee Schedule'') to reflect adjustments to certain fees for the Central Registration Depository (''CRD'' or ''CRD system'') collected by the Financial Industry Regulatory Authority, Inc. (''FINRA'').

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings,* and at MIAX Sapphire's principal office.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 Section 2)c) of the Fee Schedule, Web CRD Fees, to reflect adjustments to FINRA [3] Annual System Processing Fee, Continuing Education Session Fee, and Series 57 Examination Fee.[4] FINRA collects and retains certain regulatory fees via CRD for session fees related to continuing education requirements, fees for qualification examinations, and the registration of Exchange Members [5] that are not also FINRA members (''Non-FINRA members''). CRD fees are user-based, and there is no distinction in the cost incurred by FINRA if the user is a FINRA member or a Non-FINRA member. The Exchange merely lists these fees in its Fee Schedule. The Exchange does not collect or retain these fees.

In 2024, FINRA amended certain fees assessed for use of the CRD system for implementation between 2026 and 2028.[6] The Exchange accordingly proposes to amend the Fee Schedule to mirror these fees assessed by FINRA, which will be implemented concurrently with the amended FINRA fees as of January 2026. Specifically, the Exchange proposes to amend Section 2)c) of the Fee Schedule to modify the Continuing Education Session Fee for All Registrations from $55 to $25 and modify the Series 57 Examination Fee from $120 to $105. The Exchange also proposes to amend Section 2)c) of the Fee Schedule to modify FINRA Annual System Processing Fee from $70 to the following, based on the number of securities regulators with which each such registered person is registered, excluding registration as an investment adviser representative: [7]

Number of securities regulators	Fee
1 to 5	$70
6 to 20	95
21 to 40	110
41 or more	125

The Exchange notes that the proposed changes are not otherwise intended to address any other issues surrounding regulatory fees, and the Exchange is not aware of any problems that Members would have in complying with the proposed changes.

The Exchange proposes to implement the fee changes on January 9, 2026.

1. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(4) [9] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[10] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed fee changes are reasonable because the fees will be identical to those adopted by FINRA as of January 2026 for continuing education requirements, CRD fees for qualification examinations, and use of the CRD system for each of the Member's registered representatives and principals for system processing.[11] The costs of operating and improving the CRD system are similarly borne by FINRA when a Non-FINRA member uses the CRD system; accordingly, the fees collected for such use should, as proposed by the Exchange, mirror the fees assessed to FINRA members. In addition, as FINRA noted in amending its fees, it believes that its proposed pricing structure is reasonable and correlates fees with the components that drive its regulatory costs to the extent feasible. The Exchange further believes that the proposal is reasonable because it will provide greater specificity regarding the CRD session fees for certain continuing education requirements, CRD fees for certain qualification examinations, and the CRD system fees that are applicable to Non-FINRA members. All similarly situated Members are subject to the same fee structure, and every Member must use the CRD system to complete continuing education requirements and qualification examinations, as well as for registration and disclosure. Accordingly, the Exchange believes that the fees collected for such use should likewise increase in lockstep with the fees assessed to FINRA members, as proposed by the Exchange.

The Exchange also believes the proposed fee changes provide for the equitable allocation of reasonable fees and other charges, and do not unfairly discriminate between customers, issuers, brokers, and dealers. The fees apply equally to all individuals and firms required to report information in the CRD system, and the proposed fee changes will result in the same regulatory fees being charged to all Members required to report information to CRD and for services performed by FINRA regardless of whether such Members are FINRA members. Accordingly, the Exchange believes that the fees collected for such use should increase in lockstep with the fees adopted by FINRA as of January 2026, as proposed by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that the proposal will reflect fees that will be assessed by FINRA as of January 2026 and will thus result in the same regulatory fees being charged to all Members required to report information to the CRD system and for services performed by FINRA, regardless of whether or not such Members are FINRA members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor 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

[3] CRD is the central licensing and registration system for the U.S. securities industry. The CRD system enables individuals and firms seeking registration with multiple states and self-regulatory organizations to do so by submitting a single form, fingerprint card, and a combined payment of fees to FINRA. Through the CRD system, FINRA maintains the qualification, employment, and disciplinary histories of registered associated persons of broker-dealers.

[4] *See* Securities Exchange Act Release No. 93709 [*sic*] (November 21, 2024), 89 FR 93709 (November 27, 2024) (SR–FINRA–2024–019).

[5] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[6] *See supra* note 4.

[7] *See* Section (4)(b)(7) of Schedule A to the FINRA By-laws.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78f(b)(5).

[11] *See supra* note 4.

19(b)(3)(A)(ii) of the Act,[12] and Rule 19b–4(f)(2)[13] 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 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–SAPPHIRE–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–SAPPHIRE–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–SAPPHIRE–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.[14]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–01531 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104661; File No. SR–EMERALD–2026–02]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Emerald Options Exchange Fee Schedule To Reflect Certain CRD Fees Collected by FINRA

January 22, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19bb–4 thereunder,[2] notice is hereby given that on January 9, 2026, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange'') 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 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 MIAX Emerald Options Exchange Fee Schedule (the ''Fee Schedule'') to reflect adjustments to certain fees for the Central Registration Depository (''CRD'' or ''CRD system'') collected by the Financial Industry Regulatory Authority, Inc. (''FINRA'').

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/miax-options/rule-filings,* and at the Exchange's principal office.

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 Section 2)c) of the Fee Schedule, Web CRD Fees, to reflect adjustments to FINRA[3] Annual System Processing Fee, Continuing Education Session Fee, and Series 57 Examination Fee.[4] FINRA collects and retains certain regulatory fees via CRD for session fees related to continuing education requirements, fees for qualification examinations, and the registration of Exchange Members[5] that are not also FINRA members (''Non-FINRA members''). CRD fees are user-based, and there is no distinction in the cost incurred by FINRA if the user is a FINRA member or a Non-FINRA member. The Exchange merely lists these fees in its Fee Schedule. The Exchange does not collect or retain these fees.

In 2024, FINRA amended certain fees assessed for use of the CRD system for implementation between 2026 and 2028.[6] The Exchange accordingly proposes to amend the Fee Schedule to mirror these fees assessed by FINRA, which will be implemented concurrently with the amended FINRA fees as of January 2026. Specifically, the Exchange proposes to amend Section 2)c) of the Fee Schedule to modify the Continuing Education Session Fee for All Registrations from $55 to $25 and modify the Series 57 Examination Fee from $120 to $105. The Exchange also proposes to amend Section 2)c) of the Fee Schedule to modify FINRA Annual System Processing Fee from $70 to the following, based on the number of

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19b–4(f)(2).

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19bb–4.

[3] CRD is the central licensing and registration system for the U.S. securities industry. The CRD system enables individuals and firms seeking registration with multiple states and self-regulatory organizations to do so by submitting a single form, fingerprint card, and a combined payment of fees to FINRA. Through the CRD system, FINRA maintains the qualification, employment, and disciplinary histories of registered associated persons of broker-dealers.

[4] *See* Securities Exchange Act Release No. 93709 [*sic*] (November 21, 2024), 89 FR 93709 (November 27, 2024) (SR–FINRA–2024–019).

[5] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[6] *See supra* note 4.

securities regulators with which each such registered person is registered, excluding registration as an investment adviser representative: [7]

Number of securities regulators	Fee
1 to 5	$70
6 to 20	95
21 to 40	110
41 or more	125

The Exchange notes that the proposed changes are not otherwise intended to address any other issues surrounding regulatory fees, and the Exchange is not aware of any problems that Members would have in complying with the proposed changes.

The Exchange proposes to implement the fee changes on January 9, 2026.

1. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(4) [9] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[10] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed fee changes are reasonable because the fees will be identical to those adopted by FINRA as of January 2026 for continuing education requirements, CRD fees for qualification examinations, and use of the CRD system for each of the Member's registered representatives and principals for system processing.[11] The costs of operating and improving the CRD system are similarly borne by FINRA when a Non-FINRA member uses the CRD system; accordingly, the fees collected for such use should, as proposed by the Exchange, mirror the fees assessed to FINRA members. In addition, as FINRA noted in amending its fees, it believes that its proposed pricing structure is reasonable and correlates fees with the components that drive its regulatory costs to the extent feasible. The Exchange further believes that the proposal is reasonable because it will provide greater specificity regarding the CRD session fees for certain continuing education requirements, CRD fees for certain qualification examinations, and the CRD system fees that are applicable to Non-FINRA members. All similarly situated Members are subject to the same fee structure, and every Member must use the CRD system to complete continuing education requirements and qualification examinations, as well as for registration and disclosure. Accordingly, the Exchange believes that the fees collected for such use should likewise increase in lockstep with the fees assessed to FINRA members, as proposed by the Exchange.

The Exchange also believes the proposed fee changes provide for the equitable allocation of reasonable fees and other charges, and do not unfairly discriminate between customers, issuers, brokers, and dealers. The fees apply equally to all individuals and firms required to report information in the CRD system, and the proposed fee changes will result in the same regulatory fees being charged to all Members required to report information to CRD and for services performed by FINRA regardless of whether such Members are FINRA members. Accordingly, the Exchange believes that the fees collected for such use should increase in lockstep with the fees adopted by FINRA as of January 2026, as proposed by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that the proposal will reflect fees that will be assessed by FINRA as of January 2026 and will thus result in the same regulatory fees being charged to all Members required to report information to the CRD system and for services performed by FINRA, regardless of whether or not such Members are FINRA members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or 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)(ii) of the Act,[12] and Rule 19bb–4(f)(2) [13] 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 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–EMERALD–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–EMERALD–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

[7] *See* Section (4)(b)(7) of Schedule A to the FINRA By-laws.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78f(b)(5).

[11] *See supra* note 4.

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19bb–4(f)(2).

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–EMERALD–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.[14]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–01527 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35911; File No. 812–15836]

Carlyle Secured Lending, Inc., et al.

January 23, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: Carlyle Secured Lending, Inc., Carlyle Credit Solutions, Inc., Carlyle Tactical Private Credit Fund, Carlyle AlpInvest Private Markets Fund, Carlyle Credit Income Fund, Carlyle Global Credit Investment Management L.L.C., AlpInvest Partners BV, AlpInvest Private Equity Investment Management, LLC, Carlyle Private Equity Partners Fund, L.P., CELF Advisors LLP, Carlyle Investment Management L.L.C., Carlyle CLO Management L.L.C., TCG BDC SPV LLC, Carlyle Direct Lending CLO 2015–1R LLC, Carlyle Credit Solutions SPV LLC, Carlyle Direct Lending CLO 2024–1, LLC, Carlyle Credit Solutions SPV 2 LLC, OCPC Credit Facility SPV LLC, Middle Market Credit Fund, LLC, TCG Capital Markets L.L.C., TCG Senior Funding L.L.C. and certain of their affiliated entities as described in Schedule A to the Application.

FILING DATES: The application was filed on June 20, 2025, and amended on September 8, 2025, October 2, 2025, and December 4, 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 at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Joshua Lefkowitz, Carlyle Global Credit Investment Management LLC, *joshua.lefkowitz@carlyle.com;* William G. Farrar, Sullivan & Cromwell LLP, *farrarw@sullcrom.com.*

FOR FURTHER INFORMATION CONTACT: Adam Large, Senior Special Counsel, or Deepak T. Pai, Senior Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' third amended application, filed December 4, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system.

The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/search/.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–01589 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104666; File No. SR–MIAX–2026–02]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule To Reflect Certain CRD Fees Collected by FINRA

January 22, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 9, 2026, Miami International Securities Exchange, LLC (''MIAX'' or ''Exchange'') 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 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 MIAX Options Exchange Fee Schedule (the ''Fee Schedule'') to reflect adjustments to certain fees for the Central Registration Depository (''CRD'' or ''CRD system'') collected by the Financial Industry Regulatory Authority, Inc. (''FINRA'').

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings* and at MIAX's principal office.

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.

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 Section 2)c) of the Fee Schedule, Web CRD Fees, to reflect adjustments to FINRA [3] Annual System Processing Fee, Continuing Education Session Fee, and Series 57 Examination Fee.[4] FINRA collects and retains certain regulatory fees via CRD for session fees related to continuing education requirements, fees for qualification examinations, and the registration of Exchange Members [5] that are not also FINRA members (''Non-FINRA members''). CRD fees are user-based, and there is no distinction in the cost incurred by FINRA if the user is a FINRA member or a Non-FINRA member. The Exchange merely lists these fees in its Fee Schedule. The Exchange does not collect or retain these fees.

In 2024, FINRA amended certain fees assessed for use of the CRD system for implementation between 2026 and 2028.[6] The Exchange accordingly proposes to amend the Fee Schedule to mirror these fees assessed by FINRA, which will be implemented concurrently with the amended FINRA fees as of January 2026. Specifically, the Exchange proposes to amend Section 2)c) of the Fee Schedule to modify the Continuing Education Session Fee for All Registrations from $55 to $25 and modify the Series 57 Examination Fee from $120 to $105. The Exchange also proposes to amend Section 2)c) of the Fee Schedule to modify FINRA Annual System Processing Fee from $70 to the following, based on the number of securities regulators with which each such registered person is registered, excluding registration as an investment adviser representative: [7]

Number of securities regulators	Fee
1 to 5	$70
6 to 20	95
21 to 40	110
41 or more	125

The Exchange notes that the proposed changes are not otherwise intended to address any other issues surrounding regulatory fees, and the Exchange is not aware of any problems that Members would have in complying with the proposed changes.

The Exchange proposes to implement the fee changes on January 9, 2026.

1. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(4) [9] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[10] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed fee changes are reasonable because the fees will be identical to those adopted by FINRA as of January 2026 for continuing education requirements, CRD fees for qualification examinations, and use of the CRD system for each of the Member's registered representatives and principals for system processing.[11] The costs of operating and improving the CRD system are similarly borne by FINRA when a Non-FINRA member uses the CRD system; accordingly, the fees collected for such use should, as proposed by the Exchange, mirror the fees assessed to FINRA members. In addition, as FINRA noted in amending its fees, it believes that its proposed pricing structure is reasonable and correlates fees with the components that drive its regulatory costs to the extent feasible. The Exchange further believes that the proposal is reasonable because it will provide greater specificity regarding the CRD session fees for certain continuing education requirements, CRD fees for certain qualification examinations, and the CRD system fees that are applicable to Non-FINRA members. All similarly situated Members are subject to the same fee structure, and every Member must use the CRD system to complete continuing education requirements and qualification examinations, as well as for registration and disclosure. Accordingly, the Exchange believes that the fees collected for such use should likewise increase in lockstep with the fees assessed to FINRA members, as proposed by the Exchange.

The Exchange also believes the proposed fee changes provide for the equitable allocation of reasonable fees and other charges, and do not unfairly discriminate between customers, issuers, brokers, and dealers. The fees apply equally to all individuals and firms required to report information in the CRD system, and the proposed fee changes will result in the same regulatory fees being charged to all Members required to report information to CRD and for services performed by FINRA regardless of whether such Members are FINRA members. Accordingly, the Exchange believes that the fees collected for such use should increase in lockstep with the fees adopted by FINRA as of January 2026, as proposed by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that the proposal will reflect fees that will be assessed by FINRA as of January 2026 and will thus result in the same regulatory fees being charged to all Members required to report information to the CRD system and for services performed by FINRA, regardless of whether or not such Members are FINRA members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor 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

[3] CRD is the central licensing and registration system for the U.S. securities industry. The CRD system enables individuals and firms seeking registration with multiple states and self-regulatory organizations to do so by submitting a single form, fingerprint card, and a combined payment of fees to FINRA. Through the CRD system, FINRA maintains the qualification, employment, and disciplinary histories of registered associated persons of broker-dealers.

[4] *See* Securities Exchange Act Release No. 93709 [*sic*] (November 21, 2024), 89 FR 93709 (November 27, 2024) (SR–FINRA–2024–019).

[5] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[6] *See supra* note 4.

[7] *See* Section (4)(b)(7) of Schedule A to the FINRA By-laws.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78f(b)(5).

[11] *See supra* note 4.

19(b)(3)(A)(ii) of the Act,[12] and Rule 19b–4(f)(2)[13] 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 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–MIAX–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–MIAX–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–MIAX–2026–02 and should be submitted on or before February 17, 2026.

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19b–4(f)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–01529 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104655; File No. SR–CboeBZX–2026–003]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Rule 14.11(j) To Eliminate the Requirement That the Exchange Distribute an Information Circular Prior to the Commencement of Trading in Each UTP Derivative Security

January 22, 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, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') 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 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

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change to amend Rule 14.11(j) to eliminate the requirement that the Exchange distribute an information circular prior to the commencement of trading in each UTP Derivative Security.[3]

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.

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 1.5(ee) (defining ''UTP Derivative Security'').

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 Rule 14.11(j) to eliminate the requirement that the Exchange distribute an information circular prior to the commencement of trading in each UTP Derivative Security as provided in Rule 14.11(j)(1). The Exchange also proposes to make conforming changes to the numbering of Rule 14.11(j)(1) through (5).

Rule 14.11(j) governs the trading of UTP Derivative Securities on the Exchange. These securities are listed on another national securities exchange and trade on the Exchange pursuant to unlisted trading privileges (''UTP''). Under current Rule 14.11(j)(1), the Exchange must distribute an information circular before trading begins in each UTP Derivative Security.[4] The Exchange now proposes to delete Rule 14.11(j)(1) in its entirety, thereby removing this requirement.

The Exchange believes the existing information circular requirement is unnecessary and, in some cases, places a greater burden on a UTP trading venue than on the primary listing exchange. Under Rule 14.11, the Exchange is required to issue an information circular as a primary listing market only for

[4] The information circular generally includes the same information as contained in the information circular provided by the listing exchange, including: (a) the special risks of trading the Derivative Security; (b) the Exchange Rules that will apply to the Derivative Security, including Rule 3.7; (c) information about the dissemination of the value of the underlying assets or indexes; and (d) the risk of trading during the Early Trading Session (2:30 a.m.–8:00 a.m. Eastern Time), Pre-Opening Session (8:00 a.m.–9:30 a.m. Eastern Time) and the After Hours Trading Session (4:00 p.m.–8:00 p.m. Eastern Time) due to the lack of calculation or dissemination of the underlying index value, the Intraday Indicative Value (as defined in Rule 14.11(b)(3)(C)) or a similar value.

Trust Certificates,[5] Selected Equity-linked Debt Securities (''SEEDS''),[6] Other Securities,[7] Managed Fund Shares,[8] and Managed Portfolio Shares.[9] The Exchange does not currently list any of these product types. As a result, under today's rules, the Exchange would not be required to disseminate an information circular for any exchange-traded product (''ETP'') it lists upon initial listing and trading.

Before the adoption of Rule 14.11(l) and Rule 6c–11 under the Investment Company Act of 1940 (''Rule 6c–11''), ETFs that now list under those rules typically listed under Rule 14.11(c) (Index Fund Shares) or Rule 14.11(i) (Managed Fund Shares). As noted, the Managed Fund Shares rules require the primary listing market to issue an information circular. In contrast, the final amendment adopting Rule 14.11(l) (ETF Shares) [10] included no such requirement, even though both the initial application [11] and Amendment No. 1 [12] did. Although the Commission's approval order did not expressly address this change, the removal of the information circular requirement between the initial and final amendments indicates that the omission was intentional. This supports the view that the Commission does not consider information circulars necessary in all circumstances, even for primary listing markets. Consistent with this, Nasdaq Rule 5704 and NYSE Arca Rule 5.2–E(j)(8), which govern ETF Shares, also do not impose an information circular requirement on the primary listing exchange.

The Exchange further notes that the information typically included in an information circular is already publicly available. Fund and trust information generally mirrors disclosures in a registration statement, which is accessible through the Commission's EDGAR database. For context, Rule 14.11(j)(1) currently requires an information circular to include:

(a) the special risks of trading the Derivative Security;

(b) the Exchange Rules that will apply to the Derivative Security, including Rule 3.7;

(c) information about the dissemination of the value of the underlying assets or indexes; and

(d) the risk of trading during the Early Trading Session (2:30 a.m.–8:00 a.m. Eastern Time), Pre-Opening Session (8:00 a.m.–9:30 a.m. Eastern Time) and the After Hours Trading Session (4:00 p.m.–8:00 p.m. Eastern Time) due to the lack of calculation or dissemination of the underlying index value, the Intraday Indicative Value (as defined in Rule 14.11(b)(3)(C)) or a similar value.

Information relating to the risks of trading the Derivative Security and the dissemination of underlying values (*i.e.,* Exchange Rules 14.11(j)(1)(a) and (c)) is already included in publicly available registration statements. Accordingly, these disclosures do not need to be duplicated in an Exchange-issued circular.

Exchange Rule 14.11(j)(1)(b) simply reiterates that existing Exchange rules, including Rule 3.7 (Recommendations to Customers), apply to these securities. To enhance clarity, the Exchange proposes to amend Rule 14.11(j) to expressly reference Rule 3.7 rather than rely on an information circular.

Similarly, Rule 14.11(j)(1)(d) restates the risks of trading outside Regular Trading Hours already addressed in Rule 3.21 (Customer Disclosures), which requires Members to disclose such risks before accepting customer orders for execution outside Regular Trading Hours. The Exchange likewise proposes to amend Rule 14.11(j) to specifically reference Rule 3.21.

For these reasons, the Exchange proposes to amend Rule 14.11(j) to eliminate the requirement to distribute an information circular before trading begins in each UTP Derivative Security. Based on the above, the Exchange proposes to renumber existing Rule 14.11(j)(2) through (5) as Rule 14.11(j)(1) through (4), respectively.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[13] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [14] 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) [15] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed rule change removes impediments to and perfects the mechanism of a free and open market and a national market system because it eliminates an unnecessary regulatory requirement that does not provide meaningful investor protection benefits. Specifically, the proposal eliminates the requirement to distribute an information circular prior to the commencement of trading in each UTP Derivative Security, while ensuring that all relevant information remains available to market participants through other means.

The Exchange believes the existing information circular requirement under Rule 14.11(j)(1) is unnecessary because the information that would be included in such circulars is already publicly available or otherwise addressed through existing Exchange rules. As noted above, the information required under Rule 14.11(j)(1) includes: (a) special risks of trading the Derivative Security; (b) applicable Exchange Rules, including Rule 3.7; (c) dissemination of underlying asset or index values; and (d) risks of trading outside Regular Trading Hours. Information relating to the risks of trading Derivative Securities and the dissemination of underlying values (*i.e.,* items (a) and (c)) is generally included in the fund or trust's registration statement, which is publicly available through the Commission's

[5] *See* Interpretation and Policy .07 to Exchange Rule 14.11(e)(3). The Exchange will evaluate the nature and complexity of the issue, and, if appropriate, distribute a circular to Members providing guidance regarding compliance responsibilities (including suitability recommendations and account approval) when handling transactions in Trust Certificates.

[6] *See* Exchange Rule 14.11(e)(12)(B)(ii)(d).

[7] *See* Exchange Rule 14.11(h)(F).

[8] *See* Exchange Rule 14.11(m)(6).

[9] *See* Exchange Rule 14.11(k)(6).

[10] *See* Securities Exchange Act No. 88566 (April 6, 2020) 85 FR 20312 (April 10, 2020) (SR–CboeBZX–2019–097) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To Adopt BZX Rule 14.11(l) Governing the Listing and Trading of Exchange-Traded Fund Shares).

[11] *See* Securities Exchange Act No. 87560 (November 18, 2019) 84 FR 64607 (SR–CboeBZX–2019–097) (Notice of Filing of a Proposed Rule Change To Adopt BZX Rule 14.11(l) To Permit the Listing and Trading of Exchange-Traded Fund Shares That Are Permitted To Operate in Reliance on Rule 6c–11 Under the Investment Company Act of 1940).

[12] *See* Securities Exchange Act No. 88208 (February 13, 2020) 85 FR 9834 (February 20, 2020) (SR–CboeBZX–2019–097) (Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt BZX Rule 14.11(l) To Permit the Listing and Trading of Exchange-Traded Fund Shares That Are Permitted To Operate in Reliance on Rule 6c–11 Under the Investment Company Act of 1940).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *Id.*

EDGAR database. Requiring the Exchange to duplicate this information in an information circular does not enhance investor protection, as the information is already accessible to market participants.

With respect to item (b), the Exchange proposes to amend Rule 14.11(j) to expressly reference Rule 3.7 (Recommendations to Customers), thereby providing clear notice that this rule applies to UTP Derivative Securities without the need for an information circular. Similarly, with respect to item (d), the Exchange proposes to expressly reference Rule 3.21 (Customer Disclosures), which already requires Members to disclose the risks of trading outside Regular Trading Hours before accepting customer orders for execution during such sessions. By incorporating these express references into Rule 14.11(j), the Exchange ensures that market participants are on notice of applicable requirements without the need for repetitive information circulars.

The Exchange believes the proposed rule change promotes consistency across markets and removes an undue burden on UTP trading venues. Under current Exchange rules, the Exchange is required to issue an information circular as a primary listing market only for certain product types: Trust Certificates, Selected Equity-linked Debt Securities, Other Securities, Managed Fund Shares, and Managed Portfolio Shares. The Exchange does not currently list any of these products. Accordingly, under existing rules, the Exchange would not be required to disseminate an information circular for any exchange-traded product it lists upon initial listing and trading. However, as a UTP trading venue, the Exchange is required to issue an information circular for each UTP Derivative Security before trading begins. This creates an inconsistency whereby a UTP venue may be subject to a greater burden than the primary listing exchange.

