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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 11

[Docket No. APHIS–2022–0004]

RIN 0579–AE70

Horse Protection Amendments; Further Postponement of Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; further delay of effective date.

SUMMARY: On May 8, 2024, we published a final rule amending the horse protection regulations. The provisions of the final rule, initially scheduled to go into effect on February 1, 2025, were delayed until April 2, 2025. On March 21, 2025, we published a further delay of the effective date to February 1, 2026, and a request for comment on whether the length of the postponement should be extended. In this document, based on intervening developments since the issuance of the March 21, 2025 delay of effective date, we are further delaying the effective date of the provisions effective February 1, 2026, to December 31, 2026.

DATES: As of January 28, 2026, the amendments to 9 CFR 11.1 through 11.18 effective February 1, 2025, (89 FR 39194), delayed until April 2, 2025, (90 FR 8253), and further delayed until February 1, 2026 (90 FR 13273), are further delayed until December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Jones, Acting Animal Care Chief of Staff, 2150 Centre Ave. Bldg. B, Mailstop 3W11, Fort Collins, CO 80526; (970) 494–7478.

SUPPLEMENTARY INFORMATION:

Background

Under the Horse Protection Act (HPA), or the Act, 15 U.S.C. 1821 *et seq.*), the

Secretary of Agriculture is authorized to promulgate regulations to prohibit the movement, showing, exhibition, or sale of sore horses. The Secretary has delegated responsibility for administering the Act to the Administrator of the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS). Within APHIS, the responsibility for administering the Act has been delegated to the Deputy Administrator for Animal Care. Regulations and standards established under the Act are contained in 9 CFR part 11 (referred to below as the Horse Protection regulations or just the regulations), and 9 CFR part 12 lists the rules of practice governing administrative proceedings.

On May 8, 2024, APHIS published in the *Federal Register* (89 FR 39194–39251, APHIS–2022–0004),¹ a final rule titled “Horse Protection Amendments” (2024 Horse Protection final rule) that was to be effective on February 1, 2025, except for § 11.19, which had an effective date of June 7, 2024.

On January 28, 2025, APHIS published in the *Federal Register* (90 FR 8253–8254, APHIS–2022–0004),² a postponement of the regulations in the 2024 Horse Protection final rule, delaying the effective date of all provisions other than those in § 11.19 until April 2, 2025.

In the postponement, we noted that, on July 1, 2024, a complaint was filed in the U.S. District Court for the Northern District of Texas and amended on September 23, 2024.³ The amended complaint alleged, in part, that the 2024 Horse Protection final rule exceeded APHIS's statutory authority and would have a significant economic impact on the Tennessee Walking Horse industry altogether. The amended complaint requested vacatur of the final rule. The parties completed briefing on their cross motions for summary judgment on December 20, 2024.

In the postponement, we explained that we were taking the action pursuant to section 705 of the Administrative

Procedure Act to temporarily preserve the regulatory status quo during the pendency of the litigation.

On January 31, 2025, the U.S. District Court for the Northern District of Texas issued its decision. The Court held that APHIS had exceeded its statutory authority in the 2024 Horse Protection final rule by issuing a blanket prohibition of the use of pads, action devices, and substances on Tennessee Walking Horses and racking horses; that a Dermatologic Conditions Indicative of Soring provision intended to replace the “scar rule”⁴ failed to provide adequate due process; and that the rule's pre- and post-deprivation reviews failed to provide adequate due process. In the order, the Court vacated the above provisions, found in §§ 11.5, 11.6(c), 11.7, and 11.8(h) of the 2024 Horse Protection final rule. However, the Court held that the final rule's replacement of the Designated Qualified Persons (DQP) program with Horse Protection Inspectors (HPIs) does not constitute an excess of statutory authority and is otherwise in compliance with the law.

With many of the provisions in the 2024 Horse Protection final rule vacated, the final rule now only amends a patchwork of several portions of the existing regulations. The final rule, as partially upheld by the district court, removes the requirement that DQPs be trained and licensed by horse industry organizations (HIOs) and removes the term DQPs from the regulations. In its place, the final rule specifies that APHIS will authorize HPIs, preferably licensed veterinarians, after screening them for potential conflicts of interest and conducting training. After the effective date of the other provisions of the final rule, management may use HPIs, not DQPs, to identify horses which are sore or otherwise inspect horses for compliance with the Act or regulations. Any DQPs seeking to continue inspecting or other persons wishing to become inspectors after the effective date of the final rule must apply to

¹ To view the final rule, go to <https://www.regulations.gov/document/APHIS-2022-0004-8793>.

² To view the postponement, go to <https://www.regulations.gov/document/APHIS-2022-0004-8797>.

³ *The Tennessee Walking Horse National Celebration Association, et al. v. United States Department of Agriculture, et al.*, 2:24-cv-00143 (N.D. Tex.).

⁴ Under § 11.3, “Scar rule,” horses that do not meet the scar rule criteria are considered to be sore and are subject to all prohibitions of the Act. Paragraph (a) of § 11.3 states the “anterior and anterior-lateral surfaces of the fore pasterns (extensor surface)” are required to “be free of bilateral granulomas, other bilateral pathological evidence of inflammation, and, other bilateral evidence of abuse indicative of soring including, but not limited to, excessive loss of hair.”

APHIS to become an HPI and meet the eligibility qualifications for authorization included in § 11.19. While the requirements in § 11.19 for training and authorizing HPis became effective June 7, 2024, the requirement in § 11.18 that management pivot from electing to utilize DQPs to electing to utilize HPis has not yet become effective. The final rule also amends reporting requirements, significantly expanding the number of entities subject to its applicability to include shows, exhibitions, sales and auctions of all breeds of horses, not just Tennessee Walking Horses or racking horses, as well as imposing earlier timeframes for reporting.

Following the Court's decision, on March 21, 2025, APHIS published in the *Federal Register* (90 FR 13273–13276)⁵ a document announcing a further delay of the effective date to February 1, 2026, and a request for comment regarding whether the length of the postponement should be extended. In that document, we explained that postponement would allow APHIS the necessary time to identify appropriate next steps regarding the Horse Protection regulations, including whether the length of the postponement should be further extended. We also stated that allowing the non-vacated portions of the rule to go into effect on April 2, 2025, the previously scheduled effective date, would be untenable for APHIS and disruptive to the industry.

We solicited comments concerning the length of the postponement for 60 days ending May 20, 2025. Specifically, we inquired of the public whether the extended length of postponement provided a sufficient period of time, or whether the delay should be extended further. We also solicited any supplemental information regarding HPA authorities, standards, recordkeeping, or other matters that could help inform a decision regarding the appropriate length of time for postponement.

We received 6,124 comments in response to our request. The comments were from members of Congress; State agricultural agencies and farm bureaus; horse industry organizations; equine veterinarians and veterinary associations; animal welfare advocacy organizations; cattle grower associations; horse owners, trainers, and exhibitors; small business owners, and other interested persons.

Many comments, including substantive comments from the individuals and entities who are subject to the requirements of the Horse Protection regulations, supported further postponement of the 2024 Horse Protection final rule.

Specifically, many commenters asked us to delay the implementation of the 2024 Horse Protection final rule to allow time to carry out their suggestions of reopening the comment period on the final rule, holding listening sessions, and/or initiating a new rulemaking. Numerous commenters suggested that this may be accomplished by January or February 2027.

We are further postponing the 2024 Horse Protection final rule to December 31, 2026 due to events that arose after the close of the comment period on the March 2025 further delay of effective date and request for comment. We discuss these events later in this document. We believe December 31, 2026 will provide APHIS with sufficient time to identify appropriate next steps in light of the new circumstances.

Many commenters suggested that the 2024 Horse Protection final rule never go into effect, and instead urged a withdrawal or rewrite of the rule. These commenters expressed numerous concerns with the final rule and/or the Horse Protection regulations. Concerns included, among others, an insufficient number of trained inspectors; insufficient funding and resources in USDA for inspections; increased costs, especially at small local events; various requests for additional changes to the Horse Protection regulations, including revision to the reporting requirements that now include additional horse breeds and events; and the opinion that the final rule was unworkable as currently written.

As noted above, APHIS believes that further delay until December 31, 2026 is warranted at this time in order to identify appropriate next steps for the 2024 Horse Protection final rule, particularly in light of intervening events that have occurred since the March 2025 further delay was issued. We believe that this will constitute a sufficient amount of time to identify such steps.

Suggestions for additional rulemaking, including withdrawal or rewrite of the 2024 Horse Protection final rule, as well as comments citing problems with the non-vacated portions of the 2024 Horse Protection final rule and the Horse Protection regulations, are outside the scope of our request for comments regarding the length of postponement. However, we may consider them in future rulemaking.

Many other comments, including variations of a single form letter submitted by over 5,000 persons, as well as a letter submitted by an animal advocacy organization supporting the rule with over 87,500 signatories listed, advocated for no further postponement and expressed strong support for the non-vacated provisions of the 2024 Horse Protection final rule.

Many of these commenters stated that further delaying implementation of the HPI program would perpetuate an inadequate inspection model that leaves horses at risk of soring. We understand commenters' concerns and are committed to working to end the practice of soring. However, events that arose since the close of the comment period on the March 2025 delay of effective date and request for comment, which we will discuss later in this document, have led us to believe that further postponement is necessary.

Some commenters stated that APHIS should pursue additional rulemaking that addresses the problems that the provisions vacated by the court were intended to address, in a manner compliant with the court's order.

Suggestions for additional rulemaking are outside the scope of our request for comments regarding the length of postponement. However, we may consider them in future rulemakings.

Commenters also urged us to implement the HPI program immediately because those portions of the final rule have undergone extensive public input, were finalized through a lawful rulemaking process, and have been upheld by the court.

Although we agree that the HPI provisions of the 2024 Horse Protection final rule have undergone extensive public input, were finalized through a lawful rulemaking process, and have been upheld by the court, we disagree that this means the HPI program is immediately implementable. As we explained in the March 2025 further delay of effective date and request for comment, due to the vacatur of the provisions governing prohibited items at shows and criteria for identifying soring, APHIS required time to re-train prospective HPis in accordance with the surviving regulations. Moreover, events that arose after the close of the comment period on the March 2025 delay have complicated our plans for re-training prospective HPis.

On June 30, 2025, a new complaint was filed in the U.S. District Court for the Northern District of Texas⁶ challenging aspects of the existing

⁵ To view the further delay of effective date and request for comment, go to <https://www.regulations.gov/document/APHIS-2022-0004-8798>.

⁶ *Gould, et al. v. United States Department of Agriculture, et al.*, 2:25-cv-00147 (N.D. Tex.).

regulations and associated guidance. Specifically, the complaint challenged USDA's "No-Showback Rule," (*i.e.*, the policy prohibition on horses found sore or otherwise noncompliant with the HPA or regulations from being "shown back" or competing in a subsequent class of the same show), the "scar rule," and the adequacy of the due process protections for custodians of horses that management disqualifies based on USDA inspections conducted in accordance with § 11.4 of the regulations. Plaintiffs sought entry of a preliminary injunction to prevent USDA from enforcing these rules and policies and on August 19, 2025, the Court granted plaintiffs' motion for preliminary injunction as to each named plaintiff.

Although the preliminary injunction of the existing regulations only applies to the plaintiffs in this case (individuals and Tennessee Walking Horse National Celebration Association), it renders implementation of the final rule piecemeal and unmanageable during the pendency of this litigation. As discussed in our March 21, 2025 notice, the most significant non-vacated provisions of the 2024 Horse Protection final rule are the provisions that replace the industry-licensed DQPs with HPIs. The preliminary injunction creates uncertainty regarding the existing "scar rule," which impacts APHIS's ability to develop and train HPIs for the upcoming show season. For example, in March 2025, when we issued the notice further delaying the effective date of the rule, APHIS had trained HPIs based on the provisions in the 2024 Horse Protection final rule. As it stands, APHIS would have to retrain the newly licensed HPIs on the existing regulations (which are, in part, the subject of a preliminary injunction) and may need to further retrain them depending on the outcome of the subsequently filed case, which would result in additional costs and potential confusion.

As noted above, due to the preliminary injunction, APHIS is presently unable to enforce several key provisions of the existing Horse Protection Act regulations with respect to the named plaintiffs (individuals and Tennessee Walking Horse National Celebration Association) and, to be consistent, has chosen not to enforce these same provisions industry-wide. Beyond the additional costs and confusion, APHIS has trained only 17 HPIs to perform HPA-related inspections compared to more than 60 Designated Qualified Persons licensed by Horse Industry Organization to perform HPA inspections, and the

parties in question were trained on the 2024 Horse Protection final rule prior to partial vacatur. Notwithstanding these challenges, in March 2025, when we issued the notice delaying the effective date, the existing regulations had not yet been challenged and could potentially be combined with the non-vacated provisions of the 2024 Horse Protection final rule to establish a functional regulatory framework. This is no longer certain, given the pending litigation.

Beyond this, in November 2025, the House Committee Report that accompanied the Fiscal Year 2026 appropriations package contained notes to APHIS related to the 2024 Horse Protection final rule and, among other things, directed APHIS to withdraw the rule.

Because of the potential impact of the pending case challenging the existing regulations, the U.S. District Court for the Northern District of Texas' vacatur of several key portions of the 2024 Horse Protection final rule, and APHIS's ongoing review of the House Committee Report, we have determined that it is necessary to further postpone the effective date of the 2024 Horse Protection Act final rule to December 31, 2026. For these reasons, we are further postponing the effective date of the portions of the final rule that have not been vacated by the District Court and otherwise would go into effect on February 1, 2026.

APHIS is taking this action, effective immediately, based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). The need for regulatory clarity in this context satisfies the good-cause requirement.

Moreover, this notice further extending the effective date of the non-vacated provisions of the 2024 Horse Protection final rule does not impose any new obligations but rather delays new recordkeeping and reporting requirements for certain horse show and sale managers who do not have such obligations under the existing regulations. Thus, this postponement may be immediately effective under 5 U.S.C. 553(d)(1), because extending the effective date of this final rule would grant an exception or relieve a restriction.

APHIS has also determined that it would be impracticable and contrary to the public interest to provide additional notice and comment on this action to postpone the effective date of the non-vacated provisions of the 2024 Horse Protection final rule to December 31, 2026. It is impracticable because there is not sufficient time to conduct an additional notice-and-comment process between now and February 1, 2026.

Additionally, as stated above, it is not feasible for the agency to implement the non-vacated provisions on February 1, 2026. This is because, due to the pending lawsuit and the uncertainty of how it would affect the regulatory regime, APHIS has not been able to develop training content for HPIs that would enable it to (1) recruit an adequate number of HPIs to provide coverage for the 2026 show season and (2) train the HPIs to detect and diagnose soreing based on stable regulatory requirements. Given these limitations, there are no fully trained and licensed HPIs available to serve as qualified inspectors for show management should they wish to retain them. If the non-vacated provisions of the 2024 rule were to take effect, the new HPI provisions would replace the third-party inspection program currently in place (DQPs and HIOs), thus eliminating the availability of *any* qualified inspectors that show management could retain to evaluate horses for soreness prior to participation in HPA-covered events. This means that, for the first time since 1979, show management would immediately become responsible for determining how it will meet its obligations under the HPA without the availability third-party inspectors licensed through USDA.

Authority: 5 U.S.C. 705; 15 U.S.C. 1823–1825 and 1828; 7 CFR 2.22, 2.80, and 371.7.

Done in Washington, DC, this 23rd day of January 2026.

Dudley Hoskins,

Under Secretary for Marketing and Regulatory Programs, USDA.

[FR Doc. 2026–01648 Filed 1–27–26; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2025–1369]

RIN 3150–AL55

List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042, Amendment No. 5

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the TN Americas LLC, NUHOMS® Extended Optimized

Storage (EOS) Dry Spent Fuel Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 5 to Certificate of Compliance (CoC) No. 1042.

Amendment No. 5 revises the CoC to add a new heat load zone configuration (HLZC) for the EOS-37PTH canister, increasing the maximum heat load to 54 kW per dry shielded canister (DSC) for storage in the EOS-Horizontal Storage Module (HSM) and transfer using EOS-Transfer Casks (TC)125/135; clarifies acceptance criteria for minor surface imperfections on high strength low-alloy (HSLA) basket plates in the Updated Final Safety Analysis Report (UFSAR); and makes editorial updates to the UFSAR and Technical Specification (TS) revisions to align with Amendment No. 4, improve readability, and correct code references.

DATES: This direct final rule is effective April 13, 2026, unless significant adverse comments are received by February 27, 2026. If this direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration of only comments received on or before this date. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

ADDRESSES: Submit your comments, identified by Docket ID NRC-2025-1369, at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, call or email the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

You can read a plain language description of this direct final rule at <https://www.regulations.gov/docket/NRC-2025-1369>. 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: Amy McKenna, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; email: amy.mckenna@nrc.gov.

SUPPLEMENTARY INFORMATION:

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2025-1369 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-2025-1369. Address questions about NRC dockets to Helen Chang, telephone: 301-415-3228, email: Helen.Chang@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 Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, 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.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2025-1369 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. Rulemaking Procedure

The NRC is using the “direct final rule procedure” to issue this amendment because this action represents a limited and routine change to an existing certificate of compliance (CoC) that is expected to be non-controversial and, accordingly, is unlikely to result in significant adverse public comments. Adequate protection of public health and safety continues to be reasonably assured. The amendment to the rule will become effective on April 13, 2026. However, if the NRC receives significant adverse comments on this direct final rule by February 27, 2026, then the NRC will publish a document that withdraws this action and will subsequently address the comments received in a final rule as a response to the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register** or as otherwise appropriate. In general, absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule’s underlying premise or approach, or 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 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.

(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.

(3) The comment causes the NRC to make a change (other than editorial) to the rule, CoC, or TS.

For detailed instructions on filing comments, please see the **ADDRESSES** section of this document.

III. Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended, requires that “[t]he Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.” Section 133 of the Nuclear Waste Policy Act states, in part, that “[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.”

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule that added a new subpart K in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) entitled “General License for Storage of Spent Fuel at Power Reactor Sites” (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled “Approval of Spent Fuel Storage Casks,” which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on March 24, 2017 (82 FR 14987), that approved the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System design and added it to the list of NRC-approved cask designs in § 72.214 as CoC No. 1042.

This rule is limited to the changes contained in Amendment No. 5 to CoC No. 1042 and does not include other aspects of the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System design.

IV. Discussion of Changes

On February 26, 2025, (ADAMS Accession No. ML25057A456), as supplemented on August 28, 2025 (ML25240B483), TN Americas LLC submitted a request to the NRC to amend CoC No. 1042 to make the following changes:

- Addition of a new HLZC for the EOS–37PTH, HLZC 14, which allows an increase in the maximum heat load of the EOS–37PTH to 54 kW per DSC for storage in the EOS–HSM and transfer operations in the EOS–TC125/135. HLZC 14 is only permitted in Basket Type 4HA introduced in Amendment No. 4 to CoC No. 1042 with anodized aluminum. No physical changes are considered for this basket type in this application. An optional support spacer is considered for the flat plate variant of EOS–HSM as described in the application.

- Clarification regarding acceptance criteria for minor surface imperfections on HSLA basket plates within the UFSAR.

- Editorial corrections:
- Revision of Section 2.4.2.1 of the UFSAR has been revised to clarify that the heat load for any single assembly is 4.3 kW for the EOS–37PTH DSC. This is an editorial correction based on HLZC 12 included as part of application for Amendment No. 4 to CoC No. 1042.

- Revision of Note 3 of figure 2–3m (HLZC 13 for the EOS–37PTH DSC) to enhance readability.

- Revision of TS figures 1A and 1J to clarify the location of HLZC 1 and 10 for EOS–37PTH.

- Editorial changes in TS section 4.4.4 to refer to the correct section of ASME code section NB–5520 that relates to qualification requirements.

The changes to the aforementioned documents are identified with revisions bars in the margin of each document.

As documented in the preliminary safety evaluation report, the NRC performed a safety evaluation of the proposed CoC amendment request. The NRC determined that this amendment does not reflect a significant change in design or fabrication of the cask. Specifically, the NRC determined that the design of the cask would continue to maintain confinement, shielding, and criticality control in the event of each evaluated accident condition. In addition, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 5 would remain well within the limits specified by 10 CFR part 20, “Standards for Protection Against Radiation.” Therefore, the NRC found there will be no significant change in the types or

amounts of any effluent released, no significant increase in the individual or cumulative radiation exposure, and no significant increase in the potential for or consequences from radiological accidents.

The NRC determined that the amended TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System cask design, when used under the conditions specified in the CoC, the TS, and the NRC’s regulations, will meet the requirements of 10 CFR part 72; therefore, adequate protection of public health and safety will continue to be reasonably assured. This direct final rule changes the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System listing in § 72.214 by adding Amendment No. 5 to CoC No. 1042. The amendment consists of the changes previously described, as set forth in the referenced CoC and TS. The referenced TS are identified in the preliminary safety evaluation report. When this direct final rule becomes effective, persons who hold a general license under § 72.210 may, consistent with the license conditions under § 72.212, load spent nuclear fuel into TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System casks that meet the criteria of Amendment No. 5 to CoC No. 1042.

V. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC revises the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System design listed in § 72.214, “List of approved spent fuel storage casks.” This action does not constitute the establishment of a standard that contains generally applicable requirements; therefore, the National Technology Transfer and Advancement Act is not applicable.

VI. Agreement State Compatibility

Under the “Agreement State Program Policy Statement” approved by the Commission on October 2, 2017, and published in the **Federal Register** on October 18, 2017 (82 FR 48535), this rule is classified as Compatibility Category NRC—Areas of Exclusive NRC Regulatory Authority. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or the

provisions of 10 CFR chapter I. Therefore, compatibility is not required for program elements in this category.

VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998 (63 FR 31885). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

VIII. Environmental Assessment and Finding of No Significant Impact

Under the National Environmental Policy Act of 1969, as amended, and the NRC’s regulations in 10 CFR part 51, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,” the NRC has determined that this direct final rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has made a finding of no significant impact on the basis of this environmental assessment. This environmental assessment and finding of no significant impact can be tracked with identification number NEPA ID EAXX–429–00–000–1743148474.

A. The Action

The action is to amend § 72.214 to change the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 5 to CoC No. 1042.

B. The Need for the Action

This direct final rule amends the CoC for the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System design within the list of approved spent fuel storage casks to allow power reactor licensees to store spent fuel at reactor sites in casks with the approved modifications under a general license. Specifically, Amendment No. 5 adds a new heat load zone configuration (HLZC 14) for the EOS–37PTH canister, increasing the maximum heat load to 54 kW per DSC for storage in the EOS–HSM and transfer using EOS–TC125/135; clarifies acceptance criteria for minor surface imperfections on HSLA basket plates in the UFSAR; and makes editorial updates to the UFSAR and TS revisions to align with Amendment No.

4, improve readability, and correct code references.

C. Environmental Impacts of the Action

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. The potential environmental impact of using NRC-approved storage casks was analyzed in the environmental assessment for the 1990 final rule. The environmental assessment for this Amendment No. 5 tiers off of the environmental assessment for the July 18, 1990, final rule. Tiering on past environmental assessments is a standard process under the National Environmental Policy Act of 1969, as amended.

The TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System is designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an independent spent fuel storage installation, the type of facility at which a holder of a power reactor operating license would store spent fuel in casks in accordance with 10 CFR part 72, can include tornado winds and tornado-generated missiles, a design basis earthquake, a design basis flood, an accidental cask drop, lightning effects, fire, explosions, and other incidents.

This amendment does not reflect a significant change in design or fabrication of the cask. Because there are no significant design or process changes, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 5 would remain well within the 10 CFR part 20 limits.

The NRC has also determined that the design of the cask as modified by this rule would continue to maintain confinement, shielding, and criticality control in the event of an accident. Therefore, the proposed changes will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or significant revisions in the amounts of any effluent released, no significant increase in the individual or cumulative radiation exposures, and no significant increase in the potential for, or consequences from, radiological accidents. The NRC documented its

safety findings in the preliminary safety evaluation report.

D. Alternative to the Action

The alternative to this action is to deny approval of Amendment No. 5 and not issue the direct final rule. Consequently, any 10 CFR part 72 general licensee that seeks to load spent nuclear fuel into the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System in accordance with the changes described in proposed Amendment No. 5 would have to request an exemption from the requirements of §§ 72.212 and 72.214. Under this alternative, interested licensees would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee. The environmental impacts would be the same as the proposed action.

E. Alternative Use of Resources

Approval of Amendment No. 5 to CoC No. 1042 would result in no irreversible and irretrievable commitments of Federal resources.

F. Agencies and Persons Contacted

No agencies or persons outside the NRC were contacted in connection with the preparation of this environmental assessment.

G. Finding of No Significant Impact

The environmental impacts of the action have been reviewed under the requirements in the National Environmental Policy Act of 1969, as amended, and the NRC’s regulations in subpart A of 10 CFR part 51, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.” Based on the foregoing environmental assessment, the NRC concludes that this direct final rule, “List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042, Amendment No. 5,” will not have a significant effect on the human environment. Therefore, the NRC has determined that an environmental impact statement is not necessary for this direct final rule.

IX. Paperwork Reduction Act Statement

This direct final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the

Office of Management and Budget, approval number 3150–0132.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

X. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this direct final rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only nuclear power plant licensees and TN Americas LLC. These entities do not fall within the scope of the definition of small entities set forth in the Regulatory Flexibility Act or the size standards established by the NRC (§ 2.810).

XI. Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if (1) it notifies the NRC in advance; (2) the spent fuel is stored under the conditions specified in the cask’s CoC; and (3) the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On March 24, 2017 (82 FR 14987), the NRC issued an amendment to 10 CFR part 72 that approved the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System by adding it to the list of NRC-approved cask designs in § 72.214.

On February 26, 2025, as supplemented on August 28, 2025, TN Americas LLC requested that the NRC amend CoC No. 1042 for the NUHOMS®

EOS system submitted a request to amend the NUHOMS® EOS Dry Spent Fuel Storage System as described in section IV, “Discussion of Changes,” of this document.

The alternative to this action is to withhold approval of Amendment No. 5 and to require any 10 CFR part 72 general licensee seeking to load spent nuclear fuel into TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System under the changes described in Amendment No. 5 to request an exemption from the requirements of §§ 72.212 and 72.214. Under this alternative, each interested 10 CFR part 72 licensee would have to prepare, and the NRC would have to review a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee.

Approval of this direct final rule is consistent with previous NRC actions. Further, as documented in the preliminary safety evaluation report and environmental assessment, this direct final rule will have no adverse effect on public health and safety or the environment. This direct final rule has no significant identifiable impact or benefit on other government agencies. Based on this regulatory analysis, the NRC concludes that the requirements of this direct final rule are commensurate with the NRC’s responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory; therefore, this action is justified.

XII. Backfitting and Issue Finality

The NRC has determined that this direct final rule does not constitute backfitting under § 72.62. This direct final rule adds an amendment to CoC No. 1042 for the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, as currently listed in § 72.214. The amendment consists of the changes in Amendment No. 5 previously

described, as set forth in the amended CoC and TS.

Amendment No. 5 to CoC No. 1042 for the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System was initiated by TN Americas LLC and was not submitted in response to new NRC requirements or an NRC request for amendment. CoC holders like TN Americas LLC are not within the scope of the backfit rule in § 72.62 because they do not hold a 10 CFR part 72 license. Additionally, Amendment No. 5 applies only to new casks fabricated and used under Amendment No. 5. These changes do not affect existing users of TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, and the previous amendments continue to be effective for existing users. Although current users of this storage system may comply with the new requirements in Amendment No. 5, this would be a voluntary decision on the part of current users. Therefore, Amendment No. 5 does not meet the definition of backfitting in § 72.62.

For these reasons, Amendment No. 5 to CoC No. 1042 does not constitute backfitting under § 72.62.

XIII. Regulatory Planning and Review

Executive Order (E.O.) 12866, as amended by E.O. 14215, provides that the Office of Information and Regulatory Affairs (OIRA) will determine whether a regulatory action is significant as defined by E.O. 12866 and will review significant regulatory actions. OIRA determined that this direct final rule is not a significant regulatory action under E.O. 12866.

XIV. Congressional Review Act

This direct final rule is not a rule as defined in the Congressional Review Act.

XV. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS accession No./ Federal Register citation
Proposed Certificate of Compliance	
“Proposed Certificate of Compliance No.1042—EOS Amendment No. 5	ML25231A254
Preliminary Safety Evaluation Report	
Preliminary Safety Evaluation Report for Certificate of Compliance No. 1042, Amendment No. 5	ML25231A256
Proposed Technical Specifications for CoC No. 1042, Amendment No. 5 Rev 0	ML25231A255

Document	ADAMS accession No./ Federal Register citation
Other Documents	
Final Rule, List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042,” published March 24, 2017.	82 FR 14987
Final Rule, “Storage of Spent Fuel in NRC-Approved Storage Casks at Power Reactor Sites,” published July 18, 1990	55 FR 29181
Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998	63 FR 31885

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–2025–1369. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder NRC–2025–1369; (2) click the “Subscribe” link; and (3) enter an email address and click on the “Subscribe” link.

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72:

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance No. 1042 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1042.
Initial Certificate Effective Date: June 7, 2017.
Amendment Number 1 Effective Date: June 17, 2020.
Amendment Number 2 Effective Date: October 26, 2021.
Amendment Number 3 Effective Date: July 17, 2023.
Amendment Number 4 Effective Date: October 14, 2025
Amendment Number 5 Effective Date: April 13, 2026.
SAR Submitted by: TN Americas LLC.
SAR Title: Final Safety Analysis Report for the NUHOMS® EOS Dry Spent Fuel Storage System.
Docket Number: 72–1042.
Certificate Expiration Date: June 7, 2037.
Model Number: EOS–37PTH, EOS–89BTH, 61BTH Type 2.
 * * * * *

Dated: January 15, 2026.
 For the Nuclear Regulatory Commission.
Michael King,
Executive Director for Operations.
 [FR Doc. 2026–01647 Filed 1–27–26; 8:45 am]
BILLING CODE 7590–01–P

COMMODITY FUTURES TRADING COMMISSION

**17 CFR Part 23
 RIN 3038–AF38**

Revisions to Business Conduct and Swap Documentation Requirements for Swap Dealers and Major Swap Participants; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Correcting amendment.

SUMMARY: The Commodity Futures Trading Commission (CFTC or Commission) is correcting a final rule

published in the **Federal Register** on December 30, 2025. The final rule amended certain of the Commission’s business conduct and documentation requirements applicable to swap dealers and major swap participants. This correction rectifies a technical error that would otherwise result in the unintended removal of an appendix to the Commission’s regulations that was not meant to be altered by the final rule.

DATES: Effective on January 29, 2026.

FOR FURTHER INFORMATION CONTACT: Jacob Chachkin, Associate Director, 202–418–5496, jchachkin@cftc.gov; or Dina Moussa, Special Counsel, 202–418–5696, dmoussa@cftc.gov, Market Participants Division, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION: On December 30, 2025, the Commission published in the **Federal Register** (90 FR 61226) a final rule (the “Final Rule”) amending certain of the Commission’s business conduct and documentation requirements applicable to swap dealers and major swap participants. The Final Rule is effective January 29, 2026. The amendments consisted chiefly of a revision of the regulatory text of subpart H of 17 CFR part 23 in its entirety (see 90 FR 61252, amendatory instruction 2). There is also an appendix A to subpart H, “Guidance on the Application of §§ 23.434 and 23.440 for Swap Dealers That Make Recommendations to Counterparties or Special Entities.” This appendix has been present in the Commission’s rules from the time that subpart H was added to part 23 in 2012 (see 77 FR 9734, Feb. 17, 2012). The Final Rule was not intended to alter appendix A to subpart H in any way. Accordingly, no reference to appendix A or its contents was included in the amendments to the regulatory text of subpart H or the table of contents thereto, as presented in the Final Rule.

As a technical codification matter, because the Final Rule amendments are presented as revising subpart H as a whole, without an explicit instruction to retain appendix A to the subpart unchanged, the appendix will be

removed from the Code of Federal Regulations (CFR) when the amendments are incorporated. Such an outcome would be unintended and erroneous. The lack of an instruction in the Final Rule specifying that appendix A to subpart H should be retained in the CFR was an inadvertent technical oversight.

To remedy this technical error, this correcting amendment sets forth the contents of appendix A to subpart H of 17 CFR part 23, as they exist currently, prior to the effectiveness of the Final Rule, with an instruction that the appendix be added back to the subpart. Presentation of this correction as an addition of the appendix is necessary due to the technical mechanics of the CFR codification process. Nonetheless, and for the avoidance of doubt, this correcting amendment makes no changes to the contents of appendix A. Because the correcting amendment does not make any changes or otherwise impose any new substantive regulatory requirements, pre-publication public comment period is unnecessary.¹

List of Subjects in 17 CFR Part 23

Reporting and recordkeeping requirements, Swaps, Trading records.

Accordingly, 17 CFR part 23 is corrected by making the following correcting amendment:

PART 23—SWAP DEALERS AND MAJOR SWAP PARTICIPANTS

■ 1. The authority citation for part 23 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 6, 6a, 6b, 6b–1, 6c, 6p, 6r, 6s, 6t, 9, 9a, 12, 12a, 13b, 13c, 16a, 18, 19, 21.

Section 23.160 also issued under 7 U.S.C. 2(i); Sec. 721(b), Pub. L. 111–203, 124 Stat. 1641 (2010).

■ 2. Add appendix A to subpart H to read as follows:

¹ 5 U.S.C. 553(b)(3)(B). Section 553 of the Administrative Procedure Act (“APA”) generally requires an agency to publish notice of a rulemaking in the *Federal Register* and provide an opportunity for public comment. This requirement does not apply, however, if the agency “for good cause finds . . . that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. For the same reason stated above, the Commission finds that there is good cause to make the rule effective on January 29, 2026 pursuant to section 553(d) of the APA, 5 U.S.C. 553(d) (requiring publication of a rule no less than 30 days before its effective date unless the agency finds good cause for making the rule effective sooner).

Appendix A to Subpart H of Part 23—Guidance on the Application of §§ 23.434 and 23.440 for Swap Dealers That Make Recommendations to Counterparties or Special Entities

The following provides guidance on the application of §§ 23.434 and 23.440 to swap dealers that make recommendations to counterparties or Special Entities.

Section 23.434—Recommendations to Counterparties—Institutional Suitability

A swap dealer that recommends a swap or trading strategy involving a swap to a counterparty, other than a swap dealer, major swap participant, security-based swap dealer or major security-based swap participant, must undertake reasonable diligence to understand the potential risks and rewards associated with the recommended swap or trading strategy involving a swap—general suitability (§ 23.434(a)(1))—and have a reasonable basis to believe that the recommended swap or trading strategy involving a swap is suitable for the counterparty—specific suitability (§ 23.434(a)(2)). To satisfy the general suitability obligation, a swap dealer must undertake reasonable diligence that will vary depending on, among other things, the complexity of and risks associated with the swap or swap trading strategy and the swap dealer’s familiarity with the swap or swap trading strategy. At a minimum, a swap dealer’s reasonable diligence must provide it with an understanding of the potential risks and rewards associated with the recommended swap or swap trading strategy.

Recommendation. Whether a communication between a swap dealer and a counterparty is a recommendation will turn on the facts and circumstances of the particular situation. There are, however, certain factors the Commission will consider in reaching such a determination. The facts and circumstances determination of whether a communication is a “recommendation” requires an analysis of the content, context, and presentation of the particular communication or set of communications. The determination of whether a “recommendation” has been made, moreover, is an objective rather than a subjective inquiry. An important factor in this regard is whether, given its content, context, and manner of presentation, a particular communication from a swap dealer to a counterparty reasonably would be viewed as a “call to action,” or suggestion that the counterparty enter into a swap. An analysis of the content, context, and manner of presentation of a communication requires examination of the underlying substantive information transmitted to the counterparty and consideration of any other facts and circumstances, such as any accompanying explanatory message from the swap dealer. Additionally, the more individually tailored the communication to a specific counterparty or a targeted group of counterparties about a swap, group of swaps or trading strategy involving the use of a swap, the greater the likelihood that the communication may be viewed as a “recommendation.”

Safe harbor. A swap dealer may satisfy the safe harbor requirements of § 23.434(b) to

fulfill its counterparty-specific suitability duty under § 23.434(a)(2) if: (1) The swap dealer reasonably determines that the counterparty, or an agent to which the counterparty has delegated decision-making authority, is capable of independently evaluating investment risks with regard to the relevant swap or trading strategy involving a swap; (2) the counterparty or its agent represents in writing that it is exercising independent judgment in evaluating the recommendations of the swap dealer; (3) the swap dealer discloses in writing that it is acting in its capacity as a counterparty and is not undertaking to assess the suitability of the recommendation; and (4) in the case of a counterparty that is a Special Entity, the swap dealer complies with § 23.440 where the recommendation would cause the swap dealer to act as an advisor to a Special Entity within the meaning of § 23.440(a).

To reasonably determine that the counterparty, or an agent to which the counterparty has delegated decision-making authority, is capable of independently evaluating investment risks of a recommendation, the swap dealer can rely on the written representations of the counterparty, as provided in § 23.434(c). Section 23.434(c)(1) provides that a swap dealer will satisfy § 23.434(b)(1)’s requirement with respect to a counterparty other than a Special Entity if it receives representations that the counterparty has complied in good faith with the counterparty’s policies and procedures that are reasonably designed to ensure that the persons responsible for evaluating the recommendation and making trading decisions on behalf of the counterparty are capable of doing so. Section 23.434(c)(2) provides that a swap dealer will satisfy § 23.434(b)(1)’s requirement with respect to a Special Entity if it receives representations that satisfy the terms of § 23.450(d) regarding a Special Entity’s qualified independent representative.

Prong (4) of the safe harbor clarifies that § 23.434’s application is broader than § 23.440—Requirements for Swap Dealers Acting as Advisors to Special Entities. Section 23.434 is triggered when a swap dealer recommends any swap or trading strategy that involves a swap to any counterparty. However, § 23.440 is limited to a swap dealer’s recommendations (1) to a Special Entity (2) of swaps that are tailored to the particular needs or characteristics of the Special Entity. Thus, a swap dealer that recommends a swap to a Special Entity that is tailored to the particular needs or characteristics of the Special Entity may comply with its suitability obligation by satisfying the safe harbor in § 23.434(b); however, the swap dealer must also comply with § 23.440 in such circumstances.

Section 23.440—Requirements for Swap Dealers Acting as Advisors to Special Entities

A swap dealer “acts as an advisor to a Special Entity” under § 23.440 when the swap dealer recommends a swap or trading strategy involving a swap that is tailored to the particular needs or characteristics of the

Special Entity. A swap dealer that “acts as an advisor to a Special Entity” has a duty to make a reasonable determination that a recommendation is in the “best interests” of the Special Entities and must undertake “reasonable efforts” to obtain information necessary to make such a determination.

Whether a swap dealer “acts as an advisor to a Special Entity” will depend on: (1) Whether the swap dealer has made a recommendation to a Special Entity; and (2) whether the recommendation concerns a swap or trading strategy involving a swap that is tailored to the particular needs or characteristics of the Special Entity. To determine whether a communication between a swap dealer and counterparty is a recommendation, the Commission will apply the same factors as under § 23.434, the suitability rule. However, unlike the suitability rule, which covers recommendations regarding any type of swap or trading strategy involving a swap, the “acts as an advisor rule” and “best interests” duty will be triggered only if the recommendation is of a swap or trading strategy involving a swap that is “tailored to the particular needs or characteristics of the Special Entity.”

Whether a swap is tailored to the particular needs or characteristics of the Special Entity will depend on the facts and circumstances. Swaps with terms that are tailored or customized to a specific Special Entity’s needs or objectives, or swaps with terms that are designed for a targeted group of Special Entities that share common characteristics, e.g., school districts, are likely to be viewed as tailored to the particular needs or characteristics of the Special Entity. Generally, however, the Commission would not view a swap that is “made available for trading” on a designated contract market or swap execution facility, as provided in Section 2(h)(8) of the Act, as tailored to the particular needs or characteristics of the Special Entity.

Safe harbor. Under § 23.440(b)(2), when dealing with a Special Entity (including a Special Entity that is an employee benefit plan as defined in § 23.401(c)(3)),¹ a swap dealer will not “act as an advisor to a Special Entity” if: (1) The swap dealer does not express an opinion as to whether the Special Entity should enter into a recommended swap or swap trading strategy that is tailored to the particular needs or characteristics of the Special Entity; (2) the Special Entity represents in writing, in accordance with § 23.402(d), that it will not rely on the swap dealer’s recommendations and will rely on advice from a qualified independent representative within the meaning of § 23.450; and (3) the swap dealer discloses that it is not undertaking to act in the best interests of the Special Entity.

A swap dealer that elects to communicate within the safe harbor to avoid triggering the “best interests” duty must appropriately

¹ The guidance in this appendix regarding the safe harbor to § 23.440 is limited to the safe harbor for any Special Entity under § 23.440(b)(2). A swap dealer may separately comply with the safe harbor under § 23.440(b)(1) for its communications to a Special Entity that is an employee benefit plan as defined in § 23.401(c)(3).

manage its communications. To clarify the type of communications that they will make under the safe harbor, the Commission expects that swap dealers may specifically represent that they will not express an opinion as to whether the Special Entity should enter into a recommended swap or trading strategy, and that for such advice the Special Entity should consult its own advisor. Nothing in the final rule would preclude such a representation from being included in counterparty relationship documentation. However, such a representation would not act as a safe harbor under the rule where, contrary to the representation, the swap dealer does express an opinion to the Special Entity as to whether it should enter into a recommended swap or trading strategy.

If a swap dealer complies with the terms of the safe harbor, the following types of communications would not be subject to the “best interests” duty:² (1) Providing information that is general transaction, financial, educational, or market information; (2) offering a swap or trading strategy involving a swap, including swaps that are tailored to the needs or characteristics of a Special Entity; (3) providing a term sheet, including terms for swaps that are tailored to the needs or characteristics of a Special Entity; (4) responding to a request for a quote from a Special Entity; (5) providing trading ideas for swaps or swap trading strategies, including swaps that are tailored to the needs or characteristics of a Special Entity; and (6) providing marketing materials upon request or on an unsolicited basis about swaps or swap trading strategies, including swaps that are tailored to the needs or characteristics of a Special Entity. This list of communications is not exclusive and should not create a negative implication that other types of communications are subject to a “best interests” duty.

The safe harbor in § 23.440(b)(2) allows a wide range of communications and interactions between swap dealers and Special Entities without invoking the “best interests” duty, including discussions of the advantages or disadvantages of different swaps or trading strategies. The Commission notes, however, that depending on the facts and circumstances, some of the examples on the list could be “recommendations” that would trigger a suitability obligation under § 23.434. However, the Commission has determined that such activities would not, by themselves, prompt the “best interests” duty in § 23.440, provided that the parties comply with the other requirements of § 23.440(b)(2). All of the swap dealer’s communications, however, must be made in a fair and balanced manner based on principles of fair dealing and good faith in compliance with § 23.433.

² Communications on the list that are not within the meaning of the term “acts as an advisor to a Special Entity” are outside the requirements of § 23.440. By including such communications on the list, the Commission does not intend to suggest that they are “recommendations.” Thus, a swap dealer that does not “act as an advisor to a Special Entity” within the meaning of § 23.440(a) is not required to comply with the safe harbor to avoid the “best interests” duty with respect to its communications.

Swap dealers engage in a wide variety of communications with counterparties in the normal course of business, including but not limited to the six types of communications listed above. Whether any particular communication will be deemed to be a “recommendation” within the meaning of §§ 23.434 or 23.440 will depend on the facts and circumstances of the particular communication considered in light of the guidance in this appendix with respect to the meaning of the term “recommendation.” Swap dealers that choose to manage their communications to comply with the safe harbors provided in §§ 23.434 and 23.440 will be able to limit the duty they owe to counterparties, including Special Entities, provided that the parties exchange the appropriate representations.

Issued in Washington, DC, on January 26, 2026, by the Commission.

Christopher Kirkpatrick,
Secretary of the Commission.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix to Revisions to Business Conduct and Swap Documentation Requirements for Swap Dealers and Major Swap Participants; Correction—Commission Voting Summary

On this matter, Chairman Selig voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2026–01712 Filed 1–27–26; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2025–1128]

Special Local Regulations; Marine Events Within the Southeast Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations for the St. Thomas International Regatta from April 2 through 5, 2026, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Southeast Coast Guard District identifies the regulated area for this event in St. Thomas, USVI. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port San Juan.

DATES: The regulations in 33 CFR 100.701 will be enforced for the location

identified in table 1 to § 100.701, paragraph (a), item 2, from 8 a.m. until 4 p.m., each day from April 2, 2026, through April 5, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant Commander Rachel E. Thomas, Sector San Juan, Waterways Management Division Chief, Coast Guard; telephone (571) 613-1417, email Rachel.E.Thomas@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.701 for the St. Thomas International Regatta regulated area daily from 8 a.m. to 4 p.m. on April 2 through April 5, 2026. This action is being taken to provide for the safety of life on navigable waterways during this 4-day event. Our regulation for marine events within the Southeast Coast Guard District, § 100.701, in table 1 to § 100.701, paragraph (a), item 2, specifies the location of the regulated area for the St. Thomas International Regatta which encompasses portions of Jersey Bay, St. James Bay, Great Bay, and Little St. James in St. Thomas, USVI. During the enforcement periods, as reflected in § 100.100(c), entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port San Juan.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and Broadcast Notice to Mariners.

Luis J. Rodríguez,

Captain, U.S. Coast Guard, Captain of the Port Sector San Juan.

[FR Doc. 2026-01686 Filed 1-27-26; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Parts 214, 228, and 261

RIN 0596-AD33

Oil and Gas Resources

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Final rule.

SUMMARY: The U.S. Department of Agriculture (USDA or Department) is finalizing revisions to its regulations governing Federal oil and gas resources within the National Forest System (NFS). The Department is making these revisions to update and modernize its

existing regulations. In addition, conforming technical amendments to other parts of the Code of Federal Regulations (CFR) affected by this rule are also being updated. The regulations revise the process for analyzing whether the USDA, Forest Service will consent to making certain lands available for oil and gas leasing by the Bureau of Land Management (BLM). The regulations also clarify requirements for conducting lease operations and revise procedures concerning monitoring operator compliance with all applicable terms and conditions of leasing. The revised regulations will apply to operations on both existing and future leases.

DATES: This rule is effective February 27, 2026.

ADDRESSES: Supplementary documents prepared in conjunction with the preparation of this rule, including a regulatory impact analysis and environmental assessment, and the public comments received on the rule are available at www.regulations.gov at Docket No. FS-2020-0007.

FOR FURTHER INFORMATION CONTACT: Jeffrey Salow, Solid Leasable Minerals and Geothermal Resource Specialist, Lands, Minerals and Geology at 435-636-3596 or by email at jeffrey.salow@usda.gov. Individuals who are deaf, hard of hearing, or have a speech disability may call 711 to reach the Telecommunications Relay Service and then provide the phone number of the person named as a point of contact for further information.

SUPPLEMENTARY INFORMATION:

Background

The Forest Service (Agency) is revising its Oil and Gas Resources (36 CFR part 228, subpart E) regulations. Acting under established legal authorities, the Forest Service regulates surface disturbing activities conducted pursuant to a Federal oil and gas lease on national forests and grasslands. The existing regulations were first promulgated in 1990, with only a minor modification in 2007. Updating the regulations affords an opportunity to modernize existing procedures to streamline processes and promote efficiency. The Forest Service anticipates that updated interpretive guidance for implementing the final regulations will be developed in 2025 and set out in the Agency's directive system in 2026.

On June 16, 2023, the BLM promulgated a final rule placing the current content of Onshore Order 1, which provided requirements for the approval of oil and gas operations, into its regulations at 43 CFR part 3170,

subpart 3171—Approval of Operations. The Office of the Federal Register had informed the BLM that it could no longer revise the existing Onshore Orders unless the agency codified the Orders in the Code of Federal Regulations. While this action has no substantive effect on this final rule, they do necessitate citation changes where Onshore Order 1 was used in the proposed Forest Service oil and gas rule and removing section 228.102(a) (Issuance of Onshore Orders) as later described under the heading “Section-by-Section Description of the Final Rule Changes from Existing and Proposed Rules.”

This rulemaking applies to only Federal oil and gas resources on lands managed by the National Forest System, and it does not affect nonfederal (such as reserved and outstanding private) oil and gas resources.

The rule will contribute to increasing efficiencies in evaluating and managing surface disturbing activities conducted pursuant to Federal oil and gas leases and will help the Forest Service achieve its strategic goal of delivering benefits to the public. The Agency is revising its existing regulations to clarify internal processes related to evaluating and approving oil and gas leasing operations, clarifying oil and gas operators' responsibility to protect natural resources and the environment, clarifying the Agency's procedures regarding inspections and compliance, and updating material noncompliance procedures to reflect existing Agency practices and better reflect requirements of law. The changes to 36 CFR part 228 require minor conforming changes to regulations at 36 CFR parts 214 (Post Decisional Administrative Review Process for Occupancy or Use of National Forest System Lands and Resources) and 261 (Prohibitions).

The changes finalized in this rule will not materially alter the basic responsibilities of either the Forest Service or oil and gas operators. The changes aim to clarify procedures, reduce redundancy, and promote harmonious interaction with other existing rules. For example, one notable change aims to simplify the administrative process the Agency follows to determine which lands are available for leasing, reduces the amount of time allotted for it to take the Agency to make these decisions while at the same time maintaining all environmental and human health and safety protections of the current rule.

The rule also clarifies the procedures that the Forest Service follows to require an operator to take corrective actions if operations are found to be out of

compliance with the approved surface use plan of operations, including establishing a formal option to refer instances of continued noncompliance to the BLM. The rule would retain operator requirements for emergency abatement when the Agency acts to remedy emergency situations such as fires or spills to which the operator cannot or will not respond. The rule would also revise the Agency's material noncompliance proceedings by streamlining the process and reflecting consequences defined in the Mineral Leasing Act (30 U.S.C. 226(g)). These changes would simplify the compliance process in Agency inspections, resulting in better management and protection of surface resources.

The rule will promote coordination and efficiency between the Forest Service and the BLM. The BLM is the Federal agency primarily responsible for managing federally owned minerals, including minerals underlying lands managed by the Forest Service. The Forest Service and the BLM jointly manage leasing and operations when oil and gas activities involve National Forest System lands, and oftentimes project proponents operate on lands managed by both agencies. Generally speaking, the Secretary of the Interior has the final decision whether to issue oil and gas leases on Federal lands, including National Forest System lands, subject to Forest Service consent.

Congress has long recognized the importance of mineral resources located on lands within the National Forest System and has repeatedly made special provisions for the administration and development of these minerals.

Congress enacted the Mineral Leasing Act of 1920 (30 U.S.C. 181, *et seq.*), directing that the development of Federal oil and gas resources would be subject to a leasing system under the direction of the Department of the Interior. Initially, the Department of Interior did not have to obtain the consent of the Forest Service to issue oil and gas leases on National Forest System lands, but that was changed with the Mineral Leasing Act for Acquired Lands of 1947 (30 U.S.C. 351 *et seq.*) and the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (Pub. L. 100–203, the Reform Act), which directed that the Department of the Interior may not issue any oil and gas lease on National Forest System lands without the “consent of” or “over the objection of” the USDA, respectively. The Mineral Leasing Act for Acquired Lands authorized the Secretary of the Interior to lease oil and gas deposits on acquired National Forest System lands “under the same conditions as

contained in the leasing provisions of the mineral leasing laws” upon obtaining the consent of the Secretary of Agriculture (30 U.S.C. 352). The Act also required the Secretary of the Interior to include in such leases any conditions prescribed by the Secretary of Agriculture to “ensure the adequate utilization of the lands for the primary purposes for which they have been acquired or are being administered.” The 1987 Reform Act also granted the USDA express authority to regulate all surface-disturbing activities conducted pursuant to any oil and gas lease on lands managed by the Forest Service. The Mineral Leasing Act, as amended, also specifies requirements for inspections and compliance, the consequences of noncompliance, and for approvals to operate on National Forest System lands.

In 2005, Congress directed Federal agencies to streamline and reduce timeframes for processing proposals to lease and conduct oil and gas operations on Federal lands. See Energy Policy Act of 2005 (Pub. L. 109–58), subtitle F, sections 361, 362, and 390. The BLM is principally responsible for tracking applications for operations on Federal oil and gas leases and does so through a database called the Automated Fluid Minerals Support System (AFMSS II). The Forest Service has access to AFMSS II to track surface use plans of operations and master surface use plans of operations.

In 2007, the Forest Service and the BLM jointly established coordination procedures for the review and analysis of permits to drill, including the surface use plan of operation portion in Onshore Order 1, now codified as 43 CFR part 3170, subpart 3171.

There are currently 5,154 Federal oil and gas leases covering about 3.8 million acres (about 2 percent) of National Forest System lands. Approximately 2,850 of these leases, covering 1.8 million acres across 39 national forests and grasslands, have producing Federal oil or gas wells; however, the footprint of actual operations comprises a small percentage (less than 10 percent) of that area. Operating on these leases are 2,901 wells, which in 2022 produced over 48 million barrels of oils (1.1 percent of the Nation's total) and over 167 billion cubic feet of natural gas (0.4 percent of the Nation's total). The production was valued at over \$4.5 billion and returned approximately \$565 million in royalties to the U.S. Treasury.

It is in the national interest to promote clean and safe development of our Nation's vast energy resources while preserving the surface resources of

national forests and grasslands. To that end, the Forest Service seeks to facilitate the orderly development of Federal oil and gas resources in an environmentally sound manner. The final regulatory revisions are consistent with those goals.