The Exchange notes that the Commission's adoption of Rule 14.11(l) (ETF Shares) supports the view that information circulars are not necessary in all circumstances. Although earlier versions of the rule proposal included an information circular requirement for ETF Shares,[16] the final amendment adopted by the Commission omitted this requirement.[17] The removal of this requirement between the initial application and the final approved amendment suggests that the omission was intentional and that the Commission does not consider information circulars necessary in all cases, even for primary listing markets. Consistent with this, Nasdaq Rule 5704 and NYSE Arca Rule 5.2–E(j)(8), which govern ETF Shares, also do not impose an information circular requirement on the primary listing exchange.

By eliminating the information circular requirement for UTP Derivative Securities, the Exchange aligns its rules with the regulatory framework applicable to primary listing markets for ETF Shares and removes an unnecessary burden that does not provide commensurate investor protection benefits.

The Exchange believes the proposed rule change protects investors and the public interest because it ensures that all relevant information regarding UTP Derivative Securities remains available to market participants while eliminating duplicative and unnecessary regulatory requirements. As discussed above, the information that would otherwise be included in an information circular is already publicly available through registration statements filed with the Commission or is addressed through existing Exchange rules that will be expressly referenced in Rule 14.11(j). Accordingly, the proposal does not diminish the information available to investors or market participants.

Moreover, by expressly referencing Rules 3.7 and 3.21 in Rule 14.11(j), the Exchange provides clear notice of the regulatory requirements applicable to UTP Derivative Securities, thereby enhancing transparency and promoting compliance by Members.

For these reasons, the Exchange believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

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 the proposed rule change will impose any burden on intramarket competition because it applies uniformly to all Members trading UTP Derivative Securities on the Exchange.

The Exchange does not believe the proposed rule change will impose any burden on intermarket competition. To the contrary, the Exchange believes the proposal promotes intermarket competition by removing an unnecessary regulatory burden that currently applies to UTP trading venues. As discussed above, under current Exchange rules, the Exchange would not be required to disseminate an information circular for any exchange-traded product it lists upon initial listing and trading, as it does not currently list any of the product types for which an information circular is required. However, as a UTP trading venue, the Exchange is required to issue an information circular for each UTP Derivative Security before trading begins. This creates an inconsistency whereby a UTP venue is subject to a greater burden than the primary listing exchange for the same security.

By eliminating the information circular requirement for UTP Derivative Securities, the proposed rule change levels the playing field between primary listing markets and UTP trading venues, thereby promoting competition. The proposal does not disadvantage any market participant or market center, as the information that would otherwise be included in an information circular remains publicly available through registration statements filed with the Commission or is addressed through existing Exchange rules that will be expressly referenced in Rule 14.11(j).

The Exchange notes that other national securities exchanges may propose similar rule changes to eliminate information circular requirements for UTP Derivative Securities. To the extent other exchanges choose to maintain such requirements, that would be a competitive choice that does not impose a burden on competition. The Exchange believes that reducing unnecessary regulatory requirements enhances its ability to compete for order flow in UTP Derivative Securities while maintaining appropriate investor protections.

For these reasons, the Exchange does not believe the proposed rule change will impose any burden on competition that is 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

The Exchange neither solicited nor received 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

[16] *Supra* notes 12 and 13.

[17] *Supra* note 11.

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–CboeBZX–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–CboeBZX–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–CboeBZX–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.[18]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–01521 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Investment Company Act Release No. 35910; File No. 812–15867; The Pre-IPO and Growth Fund, et al.

January 22, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: The Pre-IPO and Growth Fund, ABS Long/Short Strategies Fund, ABS Investment Fund LLC, and ABS Investment Management LLC.

FILING DATES: The application was filed on July 25, 2025, and amended on January 13, 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 *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 at *Secretarys-Office@sec.gov*.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Laurence K. Russian, ABS Investment Management, LLC, at *lkr@absinv.com,* with copies to JoAnn Strasser and Philip Sineneng, Thompson Hine LLP, at *joann.strasser@thompsonhine.com* and *philip.sineneng@thompsonhine.com,* respectively.

FOR FURTHER INFORMATION CONTACT: Adam Large, Senior Special Counsel, or Kieran G. Brown, Senior Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' amended application, filed January 13, 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.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–01513 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104662]

Order Granting Exemptive Relief, Pursuant to Section 36(a)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') and Rule 608(e) of Regulation NMS Thereunder, Relating to the Reporting of Responses to Requests for Quotes and Other Solicitation Responses Provided in a Standard Electronic Format, as Required by Section 6.4(d) of the National Market System Plan Governing the Consolidated Audit Trail

January 23, 2026.

I. Introduction

On July 18, 2012, the Securities and Exchange Commission (the ''Commission'' or the ''SEC'') adopted Rule 613 of Regulation NMS, which required the national securities exchanges and national securities associations (the ''Participants'') [1] to

[1] The current Participants to the CAT NMS Plan are 24X National Exchange LLC, BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, Long-Term

jointly develop and submit to the Commission a national market system plan to create, implement, and maintain the consolidated audit trail (''CAT'').[2] The goal of Rule 613 was to create a modernized audit trail system that would provide regulators with timely access to a comprehensive set of trading data, thus enabling regulators to more efficiently and effectively analyze and reconstruct market events, monitor market behavior, conduct market analysis to support regulatory decisions, and perform surveillance, investigation, and enforcement activities. On November 15, 2016, the Commission approved the national market system plan required by Rule 613 (''the CAT NMS Plan'').[3]

On May 20, 2024, in response to a request from the Participants,[4] the Commission granted temporary exemptive relief, pursuant to its authority under section 36(a)(1) of the Exchange Act,[5] and Rule 608(e) of Regulation NMS under the Exchange Act,[6] from certain reporting requirements in section 6.4(d) of the CAT NMS Plan [7] relating to the reporting of bids and/or offers made in response to a request for quote (''RFQ'') or other form of solicitation response provided in standard electronic format (*e.g.,* FIX) that is not ''immediately actionable'' (*i.e.,* further action is required by the responder providing the quote in order to execute or cause a trade to be executed) (''NIA Electronic RFQ Responses'').[8] Pursuant to the Prior Order, this temporary conditional exemptive relief has an expiration date of July 31, 2026.[9]

For the reasons set forth below, this Order grants the Participants exemptive relief consistent with that previously granted by the Commission relating to the reporting of NIA Electronic RFQ Reponses in the Prior Order, except without the conditions previously imposed and without an expiration date.

II. Discussion and Exemptive Relief

Section 36(a)(1) of the Exchange Act grants the Commission the authority, with certain limitations, to ''conditionally or unconditionally exempt any person, security, or transaction . . . from any provision or provisions of [the Exchange Act] or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.'' [10] Under Rule 608(e) of Regulation NMS, the Commission may ''exempt from [Rule 608], either unconditionally or on specified terms and conditions, any self-regulatory organization, member thereof, or specified security, if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanism of, a national market system.'' [11]

After careful consideration, the Commission has determined to grant exemptive relief consistent with that previously granted by the Commission relating to the reporting of NIA Electronic RFQ Reponses but without conditions or time limits. Industry members and Participants have continued to devote and expend substantial resources toward the ongoing development of CAT. The implementation of electronic recording and reporting of NIA Electronic RFQ Responses has proven to be particularly challenging. Compliance requires both the sender and receiver of the information to determine how to report information to the CAT, and this information is not currently captured in a format designed to be reported to the CAT. Additionally, the Commission received comment letters stating that exemptive relief is ''necessary'' for electronic responses to RFQs that cannot be executed by the party that receives the RFQ response,[12] and cautioning that the requirement to report RFQ responses that are not actionable would ''involve costly manual processes.'' [13] Also, some Industry Members maintain that the reporting of NIA Electronic RFQ Responses is not required by Rule 613 or the CAT NMS Plan.[14]

After further evaluation and in light of the implementation challenges, the Commission has determined that relief from Section 6.4(d) of the CAT NMS Plan for the recording and reporting of NIA Electronic RFQ Responses is appropriate because the regulatory value of this information does not justify the difficulty and costs associated with collecting and reporting such information. In addition, regulators will still have insight into the RFQ process, because any follow-up order activity subsequent to the transmission of NIA

Stock Exchange, Inc., MEMX LLC, Miami International Securities Exchange LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, MIAX Sapphire, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc., and NYSE Texas, Inc.

[2] *See* Securities Exchange Act Release No. 67457 (July 18, 2012), 77 FR 45722 (Aug. 1, 2012); 17 CFR 242.613.

[3] *See* Securities Exchange Act Release No. 79318, 81 FR 84696 (Nov. 23, 2016) (''CAT NMS Plan Approval Order''). Unless otherwise noted, capitalized terms are used as defined in the CAT NMS Plan.

[4] *See* letter from the Participants to Vanessa Countryman, Secretary, Commission, dated Feb. 13, 2024 (the ''2024 Exemption Request''), *available at: https://catnmsplan.com/sites/default/files/2024-02/02.13.24-Exemption-Request-Responses-to-Electronic-RFQs.pdf.*

[5] 15 U.S.C. 78mm(a)(1).

[6] 17 CFR 242.608(e).

[7] Section 6.4(d) of the CAT NMS Plan describes the type of information that the Participants must require Industry Members to report to the CAT and when such information must be reported.

[8] *See* Securities Exchange Act Release No. 34–100181, 89 FR 45715 (May 23, 2024) (''Prior Order'').

[9] The Prior Order stated that, as a condition to relief, the Participants must provide the Commission a written implementation plan on the reporting of NIA Electronic RFQ Responses by July 31, 2025, and that this implementation plan for the reporting of NIA Electronic RFQ Responses must: (1) identify workflows to facilitate the reporting of NIA Electronic RFQ Responses; and (2) provide or reference published technical specifications to allow for the reporting of NIA Electronic RFQ Responses by Industry Members. *Id.* at 45716–17. The exemptive relief granted by this Order does not include any conditions.

[10] 15 U.S.C. 78mm(a)(1).

[11] 17 CFR 242.608(e).

[12] *See* letter to Vanessa Countryman, Secretary, Commission, from Howard Meyerson, Managing Director, Financial Information Forum, dated Sept. 9, 2024, at 2, *available at: https://www.sec.gov/comments/4-698/4698-518035-1490942.pdf.*

[13] *See* letter to Vanessa Countryman, Secretary, Commission, from Howard Meyerson, Managing Director, Financial Information Forum, dated Dec. 6, 2024, at 3, *available at: https://www.sec.gov/comments/4-698/4698-558515-1603022.pdf. See also* Letter to Paul S. Atkins, Chairman, Securities and Exchange Commission, from Joseph Corcoran, Managing Director and Associate General Counsel and Gerald O'Hara, Vice President and Assistant General Counsel, Securities Industry and Financial Markets Association (''SIFMA''), dated June 6, 2025, *available at: https://www.sec.gov/comments/4-698/4698-610487-1785814.pdf* (stating that the SEC should review all of its orders granting temporary exemptive relief from CAT reporting requirements with a view to making them permanent); letter to Paul S. Atkins, Chairman, Securities and Exchange Commission, from Joanna Mallers, Secretary, FIA Principal Traders Group, dated June 26, 2025, *available at: https://www.sec.gov/comments/4-853/4853-618547-1815754.pdf* (stating that the Commission should codify its orders granting temporary exemptive relief for certain CAT requirements that are unreasonable or burdensome).

[14] *See, e.g.,* letter to Vanessa Countryman, Secretary, Securities and Exchange Commission, from Joseph Corcoran, Managing Director and Associate General Counsel and Ellen Greene, Managing Director, Equities & Options Market Structure, SIFMA, and Howard Meyerson, Managing Director, FIF, dated July 31, 2023, *available at: https://www.sec.gov/comments/4-698/4698-238359-498762.pdf;* letter to Vanessa Countryman, Secretary, Securities and Exchange Commission, from Howard Meyerson, Managing Director, Financial Information Forum, dated June 1, 2023, *available at https://fif.com/index.php/working-groups/category/271-comment-letters?download=2730:fif-letter-to-the-sec-on-cat-reporting-for-non-executable-rfq-responses&start=60&view=category.*

Electronic RFQ Responses that results in an execution, will be reported to the CAT.

As provided in the Prior Order, the NIA Electronic RFQ Responses that are subject to this exemptive relief: (1) are those that satisfy the definition of an ''order'' as defined in Rule 613(j)(8) and the CAT NMS Plan; [15] (2) do not include RFQ responses that were required to be reported commencing in Phase 2c and Phase 2d; [16] and (3) do not include activity that is subject to section 6.3(g) of the CAT NMS Plan.[17]

Based on the foregoing, pursuant to section 36(a)(1) of the Exchange Act, it is appropriate in the public interest and is consistent with the protection of investors, and, pursuant to Rule 608(e), it is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and the perfection of, the mechanisms of a national market system, to grant exemptive relief from the requirement in section 6.4(d) of the CAT NMS Plan for the recording and reporting of NIA Electronic RFQ Responses.[18] This exemptive relief is intended to mirror the relief granted in the Prior Order, except without the conditions previously imposed and without an expiration date. When this Order takes effect, the relief granted therein will supersede the relief granted in the Prior Order.

IV. Conclusion

As discussed above, it is appropriate to grant exemptive relief that exempts each Participant from the requirement in section 6.4(d) of the CAT NMS Plan for each Participant, through its Compliance Rule, to require its Industry Members to record and electronically report to the Central Repository NIA Electronic RFQ Responses.

Accordingly, *it is hereby ordered*, pursuant to section 36(a)(1) of the Exchange Act,[19] and Rule 608(e) of the Exchange Act [20] that the Participants are granted an exemption from the requirement in section 6.4(d) of the CAT NMS Plan that requires each Participant, through its Compliance Rule, to require its Industry Members to record and electronically report to the Central Repository bids and/or offers made in response to a request for quote or other form of solicitation response provided in standard electronic format (*e.g.,* FIX) that is not ''immediately actionable'' (*i.e.,* further action is required by the responder providing the quote in order to execute or cause a trade to be executed).

By the Commission.

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–01610 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

[15] The CAT NMS Plan defines ''order,'' by reference to Rule 613(j)(8), to include ''[a]ny order received by a member of a national securities exchange or national securities association from any person; (b) any order originated by a member of a national securities exchange or national securities association; or (c) any bid or offer.'' Section 1.1. of the CAT NMS Plan; 17 CFR 242.613(j)(8).

[16] *See* 2024 Exemption Request, at 3–4. As explained by the Participants, in April 2020 the Commission granted conditional exemptive relief to allow for the implementation of phased Industry Member reporting to the CAT across five phases, and this exemptive relief did not specifically address NIA Electronic RFQ Responses. *Id.;* Securities Exchange Release No. 88702 (Apr. 20, 2020), 85 FR 23075 (Apr. 24, 2020) (''Phased Reporting Exemption''). Pursuant to the Phased Reporting Exemption, any bid or offer in response to a request for quote or other form of solicitation response provided in standard electronic format (*e.g.,* FIX) that required no further action by the responder providing the quote in order to execute or cause a trade to be executed was reportable in Phase 2c for equities and in Phase 2d for options. *See* Phased Reporting Exemption at 23079; *see also* 2024 Exemption Request, at 3–4.

[17] *See* 2024 Exemption Request, at 4–5; Section 6.3(g) of the CAT NMS Plan (''Verbal Activity, Floor, and Upstairs Activity''). Section 6.3(g) of the CAT NMS Plan identifies certain categories of data that shall not be reportable to the Central Repository: (i) until July 31, 2030, floor broker verbal announcements of firm orders on an exchange that are otherwise reported as systematized orders; (ii) until July 31, 2030, market maker verbal announcements of firm quotes on an exchange trading floor; (iii) telephone discussions between an Industry Member and a client that may involve firm bid and offer communications; and (iv) unstructured electronic and verbal communications that are not currently captured by Industry Member order management or execution systems (*e.g.,* electronic chats, text messages). *See also* Securities Exchange Act Release No. 103275 (June 16, 2025), 90 FR 26337 (June 20, 2025) (''Order Approving an Amendment to the National Market System Plan Governing the Consolidated Audit Trail, as Modified by the Commission, Regarding the Reporting of Certain Verbal Activity, Floor and Upstairs Activity''). With respect to activity subject to section 6.3(g) of the CAT NMS Plan, to the extent that NIA Electronic RFQ Responses are unstructured electronic communications that are not currently captured by Industry Member order management or execution systems, section 6.3(g)(iv) of the CAT NMS Plan already makes such messages not reportable to the CAT and thus exemptive relief is not necessary.

[18] To the extent that the Participants are availing themselves of exemptive relief from a CAT NMS Plan requirement, such requirement shall not be included in the requirements for the Financial Accountability Milestones. *See* CAT NMS Plan, at section 1.1 (''Financial Accountability Milestone'' definition).

[19] 15 U.S.C. 78mm(a)(1).

[20] 17 CFR 242.608(e).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104659; File No. SR–PEARL–2026–03]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404, Series of Options Contracts Open for Trading, To Amend the Short Term Option Series Program

January 22, 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, MIAX PEARL, LLC (''MIAX Pearl'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by MIAX Pearl. 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 Short Term Option Series Program to permit the listing of up to two Monday and Wednesday expirations for options on certain individual stocks or Exchange-Traded Fund Shares.

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-equities/pearl-equities/rule-filings,* and at MIAX Pearl's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MIAX Pearl 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. MIAX Pearl has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 Interpretation and Policy .02 to Exchange Rule 404, ''Series of Options Contracts Open for Trading.'' 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 Fund Shares (collectively ''Qualifying Securities''). This proposed rule change is based on a similar proposal submitted by Nasdaq ISE, LLC (''ISE'') and approved by the Commission.[3]

Currently, as set forth in Interpretation and Policy .02 to Exchange Rule 404, after an option class has been approved for listing and trading on the Exchange as a Short Term Option Series,[4] 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 Interpretation and Policy .02 to Exchange Rule 404 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'').[5] 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.

Proposal

At this 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 Exchange-Traded 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,[6] or

(B) Assets under Management (''AUM'') greater than 50 billion dollars for an Exchange-Traded 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 Exchange-Traded 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 Exchange-Traded 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 trading calendar quarter.[7] The Exchange will make the list of Qualifying Securities available by the close of business on the first trading day of the quarter.[8]

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 Announcement 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'').[9] 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

[3] *See* Securities Exchange Act Release No. 104624 (January 16, 2026) (Self-Regulatory Organizations; Nasdaq ISE, LLC; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, to Amend the Short Term Option Series Program to List Qualifying Securities) (SR–ISE–2025–15).

[4] The term ''Short Term Option Series'' means a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any Monday, Tuesday, Wednesday, Thursday or Friday that is a business day and that expires on the Monday, Tuesday, Wednesday, Thursday, or Friday of the next business week, or, in the case of a series that is listed on a Friday and expires on a Monday, is listed one business week and one business day prior to that expiration. If a Tuesday, Wednesday, Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Tuesday, Wednesday, Thursday or Friday, respectively. For a series listed pursuant to this section for Monday expiration, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday. *See* Exchange Rule 100.

[5] As set forth in Table 1 of Interpretation and Policy .02 to Exchange Rule 404, 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.

[6] The closing price and the opening price shall be that of the primary exchange where the security is listed.

[7] 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 Q3 of 2025, the Exchange would look at the volume, measured in sides, for the last month of Q2 2025 or June 2025.

[8] The Exchange will make this information available on its website. This information will be freely accessible to the public.

[9] For purposes of this proposal, pre-announcements or ''guidance'' shall not be considered an Earnings Announcement.

would no longer be permitted to list Monday and Wednesday expiries beginning on the second day of the following quarter.[10]

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 Interpretation and Policy .02 to Exchange Rule 404 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'').[11] In the event Qualifying Securities would 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 of Monday Qualifying Securities Expirations would therefore not be consecutive. Today, Monday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing would expire 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 Interpretation and Policy .02 to Exchange Rule 404, 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'').[12] In the event Qualifying Securities would 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 of Wednesday Qualifying Securities Expirations would therefore not be consecutive. Today, Wednesday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing would expire 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.[13] 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.[14] 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 Exchange Rule 100, 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. Also, pursuant to Exchange Rule 100, with respect to the Short Term Options Series Program, 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.[15] 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.[16] 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.[17] 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.[18] 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

[10] The Exchange has noted the additional expiries in a proposed Table 2 in Interpretation and Policy .02 to Exchange Rule 404 along with the criteria for a Qualifying Security.

[11] They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

[12] *Id.*

[13] *See* Interpretation and Policy .02(e) to Exchange Rule 404. The Exchange notes that equity options which have an expiration of more than twenty-one days from the listing date would also be subject to the intervals as noted within Interpretation and Policy .02(f) to Exchange Rule 404. *See also* Interpretation and Policy .11 to Exchange Rule 404.

[14] *Id.*

[15] *See* Interpretation and Policy .02(c) and (d) to Exchange Rule 404.

[16] *See* Interpretation and Policy.02 to Exchange Rule 404.

[17] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[18] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

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 symbols [19] 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.[20] 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.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[21] in general, and furthers the objectives of Section 6(b)(5) of the Act,[22] in particular, in that it is designed to promote just and equitable principles of trade, 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.

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 Exchange-Traded 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 an Exchange-Trade 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 (8) individual stocks currently exist as of January 1, 2025) and substantially less than 1% of Exchange-Traded Fund Shares (only seven (7) Exchange Traded Fund Shares currently exist as of January 1, 2025, of which five (5) are eligible, today, pursuant to Exchange Rule 402, to trade additional expiries) traded. Therefore, an individual stock or Exchange-Traded Fund Share that meets aforementioned market capitalization and volume requirements are highly liquid and could be viewed as stable securities. The Exchange notes that with respect to position limits, Exchange Rule 307(d)(5) provides, that ''[t]o be eligible for the 250,000 contract limit, either the most recent six (6) 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 seventy-five (75) million shares and the underlying security must have at least 300 million shares currently outstanding.'' The 250,000 contract position limit is the highest position limit by Exchange rules. Options that qualify for the 250,000 position (and exercise) limit are highly liquid securities that have met the stringent requirements noted in Exchange Rule 307(d)(5) 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.[23] 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 is eight (8) and the number of Exchange-Traded Fund Shares currently meeting all four criteria for a Qualifying Security that do not already have Monday and Wednesday expirations is one (1) 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 Exchange-Traded 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.[24] The Exchange believes that the proposal will allow 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

[19] *See supra* note 5.

[20] *Id.*

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] *See* Exchange Rule 510(c)(2). Each December OCC ranks all multiply listed option classes based on National Cleared Volume for the six full calendar month from June 1 through November 30 for determination of the most actively traded option classes.

[24] Today, Market Makers are required to quote a specified time in their assigned options series. *See* Exchange Rule 605.

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.[25]

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 Interpretation and Policy .02(a) to Exchange Rule 404 that currently apply to SPY, QQQ and IWM Monday and Wednesday Expirations is justified.

The Exchange believes 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, the proposal to permit Monday and Wednesday Qualifying Security Expirations for options on Qualifying Securities listed pursuant to the Short Term Option Series Program, subject to the proposed limitation of two nearest expirations, would protect investors and the public interest by providing the investing public and other market participants more flexibility to closely tailor their investment and hedging decisions in the options on Qualifying Securities, thus allowing them to better manage their risk exposure.

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. Similarly, the Exchange believes Monday and Wednesday Qualifying Security Expirations should create greater trading and hedging opportunities and provide customers the flexibility to tailor their investment objectives more effectively.

Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in the proposed option expirations, in the same way that it monitors trading in the current Short Term Option Series for Monday SPY, QQQ and IWM expirations. The Exchange also represents that it has the necessary system capacity to support the new 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 believes that this limited expansion for Monday and Wednesday expirations for options on Qualifying Securities will not impose an undue burden on competition, rather, it will meet customer demand. The Exchange would uniformly apply the Qualifying Security criteria to options in individual stocks and Exchange-Traded Fund Shares. The Exchange believes that Members will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in the Qualifying Securities.

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 the proposal will impose any burden on intermarket competition, as nothing prevents other options exchanges from proposing similar rules to list and trade Monday and Wednesday Qualifying Security Expirations. Further, the Exchange does not believe the proposal will impose any burden on intra-market competition, as all market participants will be treated in the same manner under this proposal.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor 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 Act[26] and Rule 19b–4(f)(6) thereunder.[27]

A proposed rule change filed under Rule 19b–4(f)(6)[28] normally does not become operative prior to 30 days after the date of the filing. However, pursuant

[25] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[26] 15 U.S.C. 78s(b)(3)(A)(iii).

[27] 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.

[28] 17 CFR 240.19b–4(f)(6).

to Rule 19b–4(f)(6)(iii),[29] 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. According to the Exchange, waiver of the operative delay would allow the Exchange to compete with at least one other exchange that has approval to list and trade the same option series.[30] 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 30-day operative delay and designates the proposal operative upon filing.[31]

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)[32] 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–PEARL–2026–03 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–PEARL–2026–03. 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–PEARL–2026–03 and should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–01525 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104671; File No. SR–CboeBZX–2026–006]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 21.16 With Respect to Its Risk Monitor Mechanism, To Provide Members With Additional Flexibility in Establishing How Their Trading Activity Counts Towards Certain Risk Parameters

January, 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 14, 2026, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') proposes to amend Rule 21.16 with respect to its Risk Monitor Mechanism, to provide Members with additional flexibility in establishing how their trading activity counts towards certain risk parameters. 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 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 Rule 21.16, Risk Monitor Mechanism. Specifically, the Exchange proposes changes to the Risk Monitor Mechanism to provide Members with additional flexibility in establishing how their trading activity counts towards certain risk parameters.

By way of background, the Risk Monitor Mechanism provides Members with the ability to manage their order and execution risk. Each Member may establish limits for various parameters in the Exchange's counting program. The System[3] counts each of the following within an underlying for an EFID[4] (''underlying limit'') and across all underlyings for an EFID (''EFID limit'') and/or for all underlyings for a group of EFIDs (''EFID Group'') (''EFID Group limit''), over a Member-

[29] 17 CFR 240.19b–4(f)(6)(iii).