Advance Notice of Proposed Rulemaking, Proposed Rule, and Public Comment Period

On September 13, 2018, the USDA issued an advance notice of proposed rulemaking (ANPR) in the **Federal Register** (83 FR 46458), inviting public input on key issues regarding the implementation of existing oil and gas regulations and other areas of concern. The public comment period occurred from September 13 to October 15, 2018, and served as the initial scoping period for the environmental analysis. The Forest Service received 91 responses, representing a mix of general opposition and general support for the proposed rulemaking.

Stated reasons for general opposition to the rule include the destruction of national forests and natural resources for financial or political interests; inadequate protection of human and environmental health; adverse impacts on recreation opportunities and tourism; and unsustainable reliance on fossil fuels.

Stated reasons for general support of the rule include the generation of revenue, large existing demands for oil and gas, decreases in regulatory burden on the oil and gas industry, promotion of domestic energy production, the creation of a simplified process leading to quicker leasing decisions, and the elimination of duplication with the BLM.

Public comments received in response to the ANPR can be found on the internet at <http://www.regulations.gov>. Search for Docket ID: FS–2018–0053. Responses to the ANPR were considered during preparation of the proposed rule, which was published on September 1, 2020 (FR Doc. 2020–18518) and opened a 60-day comment period. The public submitted nearly 80,000 comments during the 60-day comment period. Approximately 99.5 percent (79,180) of the comments received were form letters collected by conservation organizations. Only 439 unique, substantive comments or letters were submitted. These comments were from unaffiliated private citizens, State agencies, counties, Alaska Native Corporations, Tribal agencies, oil and gas owners and operators, environmental groups, and business associations.

All the form letters and most of the unique comments expressed opposition

at some level, whether to oil and gas development in general or to oil and gas development on National Forest System lands in particular, or to the proposed revisions to 36 CFR part 228 Subpart E or to the rulemaking process itself.

Supportive comments generally applauded the Forest Service's efforts to improve clarity and efficiency in the leasing analysis and consent decision procedures, reduce redundancies in permitting, improve coordination with the BLM, and update procedures addressing noncompliance situations. Some supportive comments suggested specific edits to regulation text to help improve the efficiency of the process or the clarity of regulatory intent.

A detailed discussion of comments and our responses is contained in the "Summary of and Response to Public Comments" section.

Summary of Final Rule

The final rule's revisions are based on Agency experience implementing existing regulations and are intended to better align these regulations with established joint Forest Service and the BLM Onshore Order 1 (now 43 CFR part 3170, subpart 3171) and improve Agency coordination for implementing the applicable components of the BLM's regulations (43 CFR part 3100).

The rule clarifies and streamlines the processes for identifying National Forest System lands that are available for leasing, while emphasizing an operator's responsibilities for compliance and clarifying management steps that the Forest Service will take when operators do not comply with Forest Service regulations. The rule also better aligns Forest Service regulations with those of the BLM regarding sundry notices and instances of bonding. The rule clarifies the applicability of the existing procedures in 43 CFR part 3170, subpart 3171, by which the BLM and the Forest Service jointly respond to operating proposals.

The rule relocates the contents of section 228.110, *Indemnification*, in the current regulations to section 228.105, *Responsibilities of Operators*, thereby reducing the number of sections by one. The rule also reorders, renumbers, and retitles various sections that would result in the following organization of the regulations:

Section 228.100 Scope and Applicability

Section 228.101 Definitions

Section 228.102 Issuance of Notices to Lessees and Operators

Section 228.103 Leasing Analysis and Consent Decision

Section 228.104 Consideration of Requests To Waive, Except, or Modify Lease Stipulations

Section 228.105 Responsibilities of Operators

Section 228.106 Operator's Submission of Surface Use Plan of Operations

Section 228.107 Review and Approval of Surface Use Plan of Operations

Section 228.108 Sundry Notices

Section 228.109 Bonds

Section 228.110 Temporary Cessation of Operations

Section 228.111 Compliance and Inspection

Section 228.112 Notice of Noncompliance

Section 228.113 Material Noncompliance

Section 228.114 Posting Requirements

Section 228.115 Information Collection Requirements

Section-by-Section Description of the Final Rule Changes From Existing and Proposed Rules

The paragraphs below provide a section-by-section description of the final rule, including a description of changes made from the proposed rule. The "Summary of and Response to Public Comments" section of this preamble provides further explanation for changes that are or are not included in the final rule.

Section 228.100 Scope and Applicability

The final rule does not change language from the proposed rule except for reference to 43 CFR part 3170, subpart 3171 instead of Onshore Order 1. Compared to the existing regulation, the changes or additions to the section serve to improve readability and clarity and provide specific reference to the applicability of the BLM regulations at 43 CFR parts 3160 and 3171.

Section 228.101 Definitions

One definition was revised for the final rule. For the definition of "conditions of approval," the final rule modified language in the proposed definition from "site-specific requirements that may be included with the approval of a surface use plan of operations that may limit or modify the specific activities covered in the plan" to "site-specific requirements shall be included with the approval of a surface use plan of operations where necessary to limit or modify the specific activities covered in the plan." The change is made in response to a public comment that stated the use of "may" implies arbitrary discretion in the application of conditions of approval.

Compared to the existing regulation, the final rule adds the following terms and their definitions to provide functionality to the regulation's text and improve consistency with the BLM terminology: acquired lands; agreement; conditions of approval; consent; infrastructure or facilities; final abandonment notice; lease; master development plan; master surface use plan of operations; material noncompliance; Reasonably Foreseeable Development Scenario; stipulation; sundry notice; and waiver, exception, or modification.

The final rule retains as is or with minor wording changes to improve clarity the following definitions: authorized Forest Service officer; compliance officer; lessee; National Forest System lands; Notices to Lessees and Operators; operations; operator; substantial modification (described in the definition for waiver, exception, or modification); and surface use plan of operations.

The final rule removes the definitions of the following terms because they are redundant, lack applicability to the rule, or do not merit a stand-alone definition due to limited use or no special meaning beyond the plain English usage within the regulation: leasehold; onshore oil and gas order; operating right; operating rights owner; person; transfer; and transferee.

These changes are expected to benefit the regulated community, the Forest Service, and the BLM with a more harmonious set of definitions between the agencies' regulations.

Section 228.102 Issuance of Onshore Orders and Notices to Lessees and Operators

The final rule removes section 228.102(a)—Onshore Oil and Gas Orders and renames the title to *Issuance of Notices to Lessees and Operators*. The use of Onshore Orders has been discontinued based on the advice and recommendations of the Office of the Federal Register to the Department of the Interior and USDA.

Compared to the existing regulation, the final rule moves the content of the existing section 228.102 regarding leasing analysis and decisions to section 228.103. The rule moves the requirements for Notices to Lessees and Operators from section 228.105 in the existing regulations to paragraph (b) of this section. The rule removes the procedure for the Chief of the Forest Service to issue onshore oil and gas orders for the same reasons described above regarding Onshore Orders. The final rule makes editorial changes to the

text for clarity and readability that were included in the proposed rule.

Section 228.103 Leasing Analysis and Consent Decision

The final rule carries forward the same language as the proposed rule for sections 228.103(a) through (d). The final rule removes section 228.103(e) titled *Withdrawing Leasing Consent* and adds a new section 228.103(e) titled *Review of Leasing Consent Decision for Specific Lands*, with the review leading to either a confirmation of the leasing consent decision or a withdrawal of consent (based on new information necessitating further analysis, for example). Additional language directs the Forest Service to provide notification to the BLM with the results of the review confirming the leasing consent decision for specific lands or withdrawing its leasing consent for specific parcels. If the consent is withdrawn, the notification will describe the reasons for the withdrawal and provide an anticipated course of action.

The rule removes reference to the former post-decisional appeal process governing plan and project decisions (36 CFR part 217) because it has been rendered obsolete by subsequent statutory enactments and regulations. The change remedies the outdated reference and provides direction that 36 CFR part 219, subpart B, will operate as the sole process by which the public may file objections concerning the leasing analysis and consent decision.

The final rule streamlines the approach that the Agency follows to identify lands open to leasing and stipulations to protect surface resources on lands open to leasing by establishing that the Forest Service has one decision point, that being consent to leasing made at the completion of the leasing analysis. This approach better aligns the Forest Service leasing availability analysis methods with those followed by the BLM. The rule also clearly states that the Forest Service may withdraw its consent to lease prior to the BLM conducting a lease sale.

The rule removes references to other laws and regulatory requirements, particularly with respect to complying with the National Environmental Policy Act and the Endangered Species Act and their implementing regulations, in favor of letting those laws and regulations speak for themselves and to reduce the likelihood that direction could be confused in the future if other regulations change. While several citations to specific laws and regulations have been removed, the Forest Service and lessees must still

comply with all applicable laws and regulations.

Paragraph (a) of section 228.103 modernizes language regarding scheduling leasing analyses. The existing regulation references scheduling analyses within 6 months of April 20, 1990, and calls for an annual update of the schedule. The rule removes reference to a specific date, emphasizes coordination between national forests and grasslands and the BLM for scheduling, informs the public that the agencies would consider public interest in leasing, and requires an annual update to the schedule. The changes help align the efforts of Forest Service and the BLM with each other and interested parties in conducting leasing analyses.

Paragraph (b) of section 228.103 defines the required components of a leasing consent analysis. The rule maintains the same components of analysis but provides additional direction on cooperation with the BLM, the development of alternatives, and the use of stipulations. These requirements include clarifying how stipulations must be designed to carry out provisions of the Energy Policy Act of 2005 (42 U.S.C. 15922) to ensure that lease stipulations are applied consistently, coordinated between agencies, and are only as restrictive as necessary to protect the resource for which the stipulations are applied. This section incorporates parts of the existing section 228.102(b) and (c). The leasing consent analysis process directs the Forest Service to make a single decision identifying lands on which the Agency would consent to the BLM's offering oil and gas leases for the affected National Forest System lands. The existing regulation directs an administrative review by the Forest Service at the time that specific lands, which have already been subject to an area or forest-wide leasing analysis, are being scheduled for leasing by the BLM. Paragraph 228.103(f) replaces that language as described above.

Paragraph (c) of section 228.103 carries forward the components of a leasing consent decision from the existing regulations but is renamed *Leasing Consent Decision*. The paragraph clarifies that the Forest Service has one decision point in the process and clearly defines the required components of the Forest Service decision: which lands are open to leasing and under what conditions (standard lease terms or added stipulations); and which lands are closed through exercise of management direction, statute, regulation, or

withdrawal EOI's on a regular and recurring basis.

Paragraph (d) clarifies the effect of a leasing consent decision.

Paragraph (e) of the rule codifies the existing practice that the Forest Service could withdraw its consent decision prior to a BLM lease sale.

Paragraph (e) emphasizes any additional environmental analysis to be conducted of the leasing consent analysis decision. Environmental analysis will be consistent with leasing analysis and consent decision and conducted in an expeditious manner.

The addition of paragraph (f) is described above.

Section 228.104 Consideration of Request To Waive, Except or Modify Lease Stipulations

After considering public comment, the language in the final rule is the same as in the proposed rule.

Compared to the existing regulation, the final rule adds direct reference regarding the applicability of procedures in 43 CFR part 3170, subpart 3171 for requesting waivers or exceptions from or modifications to a lease stipulation (see regulation text in section 228.104). The final rule directs the Forest Service to provide notice to the BLM on its determination as to whether to grant or deny a request for a waiver, exception, or modification. The existing regulation directs notification to both the BLM and operator. As the administrator of Federal leases, the appropriate notification to the operator is from the BLM. The final rule removes statements concerning administrative "appeal" regulations that are obsolete in light of subsequent statutory and regulatory changes, and rather than providing redundant regulatory instructions, the final rule will instead rely directly on the Agency's existing administrative review regulations at 36 CFR part 214 and part 218.

The existing regulation requires the Forest Service to consult with other agencies when considering a waiver, exception, or modification to a lease stipulation included at the other agency's request. Examples of instances when this might occur would be if the Forest Service included a stipulation that restricted occupancy in the vicinity of an electrical transmission line operated by a Federal power authority, or a stipulation to protect threatened or endangered wildlife species required by the U.S. Fish and Wildlife Service. The final rule maintains this requirement unchanged from the proposed rule.

Section 228.105 Responsibilities of Operators

After consideration of public comments, three minor changes were made from the proposed rule to the final rule.

First, in section 228.105(a), the phrase “and avoids conflicts with other land uses” was added to the general standard of resource protection. The clause in section 228.105(a)(1)(vii) “. . . as required by the authorized Forest Service officer” was removed as unnecessary in the final rule.

Finally, the text in section 228.105(c) was modified to specify that an operator must allow access to “authorized” Forest Service personnel and remove the restriction that access is only related to inspection purposes.

The final rule moves the content of the existing section 228.105 to section 228.102. The final rule moves the content of the existing section 228.108 to section 228.105 and retitles it as *Responsibilities of Operators*. To improve efficient implementation of the regulations, the final rule generally revises the content to not duplicate requirements in 43 CFR part 3170, subpart 3171; readers are referred to 43 CFR part 3170, subpart 3171, as applicable.

The final rule retains requirements from the existing regulations in paragraphs (g), (i), and (j)(2), places them in paragraph (a), and reorders them for readability. Paragraph (a) of the final rule reinforces existing practices for operators to maximize use of existing roads and utility corridors in planning and constructing new infrastructure and report to the Forest Service any spills, blowouts, fires, or personal injuries that are reported to the BLM under its requirements.

Paragraph (b) of the final rule requires the operator to comply with all other applicable State and Federal statutes and regulations. Paragraph (c) of the final rule requires the operator to allow the Forest Service access to its operations for compliance inspection and other authorized purposes. Paragraph (d) of the final rule informs the operator of existing requirements that it is responsible for obtaining Forest Service permits for uses of National Forest System lands and resources not otherwise included in a surface use plan of operation, most notably for uses outside an operator’s lease area. Paragraph (e) of the final rule maintains the requirement that the operator shall conduct its activities in a manner that avoids the cause, or minimizes the spread, of fire.

The final rule moves section 228.110 in the existing regulation to paragraph (f) of this section and retitles it *Liability*. The final rule maintains the same conditions of liability to the United States for injury, loss, or damage, including fire suppression costs incurred by the government resulting from the operator and all lessees’ activities.

Section 228.106 Operator’s Submission of Surface Use Plan of Operations

No changes were made from the proposed rule to the final rule except for changing reference of Onshore Order 1 to 43 CFR part 3170, subpart 3171. Compared to the existing regulation, the final rule revises language clarifying the applicability of the requirements in 43 CFR part 3170, subpart 3171 when an operator submits a surface use plan of operation and addresses use of master development plans and master surface use plans of operations. The final rule revises paragraph (c) to emphasize the need for operators to include in their applications a description of infrastructure or facilities to the extent known that would be used to support their operations such as pipelines or roads, and whether it would be within the boundaries of a lease or agreement, or outside lease or agreement boundaries. The final rule removes paragraph (d) *Supplemental Plan*, which uses terminology that is inconsistent with the BLM regulations and instead addresses sundry notices in section 228.108.

Section 228.107 Review and Approval of Surface Use Plan of Operations

After consideration of public comments, a change was made from the proposed rule to the final rule. The proposed rule removed the language from 228.107(c) in the existing regulation, which states, “The authorized Forest Service officer shall give public notice of the decision on a surface use plan of operations and include in the notice that the decision is subject to appeal under 36 CFR part 214 or 215.” The final rule inserts language in 228.107(b) expressly addressing when objection and appeal regulations will be available for proposed and final decisions concerning surface use plans of operations. Language has been added in 228.107(b) identifying that the authorized Forest Service officer will provide public notice for the proposed decision on a surface use plan of operation expected to be documented in a decision notice or record of decision (*i.e.*,

environmental assessments and environmental impact statements; not categorical exclusions) and identify that the proposed decision will be subject to the 36 CFR part 218 pre decisional objection process. Additionally, 228.107(e) *Notice of decision* now provides that “The authorized Forest Service officer shall give public notice of the final decision on a surface use plan of operations and identify in the notice that the decision may only be appealed by the applicant under 36 CFR part 214.”

Compared to the existing regulation, the final rule improves references to 43 CFR part 3170, subpart 3171, including the timeframes established in the regulation for Agency response. The final rule removes existing section 228.107(e), which uses terminology that is inconsistent with the BLM’s regulations and instead clarifies sundry notices in section 228.108.

Section 228.108 Sundry Notices

Public comments prompted us to look closely at the language in this section. The final rule makes some minor changes to place language in the correct paragraph and improve clarity.

Compared to the existing regulation, the final rule moves the content of the existing section 228.108 to section 228.105, *Responsibilities of Operators*. The final rule renames this section *Sundry Notices*, replacing references to supplemental plans in sections 228.106 and 228.107 of the existing regulations. This removes language inconsistent with the BLM regulations and aligns the final rule with the BLM’s procedures. New content regarding sundry notices states that the operator must follow the BLM procedures for submitting a sundry notice and that Forest Service approval of a sundry notice is required if the notice proposes surface-disturbing activities. The final rule clarifies that surface-disturbing activities may or may not require additional environmental analysis and may be assessed using any of the mechanisms provided in the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Section 228.109 Bonds

The final rule language remains the same as the proposed rule after consideration of public comments. The final rule maintains the same bond requirement as the existing rule but provides additional instruction to Forest Service managers and operators regarding 43 CFR part 3170, subpart 3171. The final rule makes general clarifications and editorial corrections for readability. The final rule clarifies how the Forest Service will coordinate

with the BLM if an operator chooses to increase its BLM bond to cover additional bonding required by the Forest Service for surface reclamation purposes. The Forest Service's experience in managing Federal oil and gas resources since the existing regulations were promulgated in 1990 indicates that in many cases, the BLM lease bonds are insufficient to support surface reclamation needs if a lessee or operator defaults. Recently, the BLM has updated its regulations concerning bonding requirements for leasing, development, and production to address shortcomings identified in reports by the Government Accountability Office and the Department of the Interior's Office of Inspector General (see 89 FR 30916). The final rule retains language for the Forest Service to exercise its authority under the Mineral Leasing Act to ensure adequate financial assurance is in place to reclaim surface disturbance. The final rule adds language that describes what factors authorized Forest Service officers would consider when determining if BLM lease bonds are adequate. The final rule retains language to the effect that the operator may increase the BLM performance bond or post a separate surface reclamation bond with the Forest Service when the Forest Service determines additional bonding is necessary. The final rule adds paragraph (d) to clarify methods for posting bonds, and paragraph (e) to clarify methods for releasing a Forest Service-held surface reclamation bond.

Section 228.110 Temporary Cessation of Operations

Compared to the proposed rule, the final rule changes language in 228.110(b) *Interim measures* from "The authorized Forest Service officer may require the operator to take reasonable interim reclamation or erosion control measures to protect . . ." to "The authorized Forest Service officer shall require, as necessary, the operator to take reasonable interim reclamation or erosion control measures to protect . . ."

Compared to the existing regulation, the final rule moves the content of the existing section 228.110 to paragraph (f) of section 228.105, *Responsibilities of Operators*, and renames it *Liability*. The final rule places the content from the existing section 228.111 into this section. The final rule also makes editorial clarifications.

Section 228.111 Compliance and Inspection

The final rule language remains the same as the proposed rule. Compared to

the existing regulation, the final rule moves the content of the existing section 228.112, paragraph (c), to section 228.105(b) *Responsibilities of Operators* and simplifies it to reference *Compliance with Other Statutes*. The final rule places the remaining content of the existing section 228.112 into this section. The final rule also reorders and renames the paragraphs in this section and makes editorial corrections to clarify the Agency's responsibility to inspect operations for compliance with the terms of applicable approvals and the regulations in this subpart.

Section 228.112 Notice of Noncompliance

The final rule remains largely the same as the proposed rule for this section. In section (f) *Shut down of operations*, paragraphs (1) and (2) are changed in order. Also, the criteria for lifting a shutdown are simplified to a determination that operations are in compliance with the applicable requirements identified in the notice of noncompliance. The duplicative clause "or that it is no longer likely that any remaining noncompliance is likely to result in danger to public health or safety or in irreparable resource damage" was removed. This second clause is one of the criteria for issuing the shutdown in the first place.

The final rule moves the content of the existing section 228.112 to section 228.111. The final rule also moves the content of the existing section 228.113 to this section. The final rule then reorders, renames, and revises the paragraphs in this section. The final rule streamlines the procedures that the Agency would use to notify an operator of issues concerning noncompliance with the terms of approvals or the regulations in this subpart. The final rule accomplishes the improved efficiency by moving from a two-step process to a one-step process. The final rule clarifies when the Agency would either engage the BLM to act under 43 CFR part 3163, refer a noncompliance action to law enforcement, or refer a noncompliance issue to the Agency's material noncompliance proceedings. The final rule clarifies an operator's opportunity to correct issues of noncompliance and an operator's appeal opportunities. The final rule updates the methods for notifying operators of noncompliance issues by including electronic means of notification.

Section 228.113 Material Noncompliance

Except for paragraph (c) *Notifying the Bureau of Land Management*, the final rule language in this section remains the

same as the proposed rule. In paragraph (c), the language "advising the BLM not to issue a lease or approve the assignment of any lease to an entity the Forest Service has determined to be in material noncompliance" was removed. The final rule simply requires notification to the BLM of our findings. By statute, the BLM administers all questions concerning the ineligibility of an entity to acquire a new lease.

The final rule moves the content of the existing section to section 228.112 and moves the content of section 228.114 to this section. The final rule revises, reorders, and renames the paragraphs in this section. The final rule streamlines the procedures that the Agency would follow when determining if an operator is in material noncompliance with reclamation or other requirements or standards and better reflects the requirements and consequences established in the Mineral Leasing Act. The 1990 procedures in the existing regulation for oil and gas material noncompliance proceedings were designed to be consistent with other debarment procedures that are now defunct, thus prompting the need to revise these procedures.

Section 228.114 Posting Requirements

The Posting Requirements text remains the same from the proposed to final rule. The final rule moves the content of the existing section 228.114 to section 228.113; moves the content of section 228.115 to section 228.114; retitles this section; and revises it to make the timeframes consistent with the timeframes in the BLM's 43 CFR subpart 3171. The final rule also removes internal direction regarding posting decisions, which is addressed in the Agency's regulations for implementing the National Environmental Policy Act.

Section 228.115 Information Collection Requirements

The final rule language is the same as the proposed rule for *Information Collection Requirements*. The final rule moves the content of the existing section 228.116 to section 228.115 and retitles it *Information Collection Requirements*. The final rule includes statements regarding Office of Management and Budget requirements from the existing section 228.116.

Summary of and Response to Public Comments

A summary of substantive comments and Forest Service responses is provided below including descriptions of changes made to the final rule based on the analysis of the comments and other administrative considerations.

Rulemaking Process

1. *Comment:* Commenters stated the rulemaking process should be paused (or the comment period extended) due to COVID-19 pandemic impeding the ability for public participation, and that all open public comment periods and associated leasing and permitting activities are paused during this crisis.

Agency Response: COVID-19 presented challenges to many normal processes. However, the Forest Service declined to extend the public comment period because the proposed revisions are not complex, and do not materially change the existing analyses and decisions related to land use or post-lease permitting. The Forest Service did extend the Tribal consultation period from 120 days to 150 days. Any ongoing leasing and permitting actions are separate and apart from this rulemaking process.

2. *Comment:* Several commenters indicate that the programmatic environmental assessment (EA) associated with the proposed rule does not consider a sufficient range of alternatives, and that additional alternatives capable of meeting the purpose and need should be carried forward for analysis. Likewise, concern is expressed that the purpose and need is defined too narrowly to permit consideration of a reasonable range of alternatives. Comments also express concern that the programmatic environmental assessment does not take a hard look at the environmental and social costs associated with the proposed rule, and that additional evidence is needed to support the assessment's findings, as well as the stated purpose and need. It is stated that the Forest Service should prepare an environmental impact statement for the proposed rule to address these concerns.

Agency Response: A programmatic environmental assessment was prepared to determine whether this rule would have a significant impact on the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). The programmatic environmental assessment describes and analyzes two alternatives: the rule (proposed action) and continuing with the existing regulations (no action). The programmatic environmental assessment found no impacts on any natural or cultural resources and low, but beneficial socioeconomic benefits. The programmatic environmental assessment supports a finding of no significant impact for the rule, and preparation of an environmental impact statement pursuant to the National

Environmental Policy Act is not required.

3. *Comment:* With regard to public involvement, some comments stated that the overall structure and style of the proposed rule reduces the public's ability to meaningfully engage in the rulemaking process. Concern is specifically expressed that this will curtail involvement by affected communities and indigenous people or affect decisions for specific public resources.

Agency Response: The process provided adequate opportunity for meaningful public and Tribal engagement as described in the preceding section titled "Advance Notice of Proposed Rulemaking, Proposed Rule, and Public Comment Period." The proposed revisions are not overly complex, and do not materially change the existing analyses and decisions related to land use or post-lease permitting. Formal consultation and coordination with Indian Tribal governments was conducted as described in the "Regulatory Certifications" section of this preamble.

Agency Organization

4. *Comment:* Concern is expressed that the proposed rule does not address training and funding for Agency staff and programs. As one commenter states, "Creating efficient processes is about more than revising regulations. Without sufficient funding and qualified resource professionals, streamlining regulations is a reaction to symptoms instead of addressing the root causes. Congress and the Administration must address proper funding, to not only ensure healthier forests, but a healthier Forest Service."

Agency Response: The rule does not address training and funding for Agency staff and programs, and any shortcomings in this area are best addressed outside the context of this rulemaking process. Management of Federal oil and gas resources on National Forest System lands does require an adequate number of qualified resource professionals, and the Service does strive to maintain the required staff.

Public Involvement

5. *Comment:* Many commenters viewed the proposed rule's removal of existing references and citations of required laws, such as the National Environmental Policy Act or the Endangered Species Act, in several places as reducing transparency and the ability for public participation in Forest Service decisions on lands available for leasing and approvals of post-leasing

activities. For example, one commenter stated, "I am protesting the new rule that allows speedier approval of oil and gas drilling in national forests. I believe that the new rule unfairly reduces the chance for the public to comment by eliminating much of the existing NEPA process."

Agency Response: The proposed revisions do not affect the level of notifications or public involvement in leasing or post leasing activities. In several places, references or citations to mandatory laws or regulations were removed in favor of letting them speak for themselves and to reduce likelihood that direction could be confused in the future if those laws or regulations change. While several citations to specific laws and regulations have been removed, the Forest Service and lessees must still comply with all applicable laws and regulations.

Protection of Natural and Cultural Resources and Other Land Uses

6. *Comment:* Many comments include statements of general opposition for the proposed rule, as well as for oil and gas activities on National Forest System lands or in general. Stated reasons for resource-specific opposition include adverse consequences to varied biological resources such as ecosystem health or wildlife, inadequate economic benefits and protection of human and environmental health, inappropriate use of public lands, adverse impacts on recreation opportunities and tourism, air and water pollution, decreased carbon sequestration and increased global warming/climate change impacts (including wildfires/fire risk, storms, and sea level rise), traffic, increased noise, and viewshed changes (such as views of natural gas flaring), damage to cultural and Tribal resources, and loss of medicinal plants.

Agency Response: The changes from the existing regulation do not alter the high level of protection of natural and cultural resources and other land uses affected by impacts of oil and gas development. The existing regulation is administrative in nature. It does not make any land use decisions or authorize any on-the-ground activity. The same holds true for the final rule. The rule does not change any processes by which the Forest Service complies with the National Environmental Policy Act, Endangered Species Act, cultural laws, or interagency and Tribal consultations in making decisions on land uses, leasing conditions, or post-leasing surface use decisions. The programmatic environmental assessment and regulatory impact analysis along with the preamble to the

draft rule, are essential components of our open and transparent public review process. A review of the documents demonstrates that the proposed revisions are not highly complex, do not materially change the existing analyses and decisions related to land use or post-lease permitting, have no adverse impacts on any members of the public, and do not alter public ability to participate in these decision-making processes.

Support for the Proposed Revisions

7. *Comment:* Many commenters stated reasons for general support of the proposed rule revisions, including efforts to “reduce the burden of Federal regulations on individuals and businesses, increase efficiency, streamline processes, clarify the rule to reduce confusion and the potential for litigation and promote consistency between agencies all while maintaining health, safety and environmental protections.”

Agency Response: These are the stated reasons why the Forest Service decided to undertake the rulemaking effort. In general, the existing rule does not impose undue burdens on the industry but the Forest Service recognizes the value of providing clarity and improving processes and consistency between agencies.

Proposed Rule Section-by-Section Comments

Section 228.100 Scope and Applicability

8. *Comment:* Support is expressed for language that clarifies the roles of the Forest Service and the BLM in administering mineral leasing on National Forest System lands. Comments also state that the proposed rule should (1) regulate development of split-estate lands (such as nonfederal (reserved and outstanding private)) oil and gas resources, and the opposite (2) ensure that this rulemaking only affects Federal oil and gas resources on land managed by the Forest Service and does not affect nonfederal oil and gas resources.

Agency Response: The existing regulation and final regulation apply only to management of Federal oil and gas resources. The exercise of private oil and gas rights beneath lands managed by the Forest Service occurs under a different umbrella of laws and policy. Attempting to combine the different regimes under one regulation would likely promote inefficiencies and less clarity.

9. *Comment:* For section 228.100(b), one commenter stated, “The Reform act

gives the Secretary of Agriculture authority to regulate all surface-disturbing activities conducted pursuant to a lease and does not specify those activities must be “on the lease” and suggested changing “within such leases” to “pursuant to such leases.” The commenter suggested that surface uses associated with oil and gas activities that are conducted on lands managed by the Forest Service outside a lease or agreement should be covered under one authorization, namely the surface use plan of operations.

Agency Response: As described in section 228.100(c)(3), surface uses outside a Federal lease or agreement are subject to Forest Service special uses authorizations under regulations set forth elsewhere in 36 CFR chapter II, including but not limited to the regulations set forth in 36 CFR part 251, subpart B, and 36 CFR part 261. The Forest Service could not identify any meaningful efficiencies for the Forest Service or industry that would be gained by trying to combine authorizations permitted under different authorities, different Forest Service personnel or offices, or varying from long-standing processes.

Section 228.101 Definitions

10. *Comment:* Comments request that for “conditions of approval,” remove the “may be” or “may” language and instead provide specific, required conditions.

Agency Response: The definition has been adjusted to remove language that may imply arbitrary discretion in application of conditions of approval.

11. *Comment:* One commenter viewed the definition of “consent” as reversing the existing requirement that forest staff make an affirmative decision following any leasing analysis. The commenter interprets the final rule’s definition of “consent” under both the Mineral Leasing Act of 1920 (may not issue a lease “over the objection” of USDA) and the Mineral Leasing Act for Acquired Lands of 1947 (no covered mineral deposit “shall be leased except with the consent” of the agency) as demoting the Forest Service to a weak, secondary role relative to oil and gas leasing on public domain lands. Other commenters stated the definition would eliminate or reduce confusion by the public relative to use of the different terminology. Combining implementation of two separate authorities under one common terminology improves efficiency and reduces complexity.

Agency Response: Regardless of whether a leasing analysis is conducted for reserved public domain or acquired lands, the Forest Service conducts the

same analysis and effectively makes the same decisions: what lands are unavailable for lease, what lands are available, and under what conditions (such as lease stipulations). The “consent” and “does not object” language conveying the Forest Service’s decision to the BLM has the exact same effect. That is made clearer with the “consent” definition in the proposed rule.

12. *Comment:* One commenter recommended the rule include a definition of “reclamation” as the term is used frequently in the proposed rule, but never explicitly defined.

Agency Response: No specific definition has been added for “reclamation.” The agencies, industry and public have a sufficient understanding of its general meaning without providing a more precise definition that could inadvertently overlook or exclude needed flexibility for specific reclamation actions. What constitutes reclamation is determined on a site-by-site case in the “reclamation plan” of a surface use plan of operations, which is also used to evaluate the amount of a reclamation bond.

Section 228.102 Issuance of Onshore Orders and Notices to Lessees and Operators

13. *Comment:* It would seem advisable that if the authorized Forest Service officer issues a specific Notice to Lessees and Operators that that information should also be forwarded to the appropriate BLM office also, usually the jurisdictional State office.

Agency Response: The agency agrees and has adjusted the final rule to ensure proper notifications occur.

Section 228.103 Leasing Analysis and Consent Decision

14. *Comment:* The proposed rule would remove references to other laws and regulatory requirements, particularly with respect to complying with the National Environmental Policy Act and the Endangered Species Act and their implementing regulations, in favor of letting those laws and regulations speak for themselves. By removing information such as this, it weakens the public’s confidence in knowing what the oil and gas industry is doing and to what regulatory measures they are being held.

Agency Response: Reference and citation of mandatory laws were removed in favor of letting those laws and regulations speak for themselves and to reduce likelihood that direction could be confused in the future if other regulations change. While several

citations to specific laws and regulations have been removed, the Forest Service and lessees must still comply with all applicable laws and regulations.

15. *Comment:* In addition to the BLM, one commenter requested that State wildlife agencies also be identified and invited to participate as a cooperating agency in the leasing consent analysis due to special expertise or statutory authorities.

Agency Response: Although State wildlife agencies and other agencies with resource responsibilities are often identified and invited to participate, mandating invitations would not be an appropriate regulatory requirement. The BLM's role as the final authority over oil and gas leasing matters on Federal lands distinguishes their participation and warrants a regulatory requirement to receive an invitation to be a cooperator in the environmental review process. The Forest Service will continue to coordinate and cooperate with other Federal and State agencies as appropriate.

16. *Comment:* One commenter observed that the justification for the change to clarify "how stipulations must be designed to carry out provisions of the Energy Policy Act of 2005" is questionable. Notably, the requirement of the Energy Policy Act of 2005 was for the BLM and Forest Service to enter into memorandums of understanding concerning oil and gas leasing and operations—nothing more. The commenter believes that this requirement has been met and in no way does the Energy Policy Act of 2005 require the Forest Service regulations to incorporate this direction.

Agency Response: Though the commenter is technically correct that the Energy Policy Act does not "require" the Forest Service to include specific language in regulation, the concept that lease stipulations are consistently applied and coordinated between agencies and only as restrictive as necessary to protect the resource or resources for which the stipulations are applied is entirely reasonable and fully protective of resources. USDA has elected to maintain the provision in regulation because it informs Forest Service managers of the need to cooperate and develop stipulations that fully provide necessary protections but avoid restrictions that only serve to make leases less economically attractive.

17. *Comment:* Relating to the "Effect of leasing consent decision," commenters challenged the Forest Service proposed rule that states, "An authorized Forest Service officer's

identification of lands as open to leasing . . . does [not] constitute an irretrievable or irreversible commitment of resources."

Agency Response: The Forest Service consent decision does not necessarily lead to leasing as that decision and action belongs to the BLM. Further, the Forest Service may withdraw its consent at any time prior to a lease sale.

18. *Comments:* On the topic of the proposed rule's removal of language from the existing regulation for "Leasing Decisions for Specific Lands," this proposed change generated the highest number of topic-specific comments—mostly unfavorable. Commenters asserted the Forest Service was eliminating a step requiring environmental review under the NEPA and additional public participation, ceding Forest Service authority to the BLM and placing oil and gas leasing above any environmental considerations. A few commenters stated removing the language would help avoid confusion by the public as to exactly what the current provision was calling for and thus avoid unnecessary legal challenges.

Agency Response: Based on public comment, our attempt to refine and clarify a single Forest Service decision point and avoid confusion was not successful. The draft rule attempted to clarify that the Forest Service would make a single decision identifying available lands for which the Agency would provide consent to the BLM to offering oil and gas leases for sale. The decision was to occur following a forest or area-wide leasing analysis. It is notable that the existing regulation actually uses the word "decision" in the paragraph titled "Leasing decisions for specific lands" (36 CFR 228.102(e)). However, when considering what the existing regulation requires, it is readily apparent that this is not a second, independent decision or Federal action requiring a more detailed analysis, but rather has been regarded as an administrative review verifying that leasing of the specific lands being reviewed has been adequately addressed in a NEPA document and is consistent with the applicable land management plan. The draft rule removed this regulatory text because it duplicates other procedures and regulatory requirements. That is, the Forest Service inevitably sought to assure that NEPA and other Forest Service regulations and policy remained valid at the time specific tracts were included in a lease sale. Removal of the text seemed to create more confusion. As a result, the final rule includes new text titled "Review of Leasing Consent Decision

for Specific Lands" with the review leading to either a confirmation of the leasing consent decision or a withdrawal of consent (based on new information necessitating further analysis, for example). Additional direction was added for the Forest Service to provide notification to the BLM of results of the review confirming the leasing consent decision for specific lands or withdrawing its leasing consent for specific parcels. If the consent is withdrawn, the notification will describe the reasons for the withdrawal and provide an anticipated course of action.

19. *Comments:* Several commenters expressed concern that the Forest Service might withdraw its consent any time prior to a BLM lease sale, with some suggesting there should be a specified timeframe prior to a lease sale citing prospective bidders expending time and money evaluating parcels.

Agency Response: After consideration, the final rule removes section 228.103(e)—*Withdrawing lease consent*. The provision was added to the draft rule with the removal of existing 228.102(e)—*Leasing decision for specific lands* from the draft rule. The time between Forest Service leasing consent and an actual lease sale could be a number of years and conditions could change. A provision of the Forest Service's ability to withdraw its consent for specific parcels was informative to Forest Service and BLM, industry, and the public. The time between a notice from the BLM to the Forest Service that Forest Service parcels are scheduled for a lease sale is typically a month to several months. The Forest Service retains the discretion to withdraw its consent prior to a lease sale.

Section 228.104 Consideration of Requests To Waive, Except, or Modify Lease Stipulations

20. *Comment:* Commenters expressed support allowing the Forest Service discretion to provide waivers, exceptions, or modifications to lease stipulations identified in section 228.104. Governments on Colorado's Western Slope argued in other rulemaking processes, that one size does not fit all, and this will allow the Forest Service to adjust accordingly.

Agency Response: The Department agrees that this longstanding procedure is a valuable tool in oil and gas leasing administration. To ensure adequate protection is maintained, if the activity would cause effects on surface resources not authorized by the currently approved surface use plan of operations, the sundry notice is subject to the same

requirements of sections 228.106 and 228.107.

21. *Comment:* Comments suggested that section 228.103 *Leasing Consent Analysis* should identify the conditions that could lead to a waiver, exception, or modification for each stipulation.

Agency Response: After consideration, it was determined that this section as proposed provides the appropriate criteria for the Forest Service to consider waivers, exceptions, or modifications to lease stipulations, and that speculating on specific conditions for each stipulation during the leasing analysis is not always practical. This section provides a reasonable adaptive management tool.

22. *Comment:* Some commenters expressed concern that waivers, exceptions, or modifications could be approved without analysis and believed the section should explicitly define a public comment period requirement.

Agency Response: Any stipulation contained in a Forest Service lease has undergone full analysis including public participation. The rule defines strict criteria for approval that cannot lower the level of resource protection, including a review of the environmental consequences. Specifically, a Forest Service officer must find the management objectives which led the Forest Service to require the inclusion of the stipulation in the lease can be met if the waiver, exception, or modification is granted. Also, if a lease stipulation was included in a Forest Service lease at the request of another agency, or if another agency has specific jurisdiction over the specific resource, the authorized Forest Service officer must coordinate with that agency prior to approving a waiver, exception, or modification. These provisions provide the necessary protections and a universal requirement for public participation is not included in the final rule.

23. *Comment:* In section 228.104 (d) *Coordination with other agencies*, the Rule specifies that if non-Forest Service agency-proposed stipulations were incorporated into a lease, the Forest Service shall coordinate with the agency prior to approving a waiver, exception, or modification of those stipulations. However, this provision does not require the consent of the agency to modify stipulations. This provision could negate lease stipulations requested by the agency such as seasonal timing restrictions of drilling within big game critical winter range, fawning or calving habitat and the agency would have little recourse to challenge such decisions.

Agency Response: The final regulation does require the consent of such an agency to the waiver, exception, or modification when such consent is independently required by statute or regulation. But even given that, for the stipulation to have been included in the lease at an agency's request suggests a genuine and effective level of cooperation, and the rule requires (for example, Forest Service officer shall coordinate . . .) further coordination as the Forest Service considers the request. However, when an agency does not have statutory or regulatory authority, the regulation recognizes the final decision as being with the Forest Service. Agencies do not have the ability to pursue predecisional objections concerning proposed Forest Service decisions under 36 CFR part 218.

24. *Comment:* A commenter requested that the proposed amendments to section 228.104 be expanded to provide for waivers, exceptions, or modifications of lease stipulations to recognize North Dakota section line rights of way (NDCC 24–07–03) on lands acquired by the United States obtained by deed through purchase or gift, or through condemnation proceedings after North Dakota statehood in 1889.

Agency Response: Development of stipulations during the leasing analysis will conform with the legal obligations of the United States, but state specific matters such as the one raised by the comment are best addressed on a case-by-case basis rather than through these nationwide regulations.

25. *Comment:* A commenter stated the change to only notify the BLM of the Forest Service decision, and not the operator, would limit Forest Service decision making.

Agency Response: Section 228.104(a)(2) clarifies that where the request involves stipulations included in the lease as prescribed by the Forest Service, the BLM must obtain approval from the Forest Service before granting a request for a waiver, exception, or modification. An operator is directed to submit its request to the BLM under 43 CFR part 3170, subpart 3171.24, and the BLM is the final decision maker on the request. The notification to the operator by only the BLM promotes efficiency and does not change Forest Service evaluation of the request or limit its decision-making authority.

Section 228.105 Responsibilities of Operators

26. *Comment:* Consider changing “required” to “approved” so that it reads “. . . as approved by the authorized Forest Service officer.” Based on “Superfund” litigation relative

to phosphate mining in Idaho where the Forest Service required specific reclamation . . . which resulted in a Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) action . . . it was argued that the Forest Service was liable since they “required” the specific reclamation causing the problem. The operator should propose reclamation which would be approved by the Forest Service and thereby limiting potential taxpayer liability.

Agency Response: The clause in section 228.105(a)(1)(vii) “. . . as required by the authorized Forest Service officer” appears to be unnecessary and it has been removed from the final rule.

27. *Comment:* A commenter takes exception to section 228.104(c) which states that the operator must allow Forest Service employees access, for inspection purposes stating that if the Forest Service employee is not certified (Forest Service Manual 2893) and/or does not have proper equipment, the operator may deny access to meet their “safety obligation” as referenced in 228.105(e). The commenter references Occupational Safety and Health Administration requiring personnel on location to wear flame-resistant clothing at specified times and references National Forest System Deputy Chief's letter dated November 15, 2010.

Agency Response: The Department partially agrees. After consideration, the text has been modified to specify that an operator must allow access to “authorized” Forest Service personnel and has removed the restriction that access is only related to inspection purposes. Forest Service personnel may need to be on location for other purposes such as planning new operations. While operators cannot ultimately deny access to authorized Forest Service personnel, conditions that provide for human health and safety should be in place.

28. *Comment:* Another commenter noted that there is no mention of or reference to potential investigations by other enforcement entities including State law enforcement officers or staff being permitted access. This limitation could impede the State's ability to investigate reports or clarify questions concerning wildlife or habitat related issues.

Agency Response: If access by State agencies is required under their own or other authorities, then it is not necessary to include language to that effect in this regulation. The Forest Service is committed to cooperating with State agencies to ensure that operations are conducted in compliance

with all Federal, State, and local laws and regulations.

29. *Comment:* One comment noted language indicating that the operator will “reshape and revegetate areas disturbed by their operations” is not clear what area that constitutes. It appears that the paragraph leaves that decision up to the operator. If the intent is that this refers to the surface use plan of operation, the regulations should so state; if not, then the area(s) should be defined.

Agency Response: After considering the comment, that language in the final rule remains the same as the proposed rule. This accounts for both approved and unapproved disturbance (such as spills that move off a surface use plan of operation’s approved area of disturbance).

30. *Comment:* A commenter recommends this section be further clarified by adding language that directs the operator to conduct activities (or develop best management practices) in a manner that avoids and minimizes effects to all wildlife, regardless of designation. Actions such as identifying opportunities to minimize potential wildlife/vehicle collisions, presence of wildlife on sites due to water or lighting are examples which would also improve site safety for operators and their employees. Further, since Forest Service lands are designated for multiple use, the commenter further recommends language or practices that avoid and/or minimize impacts on public recreation (or access to), namely wildlife related recreation (such as hunting, angling and wildlife watching) as a result of the activities.

Agency Response: The Forest Service prefers language that is inclusive of all natural and cultural resources rather than calling out specific ones, such as wildlife. The words “conflicts with other land uses” has been added to clarify that the Forest Service considers these effects on land management as well as environmental impacts.

Section 228.106 Operator’s Submission of Surface Use Plan of Operations

31. *Comment:* Comments express support for the requirement for operators to include planned infrastructure or facilities in their surface use plan of operations, including those located outside of lease or agreement boundaries.

Agency Response: The Department agrees. Though the permitting authorities are different and remain separate, the requirement serves to facilitate compliance with

environmental laws such as the National Environmental Policy Act.

32. *Comment:* A commenter expressed concern that the proposed rule removes existing subsection (d), which requires a supplemental use plan if an operator wants to do something that is not covered by the currently approved plan. The operator instead is directed to comply with sundry notice requirements in section 228.108 which are simpler. However, the proposed rule specifically states these changes are to prevent inconsistency with the BLM regulations. As addressed above, the mission and statutory mandate of the Forest Service is inconsistent with the BLM’s mission and statutory mandate. Changes should not be made to Forest Service regulations to more align with an agency whose interests and aims are different than its own.

Agency Response: The term “supplemental use plan” in the existing regulations has the same meaning and function as the term “sundry notice” used in 43 CFR part 3170, subpart 3171 and other relevant the BLM regulations and has not been changed.

33. *Comment:* A commenter recommends that language in paragraph (b) be modified to also encourage the operator to coordinate with the State wildlife agency concerning local wildlife activities and wildlife recreation resources and uses. The commenter contends that the State wildlife agencies have the best data and information regarding wildlife and wildlife related recreational activities. Other comments state this section implies that there is no requirement to, nor expectation that, the lessee or operator will base a surface use plan on the best available information from the Forest Service nor any other appropriate Federal or State natural resource management agencies. These comments suggest that “encourage” should be “require” instead.

Agency Response: The Department agrees with the premise that an operator’s coordination with State agencies responsible for wildlife resources, or any resources, is advisable to ensure the best information available is used to develop its surface use plan of operation. The “encourage” language is consistent with 43 CFR part 3170, subpart 3171 and serves as guidance to the operator for their benefit in avoiding unnecessary delays. A Forest Service regulation directing one agency to cooperate with another is not appropriate and the language has not been changed in the final rule. The Forest Service will continue its current practice of coordinating and consulting

with agencies including the sharing of information.

34. *Comment:* A commenter suggested deleting this section since its primary purpose is for implementing Onshore Order 1 and the section should not duplicate or confuse the regulatory requirements of the Order.

Agency Response: The final rule retains this section as it provides direction that is supplemental to 43 CFR part 3170, subpart 3171.

Section 228.107 Review and Approval of Surface Use Plan of Operations

35. *Comment:* Comments express opposition to proposed revisions in section 228.107 that would eliminate requirements that the authorized Forest Service officer give public notice of the Forest Service’s decision on a surface use plan of operations and include in the notice that the decision is subject to appeal. Other commenters viewed the removal of the Forest Service’s notification of decision on the surface use plan of operation as ceding authority to the BLM.

Agency Response: In consideration of the first comment, new language has been added in paragraphs (b) and (e) to the final rule directing the Forest Service officer to give public notice of proposed and final decisions on a surface use plan of operation including the availability of an objection or appeal. The proposed rule in no way diminishes Forest Service’s decision-making role. The regulation at 43 CFR part 3170, subpart 3171 specifically requires Forest Service approval of the surface use plan of operation before the BLM can approve an application for permit to drill. Additionally, the BLM cannot approve an application for permit to drill until any objection or appeal to the Forest Service of its decision on a surface use plan of operation is resolved.

36. *Comment:* A commenter stated that the Forest Service must be able to add additional [lease] stipulations or other environmentally protective measures or requirements at the time of review and approval of surface use plan of operations and master surface use plans of operations. This allows the Forest Service to require up-to-date technology or best management practices that will protect public lands and to incorporate into the plans of operations protection for new sensitive species, locations of species, or sensitive ecosystems that have been found since the stipulations were submitted.

Agency Response: There is no process where the BLM can unilaterally add stipulations to a lease once it is issued; except as provided by the lease itself.

Otherwise, lease holders must agree to an added stipulation. The leasing process provides considerable protection for various resources before, during, and after the surface use plan of operations review and approval process. First, the Forest Service uses the best available information when making leasing decisions. Second, at the time specific tracts are to be offered for lease, the Forest Service conducts an administrative review of the leasing decision. The review ensures that if there is significant new information or a circumstance that requires additional environmental analysis be conducted, or leasing would not be consistent with the applicable land management plan, the leasing consent would be withdrawn. Finally, once a lease is issued, regardless of the lack of a stipulation, the BLM, Forest Service, and operators are still responsible for compliance with the Endangered Species Act, National Historic Preservation Act, among other environmental laws. Compliance with these and other laws may lead to specific actions that an operator would need to take (or not take) in its conduct of operations.

Section 228.108 Sundry Notices

37. *Comment:* Comments state that the proposed rule should provide specific language that (1) addresses what surface-disturbing activities must be considered; and (2) provides provisions requiring protection of these resources, including fisheries, wildlife, and plant habitat, and a requirement that the discovery of possible historical or cultural resources be reported to the Agency (as the current rule does at section 228.108(d)), and requirements for protection of habitat for all federally listed and proposed species, and Forest Service sensitive species and species of conservation concern.

Agency Response: As required by 228.108(a), any activities that would cause effects on surface resources would require the Sundry notice to include a surface use plan of operations that is subject to the same Forest Service review and approval. The second part of the comment has been addressed in other responses to comments, including Comment 36.

38. *Comment:* The proposed rule revises the sundry notices section to grant more authority to the BLM and removes oversight by the Forest Service. Again, the proposed rule changes Forest Service regulations to better align with—or in some instances mirror—the BLM regulations. This grants more authority over the use of forest land to an agency that was not established for

the purpose of preserving the health and quality of forests and wildlife.

Agency Response: The “supplemental use plan” in the existing regulation has the same meaning and function as the term “sundry notice” used in the final rule, 43 CFR part 3170, subpart 3171, and other relevant BLM regulations. The final rule’s change in terminology from “supplemental use plan” to “sundry notice” and the reorganization for a stand-alone section 228.109 *Sundry Notices* do not change the roles and responsibilities of the Forest Service or the BLM.

Section 228.109 Bonds

39. *Comment:* A commenter noted that the bond requirement is covered by Onshore Order 1 and much in this section is “how to” and is more appropriate for a Forest Service Manual or Handbook.

Agency Response: The bonding requirements and procedures in this section are specific to the Forest Service and supplemental to 43 CFR part 3170, subpart 3171 and are responsive to the 1987 Reform Act. No changes have been made to the section from proposed to final rule.

40. *Comment:* Many form letter comments stated that the proposed rule should require bonds to be posted up front and at sufficient value to cover the full cost of reclamation.

Agency Response: The proposed and final regulation adequately provides for both the bond adequacy and posting requirement prior to ground-disturbing activities.

Section 228.110 Temporary Cessation of Operations

41. *Comment:* A commenter suggested that the cessation of operations notification should occur after 30 days, not 45 days, and under (b) the Forest Service must require not “may require” that “interim measures” are implemented to protect public lands.

Agency Response: Operators must notify the Forest Service when it becomes apparent that cessation of operations would last longer than 45 days and that the notification occurs well before operations have actually been ceased for 45 days. The language in paragraph (b) has been modified, changing the “may require” to “shall require as necessary” interim measures to [protect resources] to remove the appearance that the authorize Forest Service officer can make arbitrary decisions regarding protection of resources.

Section 228.111 Compliance and Inspection and Section 228.112 Notice of Noncompliance

42. *Comment:* The Forest Service must maintain a robust inspection and compliance regime to protect our resources from oil and gas pollution on Forest Service lands. This proposed rule substantially absolves both the Forest Service and the oil and gas operators from critical aspects of inspections, compliance, and enforcement. Troublingly, proposed new 36 CFR 228.111 removes the existing law’s (228.112(c)) directive that operators must also comply with laws other agencies administer. These include many major environmental statutes like the Clean Water Act, Clean Air Act, and the Endangered Species Act, as well as cultural protection and oil and gas leasing laws. While removing this section does not change whether operators must still comply, it signals the Forest Service’s intent to help operators who may be noncompliant with other agency statutes.

Agency Response: The Department disagrees with this interpretation. The inspection and compliance protocols in the proposed regulation are clearer, more efficient, and will result in better outcomes. The section has been left largely unchanged from the proposed to final rules. The minor changes that were made are described in the section-by-section discussion of changes from proposed to final rule.

43. *Comment:* Commenters supported that the proposed rule moves notification of noncompliance “from a two-step process to a one-step process” and supported clarifications to an operator’s remedial and appeal rights.

Agency Response: As in our response to the previous comment, the Department expects the inspection and compliance protocols in the proposed regulation will result in better compliance administration.

44. *Comment:* Comments state that the proposed revisions to section 228.112 should not allow operators to request extensions of compliance deadlines when noncompliance results from factors that are within the operator’s control.

Agency Response: Noting that the Forest Service has sole discretion to extend a compliance deadline, the consideration of extension is based on risk of more damage to resources and the logistical ability to correct the noncompliance and not so much on the underlying cause.