[30] See *supra* note 3.

[31] 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).

[32] 15 U.S.C. 78s(b)(2)(B).

[33] 17 CFR 200.30–3(a)(12) and (59).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''System'' means the automated trading system used by BZX Options for the trading of options contracts. *See* Rule 16.1.

[4] The term ''EFID'' means an Executing Firm ID. *See* Rule 21.1(k).

established time period (''interval'') and on an absolute basis for a trading day (''absolute limits''): (i) number of contracts executed (''volume''); (ii) notional value of executions (''notional''); (iii) number of executions (''count''); (iv) number of contracts executed as a percentage of number of contracts outstanding within an Exchange-designated time period or during the trading day, as applicable (''percentage''), which the System determines by calculating the percentage of a Member's outstanding contracts that executed on each side of the market during the time period or trading day, as applicable, and then summing the series percentages on each side in the underlying; and (v) number of times the limits established by the parameters (i) through (iv) are reached (''risk trips'') (collectively, ''risk parameters''). Additionally, when the System determines a risk parameter exceeds a Member's underlying limit within the interval or the absolute limit for the class, the Risk Monitor Mechanism cancels or rejects such Member's orders or quotes in all series of the underlying and cancels or rejects any additional orders or quotes from the Member in the underlying until the counting program resets. Similarly, when the System determines a risk parameter exceeds a Member's EFID limit within the interval or the absolute limit for the EFID, the Risk Monitor Mechanism cancels or rejects such Member's orders or quotes in all underlyings and cancels or rejects any additional orders or quotes from the EFID in all underlyings until the counting program resets. Finally, when the System determines a risk parameter exceeds a Member's EFID Group limit within the interval or the absolute limit for the EFID Group, the Risk Monitor Mechanism cancels or rejects such Member's orders or quotes in all underlyings and cancels or rejects any additional orders or quotes from any EFID within the EFID Group in all underlyings until the counting program resets.

The Exchange proposes to amend Rule 21.16 to enhance the Risk Monitor Mechanism to provide Members with additional flexibility in establishing how their trading activity counts towards certain risk parameters.

First, the Exchange proposes to add new Rule 21.16(b)[5] to allow Members the option to exclude certain options auction-executed volume from certain of the Risk Monitor Mechanism risk parameters, namely the volume parameter in Rule 21.16(a)(i) and the count parameter in Rule 21.16(a)(iii). Under the proposed change, a Member may specify whether volume or executions in Complex Order Auctions (''COA'') count toward the Member's class, EFID, or EFID Group limit (on both an interval or absolute basis).

The Exchange also proposes to add new Rule 21.16(b)(ii) to allow Members the option to establish the volume or count parameters on a contra-party capacity basis. Under the proposed change, a Member may specify a percentage (up to 100%) of volume or executions to count toward the Member's class, EFID, or EFID Group limit based on contra-party capacity (on both an interval or absolute basis). For example, under the proposed rule change, a Member could specify that only 20% of the quantity on each trade with a Capacity ''C'' (*i.e.,* Public Customer)[6] contra-party would be counted towards the Member's class, EFID, or EFID Group limit (on an interval or absolute basis).

The proposed changes allow the Member to more precisely tailor the volume and count parameters within the Risk Monitor Mechanism. The Exchange notes that use of the proposed enhancements is optional, and Members are free to utilize them or not, at their discretion.

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.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] 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)[9] 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 the proposed change would remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest by providing Members with enhanced abilities to manage their risk with respect to orders on the Exchange. The Exchange believes that allowing Members to tailor volume and count parameters promotes risk management processes that better reflect the risks of different types of trading activity. The Exchange believes that the proposed rule change will protect investors and the public interest because the proposed enhancements will assist Members in minimizing their risk exposure, thereby reducing the potential for disruptive, market-wide events.

The Exchange believes the proposed change to allow Members to specify whether volume or executions in COA count toward the Member's underlying, EFID, or EFID Group limit (on both an interval or absolute basis) is reasonable because orders executed through these auction mechanisms are subject to different protections (*i.e.,* price improvement requirements and exposure periods) as compared to other order types. As a result, these orders have different risk considerations. Allowing Members to differentiate between these execution types in their Risk Monitor Mechanism settings enables them to establish risk parameters that more accurately reflect their risk management tolerances. The Exchange again notes that this functionality is optional, and Members may continue to include executions resulting from these exchange auctions in their risk parameters (as is the case today) if they prefer.

The Exchange also believes its proposal to allow Members to establish volume or count parameters on a contra-party capacity basis is reasonable, as different contra-party types present different risk profiles. For example, this enhancement may be beneficial for Market-Makers or other liquidity providers who may wish to establish lower limits for when providing liquidity to Customer orders while establishing stricter parameters for trades against other institutional contra-parties which may involve different risk considerations. The Exchange believes allowing Members the option to adjust their risk tolerance based on contra-

[5] As part of the proposed change, the Exchange proposes to renumber current Rules 21.16(b), (c), (d), (e), and (f) as Rules 21.16(c) (d), (e), (f), and (g), respectively.

[6] *See* Rule 16.1 (definition of ''Capacity'').

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

party capacity provides the opportunity for a more precise risk management approach.

Finally, the Exchange believes the proposed changes are not unfairly discriminatory, as the proposed enhancements are available to all Members and apply uniformly to all Members who may choose to utilize the enhanced risk parameter settings. As noted above, use of the proposed enhancements is optional and Members are free to utilize them or not, at their discretion.

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 the proposed enhancements are available to all Members and apply uniformly to all Members who may choose to utilize the enhanced risk parameter settings. As noted above, use of the proposed enhancements is optional and Members are free to utilize them or not, at their discretion.

Additionally, 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 because the proposed enhancements apply only to trading on the Exchange. Again, the Exchange notes that it is voluntary for the Members to determine whether to make use of the new enhancements of the Risk Monitor Mechanism. To the extent that the proposed changes may make the Exchange a more attractive trading venue for market participants on other exchanges, such market participants may elect to become Exchange market participants.

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 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) of the Act [10] and Rule 19b–4(f)(6) [11] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; 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) of the Act [12] and Rule 19b–4(f)(6) [13] 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 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–CboeBZX–2026–006 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–2026–006. 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–2026–006 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]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–01533 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 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.

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104658; File No. SR–MIAX–2026–03]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404, Series of Options Contracts Open for Trading, To Amend the Short Term Option Series Program

January 22, 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, Miami International Securities Exchange, LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 Short Term Option Series Program to permit the listing of up to two Monday and Wednesday expirations for options on certain individual stocks or Exchange-Traded Fund Shares.

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

us-options/all-options-exchanges/rule-filings, at MIAX's principal office, and at the Commission's Public Reference Room.

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 Interpretation and Policy .02 to Exchange Rule 404, ''Series of Options Contracts Open for Trading.'' 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 Fund Shares (collectively ''Qualifying Securities''). This proposed rule change is based on a similar proposal submitted by Nasdaq ISE, LLC (''ISE'') and approved by the Commission.[3] The Exchange notes that Exchange Rule 404 as proposed to be amended by this filing, is incorporated by reference into the MIAX Emerald, LLC (''MIAX Emerald'') rulebook, and is thus a MIAX Emerald rule applicable to MIAX Emerald members.

Currently, as set forth in Interpretation and Policy .02 to Exchange Rule 404, after an option class has been approved for listing and trading on the Exchange as a Short Term Option Series,[4] 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 Interpretation and Policy .02 to Exchange Rule 404 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'').[5] 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.

Proposal

At this 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 Exchange-Traded 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,[6] or

(B) Assets under Management (''AUM'') greater than 50 billion dollars for an Exchange-Traded 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 Exchange-Traded 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 Exchange-Traded 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 trading calendar quarter.[7] The Exchange will make the list of Qualifying Securities available by the close of business on the first trading day of the quarter.[8]

[3] *See* Securities Exchange Act Release No. 104624 (January 16, 2026) (Self-Regulatory Organizations; Nasdaq ISE, LLC; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, to Amend the Short Term Option Series Program to List Qualifying Securities) (SR–ISE–2025–15).

[4] The term ''Short Term Option Series'' means a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any Monday, Tuesday, Wednesday, Thursday or Friday that is a business day and that expires on the Monday, Tuesday, Wednesday, Thursday, or Friday of the next business week, or, in the case of a series that is listed on a Friday and expires on a Monday, is listed one business week and one business day prior to that expiration. If a Tuesday, Wednesday, Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Tuesday, Wednesday, Thursday or Friday, respectively. For a series listed pursuant to this section for Monday expiration, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday. *See* Exchange Rule 100.

[5] As set forth in Table 1 of Interpretation and Policy .02 to Exchange Rule 404, 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.

[6] The closing price and the opening price shall be that of the primary exchange where the security is listed.

[7] 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 Q3 of 2025, the Exchange would look at the volume, measured in sides, for the last month of Q2 2025 or June 2025.

[8] The Exchange will make this information available on its website. This information will be freely accessible to the public.

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 Announcement 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'').[9] 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.[10]

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 Interpretation and Policy .02 to Exchange Rule 404 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'').[11] In the event Qualifying Securities would 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 of Monday Qualifying Securities Expirations would therefore not be consecutive. Today, Monday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing would expire 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 Interpretation and Policy .02 to Exchange Rule 404, 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'').[12] In the event Qualifying Securities would 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 of Wednesday Qualifying Securities Expirations would therefore not be consecutive. Today, Wednesday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing would expire 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.[13] 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.[14] 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 Exchange Rule 100, 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. Also, pursuant to Exchange Rule 100, with respect to the Short Term Options Series Program, 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.[15] 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.[16] 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.[17] Not listing Monday and Wednesday Qualifying Securities Expirations for one week every month because there was a standard options series on that

[9] For purposes of this proposal, pre-announcements or ''guidance'' shall not be considered an Earnings Announcement.

[10] The Exchange has noted the additional expiries in a proposed Table 2 in Interpretation and Policy .02 to Exchange Rule 404 along with the criteria for a Qualifying Security.

[11] They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

[12] *Id.*

[13] *See* Interpretation and Policy .02(e) to Exchange Rule 404. The Exchange notes that equity options which have an expiration of more than twenty-one days from the listing date would also be subject to the intervals as noted within Interpretation and Policy .02(f) to Exchange Rule 404. *See also* Interpretation and Policy .11 to Exchange Rule 404.

[14] *Id.*

[15] *See* Interpretation and Policy .02(c) and (d) to Exchange Rule 404.

[16] *See* Interpretation and Policy.02 to Exchange Rule 404.

[17] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

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.[18] 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 symbols [19] 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.[20] 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.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[21] in general, and furthers the objectives of Section 6(b)(5) of the Act,[22] in particular, in that it is designed to promote just and equitable principles of trade, 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.

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 Exchange-Traded 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 an Exchange-Trade 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 (8) individual stocks currently exist as of January 1, 2025) and substantially less than 1% of Exchange-Traded Fund Shares (only seven (7) Exchange Traded Fund Shares currently exist as of January 1, 2025, of which five (5) are eligible, today, pursuant to Exchange Rule 402, to trade additional expiries) traded. Therefore, an individual stock or Exchange-Traded Fund Share that meets aforementioned market capitalization and volume requirements are highly liquid and could be viewed as stable securities. The Exchange notes that with respect to position limits, Exchange Rule 307(d)(5) provides, that ''[t]o be eligible for the 250,000 contract limit, either the most recent six (6) 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 seventy-five (75) million shares and the underlying security must have at least 300 million shares currently outstanding.'' The 250,000 contract position limit is the highest position limit by Exchange rules. Options that qualify for the 250,000 position (and exercise) limit are highly liquid securities that have met the stringent requirements noted in Exchange Rule 307(d)(5) 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.[23] 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 is eight (8) and the number of Exchange-Traded Fund Shares currently meeting all four criteria for a Qualifying Security that do not already have Monday and Wednesday expirations is one (1) 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 Exchange-Traded 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

[18] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[19] *See supra* note 5.

[20] *Id.*

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] *See* Exchange Rule 510(c)(2). Each December OCC ranks all multiply listed option classes based on National Cleared Volume for the six full calendar month from June 1 through November 30 for determination of the most actively traded option classes.

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.[24] The Exchange believes that the proposal will allow 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.[25]

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 Interpretation and Policy .02(a) to Exchange Rule 404 that currently apply to SPY, QQQ and IWM Monday and Wednesday Expirations is justified.

The Exchange believes 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, the proposal to permit Monday and Wednesday Qualifying Security Expirations for options on Qualifying Securities listed pursuant to the Short Term Option Series Program, subject to the proposed limitation of two nearest expirations, would protect investors and the public interest by providing the investing public and other market participants more flexibility to closely tailor their investment and hedging decisions in the options on Qualifying Securities, thus allowing them to better manage their risk exposure.

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. Similarly, the Exchange believes Monday and Wednesday Qualifying Security Expirations should create greater trading and hedging opportunities and provide customers the flexibility to tailor their investment objectives more effectively.

Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in the proposed option expirations, in the same way that it monitors trading in the current Short Term Option Series for Monday SPY, QQQ and IWM expirations. The Exchange also represents that it has the necessary system capacity to support the new 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 believes that this limited expansion for Monday and Wednesday expirations for options on Qualifying Securities will not impose an undue burden on competition, rather, it will meet customer demand. The Exchange would uniformly apply the Qualifying Security criteria to options in individual stocks and Exchange-Traded Fund Shares. The Exchange believes that Members will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in the Qualifying Securities.

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 the proposal will impose any burden on intermarket competition, as nothing prevents other options exchanges from proposing similar rules to list and trade Monday and Wednesday Qualifying Security Expirations. Further, the Exchange does not believe the proposal will impose any burden on intra-market competition, as all market participants will be treated in the same manner under this proposal.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

[24] Today, Market Makers are required to quote a specified time in their assigned options series. *See* Exchange Rule 604.

[25] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

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 Act [26] and Rule 19b-4(f)(6) thereunder.[27]

A proposed rule change filed under Rule 19b–4(f)(6) [28] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[29] 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. According to the Exchange, waiver of the operative delay would allow the Exchange to compete with at least one other exchange that has approval to list and trade the same option series.[30] 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 30-day operative delay and designates the proposal operative upon filing.[31]

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) [32] 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–MIAX–2026–03 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–MIAX–2026–03. 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–MIAX–2026–03 and should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–01524 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

[26] 15 U.S.C. 78s(b)(3)(A)(iii).

[27] 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.

[28] 17 CFR 240.19b–4(f)(6).

[29] 17 CFR 240.19b–4(f)(6)(iii).

[30] See *supra* note 3.

[31] 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).

[32] 15 U.S.C. 78s(b)(2)(B).

[33] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104667; File No. SR–PEARL–2026–02]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Options Exchange Fee Schedule To Reflect Certain CRD Fees Collected by FINRA

January 22, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 9, 2026, MIAX PEARL, LLC (''MIAX Pearl'' or ''Exchange'') 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 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 fee schedule (the ''Fee Schedule'') applicable to the Exchange's options trading platform (''MIAX Pearl Options'') to reflect adjustments to certain fees for the Central Registration Depository (''CRD'' or ''CRD system'') collected by the Financial Industry Regulatory Authority, Inc. (''FINRA'').[3]

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/pearl-options/rule-filings* and at MIAX Pearl's principal office.

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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] This rule change impacts FINRA fees for members who trade equity and options products on MIAX Pearl. General Notes of MIAX Pearl Equities Fee Schedule provides that Web CRD fees set forth in Section 2)c) of the MIAX Pearl Options Fee Schedule will be assessed on MIAX Pearl Equity Members (as applicable) and collected by FINRA.

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 Section 2)c) of the Fee Schedule, Web CRD Fees, to reflect adjustments to FINRA [4] Annual System Processing Fee, Continuing Education Session Fee, and Series 57 Examination Fee.[5] FINRA collects and retains certain regulatory fees via CRD for session fees related to continuing education requirements, fees for qualification examinations, and the registration of Exchange Members [6] that are not also FINRA members (''Non-FINRA members''). CRD fees are user-based, and there is no distinction in the cost incurred by FINRA if the user is a FINRA member or a Non-FINRA member. The Exchange merely lists these fees in its Fee Schedule. The Exchange does not collect or retain these fees.

In 2024, FINRA amended certain fees assessed for use of the CRD system for implementation between 2026 and 2028.[7] The Exchange accordingly proposes to amend the Fee Schedule to mirror these fees assessed by FINRA, which will be implemented concurrently with the amended FINRA fees as of January 2026.[8] Specifically, the Exchange proposes to amend Section 2)c) of the Fee Schedule to modify the Continuing Education Session Fee for All Registrations from $55 to $25 and modify the Series 57 Examination Fee from $120 to $105. The Exchange also proposes to amend Section 2)c) of the Fee Schedule to modify FINRA Annual System Processing Fee from $70 to the following, based on the number of securities regulators with which each such registered person is registered, excluding registration as an investment adviser representative: [9]

Number of securities regulators	Fee
1 to 5	$70
6 to 20	95
21 to 40	110
41 or more	125

The Exchange notes that the proposed changes are not otherwise intended to address any other issues surrounding regulatory fees, and the Exchange is not aware of any problems that Members would have in complying with the proposed changes.

The Exchange proposes to implement the fee changes on January 9, 2026.

1. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(4) [11] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[12] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed fee changes are reasonable because the fees will be identical to those adopted by FINRA as of January 2026 for continuing education requirements, CRD fees for qualification examinations, and use of the CRD system for each of the Member's registered representatives and principals for system processing.[13] The costs of operating and improving the CRD system are similarly borne by FINRA when a Non-FINRA member uses the CRD system; accordingly, the fees collected for such use should, as proposed by the Exchange, mirror the fees assessed to FINRA members. In addition, as FINRA noted in amending its fees, it believes that its proposed pricing structure is reasonable and correlates fees with the components that drive its regulatory costs to the extent feasible. The Exchange further believes that the proposal is reasonable because it will provide greater specificity regarding the CRD session fees for certain continuing education requirements, CRD fees for certain qualification examinations, and the CRD system fees that are applicable to Non-FINRA members. All similarly situated Members are subject to the same fee structure, and every Member must use the CRD system to complete continuing education requirements and qualification examinations, as well as for registration and disclosure. Accordingly, the Exchange believes that the fees collected for such use should likewise increase in lockstep with the fees assessed to FINRA members, as proposed by the Exchange.

The Exchange also believes the proposed fee changes provide for the equitable allocation of reasonable fees and other charges, and do not unfairly discriminate between customers, issuers, brokers, and dealers. The fees apply equally to all individuals and firms required to report information in the CRD system, and the proposed fee changes will result in the same regulatory fees being charged to all Members required to report information to CRD and for services performed by FINRA regardless of whether such Members are FINRA members. Accordingly, the Exchange believes that the fees collected for such use should increase in lockstep with the fees adopted by FINRA as of January 2026, as proposed by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that the proposal will reflect fees that will be assessed by FINRA as of January 2026 and will thus result in the same regulatory fees being charged to all Members required to report information to the CRD system and for services performed by FINRA, regardless of whether or not such Members are FINRA members.

[4] CRD is the central licensing and registration system for the U.S. securities industry. The CRD system enables individuals and firms seeking registration with multiple states and self-regulatory organizations to do so by submitting a single form, fingerprint card, and a combined payment of fees to FINRA. Through the CRD system, FINRA maintains the qualification, employment, and disciplinary histories of registered associated persons of broker-dealers.

[5] *See* Securities Exchange Act Release No. 93709 [*sic*] (November 21, 2024), 89 FR 93709 (November 27, 2024) (SR–FINRA–2024–019).

[6] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[7] *See supra* note 5.

[8] This rule change impacts FINRA fees for members who trade equity and options products on MIAX Pearl. General Notes of MIAX Pearl Equities Fee Schedule provides that Web CRD fees set forth in Section 2)c) of the MIAX Pearl Options Fee Schedule will be assessed on MIAX Pearl Equity Members (as applicable) and collected by FINRA.

[9] *See* Section (4)(b)(7) of Schedule A to the FINRA By-laws.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78f(b)(5).

[13] *See supra* note 5.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor 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)(ii) of the Act,[14] and Rule 19b–4(f)(2) [15] 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 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–PEARL–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–PEARL–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–PEARL–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.[16]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–01530 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A)(ii).

[15] 17 CFR 240.19b–4(f)(2).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104654; File No. SR–CboeBZX–2026–004]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend the Opening Auction Process Provided Under Rule 11.23(b)(2)(B) To Delay the Opening Auction Under Certain Market Conditions in Order To Improve Price Discovery and Allow Executions To Occur at Prices That Better Reflect Current Market Conditions

January 22, 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 8, 2026, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') 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 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

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposal to amend the Opening Auction Process provided under Rule 11.23(b)(2)(B) to delay the Opening Auction under certain market conditions in order to improve price discovery and allow executions to occur at prices that better reflect current market conditions. 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 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 Rule 11.23(b)(2)(B) to delay the Opening Auction under certain market conditions to improve price discovery and allow executions to occur at prices that better reflect current market conditions. Specifically, as proposed, the Rule would provide that when (1) there is a Valid National Best Bid and Offer (''NBBO'') [3] but the Indicative

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As provided in Rule 11.23(a)(23), a NBBO is a Valid NBBO where: (i) there is both a NBB and NBO for the security; (ii) the NBBO is not crossed; and (iii) the midpoint of the NBBO is less than the Maximum Percentage away from both the NBB and the NBO. *See* Exchange Rule 11.23(a)(23). The Maximum Percentage will vary depending on the price of the NBBO midpoint. Currently, the Maximum Percentages are as follows: for a NBBO midpoint price less than or equal to $25, the Maximum Percentage is 5%; for a NBBO midpoint price greater than $25 but less than or equal to $50, the Maximum Percentage is 2.5%; for a NBBO midpoint price greater than $50, the Maximum Percentage is 1.5%. *See* Section 1.5 (Definitions) of the US Equities Auction Process at *https://cdn.cboe.com/resources/membership/Cboe_US_Equities_Auction_Process.pdf.*

Price [4] is outside the Collar Price Range [5] established using the NBBO (the ''NBBO-established Collar Price Range'') or (2) there is no Valid NBBO and the Indicative Price is outside the Collar Price Range established using the Final Last Sale Eligible Trade (''FLSET'') [6] (the ''FLSET-established Collar Price Range''), the Opening Auction will be delayed until market conditions improve or the delay period has lapsed, as further described below. In addition to these changes above, the Exchange proposes to amend the definition of ''BZX Official Opening Price'' to allow odd lot trades to set the BZX Official Opening Price.

The Exchange notes that the official opening price disseminated by the primary listing market (such as the BZX Official Opening Price) [7] provides market participants valuable information that is typically used to calculate the initial limit up-limit down (''LULD'') price bands [8] and also may serve as the basis for trading strategies for that trading day.[9] The Exchange believes the proposal will result in 1) fewer LULD Halts due to LULD bands that are based on a stale price (*i.e.,* the BZX Official Closing Price); and 2) more accurate Collar Price Ranges that are based on current market conditions rather than the BZX Official Closing Price. The Exchange believes the benefit of allowing crossed auction interest to execute at the price that better reflects market conditions for a given security, outweighs any minimal and finite delay in the dissemination of the BZX Official Opening Price and LULD price bands. As such, the Exchange believes that this proposal strikes an appropriate balance by providing additional time for the Opening Auction Process to facilitate more meaningful price formation that better reflects current market conditions for BZX-listed securities, while limiting any delay to ensure the BZX Official Opening Price is still reported to the Securities Information Processor (''SIP'') [10] by 9:35 a.m. and used to set the LULD price bands.

Background—Current Opening Auction Process

As noted above, the Exchange proposes to amend its Opening Auction Process to allow, under limited circumstances, a delay that would enable additional information to be incorporated into the determination of the Opening Auction price. Currently, Rule 11.23(b)(2)(B) sets forth the process by which the BZX Official Opening Price is determined for BZX-listed securities during the Opening Auction Process (hereinafter referred to as the ''Standard Opening Process''). Specifically, as currently provided in Rule 11.23(b)(2)(B), the Opening Auction price will be the price level within the Collar Price Range that maximizes the number of shares executed between the Continuous Book [11] and Auction Book [12] in the Opening Auction. In the event of a volume based tie at multiple price levels, the Opening Auction price will be the price which results in the minimum total imbalance. In the event of a volume based tie and a tie in minimum total imbalance at multiple price levels, the Opening Auction price will be the price closest to the Volume Based Tie Breaker.[13]

The Collar Price Range for an Opening Auction is the range from a set percentage below the Collar Midpoint (which is generally the Volume Based Tie Breaker) to above the Collar Midpoint.[14] The Collar Midpoint (and Volume Based Tie Breaker) will be the midpoint of the NBBO where there is a Valid NBBO. Where there is no Valid NBBO, the FLSET will be used as the Collar Midpoint (and Volume Based Tie Breaker).

Proposal

The Exchange notes, however, that because the FLSET [15] is typically based

[4] The term ''Indicative Price'' shall mean the price at which the most shares from the Auction Book and the Continuous Book would match. In the event of a volume based tie at multiple price levels, the Indicative Price will be the price which results in the minimum total imbalance. In the event of a volume based tie and a tie in minimum total imbalance at multiple price levels, the Indicative Price will be the price closest to the Volume Based Tie Breaker. *See* Exchange Rule 11.23(a)(10). The term ''Volume Based Tie Breaker'' shall mean the midpoint of the NBBO for a particular security where the NBBO is a Valid NBBO. A NBBO is a Valid NBBO where: (i) there is both a NBB and NBO for the security; (ii) the NBBO is not crossed; and (iii) the midpoint of the NBBO is less than the Maximum Percentage away from both the NBB and the NBO. The Maximum Percentage will be determined by the Exchange and will be published in a circular distributed to Members with reasonable advance notice prior to initial implementation and any change thereto. Where the NBBO is not a Valid NBBO, the price of the Final Last Sale Eligible Trade will be used. *See* Exchange Rule 11.23(a)(23).