45. *Comment:* Comments state that the Forest Service must be in charge of noncompliance cases.

Agency Response: Forest Service plays an important role in noncompliance issues related to surface uses, but the BLM remains the agency that issues and enforces permits.

46. *Comment:* Acknowledging that this is a comment related to the Forest Service Manual or Handbook, a commenter suggested that in addition to a notice of noncompliance, a letter of “appreciation for good compliance” should be used as a positive management tool. If fully compliant operations are noticed and acknowledged, it often leads to an exceeding of “basic compliance.” Bragging rights in the oil patch are a large motivator for marginal operators to improve and compete.

Agency Response: The Department agrees that the concept does not belong in this regulation and notes that the majority of operators on National Forest System lands diligently comply with the applicable laws and regulations and conditions of their permits. At times, operators undertake activities not required of them that serve the public’s interests.

47. *Comment:* Comments state that when noncompliance is likely to result in danger to public health or safety or in irreparable resource damage, operations shall be suspended, and the shut down shall remain in effect until operations are in compliance “or it is unlikely that any remaining noncompliance will result in danger to public health, safety, or irreparable resource damage.” The term “or” suggests that an operator may resume operations without fully coming into compliance with the requirements identified in the notice of noncompliance.

Agency Response: The Department has modified text in the final rule to the effect that operations will remain shut down until the applicable requirements identified in the notice of noncompliance have been achieved.

48. *Comment:* Comments express concern that the proposed rule removes penalties for continued non-compliance and allows for damage without punitive consequences. If operators fail to comply with their surface use plan, the proposed regulation establishes a no-harm-no-foul penalty structure. This structure is devoid of any substantive punitive measure and full of grace for noncompliant operators.

Agency Response: For the very small percentage of noncompliant operators that cannot or will not come into compliance, their continued noncompliance could result in civil and criminal penalties under both the BLM and Forest Service regulations per

paragraphs (e)(1) and (2) referrals. The objectives of avoidance of unnecessary impacts and diligent correction of violations that do occur can be achieved without establishing additional punitive measures.

49. *Comment:* A State agency requested that the State wildlife agency also be notified of noncompliance for matters that have the potential to affect the statutory authority and public trust responsibility to manage wildlife. This could also include noncompliance for matters that have the potential to affect multiple use on Forest Service lands, namely wildlife related recreation (such as hunting, angling, and wildlife watching).

Agency Response: The Forest Service is committed to cooperating with all State agencies to ensure that operations are conducted in compliance with all Federal, State, and local laws and regulations. This cooperation would include engaging State resource specialists when their agencies’ authorities or responsibilities are relevant to oil and gas activities on National Forest System lands. The cooperation often occurs in the form of sharing of information and professional opinions.

Section 228.113 Material Noncompliance

50. *Comment:* Comments state that proposed revisions to section 228.113 unduly favor oil and gas by 1) reducing the factors considered in determining material non-compliance, and 2) making materiality determination and compliance referral largely discretionary. Comments also request language in section 228.113(a)(1) to clarify how irreparable resource damage will be addressed.

Agency Response: The 1990 procedures in the existing regulation for oil and gas material noncompliance proceedings were designed to be consistent with other debarment procedures of the agency that are now defunct, thus prompting their replacement. The final rule’s procedures are fair, reasonable, and consistent with both Forest Service and BLM policy. The final rule provides clarity to the procedures to be followed for determining if an operator is in material noncompliance with reclamation or other requirements or standards to better reflect the requirements and consequences established in the Mineral Leasing Act. The final rule does not materially change an operator’s requirements and responsibilities.

51. *Comment:* Referring to section 228.113 (c), in cases of material noncompliance, “the Forest Service

shall advise the BLM not to issue or approve the assignment of any lease to the entity determined to be in material noncompliance,” a commenter suggested the proposed rule should be modified to clarify that this advisement is binding until the operator comes into compliance. Additionally, relating to section 228.113 (c) and (d), the commenter suggested a minimum time period should be applied during which the operating entity may not be approved for a lease, regardless of when they come back into compliance.

Agency Response: The comment prompted us to review the language of the paragraph. The final rule removes the “advise” language and simply requires the Forest Service to notify the BLM of its findings. Per statute, the BLM administers the ineligibility of an entity to acquire a new lease. Notably, section 17(g) of the Mineral Leasing Act of 1920 as amended (MLA), 30 U.S.C. 226(g), provides: “The Secretary shall not issue a lease or leases or approve the assignment of any lease or leases under the terms of this section to any person, association, corporation, or any subsidiary, affiliate, or person controlled by or under common control with such person, association, or corporation, during any period in which, as determined by the Secretary of the Interior or Secretary of Agriculture, such entity has failed or refused to comply in any material respect with the reclamation requirements and other standards established under this section for any prior lease to which such requirements and standards applied.” For the second part of the comment, the “minimum time period” suggestion appears punitive and unnecessary as discussed in our response to comment 48.-.

Section 228.114 Posting Requirements

52. *Comment:* The proposed posting requirements will no longer provide direction about posting decisions. The Agency’s explanation is that the National Environmental Policy Act regulations direct that action. Again, this is a situation where the Agency removes a required internal procedure in favor of meeting the bare minimum required by the National Environmental Policy Act.

Agency Response: Changes to the minimum posting durations are in alignment with BLM’s processes. The Department anticipates that the public will not perceive any reduction of notifications concerning these actions or the ability to engage with the Forest Service.

Section 228.115 Information Collection Requirements

53. *Comment:* USDA requested comments on whether the proposed rule would lessen the burden of collecting and reporting information and data as advocated by the Paperwork Reduction Act of 1995. Industry commenters generally appeared to believe that aligning Forest Service oil and gas leasing regulations with BLM regulations, as proposed, should decrease the paperwork burdens on lessees, operators and small businesses in the oil and gas industry.

Agency Response: The Department expects there to be some efficiencies gained, though small and unquantifiable.

Conforming Technical Amendments

This final rule makes minor, non-substantive changes to two other regulations for purposes of conforming with the modifications being made to 36 CFR part 228, subpart E.

In 36 CFR 214.4(b)(3), the phrase “request to supplement a surface use plan of operation” is changed to “requests concerning the surface use portion of a sundry notice” to track language in the final rule. The final rule also adds two additional appealable decisions: (1) requests for a waiver or exemption from, or modification to, an oil and gas lease stipulation, and (2) requests for an extension of the time period for taking action in response to a notice of noncompliance.

In 36 CFR 261.2, which includes definitions applicable to the Agency’s law enforcement regulations, the definition of “operating plan” is changed by replacing the phrase “supplemental surface use plan of operation” with “surface use portion of a sundry notice.”

Regulatory Certifications

Executive Order 12866 Regulatory Planning and Impact Analysis (Analysis of Costs and Benefits)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant regulatory actions. The Office of Information and Regulatory Affairs has determined that this rule is significant pursuant to section 3(f) of E.O. 12866. Therefore, a regulatory impact analysis analyzing the costs and benefits of the proposed regulation was needed to comply with E.O. 12866. The potential benefits and costs, as well as distributional impacts, associated with the proposed rule were analyzed to fulfill the regulatory impact

analysis requirements, consistent with E.O.12866 and OMB Circular A–4.

The regulatory impact analysis considers costs and benefits associated with updates, modifications, or clarifications to different sections of 36 CFR part 228, subpart E, as they relate to key procedural steps for oil and gas leasing and permitting on National Forest System lands. Changes in costs and benefits are discussed in a primarily qualitative manner due to the challenges with quantifying costs and benefits at a programmatic level. Quantitative proxies were used when feasible to help describe the potential frequency or magnitude of activities and corresponding costs affected by the proposed rule.

The direct benefits of the proposed rule identified were reduced costs and time spent on identifying available lease areas, approving operations, and addressing compliance actions, including costs and time incurred by the Agency as well as by proponents engaged in or pursuing oil and gas operations on National Forest System lands. Indirect benefits can result from expedited access to leasable oil and gas resources on National Forest System lands, including time-valued oil and gas revenue or returns to operators as well as time-valued bids, lease rentals, and royalties paid by operators to the Federal government and public.

Some operators may have to apply for special use authorizations or pay an administrative fee to mitigate emergency non-compliance situations under the rule; however, these situations are expected to be infrequent or involve relatively small incremental costs. Rule provisions clarifying considerations for establishing bonds that cover the full cost of reclamation, consistent with the existing rule, may result in increases in bonds and increases in operator costs for obtaining financial guarantees (such as surety bonds) to cover incremental bond amounts. The financial risks associated with reclamation default are currently borne by the Agency or public when bonds do not reflect full reclamation costs, implying this rule helps transfer the burden of those financial risks to the operators and administer reclamation in a fiscally responsible manner, consistent with the intent of the existing rule. These analyses are updated using fiscal year 2022 data. The updates do not change the conclusions of the draft rule analysis. The final rule is not expected to have a significant or measurable impact on rates of oil and gas production on National Forest System lands; oil and gas prices and other market factors are likely to drive future

changes in growth of development and production. Because of minimal impacts on production, the rule is equally unlikely to have significant distributional impacts on jobs or income contributions from oil and gas activities on National Forest System lands.

The rule is expected to result in positive net benefits. Most provisions of the rule are expected to reduce the times for reviewing and approving leases and permits, thereby saving operator and Agency costs and expediting opportunities for production and revenue. Exceptions might include cases where some operators may have to apply for special use authorizations, pay an administrative fee to mitigate emergency non-compliance situations under the rule, or be faced with increases in reclamation bond amounts. However, these situations are expected to be infrequent, involve relatively small incremental costs, or consist of payments that shift financial risk of reclamation default back to the operators and away from the public, consistent with the intent of the existing rule. The regulatory impact analysis is available with the supporting documents at <http://www.regulations.gov>.

Executive Order 14192 Unleashing Prosperity Through Deregulation

Executive Order 14192 requires that any new incremental costs associated with significant new regulations “shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.” This final rule is expected to be deregulatory under E.O. 14192.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs has determined that this rule is not a major rule as defined by 5 U.S.C. 804(2). Findings in the regulatory impact analysis for the rule indicate that it is unlikely to have significant impacts on job or income contributions from oil and gas activities on National Forest System lands. Therefore, the revised regulation is not classified as major.

Energy Effects

The rule was reviewed under Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*. The rule is not expected to have a measurable effect (positive or negative) on oil and/or gas supply or distribution. The Agency regulation does not make decisions about which lands are open or closed to

leasing and subsequent development but instead manages the process. The rule streamlines the oil and gas leasing process and clarifies processing procedures for the surface use plan of operation portion of an application for permit to drill on National Forest System lands. The streamlining should reduce time and costs of permitting or leasing.

The rule is not expected to have a significant adverse effect on the supply, distribution, or use of energy; on competition or prices; or on other agency actions related to energy. The rule is not expected to raise novel issues regarding adverse effects on energy. The rule is therefore not expected to be a significant energy action or to require a statement of energy effects, consistent with Office of Management and Budget guidance for implementing Executive Order 13211.

Reducing Regulation and Controlling Regulatory Costs (Executive Order 13771)

The Agency has reviewed this rule under U.S. Department of Agriculture procedures and Executive Order 13771, issued January 30, 2017. The Office of Management and Budget has reviewed this rule and designated it as significant per Executive Order 12866. Executive Order 13771 requires that agencies account for the incurred costs that a significant regulatory action may have on the public and offset such costs with the removal of two other significant regulatory actions.

The total or aggregate net benefits associated with the rule cannot be quantified; however, they are expected to be small or slightly more than the estimated Agency cost savings. Thus, the rule is considered a deregulatory action per Executive Order 13771.

National Environmental Policy Act

The Agency prepared a programmatic environmental assessment to determine whether this rule would have a significant impact on the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). The programmatic environmental assessment describes and analyzes two alternatives: the rule (proposed action) and continuing with the existing regulations (no action). The programmatic environmental assessment is available for review with the supporting documents for this regulation at <http://www.regulations.gov>. The final programmatic environmental assessment supports a finding of no significant impact for the rule; therefore, preparation of an environmental impact

statement pursuant to the National Environmental Policy Act is not required.

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

This rule has been reviewed in accordance with the requirements of Executive Order 13175. Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications (including regulations, legislative comments or proposed legislation, and other policy statements or actions) that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes. To ensure Tribal perspectives were heard and fully considered during rulemaking, the Agency contacted all federally recognized Indian Tribes and Alaska Native Corporations in accordance with Executive Order 13175, (Consultation and Coordination with Indian Tribal Governments); USDA Departmental Regulation 1350-02 (Tribal Consultation, Coordination and Collaboration); and Forest Service Handbook 1509.13, chapter 10 (Consultation with Indian Tribes and Alaska Native Corporations). The Agency initiated formal consultation on the rulemaking by contacting the Indian Tribes and Alaska Native Corporations by mail.

The consultation period began in September 2018 and continued until January 2, 2021, or 60-days beyond the close of the 60-day public comment period on the proposed rule. Consultation materials included the advance notice of proposed rulemaking, briefing documents that outline possible revisions of the existing regulations and the reasons why these changes are being proposed, a list of frequently asked questions, and two webinars.

The consultation process included two in-person regional Tribal consultation meetings in the Forest Service's Southwest Region: one was held on October 29, 2018, in Albuquerque, New Mexico, and the other on October 31, 2018, in Flagstaff, Arizona. During the consultation meeting on October 31, 2018, the Hopi Tribe requested additional face-to-face consultation with the Regional Forester. The Agency also received written comments from the Hopi Tribe and the Rincon Band of Luiseno Indians by letter and from the Federated Indians of Graton Rancheria by email. Most

comments stated that the Tribes will be provided additional review and comment once the Agency releases the proposed rule, as part of the consultation process.

An invitation to consult on the proposed revisions to our Oil and Gas Resources regulations was sent to all Tribal leaders or their representative on the September 1, 2020, date of the proposed rule's publication. The invitation included information about two upcoming webinars on September 22 and 23, 2020, as well as a 228E change comparison table and a summary analysis of the proposed rule.

Tribal comments were received and considered on the proposed rule through consultation efforts. Tribal communications centered around acknowledgement of the proposed regulations and included requests for extension of the public comment time. Though the Forest Service declined to extend the 60-day public comment period, the Agency responded to requests for an extension by clarifying that the Tribal consultation period was open until January 2, 2021, or 60-days beyond the 60-day public comment period. Additional comments were not submitted during that time.

The Director of the Office of Tribal Relations certified by signature that the review and analysis of the 228E regulation revision was conducted in accordance with Departmental Regulation 1350-002, Tribal Consultation and Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*.

Regulatory Flexibility Act and Small Business Analysis

The Agency considered the impacts of the rule on small entities, consistent with requirements of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, and Executive Orders 13272 and 13563 (*Proper Consideration of Small Entities in Agency Rulemaking*). Under the Regulatory Flexibility Act, whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (such as small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. Small entities potentially impacted by the proposed rule include small

businesses (firms) involved in oil and gas extraction operations (North American Industry Classification System (NAICS) 211120 (crude petroleum extraction) and NAICS 211130 (natural gas extraction)), drilling oil and gas wells (NAICS 213111), and support activities for oil and gas operations (NAICS 213112). The rule does not affect the terms, conditions, and stipulation of existing leases. The rule can impact businesses that express interest in or decide to bid on new leases or otherwise decide to engage in oil and gas development and operations on National Forest System lands currently under lease or that may come under lease in the future. The rule provides both direct and indirect benefits to small businesses depending on whether the business holds leases or provides drilling and other support services.

There were 260 different firms operating oil and gas producing wells on National Forest System lands as of September 2022, of which 249 (96 percent) are estimated to be small businesses based on the Small Business Administration small business criterion of 1,250 employees for NAICS 211120 and NAICS 211130. The rule will primarily impact a subset of operators that express interest in leasing National Forest System lands or applying for permits to drill new wells on lands managed by the Forest Service in the future. As an estimate for the subset of affected small businesses, the Forest Service used the average of 75 surface plans of operations for new wells that were approved annually, from 2018 through 2022, and assumed each new surface use plan of operations is submitted by a different firm (which is unlikely and provides a high side estimate). Other aspects of the rule will likely go unnoticed by operators. For example, compliant operators will likely experience no effects from new procedures that the Agency will follow to monitor for compliance. For comparison to the effect on 75 small businesses annually, the estimated number of small firms associated with the oil and gas extraction sector (NAICS 211120 and NAICS 211130) for the Nation is approximately 4,500 based on Census Bureau, 2020 statistics for U.S. businesses. Therefore, the percent of small businesses impacted by the rule on an annual basis is projected to be small (75 of 4,500 is 1.7 percent).

The aggregate impact of the rule, compared to baseline regulatory conditions, is expected to be positive for a majority of the entities involved in oil and gas leasing, development, and operations on National Forest System

lands, as noted in the regulatory impact analysis. Provisions of the rule are expected to reduce the times for reviewing and approving leases and permits, thereby saving operator costs and expediting opportunities for production and revenue. Exceptions might include cases where some operators (i) may be faced with increases in costs to obtain financial guarantees (such as surety bonds) to cover incremental increases in bond amounts to help cover full reclamation costs consistent with the existing rule, (ii) have to apply for special use authorizations, or (iii) pay an administrative fee to mitigate emergency non-compliance situations under the rule (however, these situations are expected to be infrequent, involve relatively small incremental costs, or reflect transfers of financial risk back to operators as intended by the existing rule). Based on the evidence summarized above, the rule is expected to increase opportunities for net benefits to small entities on average. The number of small entities that would be impacted is not likely to be substantial. The Department therefore certifies that this rule will not have a significant economic impact on a substantial number of small entities indicating that an initial regulatory flexibility analysis is not required.

More information on the Regulatory Flexibility Act and Small Business Regulatory Enforcement Fairness Act determination is available with the supporting documents for this regulation at <http://www.regulations.gov>.

Federalism

The Agency considered this rule under the requirements of Executive Order 13132, *Federalism*. The Agency has concluded that the rule conforms to the federalism principles set out in this Executive Order. It will not impose any compliance costs on the States and will not have substantial direct effects on the States or the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the Agency has determined that no further assessment of federalism implications is necessary.

Taking of Private Property (Executive Order 12630)

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12630, *Governmental Actions and Interference with Constitutionally Protected Property Rights*, and it has

been determined that the rule does not pose the risk of a taking of protected private property. This rule affects management of Federal oil and gas resources and does not apply to privately held oil and gas rights.

Civil Justice Reform (Executive Order 12988)

This rule complies with the requirements of Executive Order 12988. More specifically, this rule meets the criteria of section 3(a), which requires agencies to review all regulations to eliminate errors and ambiguity and to write all regulations to minimize litigation. This rule also meets the criteria of section 3(b)(2), which requires agencies to write all regulations in clear language with clear legal standards.

Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Agency has assessed the effects of the rule on State, local, and Tribal governments, and on the private sector. This rule would not compel the expenditure of \$100 million or more by State, local, or Tribal governments, in the aggregate, or by the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act.

Paperwork Reduction Act

This final rule contains a collection of information for which the Agency is following the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The final rule does not establish any new information collection requirements.

List of Subjects

36 CFR Part 214

Administrative practice and procedure, National forests.

36 CFR Part 228

Environmental protection, Mines, National forests, Oil and gas exploration, Lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Surety bonds, Wilderness areas.

36 CFR Part 261

Law enforcement, National forests.

Therefore, for the reasons set forth in the preamble, the Forest Service is amending chapter II of title 36 of the Code of Federal Regulations as follows:

PART 214—POST-DECISIONAL ADMINISTRATIVE REVIEW PROCESS FOR OCCUPANCY OR USE OF NATIONAL FOREST SYSTEM LANDS AND RESOURCES

■ 1. The authority citation for part 214 continues to read as follows:

Authority: 7 U.S.C. 1011(f); 16 U.S.C. 472, 551.

■ 2. Amend § 214.4 by revising paragraph (b)(3) to read as follows:

§ 214.4 Decisions that are appealable.

* * * * *

(b) * * *

(3) Approval or denial of a surface use plan of operations, request concerning the surface use portion of a sundry notice, request for a waiver or exception from or modification to an oil and gas lease stipulation, shut down of oil and gas operations, issuance of a notice of noncompliance, or denial of a request for noncompliance notice deadline extension pursuant to 36 CFR part 228, subpart E;

* * * * *

PART 228—MINERALS

■ 3. The authority citation for part 228 continues to read as follows:

Authority: 16 U.S.C. 478, 551; 30 U.S.C. 226, 352, 601, 611; 94 Stat. 2400.

■ 4. Revise subpart E to read as follows:

Subpart E—Oil and Gas Resources

Sec.	
228.100	Scope and applicability.
228.101	Definitions.
228.102	Issuance of notices to lessees and operators.
228.103	Leasing analysis and consent decision.
228.104	Consideration of requests to waive, except, or modify lease stipulations.
228.105	Responsibilities of operators.
228.106	Operator's submission of surface use plan of operations.
228.107	Review and approval of surface use plan of operations.
228.108	Sundry notices.
228.109	Bonds.
228.110	Temporary cessation of operations.
228.111	Compliance and inspection.
228.112	Notice of noncompliance.
228.113	Material noncompliance.
228.114	Posting requirements.
228.115	Information collection requirements.

Authority: 16 U.S.C. 478, 551; 30 U.S.C. 226, 352, 601, 611.

Subpart E—Oil and Gas Resources

§ 228.100 Scope and applicability.

(a) *Scope.* This subpart sets forth the rules and procedures by which the Forest Service, United States Department of Agriculture will carry out

its statutory responsibilities for the conservation of surface resources associated with oil and gas leasing on National Forest System lands, for approving surface use requirements related to exploration and development on National Forest System lands, for inspecting surface-disturbing operations on such leases, and for enforcing surface use and reclamation requirements. This subpart also establishes requirements for lessees and/or operators to minimize, mitigate, or prevent unnecessary or unreasonable impacts on National Forest System lands and resources.

(b) *Applicability.* The rules of this subpart apply to National Forest System lands subject to Federal oil and gas leases, and to operations that are conducted within such leases. The regulations in this subpart do not apply to the development of non-Federal oil and gas interests pursuant to reserved and outstanding rights.

(c) *Applicability of other rules.* Other rules that apply are:

(1) Application requirements for proposing oil or gas wells, along with the procedures the Federal agencies follow for approving oil and gas wells, certain subsequent well operations, and abandonment, are established in the Forest Service and Bureau of Land Management joint rule, Onshore Oil and Gas Order Number 1, now codified in 43 CFR part 3170, subpart 3171.

(2) The Bureau of Land Management regulations at 43 CFR parts 3160 and 3170, and Bureau of Land Management-issued Notices to Lessees and Operators also apply to oil and gas leasing and operations on National Forest System lands, where applicable.

(3) Surface uses associated with oil and gas activities that are conducted on National Forest System lands outside a lease or agreement are subject to Forest Service authorization under regulations set forth elsewhere in this chapter, including but not limited to the regulations set forth in 36 CFR part 251, subpart B, and 36 CFR part 261.

§ 228.101 Definitions.

For the purposes of this subpart, the terms listed in this section have the following meaning:

Acquired lands. Lands that are obtained by purchase, donation, or other mechanism, and which have previously been patented and which have been reacquired by the United States.

Agreement. A Bureau of Land Management-approved Oil and Gas Unit Agreement or Communitization Agreement (see 43 CFR 3100.5).

Authorized Forest Service officer. The Forest Service line officer who has the

delegated authority to take the action described in this subpart is generally, depending on the scope and level of the duty to be performed, a regional forester; a forest, grassland, or prairie supervisor; or a district ranger.

Compliance Officer. The Deputy Chief, National Forest System; or the Associate Deputy Chief, or other line officer designated to act in the absence of the Deputy Chief.

Conditions of approval. Site-specific requirements shall be included with the approval of a surface use plan of operations where necessary to limit or modify the specific activities covered in the plan. Conditions of approval minimize, mitigate, or prevent impacts on National Forest System lands, resources, and interests.

Consent. For the purposes of this subpart means to notify the Bureau of Land Management that either the Forest Service does not object to leasing specific National Forest System lands reserved from the public domain or consents to leasing on specific acquired lands, subject to general terms and conditions and specified stipulations.

Final Abandonment Notice (FAN). An operator submits a FAN to notify the Bureau of Land Management and the surface management agency that final reclamation has been completed, that the surface has been reclaimed in accordance with previous approval(s), and that the well site or other facility is ready for inspection and consideration for release from liability under the bond.

Infrastructure or facilities. The basic physical components (such as buildings, roads, power supply, equipment, pipelines, storage tanks) associated with the development and production of oil and gas, whether located within or outside a lease or agreement boundary.

Lease. Any contract or other agreement issued or approved by the United States under a mineral leasing law that authorizes exploration for, extraction of, or removal of oil or gas.

Lessee. A person or entity holding record title in a lease issued by the United States. A lessee also may be an operating rights owner if the operating rights in a lease or portion thereof have not been severed from record title (see 43 CFR 3100.5).

Master development plan. A plan submitted by an operator(s) to the Bureau of Land Management that contains information common to multiple planned wells, including drilling plans, surface use plans of operations, and plans for future production.

Master surface use plan of operations. A plan for surface use, disturbance, and reclamation for two or more wells.

Material noncompliance. A Forest Service determination that an operator or lessee has materially failed or refused to take necessary corrective actions, complete reclamation, maintain required bonds, or reimburse the Agency for the costs of abating an emergency, as further described in § 228.113, in a timely manner.

National Forest System lands. All lands, waters, or interests therein administered by the U.S. Department of Agriculture (USDA) Forest Service as provided in 16 U.S.C. 1609.

Notices to Lessees and Operators. A written notice issued by the authorized Forest Service officer or the Bureau of Land Management. Notices to Lessees and Operators serve as requirements related to specific item(s) of importance within a State, Forest Service region, national forest, grassland or prairie, or ranger district, or other area.

Operator. Any person or entity, including, but not limited to, the lessee or operating rights owner, who has stated in writing to the authorized officer of the Bureau of Land Management that the person or entity is responsible under the terms and conditions of the lease for the operations conducted on the leased lands or a portion thereof.

Reasonably Foreseeable Development Scenario (RFDS). A projection of oil and gas exploration, development, production, and reclamation activity. The RFDS estimates the oil and gas activity in a defined area for a specified period of time. The RFDS projects a baseline scenario of activity assuming all potentially productive areas are open to lease under standard lease terms, except those areas designated as closed to leasing by statute or regulation or areas withdrawn by the Secretary of the Interior.

Stipulation. A provision that modifies standard lease terms and is attached to, and made a part of, the lease by the Bureau of Land Management. The Forest Service may include stipulations as part of its consent to lease determination to conserve surface resources and to minimize, mitigate, or prevent adverse impacts on lands and resources. Stipulations constrain where, when, or how the surface lands may be used for exploration and development activities.

Sundry notice. An operator's request submitted to the Bureau of Land Management to perform work or conduct lease operations not covered by another type of permit or authorization, or to change operations in a previously approved permit; or a subsequent report of completed activities; or a final abandonment notice.