[5] The term ''Collar Price Range'' shall mean the range from a set percentage below the Collar Midpoint (as defined below) to above the Collar Midpoint, such set percentage being dependent on the value of the Collar Midpoint at the time of the auction, as described below. The Collar Midpoint will be the Volume Based Tie Breaker for all applicable auctions, except for IPO Auctions in ETPs (as defined in Rule 11.8, Interpretation and Policy .02(d)(2)), for which the Collar Midpoint will be the issue price. Specifically, the Collar Price Range will be determined as follows: where the Collar Midpoint is $25.00 or less, the Collar Price Range shall be the range from 10% below the Collar Midpoint to 10% above the Collar Midpoint; where the Collar Midpoint is greater than $25.00 but less than or equal to $50.00, the Collar Price Range shall be the range from 5% below the Collar Midpoint to 5% above the Collar Midpoint; and where the Collar Midpoint is greater than $50.00, the Collar Price Range shall be the range from 3% below the Collar Midpoint to 3% above the Collar Midpoint. *See* Exchange Rule 11.23(a)(6).

[6] The term ''Final Last Sale Eligible Trade'' shall mean the last round lot trade occurring during Regular Trading Hours on the Exchange if the trade was executed within the last one second prior to either the Closing Auction or, for Halt Auctions, trading in the security being halted. Where the trade was not executed within the last one second, the last round lot trade reported to the consolidated tape received by the Exchange during Regular Trading Hours and, where applicable, prior to trading in the security being halted will be used. If there is no qualifying trade for the current day, the BZX Official Closing Price from the previous trading day will be used. *See* Exchange Rule 11.23(a)(9). As noted in the definition of Final Last Sale Eligible Trade, if no qualifying trade occurs on the current day, the BZX Official Closing Price from the previous day will be used. Under Rule 11.23(c)(2)(B)(ii), the BZX Official Closing Price may, in certain circumstances, be determined using the time-weighted average price of the NBBO midpoint measured over the last five minutes of Regular Trading Hours. Consequently, both the BZX Official Closing Price and the Final Last Sale Eligible Trade may be determined based on a time-weighted average price calculation rather than an actual trade.

[7] The term ''BZX Official Opening Price'' shall mean the price disseminated to the consolidated tape as the market center opening trade. *See* Exchange Rule 11.23(a)(5).

[8] The LULD Plan to Address Extraordinary Market Volatility (the ''LULD Plan'') provides for a market-wide LULD mechanism intended to address extraordinary market volatility in NMS Stocks, as defined in Rule 600(b)(55) of Regulation NMS under the Exchange Act. The LULD Plan sets forth procedures that provide for market-wide LULD requirements to prevent trades in individual NMS Stocks and from occurring outside the specified LULD price bands''.

[9] The Exchange further notes that the official opening price is not as important or time sensitive as the official closing price disseminated by the primary listing market, which is used for the pricing and valuation of certain indices, funds and derivative products.

[10] The SIP links the U.S. markets by processing and consolidating all protected bid/ask quotes and trades from every trading venue into a single data feed.

[11] The term ''Continuous Book'' shall mean all orders on the BZX Book that are not Eligible Auction Orders. *See* Exchange Rule 11.23(a)(7).

[12] The term ''Auction Book'' shall mean all Eligible Auction Orders on the BZX Book. *See* Exchange Rule 11.23(a)(1).

[13] The term ''Volume Based Tie Breaker'' shall mean the midpoint of the NBBO for a particular security where the NBBO is a Valid NBBO. A NBBO is a Valid NBBO where: (i) there is both a NBB and NBO for the security; (ii) the NBBO is not crossed; and (iii) the midpoint of the NBBO is less than the Maximum Percentage away from both the NBB and the NBO. The Maximum Percentage will be determined by the Exchange and will be published in a circular distributed to Members with reasonable advance notice prior to initial implementation and any change thereto. Where the NBBO is not a Valid NBBO, the price of the Final Last Sale Eligible Trade will be used. *See* Exchange Rule 11.23(a)(23).

[14] *Supra* note 5.

[15] *Supra* note 6.

on the most recent execution in a security during Regular Trading Hours,[16] its value may be significantly away from the Indicative Price at the time of the Opening Auction Process.[17] As a result, the Exchange has observed instances where auction eligible orders priced in-line with the Indicative Price were not executed in the Opening Auction because they were outside the FLSET-established Collar Price Range. Based on analysis by the Exchange and feedback from market participants, certain of these instances prevented orders from executing in the Opening Auction at prices that would have been acceptable to both parties.

To address the circumstances described, above, the Exchange is proposing to change its Opening Auction process in circumstances where the Indicative Price is outside the Collar Price Range—whether an FLSET-established Collar Price Range or NBBO-established Collar Price Range. The proposal is designed to prevent the cancellation of auction eligible orders priced equally or more aggressively than the Indicative Price, which the Exchange believes will result in Opening Auctions that occur at a price that better reflects current market conditions. The proposed process follows the general framework of the LULD re-opening process provided under existing Exchange Rules.[18]

The Exchange proposes to modify the definition of BZX Official Opening Price in Rule 11.23(a)(5). Existing Rule 11.23(a)(5) provides that the term ''BZX Official Opening Price'' shall mean the price disseminated to the consolidated tape as the market center opening trade.[19] Based on this rule text, the Exchange currently allows only round-lot trades to set the BZX Official Opening Price. The Exchange now proposes to revise the definition to provide that the term ''BZX Official Opening Price'' shall mean the price disseminated to the consolidated tape as the market center official open (rather than market center opening trade). This change would align the Exchange's terminology with the terms used in specification documents related to the Consolidated Tape System Participation Input Binary Specification (''CTS SIP'')[20] and would encompass both odd-lot and round-lot executions. The proposed change would allow the Exchange to determine the BZX Official Opening Price by execution of either a round-lot or an odd-lot trade in the Opening Auction. The Exchange believes it is important to allow an odd-lot execution in the Opening Auction to set the BZX Official Opening Price because such a price would better reflect current market conditions.

The Exchange also proposes to expand the definition of BZX Official Opening Price to provide that the BZX Opening Auction price shall be the BZX Official Opening Price for issues that participate in the BZX Opening Auction. In the event there is no Opening Auction for an issue, the BZX Official Opening Price will be the price of the Final Last Sale Eligible Trade. This additional language is being moved from existing Rule 11.23(b)(2)(B) to more clearly explain how the BZX Official Opening Price is determined. The Exchange does not propose to move (and therefore proposes to eliminate) the portion of existing Rule 11.23(b)(2)(B) that provides that the FLSET will be the previous BZX Official Closing Price, because as proposed an FLSET may occur between 9:30:00 and 9:34:30, as described further below.

Next, as the proposal would allow the Opening Auction to occur later than 9:30 a.m. ET in certain circumstances, the Exchange also proposes to modify Rules 11.23(b)(1)(A) and (B) to reflect this variable timing. Specifically, as amended Rule 11.23(b)(1)(A) would state that Users may submit orders to the Exchange as set forth in Rule 11.1. Any Eligible Auction Orders designated for the Opening Auction will be queued for participation in the Opening Auction. Users may submit limit-on-open (''LOO'') and market-on-open (''MOO'') orders until 9:28 a.m., at which point any additional LOO and MOO orders submitted to the Exchange will be rejected. Regular Hours Only[21] (''RHO'') market orders will also be rejected from 9:28 a.m. until the Opening Auction has concluded. Users may submit late-limit-on-open[22] (''LLOO'') orders from 9:28 a.m. until the Opening Auction has concluded. Any LLOO orders submitted before 9:28 a.m. or after the Opening Auction has concluded will be rejected. RHO limit orders submitted from 9:28 a.m. until the Opening Auction has concluded will be treated as LLOO orders.[23] Any portion of such order that remains unexecuted after the Opening Auction concludes will revert to RHO limit order treatment. As amended, Rule 11.23(b)(1)(B) would state that Eligible Auction Orders designated for the Opening Auction may not be cancelled or modified from 9:28 a.m. until the Opening Auction has concluded except that RHO limit orders designated for the Opening Auction may be modified, but not cancelled, from 9:28 a.m. until the time the Opening Auction has concluded. Any such RHO limit orders modified from 9:28 a.m. until the Opening Auction has concluded will be treated as LLOO orders until the Opening Auction has concluded. Any portion of such order that remains unexecuted after the Opening Auction concludes will revert to RHO limit order treatment.

Proposed Rule 11.23(b)(2)(B)(i) would set forth the ''Standard Opening Process'' as described above and currently provided for in existing Rule 11.23(b)(2)(B). However, the Standard Opening Process would only apply if the conditions of proposed Rule 11.23(b)(2)(B)(i) or (ii) are met. Specifically, the Opening Auction price will be established pursuant to the Standard Opening Process if (i) there is a Valid NBBO and the Indicative Price is within the NBBO-established Collar Price Range, or (ii) there is no Valid NBBO and the Indicative Price is within the FLSET-established Collar Price Range.

Proposed Rule 11.23(b)(2)(B)(iii) would delay the Opening Auction and set forth an alternative Opening Auction Process in subparagraphs (a) and (b), as discussed below, if the conditions in proposed Rules 11.23(b)(2)(B)(i) or (ii) are not met.

(a) Initial Five-Second Delay Period (9:30:00–9:30:05)

The System will check every second from 9:30:00 to 9:30:05 to determine whether (1) there is a Valid NBBO and the Indicative Price is within the NBBO-established Collar Price Range, or (2) there is no Valid NBBO and the Indicative Price is within the FLSET-established Collar Price Range. If either condition is met during a check, the Opening Auction price will be established pursuant to the Standard Opening Auction Process.

[16] *See* Exchange Rule 1.5(w).

[17] The Exchange notes that such price differences may be particularly exacerbated for leveraged exchange-traded products (''ETPs'').

[18] *See* Exchange Rule 11.23(d)(2)(C).

[19] Market center opening trade is a term that is consistent with a sale condition set forth in the Consolidated Tape System (''CTS'') participant input binary specification document. *See e.g.,* CTS Input Specification. The market center opening trade sale condition requires a round-lot execution.

[20] ''Market Center Official Open'' indicates the official opening value as determined by a market center for purposes of the Consolidated Tape System (''CTS'') participant input binary specification document. *See e.g.,* CTS Input Specification.

[21] *See* Exchange Rule 11.9(b)(7).

[22] *See* Exchange Rule 11.23(a)(12).

[23] Consistent with Rule 11.1, Continuous book orders (*i.e.,* Day orders) may continue to be submitted after 9:28 a.m. as trading may occur on the continuous book.

If, during any one-second check, there is no Indicative Price (*i.e.,* there is no longer crossed interest), the Opening Auction would occur immediately pursuant to proposed Rule 11.23(2)(B)(v), which provides that the BZX Official Opening Price will be the price of the FLSET.

(b) Collar Widening and Extended Delay Period (9:30:05–9:34:30)

If the Opening Auction has not occurred by 9:30:05, the System will widen the Collar Price Range in the direction of the Indicative Price by 5% of the Volume Based Tie Breaker [24] as of 9:30:05 a.m. (the ''Widening Amount'').[25] The Volume Based Tie Breaker will be locked in at 9:30:05 and will be used for all subsequent collar widenings. If the Indicative Price is within the widened Collar Price Range, the Opening Auction price will be established pursuant to the Standard Opening Auction Process. If the Indicative Price is not within the widened Collar Price Range, the Opening Auction will be further delayed, as discussed below.

Proposed Rules 11.23(b)(2)(B)(iii)(b)(1) through (4) would set forth the delay of the Opening Auction if no auction occurred between 9:30:05 and 9:34:30. Specifically, the proposed Rules would provide:

(1) The System will check to see whether the Indicative Price is inside the widened Collar Price Range every second between 9:30:05 and 9:30:30 a.m. If the Indicative Price is inside the widened Collar Price Range during a check, the Opening Auction price will be established pursuant to the Standard Opening Auction Process.

(2) If by 9:30:30 a.m. the Indicative Price is not within the widened Collar Price Range, the Collar Price Range will again widen by the Widening Amount (based on the locked-in 9:30:05 Volume Based Tie Breaker). The System will check to see whether the Indicative Price is inside the widened Collar Price Range every second between 9:30:30 and 9:31:30 a.m. If an Indicative Price is inside the widened Collar Price Range during a check, the Opening Auction price will be established pursuant to the Standard Opening Auction Process.

(3) If by 9:31:30 a.m. the Indicative Price is not within the widened Collar Price Range, the Collar Price Range will again widen by the Widening Amount. The System will check to see whether the Indicative Price is inside the widened Collar Price Range every second between 9:31:30 and 9:32:30 a.m. If an Indicative Price is inside the widened Collar Price Range during a check, the Opening Auction price will be established pursuant to the Standard Opening Auction Process.

(4) If by 9:32:30 a.m. the Indicative Price is not within the widened Collar Price Range, the Collar Price Range will again widen by the Widening Amount. The System will check to see whether the Indicative Price is inside the widened Collar Price Range every second between 9:32:30 and 9:33:30 a.m. If an Indicative Price is inside the widened Collar Price Range during a check, the Opening Auction price will be established pursuant to the Standard Opening Auction Process.

(5) If by 9:33:30 a.m. the Indicative Price is not within the widened Collar Price Range, the Collar Price Range will again widen by the Widening Amount. The System will check to see whether the Indicative Price is inside the widened Collar Price Range every second between 9:33:30 and 9:34:30 a.m. If an Indicative Price is inside the widened Collar Price Range during a check, the Opening Auction price will be established pursuant to the Standard Opening Auction Process.

(6) If no Opening Auction has occurred by 9:34:30 a.m., the Opening Auction will occur pursuant to the Standard Opening Auction Process using the expanded Collar Price Range as of 9:34:30.

The Exchange notes that if, during any one-second check after 9:30:05, there is no longer an Indicative Price (*i.e.,* there is no longer crossed interest), the Opening Auction would occur immediately pursuant to proposed Rule 11.23(2)(B)(v).[26] The Exchange is proposing to stop extending the Opening Auction Process at 9:34:30 a.m. in part to ensure that the Exchange is able to disseminate the BZX Official Opening Price with sufficient time to be used in the determination of the opening price [27] pursuant to the Plan to Address Extraordinary Market Volatility (the ''LULD Plan''), from which the reference price [28] is used to calculate the LULD price bands. Specifically, the reference price for trading is typically the opening price on the primary listing exchange in an NMS Stock if such opening price occurs less than five minutes after the start of Regular Trading Hours. Therefore, because under the proposal the Opening Auction Process would occur no later than 9:34:30, the LULD price bands would be determined based on the BZX Official Opening Price.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act.[29] Specifically, the proposed change is consistent with Section 6(b)(5) of the Act,[30] because it would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's Members and persons associated with its Members with the Act, the rules and regulations thereunder, and the rules of the Exchange.[31] Generally, the Exchange believes that the proposed changes will improve the price discovery process in the Opening Auction for securities listed on the Exchange along with additional benefits set forth below.

First, the Exchange believes proposed Rules 11.23(b)(2)(B)(i) and (ii) are consistent with the Act as the proposed paragraphs are substantially similar to existing Rule 11.23(b)(2)(B) and involve no change in the Opening Auction

[24] As referenced in the definition of Volume Based Tie Breaker, if there is no Valid NBBO, the FLSET will be used as the Volume Based Tie Breaker. *See* Exchange Rule 11.23(a)(23).

[25] The Exchange notes that Widening Amount will be locked-in as of 9:30:05 and will not change between 9:30:05 and 9:34:30 even in the event that a round lot trade (*i.e.,* a FLSET) reported to the consolidated tape after that 9:30:05.

[26] The Exchange notes that the BZX Official Opening Price will be the price of the FLSET, which will be the previous BZX Official Closing Price unless an FLSET occurred after 9:30:00.

[27] For purposes of the Plan, ''opening price'' shall mean the price of a transaction that opens trading on the primary listing exchange. If the primary listing exchange opens with quotations, the ''opening price'' shall mean the closing price of the NMS Stock on the primary listing exchange on the previous trading day, or if no such closing price exists, the last sale on the primary listing exchange.*See* section I(I) of the Plan.

[28] For purposes of the plan, ''reference price'' shall have the meaning provided in Section V of the Plan. *See* section I(R) of the Plan. Section V of the Plan provides that the LULD price bands are based on a reference price for each NMS Stock that, for purposes of the first reference price for a trading day shall be the opening price on the primary listing exchange in an NMS Stock if such opening price occurs less than five minutes after the start of Regular Trading Hours. If the opening price on the primary listing exchange in an NMS Stock does not occur within five minutes after the start of Regular Trading Hours, the first reference price for a trading day shall be the arithmetic mean price of eligible reported transactions for the NMS Stock over the preceding five minute time period. If there is no opening price on the primary listing exchange in an NMS Stock and no trades have occurred by 9:35:00, the previous reference price shall remain in effect.

[29] 15 U.S.C. 78f(b).

[30] 15 U.S.C. 78f(b)(5).

[31] 15 U.S.C. 78f(b)(1).

functionality. Second, the Exchange believes proposed Rule 11.23(b)(2)(B)(iii) would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest. The proposal is designed to increase the likelihood that auction eligible orders that are priced equally or more aggressive than the Indicative Price of the security are able to participate in the Opening Auction at a price that reflects current market conditions, instead of being canceled because they are priced outside the FLSET-established Collar Price Range.

As stated above, current Rule 11.23(b)(2)(B) provides that in the event there is no Valid NBBO, the FLSET will be used as the Volume Based Tie Breaker and basis for calculating the Collar Price Range. Because the current Opening Auction Process occurs at 9:30:00 a.m., such a Collar Price Range is based on an FLSET that may not have occurred recently or may not otherwise be reflective of current market conditions. As a result, the Exchange has observed instances where auction eligible orders priced in-line with the Indicative Price were not executed in the Opening Auction because they were outside the FLSET-established Collar Price Range. The Exchange believes it is important to ensure that the BZX Opening Process is designed to allow executions to occur at a price that accurately reflects current market conditions and allows willing buyers and sellers to execute.

Further to this point, Market-On-Open orders (also known as MOO orders) [32] are market orders only eligible for execution in the Opening Auction that are designed for participants that want to get an execution without regard to price. Because such orders are not price sensitive, they are more likely to cross contra-side orders outside of the Collar Price Range and the Exchange believes that the proposed changes will create a better opening process for such MOO orders.

The Exchange also believes the proposal strikes an appropriate balance by providing additional time for the Opening Auction Process to facilitate more meaningful price formation that better reflects current market conditions for BZX-listed securities, while limiting any delay to ensure the BZX Official Opening Price is reported to SIP [33] by 9:35 a.m. and is therefore used to set the LULD price bands. The Exchange notes that, while there will be no LULD price bands until the Exchange disseminates a reference price and thus there will be no LULD price bands during the period before the Opening Auction Process occurs, this is a tradeoff that already exists as it relates to the opening process on the New York Stock Exchange LLC (''NYSE''), which may delay the opening process for an indefinite period of time. The Exchange also notes that LULD price bands disseminated during the circumstances in which the proposed delay would be applied are more likely to be based on a price that may not be reflective of current market conditions. For example, in situations where the proposed delay would be applied, the LULD price bands would be based off an FLSET from the prior trading day, and thus the LULD price bands could be based on a stale price. The Exchange is only proposing to delay the Opening Auction in circumstances where there is crossed interest and either (1) there is a Valid NBBO but the Indicative Price is outside the NBBO-established Collar Price Range, or (2) there is no Valid NBBO and the Indicative Price is outside the FLSET-established Collar Price Range, meaning that there are parties willing to execute at a particular price but the Collar Price Range established using either the NBBO or FLSET is not reflective of current market conditions. Therefore, the Exchange believes any potential drawback in a delay of the LULD price bands is mitigated by the limited circumstances in which the delay would occur and that any LULD price bands disseminated during such a delay may not be reflective of current market conditions. Delaying the opening auction process under certain circumstances provides an opportunity for more meaningful price formation that is more representative of current market conditions, especially in thinly traded or less liquid securities which are by definition less likely to have executions during the period before the Opening Auction Process occurs.

Separately, the Exchange believes that creating functionality that could delay the Opening Auction Process by four minutes and 30 seconds is consistent with the Act because it also ensures that the Exchange's opening process is used to determine the LULD price band reference price. If the opening price on a primary listing exchange is not reported to the SIPs within five minutes after the start of Regular Trading Hours, the first reference price for a trading day is the arithmetic mean price of eligible reported transactions for the NMS stock over the preceding five minute period.[34] However, if no eligible reported transactions have occurred in the NMS stock over the preceding five minute period, there will be no reference price and thus no LULD price bands in the security until an eligible reported transaction occurs. The Exchange believes that LULD price bands are an important mechanism for investor protection, especially in thinly traded or illiquid securities and, as such, is proposing to calculate a BZX Official Opening Price no later than 9:34:30 a.m. which will allow it to continue to report the BZX Official Opening price to the SIP prior to 9:35 a.m. so that it serves as the reference price on which the LULD price bands are based.

To the extent that the Exchange's proposed opening process results in a more accurate BZX Official Opening Price it follows that such a price would also provide a better foundation for the LULD price bands without negatively impacting the LULD process because the Exchange would continue to provide the BZX Official Opening Price to the SIP prior to 9:35. As a result, the Exchange believes that the proposal would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest.

The Exchange notes that the concept of delaying an auction and widening the Collar Price Range as provided in proposed paragraphs 11.23(b)(2)(B)(iii)(b)(1) through (5) is similar to the Twelfth Amendment of the Plan (''Amendment 12'') and corresponding amendments by the primary listing exchanges. Specifically, Amendment 12 was created to improve re-openings following a trading pause,[35] with an eye towards carefully balancing halt auction price quality and the speed with which continuous trading can be resumed. Amendment 12 provided that auction halt periods would be extended if either the auction price at which the most shares would be traded is outside

[32] As defined in Rule 11.23(a)(16), the term ''Market-On-Open'' or ''MOO'' shall mean a BZX market order that is designated for execution only in the Opening Auction.

[33] The SIP links the U.S. markets by processing and consolidating all protected bid/ask quotes and trades from every trading venue into a single data feed.

[34] *See* Section V(B)(2) of the Plan.

[35] A ''trading pause'' refers to a function of the LULD mechanism provided under the Plan. Specifically, the Plan sets for procedures that provide for market-wide LULD requirements that prevent trades in individual NMS stocks from occurring outside of the specified price bands and provides for trading pauses to accommodate more fundamental price moves.

the range of the pre-defined price threshold collars (the ''price threshold collars'') or there is a market order share imbalance. Further, Amendment 12 provided that the price threshold collars would be widened in the event that the auction's halt period is extended. In its approval of Amendment 12, the Commission stated that it is appropriate in the public interest, for the protection of investors and the maintenance of a fair and orderly market to provide that a trading pause continue until the primary listing exchange has reopened trading using its established reopening procedures, even if such reopening is more than 10 minutes after the beginning of a trading pause, and to require that trading centers may not resume trading in an NMS Stock following a trading pause without price bands in such NMS Stock. The Commission stated that these two provisions together support a more standardized process for reopening trading after a trading pause has been declared.

As a primary listing exchange, the Exchange amended Rule 11.23(d) to incorporate the provisions of Amendment 12.[36] The Exchange notes that the purpose of Amendment 12 and corresponding Exchange amendment was intended to delay a halt auction to attract offsetting interest and improve price discovery, while the purpose of this proposal is intended to delay the Opening Auction Process in order to provide the Opening Auction price additional time to reflect current market conditions to arrive at a price that better reflects current market conditions and allows willing buyers and sellers to execute. While Exchange Rule 11.23(d) and Amendment 12 apply only to re-opening auctions that are single venue liquidity events and this proposal applies to the opening auction which is not a single venue liquidity event,[37] applying a common functionality across the two remains logical because the Exchange believes that delaying the Opening Auction Process under certain conditions such that the delay will be coincident with the increasing liquidity that comes shortly after the beginning of Regular Trading Hours, which the Exchange believes is similar to extending halt auctions in order to allow for greater participation and simultaneous expansion of executable price range. Even though trading is ongoing while the Opening Auction Process is underway, orders on the Continuous Book are included in the Opening Auction Process and the increased liquidity around the open will generally increase liquidity in the Opening Auction Process even if market participants are entering orders in the Continuous Book rather than auction specific orders. To this point, both are designed to balance auction price quality and the speed with which an auction can occur and thus continuous trading can be resumed, in the case of a halt auction, or when the Opening Auction Process completes, in the case of an Opening Auction. Further, this consistency in approach offers a process that market participants are already familiar with. Having consistent auction processes benefits all investors because market participants are already familiar with the proposed functionality and will not have to learn a new set of nuanced rules designed to accomplish the same end goal, will understand how the functionality operates because of its common usage in the LULD context, and will generally help with quick understanding and adoption while reducing the need for market participants to build systems designed to accommodate an entirely new process. Therefore, the Exchange believes the proposal is appropriate, in the public interest, for the protection of investors and the maintenance of a fair and orderly market.

The Exchange believes its proposal to allow odd-lot executions to establish the BZX Official Opening Price is consistent with Section 6(b)(5) of the Act because it will enable the Exchange to disseminate an opening price that more accurately reflects current market conditions and investor interest. By allowing either round-lot or odd-lot executions to set the BZX Official Opening Price, the Exchange will provide market participants with more timely and accurate pricing information, thereby promoting fair and orderly markets and protecting investors and the public interest. Additionally, a BZX Official Opening Price that more accurately reflects current market conditions will contribute to more appropriate LULD price bands. More accurate LULD bands better protect investors by preventing erroneous trades that deviate significantly from prevailing market prices while avoiding unnecessary trading halts that could result from bands based on stale or unrepresentative opening prices.

The Exchange also believes its proposal to move the last two sentences of existing Rule 11.23(b)(2)(B) to paragraphs 11.23(b)(2)(B)(iv) and (v), respectively, is consistent with Section 6(b)(5) of the Act because it will improve the clarity and readability of the rule without altering its substantive operation. Clear and well-organized rules enable market participants to better understand their obligations and the Exchange's procedures, thereby facilitating compliance and promoting fair and orderly markets. Further, the proposal to remove the provision of paragraph 11.23(b)(2)(B)(v) that states the FLSET will be the previous BZX Official Closing Price is consistent with Section 6(b)(5) of the Act and the new proposed functionality, which would allow for an FLSET to occur between 9:30 and 9:34:30. This change eliminates an outdated provision that would be inconsistent with the Exchange's enhanced ability to establish a current-day FLSET during the opening period, thereby ensuring the rule accurately reflects the Exchange's operational procedures and provides market participants with the most current and relevant pricing information. Finally, the Exchange believes its proposed clarifications to Rules 11.23(b)(1)(A) and (B) to reflect that the Opening Auction may occur at a time other than 9:30 a.m. will allow the Exchange to more easily administer its rules, and Members can more clearly understand how the Opening Auction Process may occur. Specifically, the proposed amendments to Rules 11.23(b)(1)(A) and (B) will add clarity, transparency and internal consistency to Exchange rules making them easier to navigate, in light of the other proposed Rule changes described herein.

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 not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, allowing the Exchange to make the above proposed modifications will allow the Exchange to better compete with other exchanges as a listing venue by improving the Exchange's auction process by allowing executions to occur

[36] *See* Securities Exchange Act No. 75879 (October 26, 2016) 81 FR 75875 (November 1, 2016) (SR–BatsBZX–2016–61) (Notice of Filing of a Proposed Rule Change To Amend Exchange Rule 11.23, Auctions, To Enhance the Reopening Auction Process Following a Trading Halt Declared Pursuant to the Plan To Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS). *See also* Securities Exchange Act No. 79885 (January 26, 2017) 82 FR 8968 (February 1, 2017) (SR–BatsBZX–2016–61) (Order Granting Approval of Proposed Rule Change, as Modified by Amendment No. 1, To Amend Exchange Rule 11.23, Auctions, To Enhance the Reopening Auction Process Following a Trading Halt Declared Pursuant to the Plan To Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS).

[37] The Exchange's Opening Auction is not a single venue liquidity event because trading is occurring on the Exchange's Continuous book and at away market centers before and during the Opening Auction.

at prices that better reflect current market conditions. The Exchange believes the proposed amendments will improve the Exchange's auction process, allowing it to better compete as both a listing and execution venue.

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 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–CboeBZX–2026–004 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–2026–004. 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–2026–004 and should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[38]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–01520 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104656; File No. SR–MRX–2026–01]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 3, Sections 7 and 14

January 22, 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 MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 Options 3, Section 7 (Types of Orders and Order and Quote Protocols) and Options 3, Section 14 (Complex Orders).

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/mrx/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 3, Section 7 (Types of Orders and Order and Quote Protocols) and Options 3, Section 14 (Complex Orders). Each rule change will be described below.

Options 3, Section 7

The Exchange proposes to amend the language of MRX Supplementary .03 to Options 3, Section 7 to align with Phlx Supplementary .03 to Options 3, Section 7. Specifically, the Exchange proposes to amend the ''Financial Information eXchange'' or ''FIX'' at Supplementary .03(a) to Options 3, Section 7 to align the rule text with Phlx Supplementary .03(a) to Options 3, Section 7 and note that the interface allows Members and their Sponsored Customers to connect, send, and receive messages related to orders and auction orders *and responses* to *and from* the Exchange. This amendment reflects current System operation.

Similarly, the Exchange proposes to amend the ''Ouch to Trade Options'' or ''OTTO'' at Supplementary .03(b) to Options 3, Section 7 to align the rule text with Phlx Supplementary .03(b) to Options 3, Section 7 and note that the interface allows Members and their Sponsored Customers to connect, send, and receive messages related to orders, auction orders, and auction responses to *and from* the Exchange. This amendment reflects current System operation.

Finally, the Exchange proposes to amend the ''Specialized Quote Feed'' or ''SQF'' at Supplementary .03(c) to Options 3, Section 7 to align the rule text with Phlx Supplementary .03(c) to Options 3, Section 7 and note that the interface allows Market Makers to connect, send, and receive messages related to quotes, Immediate-or-Cancel Orders, and auction responses to *and from* the Exchange. This amendment reflects current System operation.

The Exchange also proposes to capitalize ''system'' in Supplementary

[38] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

.03(b) and (c) to Options 3, Section 7. System is defined in Options 1, Section 1(a)(50).[3]

Options 3, Section 14

The Exchange proposes to amend Options 3, Section 14(b)(5) to change ''Customer Cross Complex Order'' to ''Complex Customer Cross Order'' so that the term conforms to the manner it is utilized in Options 3, Section 12(b). Amending Options 3, Section 14(b)(5) to change ''Customer Cross Complex Order'' to ''Complex Customer Cross Order'' is a non-substantive amendment.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Section 6(b)(5) of the Act,[5] in particular, in that it is designed to promote just and equitable principles of trade, 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.

Options 3, Section 7

The Exchange's proposal to amend FIX at Supplementary .03(a) to Options 3, Section 7 to align the rule text with Phlx Supplementary .03(a) to Options 3, Section 7 and note that the interface allows Members and their Sponsored Customers to connect, send, and receive messages related to orders and auction orders *and responses* to *and from* the Exchange is consistent with the Act as the interface is designed for Members to communicate to the Exchange with responses and receive messages from the Exchange. This rule text aligns with Phlx Supplementary .03(a) to Options 3, Section 7. Similar changes are proposed for OTTO at Supplementary .03(b) to Options 3, Section 7 and SQF at Supplementary .03(c) and those changes align with Phlx Supplementary .03(b) and (c) to Options 3, Section 7. The amendments reflects current System operation.

The Exchange's proposal to capitalize ''system'' in Supplementary .03(b) and (c) to Options 3, Section 7 is non-substantive.

Options 3, Section 14

The Exchange's proposal to amend Options 3, Section 14(b)(5) to change ''Customer Cross Complex Order'' to ''Complex Customer Cross Order'' so that the term conforms to the manner it is utilized in Options 3, Section 12(b) is non-substantive.

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.

Options 3, Section 7

Amending the protocols at Supplementary .03 to Options 3, Section 7 to specify the protocols permit communications to and from the Exchange, including responses, does not impose an undue burden on intra-market competition because this is true for all Members.

Amending the protocols at Supplementary .03 to Options 3, Section 7 to specify the protocols permit communications to and from the Exchange, including responses, does not impose an undue burden on inter-market competition because other options exchange such as Phlx have identical protocols.

Options 3, Section 14

The Exchange's proposal to amend Options 3, Section 14(b)(5) to change ''Customer Cross Complex Order'' to ''Complex Customer Cross Order'' is non-substantive.

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 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 Act[6] and subparagraph (f)(6) of Rule 19b–4 thereunder.[7]

A proposed rule change filed under Rule 19b–4(f)(6)[8] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[9] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest as the proposal raises no new or novel issues. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change operative upon filing.[10]

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–MRX–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–MRX–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

[3] The term ''System'' means the electronic system operated by the Exchange that receives and disseminates quotes, executes orders and reports transactions.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 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.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–MRX–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.[11]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–01522 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104660; File No. SR–SAPPHIRE–2026–03]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404, Series of Options Contracts Open for Trading, To Amend the Short Term Option Series Program

January 22, 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, MIAX Sapphire, LLC (''MIAX Sapphire'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 Short Term Option Series Program to permit the listing of up to two Monday and Wednesday expirations for options on certain individual stocks or Exchange-Traded Fund Shares.

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/miax-sapphire/rule-filings,* and at the Exchange's principal office.

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 Interpretation and Policy .02 to Exchange Rule 404, ''Series of Options Contracts Open for Trading.'' 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 Fund Shares (collectively ''Qualifying Securities''). This proposed rule change is based on a similar proposal submitted by Nasdaq ISE, LLC (''ISE'') and approved by the Commission.[3]

Currently, as set forth in Interpretation and Policy .02 to Exchange Rule 404, after an option class has been approved for listing and trading on the Exchange as a Short Term Option Series,[4] 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 Interpretation and Policy .02 to Exchange Rule 404 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'').[5] 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.

Proposal

At this 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 Exchange-Traded Fund Shares, which are separate and apart from the

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 104624 (January 16, 2026)(Self-Regulatory Organizations; Nasdaq ISE, LLC; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, to Amend the Short Term Option Series Program to List Qualifying Securities)(SR–ISE–2025–15).

[4] The term ''Short Term Option Series'' means a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any Monday, Tuesday, Wednesday, Thursday or Friday that is a business day and that expires on the Monday, Tuesday, Wednesday, Thursday, or Friday of the next business week, or, in the case of a series that is listed on a Friday and expires on a Monday, is listed one business week and one business day prior to that expiration. If a Tuesday, Wednesday, Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Tuesday, Wednesday, Thursday or Friday, respectively. For a series listed pursuant to this section for Monday expiration, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday. *See* Exchange Rule 100.

[5] As set forth in Table 1 of Interpretation and Policy .02 to Exchange Rule 404, 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.

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,[6] or

(B) Assets under Management (''AUM'') greater than 50 billion dollars for an Exchange-Traded 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 Exchange-Traded 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 Exchange-Traded 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 trading calendar quarter.[7] The Exchange will make the list of Qualifying Securities available by the close of business on the first trading day of the quarter.[8]

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 Announcement 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'').[9] 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.[10]

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 Interpretation and Policy .02 to Exchange Rule 404 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'').[11] In the event Qualifying Securities would 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 of Monday Qualifying Securities Expirations would therefore not be consecutive. Today, Monday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing would expire 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 Interpretation and Policy .02 to Exchange Rule 404, 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'').[12] In the event Qualifying Securities would 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 of Wednesday Qualifying Securities Expirations would therefore not be consecutive. Today, Wednesday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing would expire 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.[13] 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

[6] The closing price and the opening price shall be that of the primary exchange where the security is listed.

[7] 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 Q3 of 2025, the Exchange would look at the volume, measured in sides, for the last month of Q2 2025 or June 2025.

[8] The Exchange will make this information available on its website. This information will be freely accessible to the public.

[9] For purposes of this proposal, pre-announcements or ''guidance'' shall not be considered an Earnings Announcement.

[10] The Exchange has noted the additional expiries in a proposed Table 2 in Interpretation and Policy .02 to Exchange Rule 404 along with the criteria for a Qualifying Security.

[11] They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

[12] *Id.*

[13] *See* Interpretation and Policy .02(e) to Exchange Rule 404. The Exchange notes that equity options which have an expiration of more than twenty-one days from the listing date would also be subject to the intervals as noted within Interpretation and Policy .02(f) to Exchange Rule 404. *See also* Interpretation and Policy .11 to Exchange Rule 404.

Term Option Series Program, or (iii) $2.50 or greater for strike prices above $150.[14] 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 Exchange Rule 100, 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. Also, pursuant to Exchange Rule 100, with respect to the Short Term Options Series Program, 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.[15] 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.[16] 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.[17] 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.[18] 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 symbols [19] 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.[20] 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.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[21] in general, and furthers the objectives of Section 6(b)(5) of the Act,[22] in particular, in that it is designed to promote just and equitable principles of trade, 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.

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 Exchange-Traded 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 an Exchange-Trade 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 (8) individual stocks currently exist as of January 1, 2025) and substantially less than 1% of Exchange-Traded Fund Shares (only seven (7) Exchange Traded Fund Shares currently exist as of January 1, 2025, of which five (5) are eligible, today, pursuant to Exchange Rule 402, to trade additional expiries) traded. Therefore, an individual stock or Exchange-Traded Fund Share that meets aforementioned market capitalization and volume requirements are highly liquid and could be viewed as stable securities. The Exchange notes that with respect to position limits, Exchange Rule 307(d)(5) provides, that ''[t]o be eligible for the 250,000 contract limit, either the most recent six (6) 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 seventy-five (75) million shares and the underlying security must have at least 300 million shares currently outstanding.'' The 250,000 contract position limit is the highest position limit by Exchange rules. Options that qualify for the 250,000 position (and exercise) limit are highly liquid securities that have met the stringent requirements noted in Exchange Rule 307(d)(5) 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

[14] *Id.*

[15] *See* Interpretation and Policy .02(c) and (d) to Exchange Rule 404.

[16] *See* Interpretation and Policy.02 to Exchange Rule 404.

[17] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[18] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

[19] *See supra* note 5.

[20] *Id.*

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

classes overlying securities priced below $200.[23] 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 is eight (8) and the number of Exchange-Traded Fund Shares currently meeting all four criteria for a Qualifying Security that do not already have Monday and Wednesday expirations is one (1) 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 Exchange-Traded 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.[24] The Exchange believes that the proposal will allow 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.[25]

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 Interpretation and Policy .02(a) to Exchange Rule 404 that currently apply to SPY, QQQ and IWM Monday and Wednesday Expirations is justified.

The Exchange believes 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, the proposal to permit Monday and Wednesday Qualifying Security Expirations for options on Qualifying Securities listed pursuant to the Short Term Option Series Program, subject to the proposed limitation of two nearest expirations, would protect investors and the public interest by providing the investing public and other market participants more flexibility to closely tailor their investment and hedging decisions in the options on Qualifying Securities, thus allowing them to better manage their risk exposure.

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. Similarly, the Exchange believes Monday and Wednesday Qualifying Security Expirations should create greater trading and hedging opportunities and provide customers the flexibility to tailor their investment objectives more effectively.

Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in the proposed option expirations, in the same way that it monitors trading in the current Short Term Option Series for Monday SPY, QQQ and IWM expirations. The Exchange also represents that it has the necessary system capacity to support the new 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 believes that this limited expansion for Monday and

[23] *See* Exchange Rule 510(c)(2). Each December OCC ranks all multiply listed option classes based on National Cleared Volume for the six full calendar month from June 1 through November 30 for determination of the most actively traded option classes.

[24] Today, Market Makers are required to quote a specified time in their assigned options series. *See* Exchange Rule 605.

[25] *See* Interpretation and Policy .02(a) to Exchange Rule 404.

Wednesday expirations for options on Qualifying Securities will not impose an undue burden on competition, rather, it will meet customer demand. The Exchange would uniformly apply the Qualifying Security criteria to options in individual stocks and Exchange-Traded Fund Shares. The Exchange believes that Members will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in the Qualifying Securities.

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 the proposal will impose any burden on intermarket competition, as nothing prevents other options exchanges from proposing similar rules to list and trade Monday and Wednesday Qualifying Security Expirations. Further, the Exchange does not believe the proposal will impose any burden on intra-market competition, as all market participants will be treated in the same manner under this proposal.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor 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 Act [26] and Rule 19b–4(f)(6) thereunder.[27]

A proposed rule change filed under Rule 19b–4(f)(6) [28] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[29] 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. According to the Exchange, waiver of the operative delay would allow the Exchange to compete with at least one other exchange that has approval to list and trade the same option series.[30] 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 30-day operative delay and designates the proposal operative upon filing.[31]

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) [32] 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–SAPPHIRE–2026–03 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–SAPPHIRE–2026–03. 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–SAPPHIRE–2026–03 and should be submitted on or before February 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–01526 Filed 1–26–26; 8:45 am]

BILLING CODE 8011–01–P

[26] 15 U.S.C. 78s(b)(3)(A)(iii).

[27] 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.

[28] 17 CFR 240.19b–4(f)(6).

[29] 17 CFR 240.19b–4(f)(6)(iii).

[30] See *supra* note 3.

[31] 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).

[32] 15 U.S.C. 78s(b)(2)(B).

[33] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104663]

Order Extending Temporary Conditional Exemptive Relief, Pursuant to Section 36(a)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') and Rule 608(e) of Regulation NMS Thereunder, From Certain Requirements of Appendix D, Section 3 of the National Market System Plan Governing the Consolidated Audit Trail Related to Representative Orders

January 23, 2026.

I. Introduction

On July 18, 2012, the Securities and Exchange Commission (the ''Commission'' or the ''SEC'') adopted Rule 613 of Regulation NMS, which required the national securities exchanges and national securities associations (the ''Participants'') [1] to jointly develop and submit to the Commission a national market system plan to create, implement, and maintain the consolidated audit trail (''CAT'').[2] The goal of Rule 613 was to create a modernized audit trail system that would provide regulators with timely access to a comprehensive set of trading data, thus enabling regulators to more efficiently and effectively analyze and reconstruct market events, monitor market behavior, conduct market analysis to support regulatory decisions, and perform surveillance, investigation, and enforcement activities. On November 15, 2016, the Commission approved the national market system plan required by Rule 613—the CAT NMS Plan.[3]

On December 16, 2020, the Commission issued an exemptive relief order regarding the implementation of the CAT NMS Plan (the ''First Order'').[4] This order granted temporary conditional exemptive relief from several requirements set forth in the CAT NMS Plan, including the requirements set forth in Appendix D, section 3 that the CAT ''must be able to create the lifecycle between . . . [c]ustomer orders to 'representative' orders created in firm accounts for the purpose of facilitating a customer order (*e.g.,* linking a customer order handled on a riskless principal basis to the street-side proprietary order).'' [5] This relief was initially granted until July 31, 2023.[6]

On July 8, 2022, the Commission issued a new exemptive relief order (the ''Second Order''),[7] which superseded the First Order and modified and/or clarified certain aspects of the First Order. The Second Order granted temporary conditional exemptive relief until July 31, 2024, from the above-described linkage requirements set forth in Appendix D, section 3 for ''representative order scenarios in which Industry Members do not have a systematic or direct link between their order management systems and execution management systems.'' [8] The Commission subsequently issued an order (the ''Third Order''), on May 19, 2023, extending such exemptive relief until January 31, 2025.[9] This relief was superseded by a new order issued by the Commission on November 2, 2023 (the ''Fourth Order''),[10] which was intended to mirror the temporary conditional exemptive relief granted by the Third Order (and the Second Order) with respect to the requirements set forth in Appendix D, section 3 of the CAT NMS Plan regarding lifecycle linkages between customer orders and representative orders for scenarios in which Industry Members do not have a systematic or direct link between their order management systems and execution management systems.[11] The Fourth Order maintained the January 31, 2025 deadline established by the Third Order.[12] On January 17, 2025, the Commission extended this temporary conditional exemptive relief until July 31, 2025 (the ''Fifth Order'').[13] On July 23, 2025, the Commission again extended this temporary conditional exemptive relief until January 31, 2026 (the ''Sixth Order'').[14]

For the reasons set forth below, the Commission has determined to grant a two year extension of the temporary conditional exemptive relief previously provided by the Commission with respect to the above-described requirements set forth in Appendix D, section 3 of the CAT NMS Plan for representative order scenarios in which Industry Members do not have a systematic or direct link between their order management systems and execution management systems. Specifically, the exemptive relief applies to the CAT NMS Plan requirement in Appendix D, section 3 of the CAT NMS Plan, requiring that the CAT ''must be able to create the lifecycle between . . . [c]ustomer orders to 'representative' orders created in firm accounts for the purpose of facilitating a customer order (*e.g.,* linking a customer order handled on a riskless principal basis to the street-side proprietary order).'' [15]

III. Discussion and Exemptive Relief

Section 36(a)(1) of the Exchange Act grants the Commission the authority to ''conditionally or unconditionally exempt any person, security, or transaction . . . from any provision or provisions of [the Exchange Act] or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.'' [16] Rule 608(e) of Regulation NMS similarly grants the Commission the authority to ''exempt from [Rule 608], either unconditionally or on specified terms and conditions, any self-regulatory organization, member

[1] The current Participants to the National Market System Plan Governing the Consolidated Audit Trail (''CAT NMS Plan'') are 24X National Exchange LLC, BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, Long-Term Stock Exchange, Inc., MEMX LLC, Miami International Securities Exchange LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, MIAX Sapphire, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc., and NYSE Texas, Inc.

[2] *See* Securities Exchange Act Release No. 67457 (July 18, 2012), 77 FR 45722 (Aug. 1, 2012); 17 CFR 242.613.

[3] *See* Securities Exchange Act Release No. 79318, 81 FR 84696 (Nov. 23, 2016) (''CAT NMS Plan Approval Order''). Unless otherwise noted, capitalized terms are used as defined in the CAT NMS Plan.

[4] *See* Securities Exchange Act Release No. 90688, 85 FR 83634 (Dec. 22, 2020).

[5] *See id.* at 83636. The Commission stated its understanding that ''the Participants do not currently have the ability to create lifecycles in certain representative order scenarios, particularly because of the difficulty of linking representative orders for Industry Members with separate order management systems and execution management systems that do not currently have a systematic or direct link between them.'' *Id.*

[6] *Id.*

[7] *See* Securities Exchange Act Release No. 95234, 87 FR 42247 (July 14, 2022).

[8] *Id.* at 42256. The term ''Industry Member'' is defined as ''a member of a national securities exchange or a member of a national securities association.'' *See* CAT NMS Plan, at section 1.1.

[9] *See* Securities Exchange Act Release No. 97530, 88 FR 33655 (May 24, 2023).

[10] *See* Securities Exchange Act Release No. 98848, 88 FR 77128 (Nov. 8, 2023).

[11] *Id.* at 77132.

[12] *Id.*

[13] *See* Securities Exchange Act Release No. 102234, 90 FR 8078 (Jan. 23, 2025).

[14] *See* Securities Exchange Act Release No. 103528, 90 FR 35561 (July 28, 2025).

[15] *See* CAT NMS Plan, at Appendix D, section 3. A representative order is an order originated in a firm-owned or -controlled account, including principal, agency average price and omnibus accounts, by an industry member for the purpose of working one or more customer or client orders. *See, e.g.,* Securities Exchange Act Release No. 88702 (Apr. 20, 2020), 85 FR 23075, 23076 n.26 (Apr. 24, 2020).

[16] 15 U.S.C. 78mm(a)(1).

thereof, or specified security, if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanisms of, a national market system.'' [17]

Without an extension of the existing exemptive relief, Industry Members would be required to report linkage between a customer order to a specific representative order for representative order scenarios in which Industry Members do not have a systematic or direct link between their order management systems and execution management systems after January 31, 2026. However, in its request for a six-month extension submitted to the Commission on May 29, 2025,[18] Financial Information Forum (''FIF'') stated that there are several unresolved issues related to reporting these orders, including, but not limited to, the absence of a method to report linkage for some specific types of representative orders.[19] FIF cautioned that Industry Members would be faced with ''one of the following choices: (i) submit large numbers of Order Fulfillment events that the CAT system would reject and that would not be repairable; (ii) abandon certain common existing trading workflows that are fundamental to the current equity trading markets; or (iii) refrain from reporting large numbers of Order Fulfillment events to CAT.'' [20]

The Commission has determined that additional time is needed to identify and evaluate appropriate long-term solutions for certain trading scenarios. Granting two additional years of exemptive relief is appropriate given the difficulty and complexity of representative order scenarios, and in light of the Commission's comprehensive review of the CAT.[21] In developing those solutions, the Commission emphasizes its willingness to consider alternative solutions that achieve the regulatory goals of Rule 613 and the CAT NMS Plan. The Commission therefore determines that extension of the existing temporary conditional exemptive relief is appropriate in the public interest and consistent with the protection of investors under section 36(a)(1) of the Exchange Act, as well as consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets, and the perfection of the mechanisms of a national market system under Rule 608(e) of Regulation NMS.

Specifically, the Commission extends the existing temporary conditional exemptive relief granted by the Commission from the requirements set forth in Appendix D, section 3 of the CAT NMS Plan related to lifecycle linkages between customer orders and representative orders [22] for representative order scenarios in which Industry Members do not have a systematic or direct link between their order management systems and execution management systems, until January 31, 2028. Such relief is intended to mirror the exemptive relief provided by the Second Order, the Third Order, the Fourth Order, the Fifth Order, and the Sixth Order. As a condition to this relief the Participants must continue to require Industry Members to report ''representative'' orders as currently described in FAQs F5–F7, and as described in other exemptive relief issued by the Commission.[23]

IV. Conclusion

Accordingly, *it is hereby ordered,* pursuant to section 36(a)(1) of the Exchange Act [24] and Rule 608(e) under the Exchange Act,[25] that the above-described temporary conditional exemptive relief be extended.

By the Commission.

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–01609 Filed 1–26–26; 8:45 am]

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[17] 17 CFR 242.608(e).

[18] *See* letter from Howard Meyerson, Managing Director, Financial Information Forum, to Commission, dated May 29, 2025 (''FIF May 2025 Letter''), at 2, *available at https://fif.com/index.php/working-groups/category/271-comment-letters?download=3276:fif-request-for-six-month-extension-of-the-current-exemptive-relief-relating-to-rep-order-linkage&view=category.*

[19] *See* Sixth Order, at 35562.

[20] *See* FIF May 2025 Letter, at 2–3.

[21] *See* Securities Exchange Act Release No. 104144 (Sept. 30, 2025), 90 FR 47853, 47854 (Oct. 2, 2025) (stating that ''the Chairman of the Commission instructed the staff to undertake a comprehensive review of the CAT'' and citing Prepared Remarks Before SEC Speaks, Chairman Paul S. Atkins, May 19, 2025, *available at https://www.sec.gov/newsroom/speeches-statements/atkins-prepared-remarks-sec-speaks-051925*).