Surface use plan of operations. A plan for surface use, disturbance, and reclamation, and is a component of an application for permit to drill or sundry notice. The requirements for the surface use plan of operations are described in detail in 36 CFR 228.107, as well as 43 CFR part 3170, subpart 3171.

Waiver, exception, or modification. Refers to a change to a lease stipulation including:

(1) *Waiver.* Permanent exemption from a lease stipulation. The stipulation no longer applies anywhere within the lease.

(2) *Exception.* Case-by-case exemption from a lease stipulation. The stipulation continues to apply to all other sites within the lease to which the restrictive criteria, as described in the lease stipulation, apply.

(3) *Modification.* A change to the provisions of a lease stipulation, either temporarily or for the term of the lease. A modification may, therefore, include an exemption from or alteration to a stipulated requirement. Depending on the specific modification, the stipulation may or may not apply to all other sites on the lease to which the restrictive criteria, as described in the lease stipulation, apply.

§ 228.102 Issuance of notices to lessees and operators.

The authorized Forest Service officer may issue Notices to Lessees and Operators necessary to implement the regulations of this subpart either independently with notification to the Bureau of Land Management or jointly with the Bureau of Land Management. Notices to Lessees and Operators apply to all operations conducted by Federal lessees on National Forest System lands supervised by the authorized Forest Service officer who issued such notice.

§ 228.103 Leasing analysis and consent decision.

(a) *Scheduling leasing consent analysis.* The Forest Service Washington Office shall develop, in cooperation with the Bureau of Land Management, Forest Service regional offices, and national forest and grassland units, a schedule for analyzing all National Forest System lands with oil and gas resource potential for leasing in consideration of the following:

(1) The schedule shall identify whether each analysis will be part of a land management plan or will be a separate leasing analysis.

(2) Scheduling shall consider the level of leasing interest expressed by the public.

(3) The Forest Service shall review, revise, or make additions to the schedule at least annually.

(b) *Leasing consent analysis.* The authorized Forest Service officer shall conduct a forest-wide or area-specific leasing analysis in either a land management plan or a separate leasing analysis. The Bureau of Land Management shall be invited to participate as a cooperating agency in the leasing consent analysis. In determining lands open or closed for leasing, the authorized Forest Service officer shall:

(1) Identify and exclude from further review the lands which are ineligible for leasing by statute, regulation, or withdrawal by the Secretary of the Interior.

(2) Consider a Reasonably Foreseeable Development Scenario that projects the type/amount of post-leasing activity that is reasonably foreseeable on eligible lands within the analysis area.

(3) Develop reasonable alternatives, including a no-leasing alternative. The alternatives must include lease stipulations that would be applied.

(4) Analyze the impacts of post-leasing activity projected under this paragraph (b)(4).

(5) Develop lease stipulations that are consistently applied and coordinated between agencies and are only as restrictive as necessary to protect the resource or resources for which the stipulations are applied.

(6) Include, in the analysis, maps showing lands open to leasing, lands closed to leasing, and applicable stipulations for each alternative.

(c) *Leasing consent decision.* (1) Upon completion of the leasing consent analysis, the authorized Forest Service officer shall issue a leasing consent decision to the authorized officer of the Bureau of Land Management that identifies all National Forest System lands covered by the leasing consent analysis as:

(i) Open to leasing, subject to the terms and conditions of the standard oil and gas lease form (including an explanation of the typical standards and objectives to be enforced under the standard lease terms);

(ii) Open to leasing, subject to constraints that will require the use of lease stipulations; or

(iii) Closed to leasing, distinguishing between those areas that are being closed through exercise of management direction and those areas that are closed by virtue of a statute, regulation, or withdrawal.

(2) Leasing consent decisions made pursuant to this subpart shall be subject to a predecisional objection process conducted in accordance with the procedures set forth in 36 CFR part 219, subpart B, whether the leasing consent

decision is made as part of a land management plan or separately.

(d) *Effect of leasing consent decision.* An authorized Forest Service officer's identification of lands as open to leasing does not commit the Bureau of Land Management to future leasing actions, nor does it constitute an irretrievable or irreversible commitment of resources.

(e) *Review of leasing consent availability decision for specific lands.* (1) At the time specific lands identified under paragraph (c) of this section are scheduled for leasing by the Bureau of Land Management, the Forest Service shall review the leasing consent availability decision to:

(i) Verify that oil and gas leasing of the specific lands has been adequately addressed in a National Environmental Policy Act (NEPA) document and is consistent with the applicable land management plan;

(ii) Ensure lease stipulations are applied consistent with the leasing consent decision and reflect resource conditions on the lands in the nomination; and

(iii) Determine that operations and development could be allowed somewhere on each proposed lease, except where stipulations will prohibit all surface occupancy.

(2) If there is significant new information or a circumstance that requires additional environmental analysis be conducted, or leasing would not be consistent with the applicable land management plan, leasing consent will not be provided or will be withdrawn.

(3) The Forest Service will provide notification to the Bureau of Land Management of results of the review confirming the Forest Service consent decision for specific lands or withdrawing its leasing consent for specific parcels. If the consent is withdrawn, the notification will describe the reasons for the withdrawal and provide an anticipated course of action, including any additional environmental analysis to be conducted of the leasing consent analysis decision as expeditiously as possible consistent with paragraph (a) of this section.

(4) Verification or withdrawal of a leasing consent determination made pursuant to this paragraph (e) is not subject administrative appeal or objection.

§ 228.104 Consideration of requests to waive, except, or modify lease stipulations.

(a) *General.* (1) The Bureau of Land Management's oil and gas leasing regulations at 43 CFR 3101.14 and 3171.24 outline requirements for the lessee or their designated operators to

request waivers, exceptions, or modifications to lease stipulations.

(2) Where the request involves stipulations included in the lease as prescribed by the Forest Service, the Bureau of Land Management must obtain approval from the Forest Service before granting a request for a waiver, exception, or modification.

(b) *Requesting a waiver, exception, or modification.* Requests to waive, except, or modify a lease stipulation are subject to procedures in 43 CFR part 3170, subpart 3171. In addition to information required in 43 CFR part 3170, subpart 3171, the operator should submit any information that might assist the authorized Forest Service officer in assessing whether or not to approve a waiver, exception, or modification.

(c) *Criteria for approval.* A request for a waiver, exception, or modification to a lease stipulation may be approved by the authorized Forest Service officer if the officer determines the following, after reviewing the present condition of the surface resources involved and the nature, location, timing, and design of the proposed operations:

(1) The action would be consistent with applicable Federal laws.

(2) The action would be consistent with the current land management plan.

(3) The management objectives which led the Forest Service to require the inclusion of the stipulation in the lease can be met if the waiver, exception, or modification is granted.

(4) The action is acceptable to the authorized Forest Service officer based upon a review of the environmental consequences.

(d) *Coordination with other agencies.* If a lease stipulation was included in a lease by the Forest Service at the request of another agency, or if another agency has specific jurisdiction over the specific resource, the authorized Forest Service officer shall coordinate with that agency prior to approving a waiver, exception, or modification. This paragraph (d) does not require the consent of such an agency to the waiver, exception, or modification unless such consent is independently required by statute or regulation.

(e) *Notice of determination.* The authorized Forest Service officer shall notify the Bureau of Land Management in writing whether or not the request should be granted and shall provide all information used to make the determination.

§ 228.105 Responsibilities of operators.

(a) *General.* The lessee or operator shall conduct operations on National Forest System lands in a manner that minimizes effects on surface resources

and reduces conflicts with other land uses by avoiding unnecessary or unreasonable surface resource disturbance.

(1) At a minimum, the operator must:

(i) Control soil erosion and mitigate land instability caused by their operations;

(ii) Control water runoff from their operations;

(iii) Remove, or control, solid wastes, toxic substances, and hazardous substances attributable to their operations;

(iv) Reshape and revegetate areas disturbed by their operations;

(v) Remove structures, improvements, facilities, and equipment no longer needed in the conduct of operations, unless otherwise authorized;

(vi) Take measures to preclude introduction of nonnative invasive species that could otherwise result from their operations;

(vii) Take measures to reclaim surface areas disturbed by their operations;

(viii) Unless otherwise approved by the authorized Forest Service officer, initiate interim reclamation activity within 1 year of completion of operations on the affected area. Interim reclamation shall be conducted concurrently with other operations; and

(ix) Promptly clean up and remove from National Forest System lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system (16 U.S.C. 1609) any released oil, produced water, toxic substances, or other contaminating substances attributable to their operations in accordance with all applicable Federal, State, and local laws and regulations.

(2) Operators shall use existing roads and utility corridors wherever possible.

(3) All spills or leakages of oil, gas, produced water, toxic liquids, or waste materials; blowouts; fires; personal injuries; and fatalities that are reported to the Bureau of Land Management according to applicable orders, notices to lessee, and/or approved surface use plan of operations shall also be reported to the authorized Forest Service officer.

(b) *Compliance with other statutes and regulations.* The operator is responsible for complying with applicable Federal and State laws and regulations. The operator must also comply with notices to lessees issued pursuant to this subpart.

(c) *Access.* Operators must allow authorized Forest Service employees access to drilling and production sites and to any other locations on National Forest System lands where operations pursuant to a lease are being conducted.

(d) *Other Forest Service authorizations.* To the extent required by applicable statutes and regulations, the operator shall obtain other Forest Service authorizations such as timber contracts, road use permits, or special use authorizations for other uses of National Forest System lands.

(e) *Safety measures.* (1) The operator must maintain structures, facilities, improvements, and equipment located on the area of operation in a safe and well-maintained manner and in accordance with the applicable approval(s).

(2) The operator must take appropriate measures in accordance with applicable Federal and State laws and regulations to protect the public from hazardous sites or conditions resulting from the operations. Such measures may include, but are not limited to, posting signs, building fences, or otherwise identifying a hazardous site or condition.

(3) The operator shall conduct its activities in a manner that avoids the cause or minimizes the spread of fire.

(f) *Liability.* The operator and lessee are jointly and severally liable in accordance with Federal and State laws to the United States for:

(1) Injury, loss, or damage, including fire suppression costs, incurred by the United States as a result of the operations; and

(2) Payments made by the United States in satisfaction of claims, demands, or judgments for an injury, loss, or damage, including fire suppression costs, incurred as a result of the operations.

§ 228.106 Operator's submission of surface use plan of operations.

(a) *General.* (1) The provisions of this section apply to both surface use plans of operations and master surface use plans of operations. Operators shall submit Applications for Permit to Drill or master development plans in accordance with 43 CFR part 3170, subpart 3171, to the Bureau of Land Management. The application for permit to drill or master development plan shall include the surface use plan of operations or master surface use plan of operations.

(2) A master surface use plan of operations can be submitted with a master development plan or with an individual application for permit to drill. If a master surface use plan of operations has been submitted, then subsequent Applications for Permit to Drill can reference the master surface use plan of operations if they are consistent with the master surface use plan of operations.

(b) *Preparation of the surface use plan of operations.* In preparing a surface use plan of operations, the operator must ensure that it contains the mandatory components of 43 CFR part 1370, subpart 3171, and provisions of § 228.105. The operator is also encouraged to contact the local Forest Service office to make use of such information as is available from the Forest Service concerning surface resources and uses, standard conditions of approval, environmental considerations, and local reclamation procedures. The surface use plan of operations must be consistent with lease terms and stipulations.

(c) *Content of surface use plan of operations.* The type, size, and intensity of the proposed operations and the sensitivity of the affected surface resources by the proposed operations determine the level of detail and the amount of information which the operator includes in a proposed surface use plan of operations. The surface use plan of operations shall also include planned infrastructure or facilities, to the extent known, to be used to execute the surface use plan of operations. This submission should specify what facilities or infrastructure are located within lease or agreement boundaries, and those that are located outside lease or agreement boundaries.

§ 228.107 Review and approval of surface use plan of operations.

(a) *General.* The provisions of this section apply to both surface use plans of operations and master surface use plans of operations. An operator must obtain an approved application for permit to drill from the Bureau of Land Management before conducting operations. No permit to drill on National Forest System lands may be granted without a Forest Service-approved surface use plan of operations covering proposed surface-disturbing activities. Approval or denial of a surface use plan of operations proposed to be documented in a Decision Notice or Record of Decision is subject to the predecisional objection process set forth in 36 CFR part 218 and post-decisional appeal process as provided in 36 CFR 214.4(b)(3).

(b) *Review.* The authorized Forest Service officer shall give public notice of any proposed decision on a surface use plan of operations to be documented in a Decision Notice or Record of Decision and identify that the proposed decision is subject to the 36 CFR part 218 pre decisional objection process. The authorized Forest Service officer shall review the surface use plan of operations following the procedures in

43 CFR part 3170, subpart 3171, to ensure that:

(1) The surface use plan of operations contains the mandatory components of 43 CFR part 1370, subpart 3171, and § 228.105;

(2) The surface use plan of operations is consistent with the lease, including the lease stipulations, and applicable Federal laws; and

(3) To the extent consistent with the rights conveyed by the lease, the surface use plan of operations is consistent with, or can be modified to be consistent with, the applicable land management plan.

(c) *Analysis and decision.* When the review of the surface use plan of operations is completed, the authorized Forest Service officer shall:

(1) Approve the surface use plan of operations as submitted; or

(2) Approve the surface use plan of operations subject to specified conditions of approval; or,

(3) Deny the surface use plan of operations for the reasons stated.

(d) *Timing of decision.* If a decision on a surface use plan of operation cannot be made within 30 days of a complete application, the authorized Forest Service officer shall advise the appropriate Bureau of Land Management office as soon as it becomes apparent that additional time will be needed to process the plan. The authorized Forest Service officer shall follow procedures described in 43 CFR part 1370, subpart 3171, to explain why additional time is needed and project the date by which a decision on the surface use plan of operation will likely be made. The authorized Forest Service officer shall also notify the applicant of any action the applicant could take that would enable the Forest Service officer to issue a final decision on the surface use plan of operations.

(e) *Notice of decision.* The authorized Forest Service officer shall give public notice of the final decision on a surface use plan of operations and identify in the notice that the decision may only be appealed by the applicant under 36 CFR part 214.

(f) *Notifying the Bureau of Land Management.* The authorized Forest Service officer shall promptly notify the Bureau of Land Management if a surface use plan of operations is approved, including conditions of approval, if any, or whether it has been denied. This transmittal shall include the estimated additional surface use bond amount to be required (§ 228.109), if any.

§ 228.108 Sundry notices.

(a) *General.* For activities that require a sundry notice under Bureau of Land

Management regulations (43 CFR 3162.3–2), the operator must submit the sundry notice to and obtain approval from the Bureau of Land Management. If the activity would cause effects on surface resources, the sundry notice must include a surface use plan of operations that is subject to Forest Service approval. The sundry notice need only address those operations that differ from those authorized by the current approved surface use plan of operations.

(b) *Review and approval.* If Forest Service approval is required, the authorized Forest Service officer shall determine whether the activity would be subject to additional environmental review or analysis. If the activity would cause effects on surface resources not authorized by the currently approved surface use plan of operations, the sundry notice is subject to the same requirements of §§ 228.106 and 228.107. Following review or analysis, the authorized Forest Service officer shall notify the Bureau of Land Management whether the Forest Service approves the new surface use plan of operations.

§ 228.109 Bonds.

(a) *General.* (1) As part of the review of a proposed surface use plan of operations, the authorized Forest Service officer shall review existing bond amount(s) to determine if they are sufficient to ensure complete and timely reclamation of surface disturbances and restoration of any lands or surface waters adversely affected by lease operations. The review shall include a determination of whether the performance bond held by the Bureau of Land Management is adequate to meet the requirements of this paragraph (a)(1).

(2) If at any time prior to, or during the conduct of operations, the authorized Forest Service officer determines that the performance bond amount held by the Bureau of Land Management is not adequate to ensure complete and timely reclamation and restoration of National Forest System lands, the authorized Forest Service officer may review and require a bond amount specifically for reclaiming surface disturbance.

(b) *Considerations for reviewing bond adequacy.* In assessing whether a bond is sufficient, the authorized Forest Service officer:

(1) Shall consider the scope and full extent of the operator's proposed operations, associated surface disturbance, and infrastructure, and performance history and risk posed by the operator.

(2) Shall consider the costs to the Forest Service to undertake reclamation or restoration actions in case of operator default.

(c) *Determining level of bond amount.* If additional bonding is determined necessary, the authorized Forest Service officer may specify a bond amount to any level, provided that the amount does not exceed the total estimated cost of reclamation based on surface disturbance.

(d) *Posting bonds.* If the authorized Forest Service officer determines that additional bonding is necessary, the officer shall give the operator the option of either increasing the bond held by the Bureau of Land Management or filing a separate reclamation bond with the Forest Service in the amount deemed adequate. The Forest Service must notify the Bureau of Land Management if the operator chooses to increase its Bureau of Land Management bond. If an additional surface use bond is determined to be necessary, the bond must be posted prior to commencing any surface-disturbing activities.

(e) *Bond release.* When the Forest Service holds a bond, the operator may request that the Forest Service authorize an incremental reduction in bond amount at any time during operations as restoration or reclamation activities are completed. When the Bureau of Land Management holds the bond, an operator may request the authorized Forest Service officer to notify the Bureau of Land Management to reduce the bond amount. The authorized Forest Service officer shall, if appropriate, notify the Bureau of Land Management of the amount by which the bond may be reduced.

§ 228.110 Temporary cessation of operations.

(a) *General.* As soon as it becomes apparent that there will be a temporary cessation of operations for a period of 45 days or more, the operator must verbally notify and subsequently file a written statement with the authorized Forest Service officer verifying the operator's intent to maintain structures, facilities, improvements, and equipment that will remain on the area of operation during the cessation of operations, and specifying the expected date by which operations will be resumed.

(b) *Interim measures.* The authorized Forest Service officer shall require, as necessary, the operator to take reasonable interim reclamation or erosion control measures to protect surface resources during temporary cessation of operations, including during cessation of operations resulting from adverse weather conditions.

(c) *Notice of operations.* The operator shall notify the authorized Forest Service officer at least 48 hours prior to resuming operations following a temporary cessation of 45 days or more.

§ 228.111 Compliance and inspection.

(a) *General.* Operations must be conducted in accordance with this subpart, the applicable lease (including stipulations made part of the lease at the direction of the Forest Service), an approved surface use plan of operations, applicable Bureau of Land Management regulations at 43 CFR part 3170, and applicable Notices to Lessees and Operators (§ 228.102).

(b) *Inspection of operations.* The Forest Service shall periodically inspect the area of operations to determine and document whether operations are being conducted in compliance with the requirements in paragraph (a) of this section.

(c) *Inspection of reclamation.* The Forest Service shall inspect sites for reclamation compliance when a Final Abandonment Notice is submitted. The Forest Service shall ensure that reclamation meets the requirements of the approved surface use plan of operations and § 228.105. The Forest Service shall promptly notify the Bureau of Land Management in writing when reclamation is satisfactory.

(d) *Penalties.* If surface-disturbing operations are being conducted that are not authorized by an approved surface use plan of operations, or that violate a term or operating condition of an approved surface use plan of operations, the entity conducting those operations is subject to the applicable prohibitions and penalties under 36 CFR part 261 (see also § 228.112).

§ 228.112 Notice of noncompliance.

(a) *General.* When an authorized Forest Service officer finds that operations are not being conducted in accordance with regulations of this subpart, the lease (including stipulations made part of the lease at the direction of the Forest Service), an approved surface use plan of operations, applicable Bureau of Land Management regulations at 43 CFR part 3170, and applicable Notices to Lessees and Operators, the operator shall be notified and given opportunity to come into compliance according to paragraph (b) of this section. The Forest Service shall provide courtesy copies to the local Bureau of Land Management office when a written notice of noncompliance is sent to an operator.

(b) *Notice of noncompliance.* Upon finding that an operator is in noncompliance, the authorized Forest

Service officer shall send the operator written notification by certified mail that:

- (1) Describes the requirement(s) with which the operator is in noncompliance;
- (2) Describes the measure(s) that are required to correct the noncompliance;
- (3) Specifies a reasonable period of time within which the noncompliance(s) must be corrected;
- (4) Describes the possible consequences of continued noncompliance as described in paragraph (e) of this section; and
- (5) Provides notification that the authorized Forest Service officer is willing to work cooperatively with the operator to resolve the noncompliance.

(c) *Extension of deadlines.* The operator may request an extension of a deadline specified in a notice of noncompliance if the operator is unable to come into compliance by the deadline. The operator must provide written rationale for delaying compliance. The authorized Forest Service officer has sole discretion to extend compliance deadlines, subject to provisions for appeal as noted in paragraph (d) of this section.

(d) *Appeal.* An operator may appeal a notice of noncompliance issued under paragraph (b) of this section or a denial of a request for extension under paragraph (c) of this section, as provided for in 36 CFR part 214.

(e) *Continued noncompliance.* If an operator fails or refuses to comply with a notice of noncompliance, the authorized Forest Service officer may take action in one or more of the following ways:

(1) Refer the issue to the local Bureau of Land Management office for action under 43 CFR part 3163.

(2) Refer the issue to a Forest Service law enforcement officer if the noncompliance also constitutes a violation of the prohibitions in 36 CFR part 261.

(3) Refer the issue to the Compliance Officer for a determination of material noncompliance per § 228.113.

(f) *Shut down of operations.* When the noncompliance is likely to result in danger to public health or safety or in irreparable resource damage, the authorized Forest Service officer shall, in coordination with the Bureau of Land Management, shut down the operations, in whole or in part.

(1) The authorized Forest Service officer shall serve decisions shutting down operations upon the operator in person, by certified mail, electronic mail or by telephone. If notice is initially provided in person, by electronic mail, or by telephone, the authorized Forest Service officer shall send the operator

written confirmation of the decision by certified mail.

(2) Shut down of operations shall remain in effect until the authorized Forest Service officer determines that the operations are in compliance with the applicable requirement(s) identified in the notice of noncompliance.

(g) *Abatement of emergencies.* When the noncompliance is resulting in an emergency, the authorized Forest Service officer may take action as necessary to abate the emergency. The total cost to the Forest Service of taking actions to abate an emergency becomes an obligation of the operator.

(1) Emergency situations include, but are not limited to, imminent dangers to public health or safety or irreparable resource damage.

(2) The authorized Forest Service officer shall promptly serve a bill for such costs upon the operator by certified mail.

§ 228.113 Material noncompliance.

(a) *General.* The authorized Forest Service officer shall refer actions to the Compliance Officer for a determination of material noncompliance when the operator or lessee has failed or refused to:

(1) Comply with necessary corrective actions directed according to the procedures in § 228.112 in cases where the noncompliance resulted in danger to public health or safety; caused irreparable resource damage; or resulted in an emergency;

(2) Complete reclamation;

(3) Maintain an additional bond in the amount required by the authorized Forest Service officer during the period of operation; and

(4) Reimburse the Forest Service in a timely manner for the cost of abating an emergency.

(b) *Compliance Officer determination of material noncompliance.* When determining whether an operator or lessee has failed or refused to comply in a material respect with reclamation requirements or other requirements or standards identified in paragraph (a) of this section, the Compliance Officer shall:

(1) Inform the operator or lessee by certified mail of the authorized Forest Service officer's material noncompliance referral and the Compliance Officer's intent to proceed with a material noncompliance review.

(2) Inform the operator or lessee of the opportunity to submit a written response to the referral and/or to request an oral presentation with the Compliance Officer within 30 calendar days of receipt of the certified letter.

(3) Ensure that:

(i) Opportunities for corrective action according to § 228.112(b) have been pursued;

(ii) Consideration is given to the status of any noncompliance referrals sent to the Bureau of Land Management for action per § 228.112(e); and

(iii) Consideration is given to the seriousness of the effects caused by the operator's failure or refusal to comply.

(4) Consider any pending judicial or administrative appeals involving the operator, including those within the purview of the Bureau of Land Management.

(5) Notify the operator or lessee by certified mail of the outcome of the material noncompliance referral review. If material noncompliance was determined, the notice shall inform the operator that the Bureau of Land Management may not issue a lease or approve the assignment of any lease to the entity. The notification shall also state that the decision is the final administrative determination of the Department of Agriculture.

(c) *Notifying the Bureau of Land Management.* Upon completion of a material noncompliance review, the Compliance Officer shall notify the Bureau of Land Management in writing of the outcome of the review.

(d) *Notification that material compliance has occurred.* If an entity found to be in material noncompliance subsequently comes into material compliance with reclamation requirements or other requirements or standards identified in paragraph (a) of this section, the Compliance Officer shall advise the Bureau of Land Management that the entity has come into material compliance.

§ 228.114 Posting requirements.

The affected National Forest or Grassland ranger district office shall promptly post notices provided by the Bureau of Land Management of:

(a) Competitive lease sales which the Bureau of Land Management plans to conduct that include National Forest System lands. These must be posted for a minimum of 45 days prior to the sale;

(b) Substantial modifications in the terms which the Bureau of Land Management proposes to make for leases on National Forest System lands (43 CFR 3101.14). These must be posted for a minimum of 30 days; and,

(c) Applications for Permits to Drill, which the Bureau of Land Management has received involving leases or agreements located on National Forest System lands according to provisions of 43 CFR part 3170, subpart 3171. These must be posted for a minimum of 30 days.

§ 228.115 Information collection requirements.

The Office of Management and Budget (OMB) reviewed and approved the information collection requirements contained in this subpart and assigned OMB Control No. 0596–0101. The collection of information allows the Forest Service to approve or take other appropriate actions on surface use plans of operations; requests to waive, except, or modify lease stipulations; requests for reduction in reclamation liability; noncompliance issues; and notices of cessation of operations. The information collection requirements of this subpart are supplemental to the Bureau of Land Management's various Office of Management and Budget information collection approvals for issuing and managing Federal oil and gas leases, but primarily to the following: OMB Control No. 1004–0134 for 43 CFR 3162.3; and OMB Control No. 1004–0136 for Form 3160–3, Application for Permit to Drill.

PART 261—PROHIBITIONS

■ 5. The authority citation for part 261 continues to read as follows:

Authority: 7 U.S.C. 1011(f); 16 U.S.C. 4601–6d, 472, 551, 620(f), 1133(c)–(d)(1), 1246(i).

■ 6. Amend § 261.2 by revising the definition for “Operating plan” to read as follows:

§ 261.2 Definitions.

* * * * *

Operating plan means the following documents, providing that the document has been issued or approved by the Forest Service: A plan of operations as provided for in 36 CFR part 228, subparts A and D, and 36 CFR part 292, subparts C and G; a supplemental plan of operations as provided for in 36 CFR part 228, subpart A, and 36 CFR part 292, subpart G; an operating plan as provided for in 36 CFR part 228, subpart C, and 36 CFR part 292, subpart G; an amended operating plan and a reclamation plan as provided for in 36 CFR part 292, subpart G; a surface use plan of operations as provided for in 36 CFR part 228, subpart E; a surface use portion of a sundry notice as provided for in 36 CFR part 228, subpart E; a permit as provided for in 36 CFR 251.15; and an operating plan and a letter of authorization as provided for in 36 CFR part 292, subpart D.