[22] The requirements related to lifecycle linkages between customer orders and representative orders set forth in Appendix D, section 3 of the CAT NMS Plan are described in the Second Order. *See* Second Order, at 42255–56.

[23] To avoid confusion, this exemptive relief is, by its terms, not limited to any specific type of CAT reportable security, *e.g.,* equities.

[24] 15 U.S.C. 78mm(a)(1).

[25] 17 CFR 242.608(e).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104665; File No. SR–CTA/CQ–2026–01]

Consolidated Tape Association; Notice of Filing of Fortieth Substantive Amendment to the Second Restatement of the CTA Plan and Thirty-First Substantive Amendment to the Restated CQ Plan

January 22, 2026.

Pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 608 thereunder,[2] notice is hereby given that on January 12, 2026, the Participants [3] in the Second Restatement of the Consolidated Tape Association (''CTA'') Plan and Restated Consolidated Quotation (''CQ'') Plan (collectively ''CTA/CQ Plans'' or ''Plans'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposal to amend the Plans. These amendments represent the Fortieth Substantive Amendment to the CTA Plan and Thirty-First Substantive Amendment to the CQ Plan (''Amendments''). Under the Amendments, the Participants propose to amend the Plans to extend the Processor's hours of operations to receive and disseminate quotation information, last sale price information, and related information in Eligible Securities from 9:00 p.m. Eastern Time (''ET'') Sunday to 8:00 p.m. ET Friday; provided however, that the Processor will pause operations at 8:00p.m. ET on Monday through Thursday for an hour to accommodate technical refreshes for the Processor, Participants, and other market participants. Other than extending the hours of operations, the Processor will operate as it currently does.[4]

The Commission is publishing this notice to solicit comments on the proposed Amendments from interested persons. Set forth in Sections I and II is the statement of the purpose and

[1] 15 U.S.C. 78k–1(a)(3).

[2] 17 CFR 242.608.

[3] The Participants are: 24X National Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, Long Term Stock Exchange, Inc., MEMX LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq ISE, LLC, Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc., and NYSE Texas, Inc.

[4] *See* Letter from Jeff Kimsey, Operating Committee Chair, to Vanessa Countryman, Secretary, Commission dated January 12, 2026. All capitalized terms used herein have the same meaning as is given such terms in the Plans.

summary of the proposed Amendments, along with the information required by Rules 608(a) and 601(a) under the Act, as prepared and submitted by the Participants. *Exhibits* A and B set forth the text of the Amendments marked to show the proposed changes, which were prepared and submitted by the Participants.

I. Rule 608(a)

1. Purpose of the Amendments

The purpose of the amendments is to extend the Processor's hours of operation to receive and disseminate quotation information, last sale price information, and related information in Eligible Securities from 9:00 p.m. ET Sunday to 8:00 p.m. ET Friday; provided, however, that the Processor will pause operations at 8:00 p.m. ET on Monday through Thursday for an hour to accommodate technical refreshes for the Processor, Participants, and other market participants. As background, a number of Participants have recently proposed extending their hours of operation.[5] Those proposals provided for trading days of varying lengths (*e.g.,* 23 hours versus 22 hours) along with hours of operation that did not overlap. Further, under those proposals, the extended trading hours could not be implemented unless the Equity Data Plans[6] (1) established a mechanism to collect, consolidate, process and disseminate quotation and transaction information at all times during the extended trading hours that is equivalent to the mechanism established for Regular Trading Hours; and (2) notified the relevant exchanges of their readiness.

Following the approval of some of those individual Participant proposals by the SEC, all the Participants have worked jointly to outline a plan for the collection, consolidation, processing, and dissemination of quotation and transaction information during the extended hours proposed by the Participants. Following extensive discussions among the Participants and the Advisory Committee of the UTP Plan and the Plans, the Participants have developed the proposal contained herein (''Proposal'') to implement hours of operation to be set as close as technologically feasible to 24 hours per day, as well as agreed to particular hours of operation.

With respect to the hours of operation, the Participants have agreed to operate from 9:00 p.m. ET Sunday to 8:00 p.m. ET Friday; provided, however, that the Processor would pause operations at 8:00 p.m. ET on Monday through Thursday for an hour to accommodate technical refreshes for the Processor, Participants, and other market participants. In the event of a holiday where U.S. markets are closed, the Processor would not operate from 8:00 p.m. ET the day before the holiday through 9:00 p.m. ET the day of the holiday. For example, if the markets are closed for a holiday on a Thursday, then the Processors would not operate from 8:00 p.m. ET on Wednesday to 9:00 p.m. ET on Thursday.

With respect to the pause from 8:00 p.m. ET to 9:00 p.m. ET on Monday through Thursday, the Processor would endeavor to reduce the length of the pause where technically feasible. In the event the length of the pause is reduced, the Operating Committee would amend the Plans and notify the industry of the reduction at least 90 days prior to implementation of a reduction. The Participants determined that having a pause at 8:00 p.m. ET would lessen the cost, complexity, and burden of designing a system that did not have a pause. In particular, if the Processor did not pause at 8:00 p.m. ET, the design would have required designing, funding, and building a duplicate system to handle a 24-hour trading session as the Processor's systems require at least some downtime for system refreshes. Further, the Participants understand that other market participants would consider the proposed pause useful to refresh their own systems prior to beginning the next day's trading session.[7]

With respect to when a trade date starts and ends, the Processor would consider a trade date to start at 8:00 p.m. ET on the day before Regular Trading Hours begin and end at 8:00 p.m. ET on the same day as when Regular Trading Hours begin.[8] In other words, Wednesday's trading day would start at 8:00 p.m. ET on Tuesday and end at 8:00 p.m. ET on Wednesday. The Participants believe that having the start of a trade date prior to the opening of markets would reduce complexity and burden as the alternative would have required a new trading date to start in the middle of a trading session (*i.e.,* at midnight). Additionally, the Participants believe that starting the trading date at the specified time would align with current practice for venues already trading during the proposed extended hours.

Consistent with current practice for existing hours of operation, the Participants have agreed to the following provisions regarding the Processor's operation during extended trading hours:

- For transactions reported outside the hours of 9:30 a.m. ET and 4:00 p.m. ET, such transactions will be designated as ''.T'' trades to denote their execution outside normal market hours.
- Late trades will be reported in accordance with the rules of the Participant in whose market the transaction occurred and can be reported at any time the Processor is able to receive last sale price information.
- Transactions reported outside the hours of 9:30 a.m. ET and 4:00 p.m. ET will be included in the calculation of total trade volume for purposes of determining net distributable operating revenue, but will not be included in the calculation of the daily high, low, or last sale.
- Quote Credits may be earned only in connection with quotations transmitted by a Participant to the Processor during Regular Trading Hours.

Consistent with the current language of the Plans, the Participants have agreed that only Participants that utilize the extended hours described herein would be required to pay for the development and operating costs and expenses which would not have been incurred by the Processor had it not made the changes described herein. Further, the Participants have agreed that to the extent any additional Participant begins utilizing the extended hours described herein at a later time, such additional Participant will be required to pay a proportionate share of the aggregate development costs previously paid by other Participants. The Participants agree that such additional Participant will contribute to the operating costs of the extended operating hours from the point at which it begins utilizing the extended hours, but that previously-incurred operating costs will not be reapportioned when a Participant begins utilizing the extended

[5] *See, e.g.,* Securities Exchange Act Release No. 34–101777 (Nov. 27, 2024), 89 FR 97092 (Dec. 6, 2024) (File No. 10–242 (24X)); Securities Exchange Act Release No. 34–102400 (Feb. 11, 2025), 90 FR 9794 (Feb. 18, 2025) (SR–NYSEARCA–2024–89).

[6] The ''Equity Data Plans'' are collectively the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (the ''UTP Plan''), the CQ Plan, the CTA Plan, and the CT Plan LLC.

[7] Although there may be certain days where a pause will not be required for a refresh, the Participants believe that it will reduce confusion and complexity to have the Processor open at the same time each trading day.

[8] Setting the start of the trading day in this amendment is only applicable to the operation of the Processor. The Operating Committee does not have the authority to set the start of the trading day for rules and regulations that might be dependent on when a trading day begins.

hours. As part of the amendments, the Participants have proposed moving existing language related to costs and making minor changes for readability.[9]

2. Governing or Constituent Documents

No changes as a result of amendments.

3. Implementation of Amendments

The All of the Participants have manifested their approval of the proposed amendments by means of their execution of the Plans. The Participants also solicited the Advisory Committee for its thoughts and any comments on the amendments.

If these amendments are approved by the Commission, the amendments, including the proposed changes to the language of the Plans, will not become operative until the Operating Committee determines that market conditions will support the extended hours of operation. The specific market conditions to be considered by the Operating Committee include, but are not limited to, the following:

- Depository Trust & Clearing Corporation (''DTCC'') offers clearing during the extended hours of operation.
- The Processor has implemented changes to symbol directory messages as specified in a previously approved change request, which requires the processors to disseminate specified reference information for Eligible Securities in symbol directory messages.
- Listing markets are able to support the changes to the symbol directory messages, including corporate actions information.
- The Processor will be able to disseminate all quotes and trades, including off-exchange trades, during the extended trading hours.

The Participants request the SEC determine whether dissemination of real-time Trade Reporting Facility (''TRF'') information outside of Regular Hours is a prerequisite for implementation.

4. Development and Implementation Phases

The Operating Committee expects that the implementation of the amendment will occur in December 2026. Prior to the implementation, the Processor will announce testing dates.

5. Analysis of Impact on Competition

The amendments proposed herein do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Securities Exchange Act of 1934 (the ''Act'') because the amendments implement the extended trading hours as approved by the Commission as part of proposals by the Participants. Similarly, the Participants do not believe that the proposed amendments introduce terms that are unreasonably discriminatory for the purposes of Section 11A(c)(1)(D) of the Act because the amendments implement the extended trading hours as approved by the Commission as part of proposals by the Participants. Additionally, the implementation decisions were made after extensive discussion among the Participants (including those with pending proposals to offer extended trading hours) as well as the Advisory Committee. The amendments were designed with a view to maximizing industry benefit while being agnostic to current proposals from Participants. While certain specific aspects of the amendments differ from the proposals by the Participants, the Participants have agreed to these changes after discussing the practicality of implementing extended trading hours. The Participants do not believe that the design choices discussed herein impose a burden on competition because the Participants have developed an approach that minimizes downtime of the system while also ensuring that the Processor, the Participants, and other market participants have the opportunity to refresh their systems during the pause prior to the start of a trading day. The Participants believe that implementing the pause will minimize the technological burden of the expanded trading hours.

6. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

No changes as a result of amendments.

7. Approval by Sponsors in Accordance With Plan

Section IV.(c)(i) of the CQ Plan and Section IV.(b)(i) of the CTA Plan require the Participants to unanimously approve the amendments proposed herein. They have so approved it as of the date specified in the below amendments.

8. Description of Operation of Facility Contemplated by the Proposed Amendment

Other than extending the hours of operations, the Processor will operate as it currently does.

9. Terms and Conditions of Access

No changes as a result of amendments.

10. Method of Determination and Imposition, and Amount of, Fees and Charges

The Participants have proposed amendments to the UTP Plan to implement the cost allocation methodology described above.

11. Method and Frequency of Processor Evaluation

No changes as a result of amendments.

12. Dispute Resolution

No changes as a result of amendments.

II. Rule 601(a)

1. Equity Securities and Nasdaq Securities for Which Transaction Reports Shall Be Required by the Plan

No changes as a result of amendments.

2. Reporting Requirements

Other than extending the hours of operations, the Processor will operate as it currently does.

3. Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information

Other than extending the hours of operations, the Processor will operate as it currently does.

4. Manner of Consolidation

Other than extending the hours of operations, the Processor will operate as it currently does.

[9] The Participants have proposed amendments to the UTP Plan to implement the cost allocation methodology described herein. The UTP Plan already contains provisions relating to the allocation of development costs for technical enhancements made at the request of a Participant and solely for its use; however, unlike the Plans, the UTP Plan is silent on the allocation of operating costs. *See* UTP Plan, Section XIII.A.; CQ Plan Section VIII.(b); CTA Plan Section XI.(b). The amendments to the UTP Plan would eliminate the current inconsistency between the UTP Plan and the Plans on the issue of cost allocation for such system enhancements, enhance the transparency of the Equity Data Plans as to how such costs will be borne and divided, and eliminate potential conflicts in the future among Participants about their individual financial responsibility for the enhancements described in this Proposal. The fact that the current Equity Data Plans will shortly be supplanted by the CT Plan does not eliminate the need to amend the cost allocations of the current UTP and CTA/CQ Plans as proposed here. Subject to SEC approval and Processor readiness, and satisfaction of market conditions to support extended hours of operation as discussed above, the Participants are working to make extended trading hours available in December 2026, before the CT Plan will become operative. The Plans do not require amendments to implement the agreed-upon cost allocation as the current language of the Plans is consistent with this cost-allocation methodology.

5. Standards and Methods Ensuring Promptness, Accuracy and Completeness of Transaction Reports

Other than extending the hours of operations, the Processor will operate as it currently does.

6. Rules and Procedures Addressed to Fraudulent or Manipulative Dissemination

No changes as a result of amendments.

7. Terms of Access to Transaction Reports

No changes as a result of amendments.

8. Identification of Marketplace of Execution

No changes as a result of amendments.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Amendments are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CTA/CQ–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–CTA/CQ–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 (*http://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal offices of the Participants. 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–CTA/CQ–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.[10]

Vanessa A. Countryman,

Secretary.

Exhibit A

Exhibit 1

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[10] 17 CFR 200.30–3(a)(85).

To the Thirty-First
Amendment to the Restated CQ Plan

PROPOSED AMENDMENTS TO THE RESTATED CQ PLAN

MARKED TO SHOW CHANGES FROM THE EXISTING PLAN

(Additions are double-underlined; Deletions are [~~struck through and bracketed~~].)

VIII. Operational Matters.

(a) No change.

(b) Hours of operation. [~~The Processor shall receive and make available quotation information pursuant to this CQ Plan between 9:00 a.m. and 6:30 p.m., eastern time, Monday through Friday (or during such other period on those days as the Operating Committee, by affirmative vote of all its members, may specify) while one or more Participants is open for trading. In addition, the Processor shall receive and make available quotation information pursuant to this CQ Plan during any other period (an "additional period") during which any one or more Participants wish to furnish quotation information to the Processor, provided that such Participant or Participants have agreed to pay all costs and expenses which would not have been incurred by the Processor had it not made the quotation information available during such additional period ("additional period costs and expenses"). Additional period costs and expenses shall include the cost of operating during the additional period to which such costs and expenses are attributable to that portion of the equipment associated with making quotation information available as is utilized for such purposes.~~]

(i) The Processor will receive and disseminate quotation information from 9:00 p.m. Eastern Time ("ET") Sunday to 8:00 p.m. ET Friday; provided, however, that the Processor will pause operations at 8:00 p.m. ET on Monday through Thursday for one hour to accommodate technical refreshes for the Processor, Participants, and other market participants. In the event of a holiday where U.S. markets are closed, the Processor will not operate from 8:00 p.m. ET the day before the holiday through 9:00 p.m. ET the day of the holiday. The Processor will begin receiving and disseminating quotation information at the same time each day.

(ii) The Processor will consider a trade date to start at 8:00 p.m. ET on the day before Regular Trading Hours begin and end at 8:00 p.m. ET on the same day as when Regular Trading Hours begin.

(iii) With respect to those Participants that furnish quotation information to the Processor between 9:00 p.m. ET and 4:00 a.m. ET (the "additional period"), such Participants have agreed to pay all costs and expenses which would not have been incurred by the Processor had it not made the quotation information available during such additional period ("additional period costs and expenses"). Additional period costs and expenses shall include the cost of operating during the additional period to which such costs and expenses are attributable to that portion of the equipment associated with making quotation information available as is utilized for such purposes.

* * * * *

Exhibit B
Exhibit 1

To the Fortieth
Amendment to the CTA Plan

PROPOSED AMENDMENTS TO THE SECOND RESTATEMENT OF THE CTA PLAN

MARKED TO SHOW CHANGES FROM THE EXISTING PLAN

(Additions are double-underlined; Deletions are [~~struck through and bracketed~~].)

XI. Operational Matters

(a) No change.

(b) Hours of operation. [~~The Processor shall disseminate last sale price information reported to it relating to Eligible Securities during the hours any Participant which regularly reports to the Processor during the full trading day 51% or more of the last sale prices reported over CTA Network A or CTA Network B is open for trading. In addition, the Processor shall disseminate last sale price information at other times (the "additional period") during which any exchange Participant is open for trading; provided, however, that the Processor shall not disseminate such prices during the additional period unless the Participant or Participants which report prices to the Processor for dissemination during the additional period have agreed to pay all costs and expenses which would not have been incurred in the generation or dissemination of the consolidated tape had the Processor not disseminated last sale price information reported to it during the additional period, including the cost of operating that portion of the equipment associated with the generation or dissemination of the consolidated tape during the additional period as is utilized for such purpose during such period, such cost to be an allocated portion of the total cost of operating such portion of such equipment during a 22 hour operating day (the total of such costs and expenses being hereinafter referred to as "additional period costs and expenses").~~]

(i) The Processor will receive and disseminate last sale price information from 9:00 p.m. Eastern Time ("ET") Sunday to 8:00 p.m. ET Friday; provided, however, that the Processor will pause operations at 8:00 p.m. ET on Monday through Thursday for one hour to accommodate technical refreshes for the Processor, Participants, and other market participants. In the event of a holiday where U.S. markets are closed, the Processor will not operate from 8:00 p.m. ET the day before the holiday through 9:00 p.m. ET the day of the holiday. The Processor will begin receiving and disseminating last sale price information at the same time each day.

(ii) The Processor will consider a trade date to start at 8:00 p.m. ET on the day before Regular Trading Hours begin and end at 8:00 p.m. ET on the same day as when Regular Trading Hours begin. For purposes of this paragraph (b), Regular Trading Hours shall have the meaning specified in Rule 600 of Regulation NMS of the Act for "regular trading hours."

(iii) Transactions in Eligible Securities outside the hours of 9:30 a.m. ET and 4:00 p.m. ET, shall be designated as ".T" trades to denote their execution outside Regular Trading Hours. Transactions reported pursuant to this

provision of the CTA Plan shall be included in the calculation of total trade volume for purposes of determining net distributable operating revenue, but shall not be included in the calculation of the daily high, low, or last sale.

(iv) Late trades shall be reported in accordance with the rules of the Participant in whose Market the transaction occurred and can be reported at any time the Processor is able to receive last sale price information.

(v) With respect to those Participants that furnish last sale price information to the Processor between 9:00 p.m. ET and 4:00 a.m. ET (the "additional period"), such Participants have agreed to pay all costs and expenses which would not have been incurred by the Processor had it not made the last sale price information available during such additional period ("additional period costs and expenses"). Additional period costs and expenses shall include the cost of operating during the additional period to which such costs and expenses are attributable to that portion of the equipment associated with making last sale price information available as is utilized for such purposes.

* * * * *

XII. Financial Matters.

(a)(i) – (a)(iii) No change

(iv) Quoting Share. The Quoting Share of a Participant in an Eligible Security shall be determined by multiplying (A) an amount equal to fifty percent of the Security Income Allocation for the Eligible Security by (B) the Participant's Quote Rating in the Eligible Security. A Participant's Quote Rating in an Eligible Security shall be determined by dividing (A) the sum of the Quote Credits earned by the Participant in such Eligible Security during the calendar year by (B) the sum of the Quote Credits earned by all Participants in such Eligible Security during the calendar year. A Participant shall earn one Quote Credit for each second of time (with a minimum of one full second) multiplied by dollar value of size that an automated best bid (offer) transmitted by the Participant to the Processor during R[ɾ]egular T[ŧ]rading H[ħ]ours is equal to the price of the national best bid (offer) in the Eligible Security and does not lock or cross a previously displayed automated quotation. Regular Trading Hours shall have the meaning specified in Rule 600 of Regulation NMS of the Act for "regular trading hours." An automated bid (offer) shall have the meaning specified in Rule 600 of Regulation NMS of the Act for an "automated quotation." The dollar value of size of a quote shall be determined by multiplying the price of a quote by its size.

(a)(v) – (a)(viii) No change

(b) – (c) No change

* * * * *

[FR Doc. 2026–01528 Filed 1–26–26; 8:45 am]
BILLING CODE 8011–01–C

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104670; File No. S7–24–89]

Joint Industry Plan; Notice of Filing of the Fifty-Fifth Amendment to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis

January 22, 2026.

Pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 608 thereunder,[2] notice is hereby given that on January 12, 2026, the Participants [3] in the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (''UTP Plan'' or ''Plan'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposal to amend the UTP Plan. The proposed amendment represents the Fifty-Fifth Amendment to the Plan (''Amendment''). Under the Amendment, the Participants propose to extend the Processor's hours of operation to receive and disseminate Quotation Information, Transaction Reports, and related information in Eligible Securities from 9:00 p.m. Eastern Time (''ET'') Sunday to 8:00 p.m. ET Friday; provided, however, that the Processor will pause operations at 8:00 p.m. ET on Monday through Thursday for an hour to accommodate technical refreshes for the Processor, Participants, and other market participants. Other than extending the hours of operations, the Processor will operate as it currently does.[4]

The Commission is publishing this notice to solicit comments on the proposed Amendment from interested persons. Set forth in Sections I and II is the statement of the purpose and summary of the proposed Amendment, along with the information required by Rules 608(a) and 601(a) under the Act, as prepared and submitted by the Participants. *Exhibit A* sets forth the changes proposed to be made to the existing UTP Plan under the proposed Amendment, which was prepared and submitted by the Participants.

I. Rule 608(a)

1. Purpose of the Amendments

The purpose of the amendments is to extend the Processor's hours of operation to receive and disseminate Quotation Information, Transaction Reports, and related information in Eligible Securities from 9:00 p.m. ET Sunday to 8:00 p.m. ET Friday; provided, however, that the Processor will pause operations at 8:00 p.m. ET on Monday through Thursday for an hour to accommodate technical refreshes for the Processor, Participants, and other market participants.

As background, a number of Participants have recently proposed extending their hours of operation.[5] Those proposals provided for trading days of varying lengths (*e.g.,* 23 hours versus 22 hours) along with hours of operation that did not overlap. Further, under those proposals, the extended trading hours could not be implemented unless the Equity Data Plans [6] (1) established a mechanism to collect, consolidate, process and disseminate quotation and transaction information at all times during the extended trading hours that is equivalent to the mechanism established for Regular Trading Hours; and (2) notified the relevant exchanges of their readiness.

Following the approval of some of those individual Participant proposals by the SEC, all the Participants have worked jointly to outline a plan for the collection, consolidation, processing, and dissemination of quotation and transaction information during the extended hours proposed by the Participants. Following extensive discussions among the Participants and the Advisory Committee of the UTP Plan and the CTA/CQ Plans, the Participants have developed the proposal contained herein (''Proposal'') to implement hours of operation to be set as close as technologically feasible to 24 hours per day, as well as agreed to particular hours of operation.

With respect to the hours of operation, the Participants have agreed to operate from 9:00 p.m. ET Sunday to 8:00 p.m. ET Friday; provided, however, that the Processor would pause operations at 8:00 p.m. ET on Monday through Thursday for an hour to accommodate technical refreshes for the Processor, Participants, and other market participants. In the event of a holiday where U.S. markets are closed, the Processor would not operate from 8:00 p.m. ET the day before the holiday through 9:00 p.m. ET the day of the holiday. For example, if the markets are closed for a holiday on a Thursday, then the Processors would not operate from 8:00 p.m. ET on Wednesday to 9:00 p.m. ET on Thursday.

With respect to the pause from 8:00 p.m. ET to 9:00 p.m. ET on Monday through Thursday, the Processor would endeavor to reduce the length of the pause where technically feasible. In the event the length of the pause is reduced, the Operating Committee would amend the UTP Plan and notify the industry of the reduction at least 90 days prior to implementation of a reduction. The Participants determined that having a pause at 8:00 p.m. ET would lessen the cost, complexity, and burden of designing a system that did not have a pause. In particular, if the Processor did not pause at 8:00 p.m. ET, the design would have required designing, funding, and building a duplicate system to handle a 24-hour trading session as the Processor's systems require at least some downtime for system refreshes. Further, the Participants understand that other market participants would consider the proposed pause useful to refresh their own systems prior to beginning the next day's trading session.[7]

With respect to when a trade date starts and ends, the Processor would consider a trade date to start at 8:00 p.m. ET on the day before Regular Trading Hours begin and end at 8:00 p.m. ET on the same day as when Regular Trading

[1] 15 U.S.C. 78k–1(a)(3).

[2] 17 CFR 242.608.

[3] The Participants are: Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors' Exchange LLC, Long Term Stock Exchange, Inc., MEMX LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq ISE, LLC, Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc, NYSE Texas, Inc, and 24X National Exchange LLC.

[4] *See* Letter from Jeff Kimsey, Operating Committee Chair, to Vanessa Countryman, Secretary, Commission dated January 12, 2026. All capitalized terms used herein have the same meaning as is given such terms in the UTP Plan.

[5] *See, e.g.,* Securities Exchange Act Release No. 34–101777 (Nov. 27 2024), 89 FR 97092 (Dec. 6, 2024) (File No. 10–242 (24X)); Securities Exchange Act Release No. 34–102400 (Feb. 11, 2025), 90 FR 9794 (Feb. 18, 2025) (SR–NYSEARCA–2024–89).

[6] The ''Equity Data Plans'' are collectively the UTP Plan, the Second Restatement of the CTA Plan (the ''CTA Plan'') and the Restated CQ Plan (the ''CQ Plan'' and collectively with the CTA Plan, the ''CTA/CQ Plans''), and the CT Plan LLC.

[7] Although there may be certain days where a pause will not be required for a refresh, the Participants believe that it will reduce confusion and complexity to have the Processor open at the same time each trading day.

Hours begin.[8] In other words, Wednesday's trading day would start at 8:00 p.m. ET on Tuesday and end at 8:00 p.m. ET on Wednesday. The Participants believe that having the start of a trade date prior to the opening of markets would reduce complexity and burden as the alternative would have required a new trading date to start in the middle of a trading session (*i.e.,* at midnight). Additionally, the Participants believe that starting the trading date at the specified time would align with current practice for venues already trading during the proposed extended hours.

Consistent with current practice for existing hours of operation, the Participants have agreed to the following provisions regarding the Processor's operation during extended trading hours:

- For transactions reported outside the hours of 9:30 a.m. ET and 4:00 p.m. ET, such transactions will be designated as ''.T'' trades to denote their execution outside normal market hours.
- Late trades will be reported in accordance with the rules of the Participant in whose market the transaction occurred and can be reported at any time the Processor is able to receive Transaction Reports.
- Transactions reported outside the hours of 9:30 a.m. ET and 4:00 p.m. ET will be included in the calculation of total trade volume for purposes of determining net distributable operating revenue, but will not be included in the calculation of the daily high, low, or last sale.
- Quote Credits may be earned only in connection with quotations transmitted by a Participant to the Processor during Regular Trading Hours.[9]

In approving the Proposal, the Participants have agreed that only Participants that utilize the extended hours described herein would be required to pay for the development and operating costs and expenses which would not have been incurred by the Processor had it not made the changes described herein. Further, the Participants have agreed that to the extent any additional Participant begins utilizing the extended hours described herein at a later time, such additional Participant will be required to pay a proportionate share of the aggregate development costs previously paid by other Participants. The Participants agree that such additional Participant will contribute to the operating costs of the extended operating hours from the point at which it begins utilizing the extended hours, but that previously-incurred operating costs will not be reapportioned when a Participant begins utilizing the extended hours.

The UTP Plan already contains provisions[10] relating to the allocation of development costs for technical enhancements made at the request of a Participant and solely for its use; however, unlike the CQ/CTA Plans, the UTP Plan is silent on the allocation of operating costs.[11] The Participants accordingly believe it is reasonable to amend the cost allocation provisions of the UTP Plan with respect to operating costs to effectuate the Participants' agreement above, which itself provides for a reasonable method to apportion the costs and expenses of the Proposal. Such proposed amendments would also eliminate the current inconsistency between the UTP and CTA/CQ Plans on the issue of cost allocation for such system enhancements, enhance the transparency of the Equity Data Plans as to how such costs will be borne and divided, and eliminate potential conflicts in the future among Participants about their individual financial responsibility for the enhancements described in this Proposal.[12]

2. Governing or Constituent Documents

No changes as a result of amendments.

3. Implementation of Amendments

All of the Participants have manifested their approval of the proposed amendments by means of their execution of the UTP Plan Amendment. The Participants also solicited the Advisory Committee for its thoughts and any comments on the amendments.

If this amendment is approved by the Commission, the amendment, including the proposed changes to the language of the UTP Plan, will not become operative until the Operating Committee determines that market conditions will support the extended hours of operation. The specific market conditions to be considered by the Operating Committee include, but are not limited to, the following:

- Depository Trust & Clearing Corporation (''DTCC'') offers clearing during the extended hours of operation.
- The Processor has implemented changes to symbol directory messages as specified in a previously approved change request, which requires the processors to disseminate specified reference information for Eligible Securities in symbol directory messages.
- Listing markets are able to support the changes to the symbol directory messages, including corporate actions information.
- The Processor will be able to disseminate all quotes and trades, including off-exchange trades, during the extended trading hours.

The Participants request the SEC determine whether dissemination of real-time Trade Reporting Facility (''TRF'') information outside of Regular Hours is a prerequisite for implementation.

4. Development and Implementation Phases

The Operating Committee expects that the implementation of the amendment will occur in December 2026. Prior to the implementation, the Processor will announce testing dates.

5. Analysis of Impact on Competition

The amendments proposed herein do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Securities Exchange Act of 1934 (the ''Act'') because the amendments implement the extended trading hours as approved by the Commission as part of proposals by the Participants. Similarly, the Participants do not believe that the proposed amendments introduce terms that are unreasonably discriminatory for the purposes of Section 11A(c)(1)(D) of the Act because the amendments implement the extended trading hours as approved by the Commission as part of proposals by the Participants. Additionally, the implementation decisions were made after extensive discussion among the Participants (including those with pending proposals to offer extended trading hours) as well as the Advisory Committee. The amendments were designed with a view to maximizing industry benefit while being agnostic to current proposals from Participants. While certain specific aspects of the

[8] Setting the start of the trading day in this amendment is only applicable to the operation of the Processor. The Operating Committee does not have the authority to set the start of the trading day for rules and regulations that might be dependent on when a trading day begins.

[9] The Participants are proposing removing a reference in Section VI.C.1 of the UTP Plan that currently states that the best bid and offer will cease being calculated at 6:30 p.m. ET.

[10] *See* UTP Plan, Section XIII.A.

[11] *See* CQ Plan Section VIII.(b); CTA Plan Section XI.(b).

[12] The fact that the current Equity Data Plans will shortly be supplanted by the CT Plan does not eliminate the need to amend the cost allocations of the current UTP and CTA/CQ Plans as proposed here. Subject to SEC approval and Processor readiness, and satisfaction of market conditions to support extended hours of operation as discussed above, the Participants are working to make extended trading hours available in December 2026, before the CT Plan will become operative.

amendments differ from the proposals by the Participants, the Participants have agreed to these changes after discussing the practicality of implementing extended trading hours. The Participants do not believe that the design choices discussed herein impose a burden on competition because the Participants have developed an approach that minimizes downtime of the system while also ensuring that the Processor, the Participants, and other market participants have the opportunity to refresh their systems during the pause prior to the start of a trading day. The Participants believe that implementing the pause will minimize the technological burden of the expanded trading hours.

The Participants believe that the amendments related to the allocation of costs is necessary and appropriate as it, (1) aligns the UTP Plan with the CQ/CTA Plans with respect to allocating costs, and (2) ensures that only those Participants that utilize the extended trading hours are required to pay for the costs associated with its development and operation. The Participants further believe that reapportioning development costs is appropriate so that if a Participant begins trading during the extended hours after the initial development costs have been paid by first users, such Participant should not be able to avoid paying a share of the development costs. Otherwise, a Participant could avoid paying for such development costs by slightly delaying its extension of hours. On the other hand, the Participants believe it is appropriate to not reapportion the operating costs as such operating costs are incurred in real time and directly reflect the ongoing use of the system. Unlike development costs, which are borne before tangible operational benefits are realized, operating expenses are linked to actual usage of the system. As a result, traditional free-riding problems are not raised since there is no opportunity to defer or avoid operating expenses without also losing the ability to receive the benefits of the extended trading hours.

6. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

No changes as a result of amendments.

7. Approval by Sponsors in Accordance With Plan

Section IV(C)(1)(a) of the UTP Plan requires the Participants to unanimously approve the amendments proposed herein. They have so approved it as of the date specified in Amendment No. 55.

8. Description of Operation of Facility Contemplated by the Proposed Amendment

Other than extending the hours of operations, the Processor will operate as it currently does.

9. Terms and Conditions of Access

No changes as a result of amendments.

10. Method of Determination and Imposition, and Amount of, Fees and Charges

The Participants have agreed that only Participants that utilize the extended hours described herein would be required to pay for the development and operating costs and expenses which would not have been incurred by the Processor had it not made the changes described herein. Further, the Participants have agreed that to the extent any additional Participant begins utilizing the extended hours described herein at a later time, such additional Participant will be required to pay a proportionate share of the aggregate development costs previously paid by other Participants. The Participants agree that such additional Participant will contribute to the operating costs of the extended operating hours from the point at which it begins utilizing the extended hours, but that previously-incurred operating costs will not be reapportioned when a Participant begins utilizing the extended hours.

The UTP Plan already contains provisions relating to the allocation of development costs for technical enhancements made at the request of a Participant and solely for its use; however, unlike the CQ/CTA Plans, the UTP Plan is silent on the allocation of operating costs. The Participants accordingly believe it is reasonable to amend the cost allocation provisions of the UTP Plan with respect to operating costs to effectuate the Participants' agreement above, which itself provides for a reasonable method to apportion the costs and expenses of the Proposal. Such proposed amendments would also eliminate the current inconsistency between the UTP and CTA/CQ Plans on the issue of cost allocation for such system enhancements, enhance the transparency of the Equity Data Plans as to how such costs will be borne and divided, and eliminate potential conflicts in the future among Participants about their individual financial responsibility for the enhancements described in this Proposal.

11. Method and Frequency of Processor Evaluation

No changes as a result of amendments.

12. Dispute Resolution

No changes as a result of amendments.

II. Rule 601(a)

1. Equity Securities for Which Transaction Reports Shall Be Required by the Plan

No changes as a result of amendments.

2. Reporting Requirements

Other than extending the hours of operations, the Processor will operate as it currently does.

3. Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information

Other than extending the hours of operations, the Processor will operate as it currently does.

4. Manner of Consolidation

Other than extending the hours of operations, the Processor will operate as it currently does.

5. Standards and Methods Ensuring Promptness, Accuracy and Completeness of Transaction Reports

Other than extending the hours of operations, the Processor will operate as it currently does.

6. Rules and Procedures Addressed to Fraudulent or Manipulative Dissemination

No changes as a result of amendments.

7. Terms of Access to Transaction Reports

No changes as a result of amendments.

8. Identification of Marketplace of Execution

No changes as a result of amendments.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Amendment 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 S7–24–89 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 S7–24–89. 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 offices of the Participants. 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 S7–24–89 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]

Vanessa A. Countryman,

Secretary.

Exhibit A

Addendum 1

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[13] 17 CFR 200.30–3(a)(85).

To the Fifty-Fifth
Amendment to the UTP Plan

PROPOSED AMENDMENTS TO THE UTP PLAN

MARKED TO SHOW CHANGES FROM THE EXISTING PLAN
(Additions are double-underlined; Deletions are [~~struck through and bracketed~~].)

VI. Functions of the Processor

* * * * *

C. Dissemination of Information

* * * * *

1. Best Bid and Offer

The Processor shall disseminate on the UTP Quote Data Feed the best bid and offer information supplied by each Participant, including the FINRA Participant(s) that constitutes FINRA' s single Best Bid and Offer quotations, and shall also calculate and disseminate on the UTP Quote Data Feed a national best bid and asked quotation with size based upon Quotation Information for Eligible Securities received from Participants. The Processor shall not calculate the best bid and offer for any individual Participant, including FINRA.

The Participant responsible for each side of the best bid and asked quotation making up the national best bid and offer shall be identified by an appropriate symbol. If the quotations of more than one Participant shall be the same best price, the largest displayed size among those shall be deemed to be the best. If the quotations of more than one Participant are the same best price and best displayed size, the earliest among those measured by the time reported shall be deemed to be the best. A reduction of only bid size and/or ask size will not change the time priority of a Participant's quote for the purposes of determining time reported, whereas an increase of the bid size and/or ask size will result in a new time reported. The consolidated size shall be the size of the Participant that is at the best.

If the best bid/best offer results in a locked or crossed quotation, the Processor shall forward that locked or crossed quote on the appropriate output lines (i.e., a crossed quote of bid 12, ask 11.87 shall be disseminated). [~~The Processor shall normally cease the calculation of the best bid/best offer after 6:30 p.m., Eastern Time.~~]

* * * * *

XI. Hours of Operation

A. [~~Quotation Information may be entered by Participants as to all Eligible Securities in which they make a market between 9:30 a.m. and 4:00 p.m. Eastern Time ("ET") on all days the Processor is in operation. Transaction Reports shall be entered between 9:30 a.m. and 4:01:30 p.m. ET by Participants as to all Eligible Securities in which they execute transactions between 9:30 a.m. and 4:00 p.m. ET on all days the Processor is in operation.~~] The Processor will receive and disseminate Quotation Information and Transaction Reports in Eligible Securities from 9:00 p.m. Eastern Time ("ET") Sunday to 8:00 p.m. ET Friday; provided, however, that the Processor will pause operations at 8:00 p.m. ET on Monday through Thursday for one hour to accommodate technical refreshes for the Processor, Participants, and other market participants. In the event of a holiday where U.S. markets are closed, the Processor will not operate from 8:00 p.m. ET the day before the holiday through 9:00 p.m. ET the day of the holiday. The Processor will begin receiving and disseminating Quotation Information and Transaction Reports at the same time each day.

B. The Processor will consider a trade date to start at 8:00 p.m. ET on the day before Regular Trading Hours begin and end at 8:00 p.m. ET on the same day as when Regular Trading Hours begin. For purposes of this Section XI, Regular Trading Hours shall have the meaning specified in Rule 600 of Regulation NMS of the Act for "regular trading hours."

[~~B~~]C. [~~Participants that execute transactions in Eligible Securities outside the hours of 9:30 a.m. ET and 4:00 p.m., ET, shall be report such transactions as follows: (i) transactions in Eligible Securities executed between 4:00 a.m. and 9:29:59 a.m. ET and between 4:00:01 and 8:00 p.m. ET, shall be designated as ".T" trades to denote their execution outside normal market hours; (ii) transactions in Eligible Securities executed after 8:00 p.m. and before 12:00 a.m. (midnight) shall be reported to the Processor between the hours of 4:00 a.m. and 8:00 p.m. ET on the next business day (T+1), and shall be designated "as/of" trades to denote their execution on a prior day, and be accompanied by the time of execution; (iii) transactions in Eligible Securities executed between 12:00 a.m. (midnight) and 4:00 a.m. ET shall be transmitted to the Processor between 4:00 a.m. and 9:30 a.m. ET, on trade date, shall be designated as ".T" trades to denote their execution outside normal market hours, and shall be accompanied by the time of execution;~~] Transactions in Eligible Securities outside the hours of 9:30 a.m. ET and 4:00 p.m. ET, shall be designated as ".T" trades to denote their execution outside Regular Trading Hours. [~~(iv) t~~]Transactions reported pursuant to this provision of the Plan shall be included in the calculation of total trade volume for purposes of determining net distributable operating revenue, but shall not be included in the calculation of the daily high, low, or last sale.

[~~C~~]D. Late trades shall be reported in accordance with the rules of the Participant in whose Market the transaction occurred and can be reported [~~between the hours of 4:00 a.m. and 8:00 p.m.~~] at any time the Processor is able to receive Transaction Reports.

[~~D. The Processor shall collect, process and disseminate Quotation Information in Eligible Securities at other times between 4:00 a.m. and 9:30 a.m. ET, and after 4:00 p.m. ET, when any Participant or FINRA Participant is open for trading, until 8:00 p.m. ET (the "Additional Period"); provided, however, that the national best bid and offer quotation will not be disseminated before 4:00 a.m. or after 8:00 p.m. ET.~~

~~Participants that enter Quotation Information or submit Transaction Reports to the Processor during the Additional Period shall do so for all Eligible Securities in which they enter quotations.~~]

E. Participant or Participants that report Quotation Information and Transaction Reports between 9:00 p.m. ET and 4:00 a.m. ET have agreed to pay all development and operating costs and expenses which would not have been incurred by the Processor had it not made the Quotation Information and Transaction Reports available between 9:00 p.m. and 4:00 a.m. To the extent an additional Participant begins to report Quotation Information or Transaction Reports between 9:00 p.m. ET and 4:00 a.m. ET, such additional Participant shall be required to pay a proportionate share of the aggregate development costs previously paid by other Participants. Previously incurred operating costs shall not be reapportioned should any other Participant subsequently make use of the enhancement.

* * * * *

XIII. Financial Matters

A. Development Costs

Any Participant becoming a signatory to this Plan after June 26, 1990, shall, as a condition to becoming a Participant, pay to the other Plan Participants a proportionate share of the aggregate development costs previously paid by Plan Participants to the Processor, which aggregate development costs totaled $439,530, with the result that each Participant's share of all development costs is the same.

Each Participant shall bear the cost of implementation of any technical enhancements to the Nasdaq system made at its request and solely for its use as well as the ongoing operating expense for such technical enhancements, subject to reapportionment of development costs should any other Participant subsequently make use of the enhancement, or the development thereof. Previously incurred operating costs shall not be reapportioned should any other Participant subsequently make use of the enhancement.

* * * * *

Exhibit 1

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4. Quoting Share. The Quoting Share of a Participant in an Eligible Security shall be determined by multiplying (A) an amount equal to fifty percent of the Security Income Allocation for the Eligible Security by (B) the Participant's Quote Rating in the Eligible Security. A Participant's Quote Rating in an Eligible Security shall be determined by dividing (A) the sum of the Quote Credits earned by the Participant in such Eligible Security during the calendar year by (B) the sum of the Quote Credits earned by all Participants in such Eligible Security during the calendar year. A Participant shall earn one Quote Credit for each second of time (with a minimum of one full second) multiplied by dollar value of size that an automated best bid (offer) transmitted by the Participant to the Processor during [~~r~~]Regular [~~t~~]Trading [~~h~~]Hours is equal to the price of the national best

bid (offer) in the Eligible Security and does not lock or cross a previously displayed automated quotation. Regular Trading Hours shall have the meaning specified in Rule 600 of Regulation NMS of the Act for "regular trading hours." An automated bid (offer) shall have the meaning specified in Rule 600 of Regulation NMS of the Act for an "automated quotation." The dollar value of size of a quote shall be determined by multiplying the price of a quote by its size.

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[FR Doc. 2026–01532 Filed 1–26–26; 8:45 am]
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DEPARTMENT OF STATE

[Public Notice: 12910]

Notice of Department of State Sanctions Actions

ACTION: Notice.

SUMMARY: The U.S. Department of State, in consultation with the U.S. Department of the Treasury and with other departments, as appropriate, has removed from 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) the names of persons whose property and interests in property had been blocked pursuant to West Bank sanctions authorities.

DATES: This action was issued on January 20, 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/west-bank-related-sanctions.*

Notice of Department of State Actions

On October 1, 2024, 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.

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Individuals

1. YARDENI, Eitan (Hebrew: איתן ירדני), Ma'on Farm Outpost, West Bank; DOB 06 Jun 2001; nationality Israel; Gender Male; National ID No. 212076517 (Israel) (individual) [WEST-BANK-EO14115].

   Designated pursuant to section 1(a)(i)(B)(1) of Executive Order 14115 of February 1, 2024, "Imposing Certain Sanctions on Persons Undermining Peace, Security, and Stability in the West Bank," (E.O. 14115) for being a foreign person who is responsible for or complicit in, or has directly or indirectly engaged or attempted to engage in planning, ordering, otherwise directing, or participating in an act of violence or threat of violence targeting civilians, affecting the West Bank.

2. SUISSA, Avichai (Hebrew: אביחי סוויסה) (a.k.a. SVISA, Avihai), Yishuv HaDa'at, West Bank; DOB 01 Jul 1986; nationality Israel; Gender Male; National ID No. 038172441 (Israel) (individual) [WEST-BANK-EO14115].

   Designated pursuant to section 1(a)(ii)(B) of E.O. 14115 for being a foreign person who is or has been a leader or official of an entity whose property and interests in property are blocked pursuant to this order as a result of activities relating to the leader's or official's tenure.

Individuals

1. LEVI, Itamar Yehuda (Hebrew: איתמר יהודה לוי) (a.k.a. LEVY, Itamar), Susya 9040100, West Bank; DOB 20 Jan 1980; nationality Israel; Gender Male; National ID No. 37362951 (Israel) (individual) [WEST-BANK-EO14115] (Linked To: EYAL HARI YEHUDA COMPANY LTD).

   Designated pursuant to section 1(a)(ii)(B) of E.O. 14115, for being a foreign person who is or has been a leader or official of, EYAL HARI YEHUDA COMPANY LTD, an entity whose property and interests in property are blocked pursuant to this order as a result of activities relating to the leader's or official's tenure.

2. KOSHLEVSKY, Shabtai (Hebrew: שבתי קושלבסקי) (a.k.a. KUSHELEVSKY, Shabtay; a.k.a. KUSHLEVSKI, Shabtai), West Bank; DOB 09 Jul 1983; nationality Israel; Gender Male; National ID No. 037769874 (Israel) (individual) [WEST-BANK-EO14115] (Linked To: HASHOMER YOSH).

   Designated pursuant to section 1(a)(ii)(B) of E.O. 14115 for being a foreign person who is or has been a leader or official of, HASHOMER YOSH, an entity

whose property and interests in property are blocked pursuant to this order as a result of activities relating to the leader's or official's tenure.

3. SABAH, Zohar (Hebrew: זוהר סבח) (a.k.a. AL-SABAH, Zohar; a.k.a. SABACH, Zohar), Mevo'ot Yericho, West Bank; DOB 21 Jul 1996; nationality Israel; Gender Male; National ID No. 315965525 (Israel) (individual) [WEST-BANK-EO14115].

Designated pursuant to 1(a)(i)(B)(3) of E.O. 14115 for being responsible for or complicit in, or for having directly or indirectly engaged or attempted to engage in planning, ordering, otherwise directing, or participating in property destruction, affecting the West Bank.

Designated pursuant to 1(a)(i)(B)(1) of E.O. 14115 for being responsible for or complicit in, or for having directly or indirectly engaged or attempted to engage in planning, ordering, otherwise directing, or participating in an act of violence or threat of violence targeting civilians, affecting the West Bank.

Entities

1. EYAL HARI YEHUDA COMPANY LTD (Hebrew: חברת איל הרי יהודה בעיימ) (a.k.a. EYAL JUDAEAN MOUNTAINS COMPANY LTD), Susya 9040100, West Bank; Organization Established Date 02 Dec 2015; Organization Type: Construction of utility projects; UNCLASSIFIED Registration Number 515349660 (Israel) [WEST-BANK-EO14115] (Linked To: LEVI, Yinon).

Designated pursuant to section 1(a)(iii) of E.O. 14115 for having materially assisted, sponsored or provided financial material, or technological support for, or goods or services to or in support of, YINON LEVI, a person blocked pursuant to this order.

The Executive Order (E.O.) of January 20, 2025, "Initial Rescissions of Harmful Executive Orders and Actions," revoked E.O. 14115 of February 1, 2024, "Imposing Certain Sanctions on Persons Undermining Peace, Security, and Stability in the West Bank," ("the Order"). As a result of the revocation of the Order, OFAC removed the persons listed below from the SDN List, and their property and interests in property are no longer blocked.

CHASDAI, David Chai (Hebrew: דוד חי חסדאי) (a.k.a. HASDAI, David Chai; a.k.a. HASDAI, David Hai), Givat Ronen, West Bank; DOB 23 Nov 1994; POB Israel; nationality Israel; Gender Male (individual) [WEST-BANK-EO14115].

EINAN TANJIL (Hebrew: ,(עינן טנג'יל DOB 05 July 2002; POB Israel; location Kiryat Ekron, Israel; nationality Israel; Gender Male; (Individual) [WEST-BANK-EO14115].

SHALOM ZICHERMAN (Hebrew: ,(שלום זיכרמן DOB 03 February 1991; POB Israel; location Mitzpe Yair, West Bank; nationality Israel; Gender Male; (Individual) [WEST-BANK-EO14115].

LEVI, Yinon (Hebrew: ינון לוי) (a.k.a. LEVY, Yinon), Meitarim Farm Outpost, West Bank; DOB 19 Dec 1992; POB Israel; nationality Israel; Gender Male; National ID No. 203807276 (Israel) (individual [WEST-BANK-EO14115].

BAR YOSEF, Zvi (Hebrew: צבי בר יוסף), Halamish, West Bank; DOB 20 Sep 1992; nationality Israel; Gender Male; National ID No. 204377998 (Israel) (individual) [WEST-BANK-EO14115].

ZVIS FARM (Hebrew: החווה של צבי) (a.k.a. ZVI BAR YOSEF FARM; a.k.a. ZVIS FARM OUTPOST), Halamish, West Bank; Organization Type: Mixed farming [WEST-BANK-EO14115] (Linked To: BAR YOSEF, Zvi).

SHARVIT, Moshe (Hebrew: משה שרביט), Moshes Farm, West Bank; DOB 13 Nov 1994; nationality Israel; Gender Male; National ID No. 206223000 (Israel) (individual) [WEST-BANK-EO14115].

MOSHES FARM (Hebrew: החווה של משה) (a.k.a. TIRZA VALLEY FARM OUTPOST), West Bank; Organization Established Date Jan 2021; Organization Type: Mixed farming [WEST-BANK-EO14115] (Linked To: SHARVIT, Moshe).

BEN PAZI, Neriya (Hebrew: נריה בן פזי) (a.k.a. BEN PAZI, Neria), Havat Rimonim, West Bank; DOB 28 Nov 1993; nationality Israel; Gender Male; National ID No. 311509004 (Israel) (individual) [WEST-BANK-EO14115].

GOPSTEIN, Ben-Zion (Hebrew: בן ציון גופשטיין) (a.k.a. GOPHSTAIN, Bentzi; a.k.a. GOPHSTEIN, Bentzi; a.k.a. GOPSTEIN, Ben Zion; a.k.a. GOPSTEIN, Bentzi), Kiryat

Arba, West Bank; Israel; DOB 10 Sep 1969; nationality Israel; Gender Male; National ID No. 024526394 (Israel) (individual) [WEST-BANK-EO14115].

LIONS' DEN (Arabic: عرين الأسود) (a.k.a. AREEN AL-USUD; a.k.a. ARIN AL-USUD; a.k.a. DEN OF LIONS), Nablus, West Bank; Organization Established Date Aug 2022 [WEST-BANK-EO14115].