* * * * *

Courtney Stevens,

Acting Deputy Under Secretary, Natural Resources and Environment.

[FR Doc. 2026–01655 Filed 1–27–26; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**45 CFR Part 102**

RIN 0991–AC38

Annual Civil Monetary Penalties Inflation Adjustment

AGENCY: Office of the Assistant Secretary for Financial Resources, Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services (HHS) is updating its regulations to reflect required annual inflation-related increases to the civil monetary penalty (CMP) amounts in its statutes and regulations, under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES:

Effective date: This final rule is effective upon publication to the **Federal Register**.

Applicability date: The adjusted civil monetary penalty amounts apply to penalties assessed on or after the date of publication to the **Federal Register**, if the violation occurred on or after November 2, 2015.

FOR FURTHER INFORMATION CONTACT:

Jennifer Johnson, Acting, Deputy Assistant Secretary, Office of Acquisitions, Office of the Assistant Secretary for Financial Resources, Room 536–H, Hubert Humphrey Building, 200 Independence Avenue SW, Washington, DC 20201; (771) 215–0133.

SUPPLEMENTARY INFORMATION:**I. Background**

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (section 701 of Pub. L. 114–74) (the “2015 Act”) amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, 104 Stat. 890 (1990)), which is intended to improve the effectiveness of CMPs and to maintain the deterrent effect of such penalties, requires agencies to adjust the CMPs for inflation annually.

HHS lists the CMP authorities and the amounts administered by all of its agencies in tabular form in 45 CFR 102.3, which was issued in an interim final rule published in the September 6, 2016, **Federal Register** (81 FR 61538). Annual adjustments were subsequently published on February 3, 2017 (82 FR 9175), October 11, 2018 (83 FR 51369), November 5, 2019 (84 FR 59549), January 17, 2020 (85 FR 2869), November 15, 2021 (86 FR 62928),

March 17, 2022 (87 FR 15100), October 6, 2023 (88 FR 69531), and August 8, 2024 (89 FR 64815).

II. Calculation of Annual Inflation Adjustment and Other Updates

The annual inflation adjustment for each applicable CMP is determined using the percent increase in the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October of the year in which the amount of each CMP was most recently established or modified. In the December 17, 2024, Office of Management and Budget (OMB) Memorandum for the Heads of Executive Departments and Agencies, M–25–02, “Implementation of Penalty Inflation Adjustments for 2025, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,” OMB published the multiplier for the required annual adjustment. The cost-of-living adjustment multiplier for 2025, based on the CPI–U for the month of October 2024, not seasonally adjusted, is 1.02598. The multiplier is applied to each applicable penalty amount that was updated and published for fiscal year (FY) 2024 and is rounded to the nearest dollar.

In addition to the inflation adjustments for 2025, this final rule corrects several technical errors and updates descriptions for clarification and accuracy. The following non-substantive technical errors were identified and are corrected and following descriptions are updated in the table in 45 CFR 102.3:

- The description of 42 U.S.C. 1320a–7j(h)(3)(A) is revised to add the word “Maximum” to accurately reflect the statutory maximum penalty amount.
- The regulatory cite associated with “Penalty against hospital identified by CMS as noncompliant according to § 182.50 with respect to price transparency requirements regarding diagnostic tests for COVID–19” was corrected from 45 CFR 180.90 to 45 CFR 182.70.

- The 2024 maximum penalty associated with 45 CFR 180.90(c)(2)(ii)(C) was revised as it was cited incorrectly as \$3,021 but should have been \$6,118 in the last adjustment. In the 2024 adjustment, the amount reflected in the 2023 Maximum Adjusted Penalty column should have been \$5,926, which was the actual adjusted amount in 2023 (see 88 FR at 69541). However, this amount was inadvertently mistyped as \$2,926 in the last adjustment (see 89 FR at 64823). Applying the 2024 multiplier to the correct amount would have resulted in

\$6,118 (\$5,926 × 1.03241). Therefore, the 2024 Maximum Adjusted Penalty was revised in this rule to \$6,118.

III. Statutory and Executive Order Reviews and Waiver of Proposed Rulemaking

The 2015 Act requires Federal agencies to publish annual penalty inflation adjustments notwithstanding section 553 of the Administrative Procedure Act (APA). Section 4(a) of the 2015 Act directs Federal agencies to publish annual adjustments no later than January 15th of each year thereafter. In accordance with section 553 of the APA, most rules are subject to notice and comment and are effective no earlier than 30 days after publication in the **Federal Register**. However, section 4(b)(2) of the 2015 Act provides that each agency shall make the annual inflation adjustments “notwithstanding section 553” of the APA. According to OMB’s Memorandum M–25–02, the phrase “notwithstanding section 553” in section 4(b)(2) of the 2015 Act means that “the notice and comment process the APA generally requires—*i.e.*, notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment.”

Consistent with the language of the 2015 Act and OMB’s implementation

guidance, the inflation adjustments set out in this rule are not subject to notice and an opportunity for public comment and will be effective immediately upon publication. Also, HHS finds that notice and comment procedures would be impracticable and unnecessary under the APA for the ministerial and technical changes in this rule. In addition, HHS is waiving notice and comment for the non-substantive technical corrections set out in this final rule. HHS finds good cause for issuing these changes as a final rule without prior notice and comment because these changes make technical clarifying edits to descriptions and corrections to inadvertent typographical errors from the last update. For these same reasons, HHS also finds good cause to make the final rule effective upon publication.

Pursuant to OMB Memorandum M–25–02, HHS has determined that the annual inflation adjustment to the civil monetary penalties in its regulations does not trigger any requirements under procedural statutes and Executive Orders that govern rulemaking procedures.

IV. Effective and Applicability Dates

This rule is effective on the date specified in the **DATES** section of this final rule. The adjusted civil monetary penalty amounts apply to penalties

assessed on or after the date specified in the **DATES** section of this final rule, if the violation occurred on or after November 2, 2015 (*i.e.*, the date of enactment of the 2015 Act). If the violation occurred before November 2, 2015, or a penalty was assessed before September 6, 2016, the pre-adjustment civil penalty amounts in effect before September 6, 2016, will apply.

List of Subjects in 45 CFR Part 102

Administrative practice and procedure, Penalties.

For reasons discussed in the preamble, the Department of Health and Human Services amends subtitle A, title 45 of the Code of Federal Regulations as follows:

PART 102—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

- 1. The authority citation for part 102 continues to read as follows:

Authority: Pub. L. 101–410, Sec. 701 of Pub. L. 114–74, 31 U.S.C. 3801–3812.

- 2. Amend § 102.3 by revising table 1 to read as follows:

§ 102.3 Penalty adjustment and table.

* * * * *

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS

U.S.C. section(s)	CFR ¹	HHS agency	Description ²	Date of last penalty figure or adjustment ³	2024 Maximum adjusted penalty (\$)	2025 Maximum adjusted penalty (\$) ⁴
21 U.S.C.: 333(b)(2)(A)	FDA	Penalty for violations related to drug samples resulting in a conviction of any representative of manufacturer or distributor in any 10-year period.	2024	127,983	131,308
333(b)(2)(B)	FDA	Penalty for violation related to drug samples resulting in a conviction of any representative of manufacturer or distributor after the second conviction in any 10-yr period.	2024	2,559,636	2,626,135
333(b)(3)	FDA	Penalty for failure to make a report required by 21 U.S.C. 353(d)(3)(E) relating to drug samples.	2024	255,964	262,614
333(f)(1)(A)	FDA	Penalty for any person who violates a requirement related to devices for each such violation.	2024	34,568	35,466
333(f)(2)(A)	FDA	Penalty for aggregate of all violations related to devices in a single proceeding.	2024	2,304,629	2,364,503
	FDA	Penalty for any individual who introduces or delivers for introduction into interstate commerce food that is adulterated per 21 U.S.C. 342(a)(2)(B) or any individual who does not comply with a recall order under 21 U.S.C. 350i.	2024	97,179	99,704
	FDA	Penalty in the case of any other person (other than an individual) for such introduction or delivery of adulterated food.	2024	485,893	498,517
	FDA	Penalty for aggregate of all such violations related to adulterated food adjudicated in a single proceeding.	2024	971,787	997,034
333(f)(3)(A)	FDA	Penalty for all violations adjudicated in a single proceeding for any person who violates 21 U.S.C. 331(j) by failing to submit the certification required by 42 U.S.C. 282(j)(5)(B) or knowingly submitting a false certification; by failing to submit clinical trial information under 42 U.S.C. 282(j); or by submitting clinical trial information under 42 U.S.C. 282(j) that is false or misleading in any particular under 42 U.S.C. 282(j)(5)(D).	2024	14,724	15,107
333(f)(3)(B)	FDA	Penalty for each day any above violation is not corrected after a 30-day period following notification until the violation is corrected.	2024	14,724	15,107
333(f)(4)(A)(i)	FDA	Penalty for any responsible person that violates a requirement of 21 U.S.C. 355(o) (post-marketing studies, clinical trials, labeling), 21 U.S.C. 355(p) (risk evaluation and mitigation (REMS)), or 21 U.S.C. 355-1 (REMS).	2024	368,137	377,701
333(f)(4)(A)(ii)	FDA	Penalty for aggregate of all such above violations in a single proceeding	2024	1,472,546	1,510,803
	FDA	Penalty for REMS violation that continues after written notice to the responsible person for the first 30-day period (or any portion thereof) the responsible person continues to be in violation.	2024	368,137	377,701
	FDA	Penalty for REMS violation that continues after written notice to responsible person doubles for every 30-day period thereafter the violation continues, but may not exceed penalty amount for any 30-day period.	2024	1,472,546	1,510,803
	FDA	Penalty for aggregate of all such above violations adjudicated in a single proceeding.	2024	14,725,456	15,108,023
333(f)(9)(A)	FDA	Penalty for any person who violates a requirement which relates to tobacco products for each such violation.	2024	21,348	21,903
	FDA	Penalty for aggregate of all such violations of tobacco product requirement adjudicated in a single proceeding.	2024	1,423,220	1,460,195
333(f)(9)(B)(i)(I)	FDA	Penalty per violation related to violations of tobacco requirements	2024	355,806	365,050
333(f)(9)(B)(i)(II)	FDA	Penalty for aggregate of all such violations of tobacco product requirements adjudicated in a single proceeding.	2024	1,423,220	1,460,195
	FDA	Penalty in the case of a violation of tobacco product requirements that continues after written notice to such person, for the first 30-day period (or any portion thereof) the person continues to be in violation.	2024	355,806	365,050
	FDA	Penalty for violation of tobacco product requirements that continues after written notice to such person shall double for every 30-day period thereafter the violation continues, but may not exceed penalty amount for any 30-day period.	2024	1,423,220	1,460,195
	FDA	Penalty for aggregate of all such violations related to tobacco product requirements adjudicated in a single proceeding.	2024	14,232,205	14,601,958

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS—Continued

U.S.C. section(s)	CFR ¹	HHS agency	Description ²	Date of last penalty figure or adjustment ³	2024 Maximum adjusted penalty (\$)	2025 Maximum adjusted penalty (\$) ⁴
333(f)(9)(B)(ii)(I)	FDA	Penalty for any person who either does not conduct post-market surveillance and studies to determine impact of a modified risk tobacco product for which the HHS Secretary has provided them an order to sell, or who does not submit a protocol to the HHS Secretary after being notified of a requirement to conduct post-market surveillance of such tobacco products. Penalty for aggregate of all such above violations adjudicated in a single proceeding.	2024	355,806	365,050
333(f)(9)(B)(ii)(II)	FDA	Penalty for violation of modified risk tobacco product post-market surveillance that continues after written notice to such person for the first 30-day period (or any portion thereof) that the person continues to be in violation. Penalty for post-notice violation of modified risk tobacco product post-market surveillance shall double for every 30-day period thereafter that the tobacco product requirement violation continues for any 30-day period, but may not exceed penalty amount for any 30-day period.	2024	1,423,220	1,460,195
333(g)(1)	FDA	Penalty for aggregate above tobacco product requirement violations adjudicated in a single proceeding.	2024	355,806	365,050
333 note	FDA	Penalty for any person who disseminates or causes another party to disseminate a direct-to-consumer advertisement that is false or misleading for the first such violation in any 3-year period.	2024	1,423,220	1,460,195
	FDA	Penalty for each subsequent above violation in any 3-year period.	2024	14,232,205	14,601,958
	FDA	Penalty to be applied for violations of 21 U.S.C. 387f(d)(5) or of violations of restrictions on the sale or distribution of tobacco products promulgated under 21 U.S.C. 387f(d) (e.g., violations of regulations in 21 CFR part 1140) with respect to a retailer with an approved training program in the case of a second regulation violation within a 12-month period.	2024	368,137	377,701
	FDA	Penalty in the case of a third violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 24-month period.	2024	736,274	755,402
	FDA	Penalty in the case of a fourth violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 24-month period.	2024	356	365
	FDA	Penalty in the case of a fifth violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 36-month period.	2024	709	727
	FDA	Penalty in the case of a sixth or subsequent violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 48-month period as determined on a case-by-case basis.	2024	2,846	2,920
	FDA	Penalty to be applied for violations of 21 U.S.C. 387f(d)(5) or of violations of restrictions on the sale or distribution of tobacco products promulgated under 21 U.S.C. 387f(d) (e.g., violations of regulations in 21 CFR part 1140) with respect to a retailer that does not have an approved training program in the case of the first regulation violation.	2024	7,115	7,300
	FDA	Penalty in the case of a second violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 12-month period.	2024	14,232	14,602
	FDA	Penalty in the case of a third violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 24-month period.	2024	356	365
	FDA	Penalty in the case of a fourth violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 24-month period.	2024	709	727
	FDA	Penalty in the case of a fifth violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 36-month period.	2024	1,424	1,461
	FDA	Penalty in the case of a sixth or subsequent violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 48-month period as determined on a case-by-case basis.	2024	2,846	2,920
335b(a)	FDA	Penalty for each violation for any individual who made a false statement or misrepresentation of a material fact, bribed, destroyed, altered, removed, or secreted, or procured the destruction, alteration, removal, or secretion of, any material document, failed to disclose a material fact, obstructed an investigation, employed a consultant who was debarred, debarred individual provided consultant services.	2024	7,115	7,300
	FDA	Penalty for each violation for any individual who made a false statement or misrepresentation of a material fact, bribed, destroyed, altered, removed, or secreted, or procured the destruction, alteration, removal, or secretion of, any material document, failed to disclose a material fact, obstructed an investigation, employed a consultant who was debarred, debarred individual provided consultant services.	2024	14,232	14,602
	FDA	Penalty for each violation for any individual who made a false statement or misrepresentation of a material fact, bribed, destroyed, altered, removed, or secreted, or procured the destruction, alteration, removal, or secretion of, any material document, failed to disclose a material fact, obstructed an investigation, employed a consultant who was debarred, debarred individual provided consultant services.	2024	542,434	556,526

360pp(b)(1)	FDA	Penalty in the case of any other person (other than an individual) per above violation.	2024	2,169,731	2,226,101
42 U.S.C 262(d)	FDA	Penalty for any person who violates any such requirements for electronic products, with each unlawful act or omission constituting a separate violation.	2024	3,558	3,650
263b(h)(3)	FDA	Penalty imposed for any related series of violations of requirements relating to electronic products.	2024	1,212,751	1,244,258
300aa-28(b)(1)	FDA	Penalty per day for violation of order of recall of biological product presenting imminent or substantial hazard.	2024	278,937	286,184
56b(d)(1)(B)(vi)	FDA	Penalty for failure to obtain a mammography certificate as required	2024	21,699	22,263
299c-3(d)	FDA	Penalty per occurrence for any vaccine manufacturer that intentionally destroys, alters, falsifies, or conceals any record or report required.	2024	278,937	286,184
653(i)(2)	HRSA	Penalty for each instance of overcharging a 340B covered entity	2024	7,034	7,217
262a(i)(1)	AHRQ	Penalty for using or disclosing identifiable information obtained in the course of activities undertaken pursuant to Title IX of the Public Health Service Act, for a purpose other than that for which the information was supplied, without consent to do so.	2024	18,291	18,766
300jj-51	ACF	Penalty for Misuse of Information in the National Directory of New Hires	2024	1,877	1,926
1320a-7a(a)	OIG	Penalty for each individual who violates safety and security procedures related to handling dangerous biological agents and toxins.	2024	424,250	435,272
	OIG	Penalty for any other person who violates safety and security procedures related to handling dangerous biological agents and toxins.	2024	848,505	870,549
	OIG	Penalty per violation for committing information blocking	2024	1,293,601	1,327,209
	OIG	Penalty for knowingly presenting or causing to be presented to an officer, employee, or agent of the United States a false claim.	2024	24,947	25,595
	OIG	Penalty for knowingly presenting or causing to be presented a request for payment which violates the terms of an assignment, agreement, or PPS agreement.	2024	24,947	25,595
	OIG	Penalty for knowingly giving or causing to be presented to a participating provider or supplier false or misleading information that could reasonably be expected to influence a discharge decision.	2024	37,421	38,393
	OIG	Penalty for an excluded party retaining ownership or control interest in a participating entity.	2024	24,947	25,595
	OIG	Penalty for remuneration offered to induce program beneficiaries to use particular providers, practitioners, or suppliers.	2024	24,947	25,595
	OIG	Penalty for employing or contracting with an excluded individual	2024	24,947	25,595
	OIG	Penalty for knowing and willful solicitation, receipt, offer, or payment of remuneration for referring an individual for a service or for purchasing, leasing, or ordering an item to be paid for by a Federal health care program.	2024	124,732	127,973
	OIG	Penalty for ordering or prescribing medical or other item or service during a period in which the person was excluded.	2024	24,947	25,595
	OIG	Penalty for knowingly making or causing to be made a false statement, omission or misrepresentation of a material fact in any application, bid, or contract to participate or enroll as a provider or supplier.	2024	124,732	127,973
	OIG	Penalty for knowing of an overpayment and failing to report and return	2024	24,947	25,595
	OIG	Penalty for making or using a false record or statement that is material to a false or fraudulent claim.	2024	70,336	72,163
	OIG	Penalty for failure to grant timely access to HHS OIG for audits, investigations, evaluations, and other statutory functions of HHS OIG.	2024	37,421	38,393
	OIG	Penalty for payments by a hospital or critical access hospital to induce a physician to reduce or limit services to individuals under direct care of physician or who are entitled to certain medical assistance benefits.	2024	6,236	6,398
	OIG	Penalty for physicians who knowingly receive payments from a hospital or critical access hospital to induce such physician to reduce or limit services to individuals under direct care of physician or who are entitled to certain medical assistance benefits.	2024	6,236	6,398
	OIG	Penalty for a physician who executes a document that falsely certifies home health needs for Medicare beneficiaries.	2024	12,473	12,797
1320a-7a(b)	OIG	Penalty for knowingly presenting or causing to be presented a false or fraudulent specified claim under a grant, contract, or other agreement for which the Secretary provides funding.	2024	12,166	12,482

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS—Continued

U.S.C. section(s)	CFR ¹	HHS agency	Description ²	Date of last penalty figure or adjustment ³	2024 Maximum adjusted penalty (\$)	2025 Maximum adjusted penalty (\$) ⁴
	42 CFR 1003.710(a)(2)	OIG	Penalty for knowingly making, using, or causing to be made or used any false statement, omission, or misrepresentation of a material fact in any application, proposal, bid, progress report, or other document required to directly or indirectly receive or retain funds provided pursuant to grant, contract, or other agreement.	2024	60,831	62,411
	42 CFR 1003.710(a)(3)	OIG	Penalty for knowingly making, using, or causing to be made or used, a false record or statement material to a false or fraudulent specified claim under grant, contract, or other agreement.	2024	60,831	62,411
	42 CFR 1003.710(a)(4)	OIG	Penalty for knowingly making, using, or causing to be made or used, a false record or statement material to an obligation to pay or transmit funds or property with respect to grant, contract, or other agreement, or knowingly conceals or improperly avoids or decreases any such obligation, per each false record or statement.	2024	63,450	65,098
	42 CFR 1003.710(a)(5)	OIG	Penalty for knowingly making, using, or causing to be made or used, a false record or statement material to an obligation to pay or transmit funds or property with respect to grant, contract, or other agreement, or knowingly conceals or improperly avoids or decreases any such obligation, per day.	2024	12,707	13,037
	42 CFR 1003.710(a)(5)	OIG	Penalty for failure to grant timely access, upon reasonable request, to the I.G. for purposes of audits, investigations, evaluations, or other statutory functions of I.G. in matters involving grants, contracts, or other agreements.	2024	18,250	18,724
1320a–7e(b)(6)(A)	42 CFR 1003.810	OIG	Penalty for failure to report any final adverse action taken against a health care provider, supplier, or practitioner.	2024	47,596	48,833
1320b–10(b)(1)	42 CFR 1003.610(a)	OIG	Penalty for the misuse of words, symbols, or emblems in communications in a manner in which a person could falsely construe that such item is approved, endorsed, or authorized by HHS.	2024	12,799	13,132
1320b–10(b)(2)	42 CFR 1003.610(a)	OIG	Penalty for the misuse of words, symbols, or emblems in a broadcast or telecast in a manner in which a person could falsely construe that such item is approved, endorsed, or authorized by HHS.	2024	63,991	65,653
1395i–3(b)(3)(B)(ii)(1)	42 CFR 1003.210(a)(11)	OIG	Penalty for certification of a false statement in assessment of functional capacity of a Skilled Nursing Facility resident assessment.	2024	2,670	2,739
1395i–3(b)(3)(B)(ii)(2)	42 CFR 1003.210(a)(11)	OIG	Penalty for causing another to certify or make a false statement in assessment of functional capacity of a Skilled Nursing Facility resident assessment.	2024	13,343	13,690
1395i–3(g)(2)(A)	42 CFR 1003.1310	OIG	Penalty for any individual who notifies or causes to be notified a Skilled Nursing Facility of the time or date on which a survey is to be conducted.	2024	5,339	5,478
1395w–27(g)(2)(A)	42 CFR 1003.410	OIG	Penalty for a Medicare Advantage organization that substantially fails to provide medically necessary, required items and services.	2024	48,586	49,848
		OIG	Penalty for a Medicare Advantage organization that charges excessive premiums.	2024	47,596	48,833
		OIG	Penalty for a Medicare Advantage organization that improperly expels or refuses to reenroll a beneficiary.	2024	47,596	48,833
		OIG	Penalty for a Medicare Advantage organization that engages in practice that would reasonably be expected to have the effect of denying or discouraging enrollment.	2024	190,389	195,335
		OIG	Penalty per individual who does not enroll as a result of a Medicare Advantage organization's practice that would reasonably be expected to have the effect of denying or discouraging enrollment.	2024	28,557	29,299
		OIG	Penalty for a Medicare Advantage organization misrepresenting or falsifying information to Secretary.	2024	190,389	195,335
		OIG	Penalty for a Medicare Advantage organization misrepresenting or falsifying information to individual or other entity.	2024	47,596	48,833
		OIG	Penalty for Medicare Advantage organization interfering with provider's advice to enrollee and non-MCO affiliated providers that balance bill enrollees.	2024	47,596	48,833
		OIG	Penalty for a Medicare Advantage organization that employs or contracts with excluded individual or entity.	2024	47,596	48,833

1395w-141(i)(3)	OIG	Penalty for a Medicare Advantage organization enrolling an individual in another plan without consent or solely for the purpose of earning a commission.	2024	47,596	48,833
1395cc(g)	OIG	Penalty for a Medicare Advantage organization failing to comply with marketing restrictions or applicable implementing regulations or guidance.	2024	47,596	48,833
1395dd(d)(1)	OIG	Penalty for a Medicare Advantage organization employing or contracting with an individual or entity who violates 1395w-27(g)(1)(A)-(J).	2024	47,596	48,833
1395mm(i)(6)(B)(i)	OIG	Penalty for a prescription drug card sponsor that falsifies or misrepresents marketing materials, overcharges program enrollees, or misuse transitional assistance funds.	2024	16,630	17,062
42 CFR 1003.210(a)(5)	OIG	Penalty for improper billing by Hospitals, Critical Access Hospitals, or Skilled Nursing Facilities.	2024	6,469	6,637
42 CFR 1003.510	OIG	Penalty for a hospital with 100 beds or more or responsible physician dumping patients needing emergency medical care.	2024	133,420	136,886
42 CFR 1003.410	OIG	Penalty for a hospital with less than 100 beds dumping patients needing emergency medical care.	2024	66,712	68,445
	OIG	Penalty for a HMO or competitive medical plan if such plan substantially fails to provide medically necessary, required items or services.	2024	66,712	68,445
	OIG	Penalty for HMOs/competitive medical plans that charge premiums in excess of permitted amounts.	2024	66,712	68,445
	OIG	Penalty for a HMO or competitive medical plan that expels or refuses to enroll an individual per prescribed conditions.	2024	66,712	68,445
	OIG	Penalty for a HMO or competitive medical plan that implements practices to discourage enrollment of individuals needing services in future.	2024	266,841	273,774
1395nn(g)(3)	OIG	Penalty per individual not enrolled in a plan as a result of a HMO or competitive medical plan that implements practices to discourage enrollment of individuals needing services in the future.	2024	38,395	39,393
1395nn(g)(4)	OIG	Penalty for a HMO or competitive medical plan that misrepresents or falsifies information to the Secretary.	2024	266,841	273,774
1395ss(d)(1)	OIG	Penalty for a HMO or competitive medical plan that misrepresents or falsifies information to an individual or any other entity.	2024	66,712	68,445
1395ss(d)(2)	OIG	Penalty for failure by HMO or competitive medical plan to assure prompt payment of Medicare risk sharing contracts or incentive plan provisions.	2024	66,712	68,445
1395ss(d)(3)(A)(i)	OIG	Penalty for HMO that employs or contracts with excluded individual or entity for submitting or causing to be submitted claims in violation of the Stark Law's restrictions on physician self-referrals.	2024	61,238	62,829
	OIG	Penalty for circumvention schemes in violation of the Stark Law's restrictions on physician self-referrals.	2024	30,868	31,670
	OIG	Penalty for a material misrepresentation regarding Medigap compliance policies.	2024	205,799	211,146
	OIG	Penalty for selling Medigap policy under false pretense.	2024	12,799	13,132
	OIG	Penalty for an issuer that sells health insurance policy that duplicates benefits.	2024	57,617	59,114
	OIG	Penalty for someone other than issuer that sells health insurance that duplicates benefits.	2024	34,568	35,466
1395ss(d)(4)(A)	OIG	Penalty for using mail to sell a non-approved Medigap insurance policy.	2024	12,799	13,132
1396b(m)(5)(B)(i)	OIG	Penalty for a Medicaid MCO that substantially fails to provide medically necessary, required items or services.	2024	63,991	65,653
	OIG	Penalty for a Medicaid MCO that charges excessive premiums.	2024	63,991	65,653
	OIG	Penalty for a Medicaid MCO that improperly expels or refuses to reenroll a beneficiary.	2024	255,964	262,614
	OIG	Penalty per individual who does not enroll as a result of a Medicaid MCO's practice that would reasonably be expected to have the effect of denying or discouraging enrollment.	2024	38,395	39,393
	OIG	Penalty for a Medicaid MCO misrepresenting or falsifying information to the Secretary.	2024	255,964	262,614
	OIG	Penalty for a Medicaid MCO misrepresenting or falsifying information to an individual or another entity.	2024	63,991	65,653
	OIG	Penalty for a Medicaid MCO that fails to comply with contract requirements with respect to physician incentive plans.	2024	57,617	59,114
1396(b)(3)(B)(ii)(I)	OIG	Penalty for willfully and knowingly certifying a material and false statement in a Skilled Nursing Facility resident assessment.	2024	2,670	2,739