TZAV 9 (Hebrew: צו 9) (a.k.a. "ORDER 9"), Israel; Organization Established Date Jan 2024; Target Type Charity or Nonprofit Organization [WEST-BANK-EO14115].

MANNE, Isaschar (Hebrew: ישששכר מן) (a.k.a. MANN, Issachar; a.k.a. MANN, Yissachar), Manne Farm Outpost, South Hebron Hills, West Bank; DOB 10 May 1983; nationality Israel; Gender Male; National ID No. 038826939 (Israel) (individual) [WEST-BANK-EO14115]

MANNE FARM OUTPOST (Hebrew: המאחז חוות ישששכר מן) (a.k.a. ISASCHAR MANNE FARM OUTPOST; a.k.a. ISSACHAR MANN FARM; a.k.a. MANNE FARM; a.k.a. "MANN FARM" (Hebrew: ",((("מן חוות South Hebron Hills, West Bank; Organization Established Date Jul 2020; Organization Type: Raising of sheep and goats [WEST-BANK-EO14115] (Linked To: MANNE, Isaschar).

LEHAVA (Hebrew: להבה) (a.k.a. LAHAVA; a.k.a. PREVENTION OF ASSIMILATION IN THE HOLY LAND (Hebrew: ,(למניעת התבוללות בארץ הקודש Jerusalem, Israel; Organization Established Date 2005; Organization Type: Charity or Nonprofit Organization [WEST-BANK-EO14115] (Linked To: GOPSTEIN, Ben Zion).

MEITARIM FARM (Hebrew: חוות מיתרים) (a.k.a. MITARIM FARM), South Hebron Hills, West Bank; Organization Established Date 2021; Organization Type: Raising of sheep and goats [WEST-BANK-EO14115] (Linked To: LEVI, Yinon).

HAMOHOCH FARM (a.k.a. HAMAHOCH FARM OUTPOST; a.k.a. HAVAT HA-MAHUCH), Wadi AlSeeq, West Bank; Organization Established Date 2023; Organization Type: Raising of sheep and goats [WEST-BANK-EO14115] (Linked To: BEN PAZI, Neriya).

NERIYA'S FARM (Hebrew: החווה של נריה), Rimonim, West Bank; Organization Established Date 2019; Organization Type: Raising of sheep and goats [WEST-BANK-EO14115] (Linked To: BEN PAZI, Neriya).

BEN HAIM, Reut (Hebrew: רעות בן חיים), 5/208 Weitzman Blvd, Netivot, Israel; DOB 30 Jul 1986; nationality Israel; Gender Female; National ID No. 026528570 (Israel) (individual) [WEST-BANK-EO14115] (Linked To: TZAV 9).

SARID, Shlomo Yehezkel Hai (Hebrew: שלמה יחזקאל חי שריד) (a.k.a. SHARID, Shlomo), Mehola, West Bank; DOB 21 Jan 1987; nationality Israel; Gender Male; National ID No. 300678554 (Israel) (individual) [WEST-BANK-EO14115] (Linked To: TZAV 9).

FILANT, Yitzhak Levi (Hebrew: יצחק לוי פילנט) (a.k.a. "LEVY, Yitzhak"), Yitzhar, West Bank; DOB 15 Dec 1987; nationality Israel; Gender Male; National ID No. 301184255 (Israel) (individual) [WEST-BANK-EO14115].

HASHOMER YOSH (Hebrew: השומר יו"ש) (a.k.a. GUARDIANS OF JUDEA & SAMARIA; a.k.a. GUARDIANS OF JUDEA AND SAMARIA; a.k.a. GUARDIANS OF YEHUDA AND THE SHOMRON; a.k.a. HASHOMER YEHUDAH V'SHOMRON), 2 Esh Hakodesh, Shilo 4483000, West Bank; Organization Established Date 2013; Target Type Charity or Nonprofit Organization; Registered Charity No. 580575629 (Israel) [WEST-BANK-EO14115]

YARDENI, Eitan (Hebrew: איתן ירדני), Ma'on Farm Outpost, West Bank; DOB 06 Jun 2001; nationality Israel; Gender Male; National ID No. 212076517 (Israel) (individual) [WEST-BANK-EO14115].

SUISSA, Avichai (Hebrew: אביחי סוויסה) (a.k.a. SVISA, Avihai), Yishuv HaDa'at, West Bank; DOB 01 Jul 1986; nationality Israel; Gender Male; National ID No. 038172441 (Israel) (individual) [WEST-BANK-EO14115].

EYAL HARI YEHUDA COMPANY LTD (Hebrew: חברת איל הרי יהודה בעיימ) (a.k.a. EYAL JUDAEAN MOUNTAINS COMPANY LTD), Susya 9040100, West Bank; Organization Established Date 02 Dec 2015; Organization Type: Construction of utility projects; Registration Number 515349660 (Israel) [WEST-BANK-EO14115] (Linked To: LEVI, Yinon).

LEVI, Itamar Yehuda (Hebrew: איתמר יהודה לוי) (a.k.a. LEVY, Itamar), Susya 9040100, West Bank; DOB 20 Jan 1980; nationality Israel; Gender Male; National ID No. 37362951 (Israel) (individual) [WEST-BANK-EO14115] (Linked To: EYAL HARI YEHUDA COMPANY LTD).

KOSHLEVSKY, Shabtai (Hebrew: שבתי קושלבסקי) (a.k.a. KUSHELEVSKY, Shabtay; a.k.a. KUSHLEVSKI, Shabtai), West Bank; DOB 09 Jul 1983; nationality Israel; Gender Male; National ID No. 037769874 (Israel) (individual) [WEST-BANK-EO14115] (Linked To: HASHOMER YOSH).

SABAH, Zohar (Hebrew: זוהר סבח) (a.k.a. AL-SABAH, Zohar; a.k.a. SABACH, Zohar), Mevo'ot Yericho, West Bank; DOB 21 Jul 1996; nationality Israel; Gender Male; National ID No. 315965525 (Israel) (individual) [WEST-BANK-EO14115].

Hugo Y. Yon,
Principal Deputy Assistant Secretary, Bureau of Economic, Energy, and Business Affairs, Department of State.

[FR Doc. 2026–01590 Filed 1–26–26; 8:45 am]
BILLING CODE 4710–07–C

DEPARTMENT OF STATE

[Public Notice: 12933]

Imposition of Nonproliferation Measures Against Foreign Persons, Including a Ban on U.S. Government Procurement

ACTION: Notice.

SUMMARY: A determination has been made that a number of foreign persons have engaged in activities that warrant the imposition of measures pursuant to the Iran, North Korea, and Syria Nonproliferation Act (INKSNA).

DATES: These measures are effective January 22, 2026.

FOR FURTHER INFORMATION CONTACT: On general issues: Pam Durham, Office of WMD and Missile Controls, Bureau of Arms Control and Nonproliferation, Department of State, Telephone (202) 647–4930. Email: *acn-wmc-sanctions@state.gov*. For U.S. Government procurement ban issues: Eric Moore, Office of the Procurement Executive, Department of State, Telephone: (703) 875–4079. Email: *mooreen@state.gov*.

SUPPLEMENTARY INFORMATION: The INKSNA provides for sanctions on foreign entities and individuals for the transfer to or acquisition from Iran since January 1, 1999; the transfer to or acquisition from Syria since January 1, 2005; or the transfer to or acquisition from the DPRK since January 1, 2006, of goods, services, or technology controlled under multilateral control lists (Australia Group, Chemical Weapons Convention, Missile Technology Control Regime, Nuclear Suppliers Group, and Wassenaar Arrangement) or otherwise having the potential to make a material contribution to the development of weapons of mass destruction (WMD) or cruise or ballistic missile systems. The latter category includes: items of the same kind as those on multilateral lists but falling below the control list parameters when it is determined that such items have the potential of making a material contribution to WMD or cruise or ballistic missile systems; items on U.S. national control lists for WMD/missile reasons that are not on multilateral lists; and other items with the potential of making such a material contribution when added through case-by-case decisions.

On January 22, 2026, the U.S. Government applied the measures authorized in Section 3 of the Iran, North Korea, and Syria Nonproliferation Act (Pub. L. 109–353) against the following foreign persons identified in the report submitted pursuant to Section 2(a) of the Act:

Ch'oe Ch'o'l-min (Choe Chol Min) (DPRK national).

EXPTRANS GMBH S.A.R.L. (Lebanon); and any successor, sub-unit, or subsidiary thereof;

Futech Co. Ltd (China); and any successor, sub-unit, or subsidiary thereof;

International Biotechnology Services FZC (UAE); and any successor, sub-unit, or subsidiary thereof;

JS Research Inc. (ROK); and any successor, sub-unit, or subsidiary thereof;

Second Academy of Natural Science Foreign Affairs Bureau (SANS FAB) (DPRK); and any successor, sub-unit, or subsidiary thereof;

Accordingly, pursuant to Section 3 of the Act, the following measures are imposed on these persons:

1. No department or agency of the U.S. government may procure or enter into any contract for the procurement of any goods, technology, or services from these foreign persons, except to the extent that the Secretary of State otherwise may determine;

2. No department or agency of the U.S. government may provide any assistance to these foreign persons, and these persons shall not be eligible to participate in any assistance program of the U.S. government, except to the extent that the Secretary of State otherwise may determine;

3. No U.S. government sales to these foreign persons of any item on the United States Munitions List are permitted, and all sales to these persons of any defense articles, defense services, or design and construction services under the Arms Export Control Act are terminated; and

4. No new individual licenses shall be granted for the transfer to these foreign persons of items the export of which is controlled under the Export Control Reform Act of 2018 or the Export Administration Regulations, and any existing such licenses are suspended.

These measures shall be implemented by the responsible departments and agencies of the U.S. government and will remain in place for two years from the effective date, except to the extent that the Secretary of State may subsequently determine otherwise. These measures are independent of and in addition to any other sanctions

imposed on such entities and/or individuals by other federal agencies under separate legal authorities.

Christopher T. Yeaw,

Assistant Secretary of State for Arms Control and Nonproliferation, U.S. Department of State.

[FR Doc. 2026–01593 Filed 1–26–26; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2025–5632; Summary Notice No. 2026–01]

Petition for Exemption; Summary of Petition Received; Grant Aviation, 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–2025–5632 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: Mickenzie Roby, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202–267–9677.

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–2025–5632.
Petitioner: Grant Aviation, Inc.
Section(s) of 14 CFR Affected: § 135.297(b).
Description of Relief Sought: Grant Aviation, Inc., petitions the FAA for an exemption from 14 CFR 135.297(b) to allow the substitution of an Area Navigation (RNAV) approach with Localizer Performance with Vertical Guidance (LPV) minima for the Instrument Landing System (ILS) precision approach procedure required by the rule. It would allow a Grant Aviation pilot, who has demonstrated proficiency in the RNAV approach with LPV minima, to be considered proficient in performing an ILS precision approach within the six-month period prescribed by the rule.

[FR Doc. 2026–01606 Filed 1–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–5436]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Reduction of Fuel Tank Flammability on Transport Category Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. The current Fuel Tank Flammability Safety rule 25.981 requires the Design Approval Holder (DAH) to report to the FAA on the component reliability of the fuel tank flammability reduction means. DAH as specified in AC 25.981–2A is the holder of any design approval, including type certificate, amended type certificate, supplemental type certificate, amended supplemental type certificate, Parts Manufacturer Approval (PMA), Technical Standard Order (TSO) authorization, letter of TSO design approval, and field approvals. As the transport aircraft fleet continues to fly longer than expected and component reliability may be affected or degraded, the data collection is needed on an on-going basis to ensure the aircraft fuel tank safety level continues to meet the predicted reliability at the time of certification. This collection of information supports the FAA's Safety Management System (SMS) safety goal and by proactively identifying hazards and mitigating risks before incidents occur.

DATES: Written comments should be submitted by March 30, 2026.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: AIR Directives Management Officer, FAA Directives and Forms, Fort Worth, Texas, by email at: *9-avs-air-directives-management-officer@faa.gov;* phone: 817–222–5332/5220

FOR FURTHER INFORMATION CONTACT: Phil Dang by email at: *Philip.M.Dang@faa.gov;* phone: 206–231–3442.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0710.

Title: Reduction of Fuel Tank Flammability on Transport Category Airplanes.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: This is a **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information for OMB Control Number 2120–0710. In accordance with 14 CFR 25.981(b)(2) *Fuel tank explosion prevention* and Part 25 Appendix M25.5 *Fuel Tank System Flammability Reduction Means (FRM),* the effects of aircraft component failures on the FRM reliability must be assessed on an on-going basis. All Design Approval Holders (DAH) as specified in AC 25.981–2A such as Type Certificate (TC) holders and Parts Manufacturer Approval (PMA) holders must submit component reliability reports and flammability analysis documentation to demonstrate to their FAA Oversight Office and/or Certificate Management Office that they are compliant with the Fuel Tank Flammability Safety rule (73 FR 42443). Semi-annual reports submitted by DAH provide listings of component failures discovered during scheduled or unscheduled maintenance so that the reliability of the flammability reduction means can be verified by the FAA.

Respondents: Approximately twenty Design approval holders.

Frequency: Every 6 months or 2 reports per year.

Estimated Average Burden per Response: 40 hours each report.

Estimated Total Annual Burden: 1,600 hours.

Issued in Kansas City, Missouri, on January 23rd, 2026.

Patrick R. Mullen,

Technical Policy Branch Manager, AIR–620, Policy & Standards Division, AIR–600, Aircraft Certification Service.

[FR Doc. 2026–01535 Filed 1–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0067]

Request for Comments of a Previously Approved Information Collection: Determination of Fair and Reasonable Rates for Carriage of Agriculture Cargoes on U.S. Commercial Vessels—46 CFR 382

AGENCY: Maritime Administration (MARAD), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) summarized below is being forwarded to the Office of Management and Budget (OMB) for review and comment. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published by MARAD on November 28, 2025.

DATES: Comments must be submitted on or before February 26, 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: Albert L. Bratton III, (202) 366–5769, Office of Business Finance, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Determination of Fair and Reasonable Rates for Carriage of Agriculture Cargoes on U.S. Commercial Vessels—46 CFR 382.

OMB Control Number: 2133–0514.

Type of Request: Extension without change of a previously approved information collection.

Abstract: This collection requires U.S.-flag commercial vessel owners and operators to submit both operating and capital costs to MARAD annually.

Respondents: U.S. citizens who own and operate U.S.-flag vessels.

Affected Public: Business or other for profit.

Estimated Number of Respondents: 22.

Total Estimated Number of Responses: 26.

Estimated Hours per Response: 1–10 hours.

Total Estimated Number of Annual Burden Hours: 134.

Frequency of Collection: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–01583 Filed 1–26–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2026–0068]

Request for Comments on the Renewal of a Previously Approved Information Collection: Mariner Cadet Training-Agreements, Compliance Reporting, and Audits

AGENCY: Maritime Administration (MARAD), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: MARAD invites public comments on our intention to request the Office of Management and Budget (OMB) approval for a currently approved emergency information collection. Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collection of information, including extensions and reinstatements of previously approved collections. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on November 28, 2025.

DATES: Comments must be submitted on or before February 26, 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: Jennifer Pralgo, 202–309–7187, Office of Cadet Training At-Sea Safety (MAR–660), Maritime Administration, 1200

New Jersey Avenue SE, Washington, DC 20590, email: *jennifer.pralgo@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Mariner Cadet Training-Agreements, Compliance Reporting, and Audits.

OMB Control Number: 2133–0553.

Type of Request: Extension of a currently approved collection.

Abstract: In accordance with its delegation of authority at 49 CFR 1.93(a), and pursuant to 46 U.S.C. 50101(a)(4), MARAD is charged with ensuring that the United States Merchant Marine is manned with trained and efficient citizen personnel. Furthermore, 46 U.S.C. 51322 requires MARAD to protect cadet mariners from sexual assault onboard vessels, establish sexual assault policy, and conduct random and targeted unannounced checks of commercial vessels. MARAD must obtain information from commercial vessel operators to meet its statutory objectives of setting sexual assault policy and monitoring compliance, which are essential to its mission of ensuring a well-trained U.S. Merchant Marine. MARAD uses information compiled through this collection to confirm acceptance of sexual assault policies by commercial vessel operators. This collection also establishes a process to oversee and monitor continued sexual assault policy compliance through reporting and auditing of commercial vessel operators, during initial enrollment and subsequent Sea Years.

Respondents: Commercial vessel operators employing United States Merchant Marine cadets onboard their vessels.

Affected Public: Individuals and households.

Estimated Number of Respondents: 75.

Estimated Number of Responses: 1.

Estimated Hours per Response: .25 to 6 hours.

Annual Estimated Total Annual Burden Hours: 108.75.

Frequency of Response: Once annually and/or following incident of a sexual assault or harassment.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–01582 Filed 1–26–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Dividends and Distributions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments. Request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before March 30, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB Number: 1545–0110 subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Marcus W. McCrary.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Dividends and Distributions.

OMB Control Number: 1545–0110.

Regulation Project Number: Form 1099–DIV.

Abstract: Form 1099–DIV is used by the IRS to ensure that dividends are properly reported as required by Internal Revenue Code section 6402, that liquidation distributions are correctly reported as required by Internal Revenue Code section 6403, and to determine whether payees are correctly reporting their income.

Current Actions: There are no changes to the existing collection. However, the estimated number of responses has been updated based on current filing data.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit groups.

Estimated Number of Respondents: 110,115,626.

Estimated Time per Respondent: 28 minutes.

Estimated Total Annual Burden Hours: 51,754,344.

Dated: January 22, 2026.

Marcus W. McCrary,

Tax Analyst.

[FR Doc. 2026–01485 Filed 1–26–26; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Special Rules for Long-Term Contracts Under Section 460

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before March 30, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB Control No. 1545–1732'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Jason Schoonmaker, (801) 620–6008.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Special Rules for Long-Term Contracts Under Section 460.

OMB Control Number: 1545–1732.

Regulation Project Number: 8775, 8929, 8995, and 9137.

Abstract: IRC section 460 generally provides rules that requires taxpayers to determine taxable income from a long-term contract using the percentage-of-completion (PCM) method and pay, or be entitled to receive, interest computed using the look-back method.

TD 8775 added Treasury Regulations section 1.460–6(j), providing taxpayers with the requirements to make an election not to apply the look-back method to long-term contracts in de minimis cases.

TD 8929 added Treasury Regulations section 1.460–1(e)(4), requiring taxpayers to attach a statement with specific information to their income tax return if they sever an agreement or aggregate two or more agreements during the taxable year.

TD 8995, as amended by TD 9137, added Treasury Regulations section 1.460–6(g)(3)(ii)(D) providing rules concerning a mid-contract change in taxpayer of a contract accounted for under a long-term contract method of accounting. The regulation requires the previous taxpayer to provide specific information to the new taxpayer to help the new taxpayer apply the look-back method when the income from a long-term contract has been previously reported by another taxpayer.

Current Actions: There is a change to the existing collection. The estimated burden for trusts and estates filing Form 8697 has been removed from this control number, as it is approved under OMB control number 1545–0092.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals and households, and business or other for-profit organizations.

Estimated Number of Responses: 75,000.

Estimated Time per Response: 21 minutes.

Estimated Total Annual Burden Hours: 26,500.

Dated: January 23, 2026.

Jason M. Schoonmaker,

Tax Analyst.

[FR Doc. 2026–01621 Filed 1–26–26; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Occupational Tax and Registration Return for Wagering

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before March 30, 2026 to be assured of consideration

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB control number 1545–0236'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Marcus W. McCrary, (470) 769–2001.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Occupational Tax and Registration Return for Wagering.

OMB Control Number: 1545–0236.

Form Number: 11–C.

Abstract: Form 11–C is used to register persons accepting wagers (IRC section 4412). IRS uses this form to register the respondent, collect the annual stamp tax (IRC section 4411), and to verify that the tax on wagers is reported on Form 730.

Current Actions: There are no changes to the existing collection. However, the estimated number of responses has been updated based on current filing data.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 3,900.

Estimated Time per Respondent: 7 hours, 2 minutes.

Estimated Total Annual Burden Hours: 27,534.

Dated: January 23, 2026.

Marcus W. McCrary,

Tax Analyst.

[FR Doc. 2026–01564 Filed 1–26–26; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; U.S. Employment Tax Returns and Related Forms, Schedules, Attachments, and Published Guidance

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information collection requests 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. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before February 26, 2026 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: U.S. Employment Tax Returns and Related Forms, Schedules, Attachments, and Published Guidance.

OMB Control Number: 1545–0029.

Type of Request: Revision of a currently approved collection.

Description: These forms, schedules, and attachments are used by employers to report their employment tax-related activity. This information collection covers the burden associated with preparing and submitting employment tax returns and related forms, schedules, and attachments, and complying with published guidance.

Current Actions: There have been changes in regulatory guidance related to various forms approved under this approval package during the past year. There have been additions and removals of forms included in this approval package. This approval package is being submitted for renewal purposes.

Forms: CT–1, CT–1X, CT–2, SS–8, W–2, W–2 AS, W–2 C, W–2 GU, W–2 VI, W–3, W–3 (PR), W–3 C, W–3 C (PR), W–3 SS, 940, 940 SCH A, 940 SCH R, 941, 941 SCH B, 941 SCH D, 941 SCH R, 941 X, 943, 943 A, 943 SCH R, 943 X, 944, 944 X, 945, 945 A, 945 X, 2032, 2678, 8027, 8027 T, 8453 EMP, 8850, 8879 EMP, 8922, 8952, 8974 and all related forms, schedules, and attachments.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 7,254,000.

Frequency of Response: Employers.

Estimated Total Number of Annual Responses: 7,254,000.

Estimated Time per Response: 61 hours 21 minutes.

Estimated Total Annual Burden Hours: 445,000,000.

Estimated Monetized Time ($): 15,220,000,000.

Estimated Out-of-Pocket Costs ($): 19,570,000,000.

Estimated Total Monetized Burden ($): 34,790,000,000.

Note: Total Monetized Burden = Monetized Time + Out-of-Pocket Costs.

Tax Compliance Burden

Tax compliance burden is defined as the time and money taxpayers spend to comply with their tax filing responsibilities. Time-related activities include recordkeeping, tax planning, gathering tax materials, learning about the law, and completing and submitting the return. Out-of-pocket costs include expenses such as purchasing tax software, paying a third-party preparer, and printing and postage. Tax compliance burden does not include a taxpayer's tax liability, economic inefficiencies caused by sub-optimal choices related to tax deductions or credits, or psychological costs.

BURDEN ESTIMATES FOR U.S. EMPLOYMENT TAX RETURNS AND RELATED FORMS, SCHEDULES, ATTACHMENTS, AND PUBLISHED GUIDANCE

	Fiscal year 2026				
	Fiscal year 2025	Program change due to technical adjustment	Program change due to legislative adjustment	Program change due to agency adjustment	Fiscal year 2026
Number of Respondents	7,408,820	(154,820)	0	0	7,254,000
Time (Hours)	470,000,000	(25,000,000)	0	0	445,000,000
Monetized Time	$15,420,000,000	($200,000,000)	$0	$0	$15,220,000,000
Out-of-Pocket Costs	$19,870,000,000	($300,000,000)	$0	$0	$19,570,000,000
Total Monetized Burden*	$35,290,000,000	($500,000,000)	$0	$0	$34,790,000,000

Source: IRS:RAAS:KDA:BRDN (10–1–2025).

* Total Monetized Burden = Monetized Time + Out-of-Pocket Costs.

Note: Reported time and cost burdens are national averages and do not necessarily reflect a ''typical'' case. Most taxpayers experience lower than average burden, with taxpayer burden varying considerably by taxpayer type.

Authority: 44 U.S.C. 3501 et seq.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2026–01592 Filed 1–26–26; 8:45 am]

BILLING CODE 4830–01–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meetings

TIME AND DATE: January 29, 2026, 9:30 a.m.-2:30 p.m., Eastern time.

PLACE: This meeting will be held at 529 14th Street NW, Suite 1280, Washington, DC 20045.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Governance

Task Force (the ''Task Force'') will conduct a meeting to continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

I. Call to Order—UCR Plan Governance Task Force Chair

The UCR Governance Task Force Chair will welcome attendees, call the meeting to order, call roll for the task force, confirm whether a quorum is present, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify the publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by the subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Task Force Agenda and Setting of Ground Rules—

UCR Plan Governance Task Force Chair

For Discussion and Possible Task Force Action

The Governance Task Force Agenda will be reviewed, and the Task Force will consider adoption.

Ground Rules

➢Task Force action only to be taken in designated areas on agenda.

IV. Approval of Minutes of the November 20, 2025, Task Force Meeting—UCR Governance Task Force Chair

For Discussion and Possible Task Force Action

Draft Minutes from the November 20, 2025, UCR Task Force meeting will be reviewed. The Task Force will consider action to approve.

V. Discussion of Financial Audit and Motor Carrier Regulatory Review Requirements—UCR Governance Task Force Chair

The UCR Governance Task Force Chair will lead a discussion of financial audit and motor carrier regulatory review requirements.

VI. Discussion of Certain Revisions to the UCR Agreement—UCR Governance Task Force Chair

The UCR Governance Task Force Chair will lead a discussion on possible revisions to the UCR Agreement.

VII. Other Business—UCR Plan Governance Task Force Chair

The UCR Plan Governance Task Force Chair will call for any other business, old or new, from the floor, including items from the previous Task Force meeting.

VIII. Adjournment—UCR Plan Governance Task Force Chair

The UCR Plan Governance Task Force Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, January 21, 2026 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2026–01595 Filed 1–23–26; 4:15 pm]

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Federal Register

Vol. 91, No. 17

Tuesday, January 27, 2026

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CFR PARTS AFFECTED DURING JANUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws T1.**

Last List January 22, 2026

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