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS—Continued

U.S.C. section(s)	CFR ¹	HHS agency	Description ²	Date of last penalty figure or adjustment ³	2024 Maximum adjusted penalty (\$)	2025 Maximum adjusted penalty (\$) ⁴
1396(b)(3)(B)(ii)(II)	42 CFR 1003.210(a)(11)	OIG	Penalty for willfully and knowingly causing another individual to certify a material and false statement in a Skilled Nursing Facility resident assessment.	2024	13,343	13,690
1396(g)(2)(A)(i)	42 CFR 1003.1310	OIG	Penalty for notifying or causing to be notified a Skilled Nursing Facility of the time or date on which a survey is to be conducted.	2024	5,339	5,478
1396–8(b)(3)(B)	42 CFR 1003.1210	OIG	Penalty for the knowing provision of false information or refusing to provide information about charges or prices of a covered outpatient drug.	2024	230,464	236,451
1396–8(b)(3)(C)(i)	42 CFR 1003.1210	OIG	Penalty per day for failure to timely provide information by drug manufacturer with rebate agreement.	2024	23,048	23,647
1396–8(b)(3)(C)(ii)	42 CFR 1003.1210	OIG	Penalty for knowing provision of false information by drug manufacturer with rebate agreement.	2024	230,464	236,451
1396(i)(3)(A)	42 CFR 1003.1310	OIG	Penalty for notifying home and community-based providers or settings of survey.	2024	4,610	4,730
11131(c)	42 CFR 1003.810	OIG	Penalty for failing to report a medical malpractice claim to National Practitioner Data Bank.	2024	27,894	28,619
11137(b)(2)	42 CFR 1003.810	OIG	Penalty for breaching confidentiality of information reported to National Practitioner Data Bank.	2024	27,894	28,619
299b–22(f)(1)	42 CFR 3.404	OCR	Penalty for violation of confidentiality provision of the Patient Safety and Quality Improvement Act.	2024	15,445	15,846
1320(d)–5(a)	45 CFR 160.404(b)(1)(i), (ii)	OCR	Penalty for each pre-February 18, 2009 violation of the HIPAA administrative simplification provisions.	2024	193	198
1320(d)–5(a)	45 CFR 160.404(b)(2)(i)(A), (B)	OIG OCR	Calendar Year Cap Penalty for each February 18, 2009 or later violation of a HIPAA administrative simplification provision in which it is established that the covered entity or business associate did not know and by exercising reasonable diligence, would not have known that the covered entity or business associate violated such a provision.	2024 2024	48,586	49,848
			Minimum	2024	141	145
			Maximum	2024	71,162	73,011
			Calendar Year Cap	2024	2,134,831	2,190,294
			Penalty for each February 18, 2009 or later violation of a HIPAA administrative simplification provision in which it is established that the violation was due to reasonable cause and not to willful neglect.	2024
			Minimum	2024	1,424	1,461
			Maximum	2024	71,162	73,011
			Calendar Year Cap	2024	2,134,831	2,190,294
			Penalty for each February 18, 2009 or later violation of a HIPAA administrative simplification provision in which it is established that the violation was due to willful neglect and was corrected during the 30-day period beginning on the first date the covered entity or business associate knew, or, by exercising reasonable diligence, would have known that the violation occurred.	2024
			Minimum	2024	14,232	14,602
			Maximum	2024	71,162	73,011
			Calendar Year Cap	2024	2,134,831	2,190,294
			Penalty for each February 18, 2009 or later violation of a HIPAA administrative simplification provision in which it is established that the violation was due to willful neglect and was not corrected during the 30-day period beginning on the first date the covered entity or business associate knew, or, by exercising reasonable diligence, would have known that the violation occurred.	2024
			Minimum	2024	71,162	73,011
			Maximum	2024	2,134,831	2,190,294
			Calendar Year Cap	2024
290dd–2(f)	42 CFR 2.3(a) and (c)	OCR	Penalty for each violation of a 42 CFR part 2 provision in which it is established that the person did not know and by exercising reasonable diligence, would not have known that the person violated such a provision.	2024	100	103

42 CFR 2.3(a) and (c)	OCR	Maximum	51,299	2024	50,000	51,299
		Calendar Year Cap	1,538,970	2024	1,500,000	1,538,970
		Penalty for each violation of a 42 CFR part 2 provision in which it is established that the violation was due to reasonable cause and not to willful neglect.				
42 CFR 2.3(a) and (c)	OCR	Minimum	1,026	2024	1,000	1,026
		Calendar Year Cap	51,299	2024	50,000	51,299
		Penalty for each violation of a 42 CFR part 2 provision in which it is established that the violation was due to willful neglect and was corrected during the 30-day period beginning on the first date the person knew, or, by exercising reasonable diligence, would have known that the violation occurred.				
42 CFR 2.3(a) and (c)	OCR	Minimum	10,260	2024	10,000	10,260
		Calendar Year Cap	51,299	2024	50,000	51,299
		Penalty for each violation of a 42 CFR part 2 provision in which it is established that the violation was due to willful neglect and was not corrected during the 30-day period beginning on the first date the person knew, or, by exercising reasonable diligence, would have known that the violation occurred.				
45 CFR 180.90	CMS	Minimum	51,299	2024	50,000	51,299
		Calendar Year Cap	1,538,970	2024	1,500,000	1,538,970
		Penalty for a hospital's non-compliance with making public standard charges for hospital items and services.				
45 CFR 180.90(c)(2)(i)	CMS	Per Day (Maximum)	342	2024	333	342
		Applicable solely to CY 2021 penalties, per day penalty for a hospital's non-compliance with making public standard charges for hospital items and services.				
		Penalty for a clinical laboratory's failure to meet participation and certification requirements and poses immediate jeopardy.				
45 CFR 180.90(c)(2)(ii)(A)	CMS	Per day penalty for hospitals with equal to or less than 30 beds	342	2024	333	342
		Per day, per bed penalty for hospitals having at least 31 and up to and including 550 beds.	11	2024	11	11
		Penalty for a provider's non-compliance with price transparency requirements regarding diagnostic tests for COVID-19.				
45 CFR 182.70	CMS	Per Day (Maximum)	6,277	2024	6,118	6,277
		Penalty for a clinical laboratory's failure to meet participation and certification requirements and poses immediate jeopardy.				
		Penalty for a clinical laboratory's failure to meet participation and certification requirements and poses immediate jeopardy.				
42 CFR 493.1834(d)(2)(i)	CMS	Minimum	N/A	2024	N/A	N/A
		Maximum	8,010	2024	7,807	8,010
		Penalty for a clinical laboratory's failure to meet participation and certification requirements and the failure does not pose immediate jeopardy.				
42 CFR 493.1834(d)(2)(ii)	CMS	Minimum	26,262	2024	25,597	26,262
		Maximum	132	2024	129	132
		Penalty for a clinical laboratory's failure to meet SARS-CoV-2 test reporting requirements.				
42 CFR 493.1834(d)(2)(iii)	CMS	First day of noncompliance	7,877	2024	7,678	7,877
		Each additional day of noncompliance				
		Penalty for a clinical laboratory's failure to meet SARS-CoV-2 test reporting requirements.				
300gg-15(f)	CMS	Failure to provide the Summary of Benefits and Coverage	1,443	2024	1,406	1,443
		Penalty for violations of regulations related to the medical loss ratio reporting and rebating.	144	2024	140	144
		Penalty against hospital identified by CMS as noncompliant according to §182.50 with respect to price transparency requirements regarding diagnostic tests for COVID-19.				
45 CFR 180.70	CMS	Penalties for failure to comply with No Surprises Act requirements on providers, facilities, providers of air ambulance services.				
		Penalty for manufacturer or group purchasing organization failing to report information required under 42 U.S.C. 1320a-7h(a), relating to physician ownership or investment interests.				
		Penalty for manufacturer or group purchasing organization knowingly failing to report information required under 42 U.S.C. 1320a-7h(a), relating to physician ownership or investment interests.				
42 CFR 402.105(h), 42 CFR 403.912(a) & (c)	CMS	Minimum	12,123	2024	11,816	12,123
		Maximum				
		Calendar Year Cap				
42 CFR 402.105(h), 42 CFR 403.912(b) & (c)	CMS	Minimum	1,443	2024	1,406	1,443
		Maximum	216,490	2024	211,008	216,490
		Calendar Year Cap				

42 U.S.C. 300gg-18, 42 U.S.C. 1302.

CARES Act, Public Law 116-136, section 3202(b)(2).

263a(h)(2)(B) & 1395w-2(b)(2)(A)(ii).

42 U.S.C. 300gg-118 note, 300gg-134, 1320a-7h(b)(1)

1320a-7h(b)(2)

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS—Continued

U.S.C. section(s)	CFR ¹	HHS agency	Description ²	Date of last penalty figure or adjustment ³	2024 Maximum adjusted penalty (\$)	2025 Maximum adjusted penalty (\$) ⁴
			Minimum		14,067	14,432
			Maximum	2024	140,674	144,329
1320a-7(h)(3)(A)		CMS	Calendar Year Cap	2024	1,406,728	1,443,275
			Maximum penalty for an administrator of a facility that fails to comply with notice requirements for the closure of a facility.	2024	140,674	144,329
1320a-7(h)(3)(A)	42 CFR 488.446(a)(1), (2), & (3)	CMS	Minimum penalty for the first offense of an administrator who fails to provide notice of facility closure.	2024	703	721
			Minimum penalty for the second offense of an administrator who fails to provide notice of facility closure.	2024	2,111	2,166
1320a-8(a)(1)		CMS	Minimum penalty for the third and subsequent offenses of an administrator who fails to provide notice of facility closure.	2024	4,219	4,329
			Penalty for an entity knowingly making a false statement or representation of material fact in the determination of the amount of benefits or payments related to old-age, survivors, and disability insurance benefits, special benefits for certain World War II veterans, or supplemental security income for the aged, blind, and disabled.	2024	10,289	10,556
			Penalty for violation of 42 U.S.C. 1320a-8(a)(1) if the violator is a person who receives a fee or other income for services performed in connection with determination of the benefit amount or the person is a physician or other health care provider who submits evidence in connection with such a determination.	2024	9,704	9,956
1320a-8(a)(3)		CMS	Penalty for a representative payee (under 42 U.S.C. 405(j), 1007, or 1383(a)(2)) converting any part of a received payment from the benefit programs described in the previous civil monetary penalty to a use other than for the benefit of the beneficiary.	2024	8,058	8,267
1320b-25(c)(1)(A)		CMS	Penalty for failure of covered individuals to report to the Secretary and 1 or more law enforcement officials any reasonable suspicion of a crime against a resident, or individual receiving care, from a long-term care facility.	2024	281,346	288,655
1320b-25(c)(2)(A)		CMS	Penalty for failure of covered individuals to report to the Secretary and 1 or more law enforcement officials any reasonable suspicion of a crime against a resident, or individual receiving care, from a long-term care facility if such failure exacerbates the harm to the victim of the crime or results in the harm to another individual.	2024	422,017	432,981
1320b-25(d)(2)		CMS	Penalty for a long-term care facility that retaliates against any employee because of lawful acts done by the employee, or files a complaint or report with the State professional disciplinary agency against an employee or nurse for lawful acts done by the employee or nurse.	2024	281,346	288,655
1395b-7(b)(2)(B)	42 CFR 402.105(g)	CMS	Penalty for any person who knowingly and willfully fails to furnish a beneficiary with an itemized statement of items or services within 30 days of the beneficiary's request.	2024	190	195
1395i-3(h)(2)(B)(ii)(I)	42 CFR 488.408(d)(1)(iii)	CMS	Penalty per day for a Skilled Nursing Facility that has a Category 2 violation of certification requirements.	2024		
			Minimum	2024		
			Maximum	2024	133	136
42 CFR 488.408(d)(1)(iv)	42 CFR 488.408(d)(1)(iv)	CMS	Penalty per instance of Category 2 noncompliance by a Skilled Nursing Facility.	2024	8,003	8,211
			Minimum	2024		
			Maximum	2024	2,670	2,739
42 CFR 488.408(e)(1)(iii)	42 CFR 488.408(e)(1)(iii)	CMS	Penalty per day for a Skilled Nursing Facility that has a Category 3 violation of certification requirements.	2024	26,685	27,378
			Minimum	2024		
			Maximum	2024	8,140	8,351
42 CFR 488.408(e)(1)(iv)	42 CFR 488.408(e)(1)(iv)	CMS	Penalty per instance of Category 3 noncompliance by a Skilled Nursing Facility.	2024	26,685	27,378
			Minimum	2024		
			Maximum	2024	2,670	2,739
			Minimum	2024	26,685	27,378
			Maximum	2024	26,685	27,378

42 CFR 488.408(e)(2)(ii)	CMS	Penalty per day and per instance for a Skilled Nursing Facility that has Category 3 noncompliance with Immediate Jeopardy.	2024	0
		Per Day (Minimum)	2024	8,140
		Per Day (Maximum)	2024	8,351
		Per Instance (Minimum)	2024	26,685
		Per Instance (Maximum)	2024	27,378
42 CFR 488.438(a)(1)(i)	CMS	Penalty per day of a Skilled Nursing Facility that fails to meet certification requirements. These amounts represent the upper range per day.	2024	0
		Minimum	2024	0
		Maximum	2024	8,351
42 CFR 488.438(a)(1)(ii)	CMS	Penalty per day of a Skilled Nursing Facility that fails to meet certification requirements. These amounts represent the lower range per day.	2024	0
		Minimum	2024	0
		Maximum	2024	27,378
42 CFR 488.438(a)(2)	CMS	Penalty per instance of a Skilled Nursing Facility that fails to meet certification requirements.	2024	136
		Minimum	2024	133
		Maximum	2024	8,211
42 CFR 488.447	CMS	Penalty imposed for failure to comply with infection control weekly reporting requirements at 42 CFR 483.80(g)(1) and (2).	2024	2,739
		Minimum	2024	2,670
		Maximum	2024	27,378
42 CFR 488.1245	CMS	First occurrence	2024	1,196
		Incremental increases for each subsequent occurrence	2024	598
42 CFR 488.1245(b)(2)(iii)	CMS	Penalty for noncompliance by hospice program with requirements specified in section 1395x(dd) of 42 U.S.C.	2024	11,124
42 CFR 488.1245(b)(3)	CMS	Adjustment to penalties. Maximum penalty assessment for each day a hospice is not in substantial compliance with one or more conditions of participation.	2024	11,124
42 CFR 488.1245(b)(3)(i)	CMS	Penalty imposed for hospice condition-level deficiency that is immediate jeopardy. These amounts represent the upper range of penalty.	2024	9,701
		Minimum	2024	9,455
		Maximum	2024	11,124
42 CFR 488.1245(b)(3)(ii)	CMS	Penalty imposed for hospice condition-level deficiency that is immediate jeopardy. These amounts represent the upper range of penalty.	2024	11,124
42 CFR 488.1245(b)(3)(iii)	CMS	Penalty imposed for hospice condition-level deficiency that is immediate jeopardy. These amounts represent the upper range of penalty.	2024	10,271
42 CFR 488.1245(b)(4)	CMS	Penalty imposed for hospice repeat or condition-level deficiency or both that does not constitute immediate jeopardy but is directly related to poor quality patient care outcomes. These amounts represent the middle range of penalty.	2024	9,701
		Minimum	2024	9,455
		Maximum	2024	10,011
42 CFR 488.1245(b)(5)	CMS	Penalty imposed for hospice repeat or condition-level deficiency or both that does not constitute immediate jeopardy and are related predominantly to structure or process-oriented conditions rather than directly related to patient outcomes. These amounts represent the lower range of penalty.	2024	1,711
		Minimum	2024	1,668
		Maximum	2024	9,701
42 CFR 488.1245(b)(6)	CMS	Penalty range imposed for per instance of hospice noncompliance	2024	570
		Minimum	2024	4,450
		Maximum	2024	4,566
42 CFR 488.1245(d)(1)(i)	CMS	Penalty for each per instance of hospice noncompliance, maximum per day per hospice program.	2024	1,141
		Minimum	2024	1,112
		Maximum	2024	11,413
42 CFR 402.105(d)(2)(i)	CMS	Penalty for knowingly, willfully, and repeatedly billing for a clinical diagnostic laboratory test other than on an assignment-related basis. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(i)(2)(B), which is assessed according to 1320a-7a(a)).	2024	19,940
		Minimum	2024	19,435
		Maximum	2024	19,940
1395(i)(6)	CMS	Penalty for knowingly and willfully presenting or causing to be presented a bill or request for payment for an intraocular lens inserted during or after cataract surgery for which the Medicare payment rate includes the cost of acquiring the class of lens involved.	2024	5,254
1395(q)(2)(B)(i)	CMS	Penalty for knowingly and willfully failing to provide information about a referring physician when seeking payment on an unassigned basis.	2024	4,899
		Minimum	2024	4,899
		Maximum	2024	5,026

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS—Continued

U.S.C. section(s)	CFR ¹	HHS agency	Description ²	Date of last penalty figure or adjustment ³	2024 Maximum adjusted penalty (\$)	2025 Maximum adjusted penalty (\$) ⁴
1395m(a)(11)(A)	42 CFR 402.1(c)(4), 402.105(d)(2)(ii)	CMS	Penalty for any durable medical equipment supplier that knowingly and willfully charges for a covered service that is furnished on a rental basis after the rental payments may no longer be made. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a).)	2024	19,435	19,940
1395m(a)(18)(B)	42 CFR 402.1(c)(5), 402.105(d)(2)(iii)	CMS	Penalty for any nonparticipating durable medical equipment supplier that knowingly and willfully fails to make a refund to Medicare beneficiaries for a covered service for which payment is precluded due to an unsolicited telephone contact from the supplier. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a).)	2024	19,435	19,940
1395m(b)(5)(C)	42 CFR 402.1(c)(6), 402.105(d)(2)(iv)	CMS	Penalty for any nonparticipating physician or supplier that knowingly and willfully charges a Medicare beneficiary more than the limiting charge for radiologist services. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a).)	2024	19,435	19,940
1395m(h)(3)	42 CFR 402.1(c)(8), 402.105(d)(2)(vi)	CMS	Penalty for any supplier of prosthetic devices, orthotics, and prosthetics that knowingly and willfully charges for a covered prosthetic device, orthotic, or prosthetic that is furnished on a rental basis after the rental payment may no longer be made. (Penalties are assessed in the same manner as 42 U.S.C. 1395m(a)(1)(A), that is in the same manner as 1395u(j)(2)(B), which is assessed according to 1320a-7a(a).)	2024	19,435	19,940
1395m(j)(2)(A)(iii)		CMS	Penalty for any supplier of durable medical equipment including a supplier of prosthetic devices, prosthetics, orthotics, or supplies that knowingly and willfully distributes a certificate of medical necessity in violation of Section 1834(j)(2)(A)(i) of the Act or fails to provide the information required under Section 1834(j)(2)(A)(ii) of the Act.	2024	2,058	2,111
1395m(j)(4)	42 CFR 402.1(c)(10), 402.105(d)(2)(vii)	CMS	Penalty for any supplier of durable medical equipment, including a supplier of prosthetic devices, prosthetics, orthotics, or supplies that knowingly and willfully fails to make refunds in a timely manner to Medicare beneficiaries for series billed other than on an assignment-related basis under certain conditions. (Penalties are assessed in the same manner as 42 U.S.C. 1395m(j)(4) and 1395u(j)(2)(B), which is assessed according to 1320a-7a(a).)	2024	19,435	19,940
1395m-1(a)	42 CFR. 414.504(e)	CMS	Penalty for an applicable entity that has failed to report or made a misrepresentation or omission in reporting applicable information with respect to a clinical diagnostic laboratory test.	2024	12,958	13,295
	42 CFR 402.1(c)(31), 402.105(d)(3)	CMS	Penalty for any person or entity who knowingly and willfully bills or collects for any outpatient therapy services or comprehensive outpatient rehabilitation services on other than an assignment-related basis. (Penalties are assessed in the same manner as 42 U.S.C. 1395m(k)(6) and 1395u(j)(2)(B), which is assessed according to 1320a-7a(a).)	2024	19,435	19,940
1395m(l)(6)	42 CFR 402.1(c)(32), 402.105(d)(4)	CMS	Penalty for any supplier of ambulance services who knowingly and willfully bills or collects for any services on other than an assignment-related basis. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(b)(18)(B), which is assessed according to 1320a-7a(a).)	2024	19,435	19,940
1395u(b)(18)(B)	42 CFR 402.1(c)(11), 402.105(d)(2)(viii)	CMS	Penalty for any practitioner specified in Section 1842(b)(18)(C) of the Act or other person that knowingly and willfully bills or collects for any services by the practitioners on other than an assignment-related basis. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a).)	2024	19,435	19,940
1395u(j)(2)(B)	42 CFR 402.1(c)	CMS	Penalty for any physician who charges more than 125% for a non-participating referral. (Penalties are assessed in the same manner as 42 U.S.C. 1320a-7a(a).)	2024	19,435	19,940

1395u(k)	42 CFR 402.1(c)(12), 402.105(d)(2)(ix), 1834A(a)(9) and 42 CFR 414.504(e).	CMS	Penalty for any physician who knowingly and willfully presents or causes to be presented a claim for bill for an assistant at a cataract surgery performed on or after March 1, 1987, for which payment may not be made because of section 1862(a)(15). (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)).	2024	19,435	19,940
1395u(l)(3)	42 CFR 402.1(c)(13), 402.105(d)(2)(x)	CMS	Penalty for any nonparticipating physician who does not accept payment on an assignment-related basis and who knowingly and willfully fails to refund on a timely basis any amounts collected for services that are not refundable or medically necessary or are of poor quality under 1842(i)(1)(A). (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)).	2024	19,435	19,940
1395u(m)(3)	42 CFR 402.1(c)(14), 402.105(d)(2)(xi).	CMS	Penalty for any nonparticipating physician charging more than \$500 who does not accept payment for an elective surgical procedure on an assignment-related basis and who knowingly and willfully fails to disclose the required information regarding charges and coinsurance amounts and fails to refund on a timely basis any amount collected for the procedure in excess of the charges recognized and approved by the Medicare program. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)).	2024	19,435	19,940
1395u(n)(3)	42 CFR 402.1(c)(15), 402.105(d)(2)(xii).	CMS	Penalty for any physician who knowingly, willfully, and repeatedly bills one or more beneficiaries for purchased diagnostic tests any amount other than the payment amount specified by the Act. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)).	2024	19,435	19,940
1395u(o)(3)(B)	42 CFR 414.707(b)	CMS	Penalty for any practitioner specified in Section 1842(b)(18)(C) of the Act or other person that knowingly and willfully bills or collects for any services pertaining to drugs or biologics by the practitioners on other than an assignment-related basis. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(b)(18)(B) and 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)).	2024	5,121	5,254
1395u(p)(3)(A)		CMS	Penalty for any physician or practitioner who knowingly and willfully fails promptly to provide the appropriate diagnosis codes upon CMS or Medicare administrative contractor request for payment or bill not submitted on an assignment-related basis.	2024	16,630	17,062
1395w-3a(d)(4)(A)	42 CFR 414.806	CMS	Penalty for a pharmaceutical manufacturer's misrepresentation of average sales price of a drug, or biologic.	2024	19,435	19,940
1395w-4(g)(1)(B)	42 CFR 402.1(c)(17), 402.105(d)(2)(xiii).	CMS	Penalty for any nonparticipating physician, supplier, or other person that furnishes physician services not on an assignment-related basis who either knowingly and willfully bills or collects in excess of the statutorily-defined limiting charge or fails to make a timely refund or adjustment. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)).	2024	19,435	19,940
1395w-4(g)(3)(B)	42 CFR 402.1(c)(18), 402.105(d)(2)(xiv).	CMS	Penalty for any person that knowingly and willfully bills for statutorily defined State-plan approved physicians' services on any other basis than an assignment-related basis for a Medicare/Medicaid dual eligible beneficiary. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)).	2024	47,596	48,833
1395w-27(g)(3)(A); 1857(g)(3); 1860D-12(b)(3)(E).	42 CFR 422.760(b); 42 CFR 423.760(b).	CMS	Penalty for each termination determination the Secretary makes that is the result of actions by a Medicare Advantage organization or Part D sponsor that adversely affected (or has the substantial likelihood of adversely affecting) an individual covered under the organization's contract.	2024	19,040	19,535
1395w-27(g)(3)(B); 1857(g)(3); 1860D-12(b)(3)(E).		CMS	Penalty for each week beginning after the initiation of civil money penalty procedures by the Secretary because a Medicare Advantage organization or Part D sponsor has failed to carry out a contract, or has carried out a contract inconsistently with regulations.	2024	176,807	181,400
1395w-27(g)(3)(D); 1857(g)(3); 1860D-12(b)(3)(E).		CMS	Penalty for a Medicare Advantage organization's or Part D sponsor's early termination of its contract.	2024	11,524	11,823
1395y(b)(3)(C)	42 CFR 411.103(b)	CMS	Penalty for an employer or other entity to offer any financial or other incentive for an individual entitled to benefits not to enroll under a group health plan or large group health plan which would be a primary plan.	2024	1,877	1,926
1395y(b)(5)(C)(ii)	42 CFR 402.1(c)(20), 42 CFR 402.105(b)(2).	CMS	Penalty for any non-governmental employer that, before October 1, 1998, willfully or repeatedly failed to provide timely and accurate information requested relating to an employee's group health insurance coverage.	2024		

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS—Continued

U.S.C. section(s)	CFR ¹	HHS agency	Description ²	Date of last penalty figure or adjustment ³	2024 Maximum adjusted penalty (\$) ⁴	2025 Maximum adjusted penalty (\$) ⁴
1395y(b)(6)(B)	42 CFR 402.1(c)(20), 402.105(a)	CMS	Penalty for any entity that knowingly, willfully, and repeatedly fails to complete a claim form relating to the availability of other health benefits in accordance with statute or provides inaccurate information relating to such on the claim form.	2024	4,117	4,224
1395y(b)(7)(B)(i)	42 CFR 402.1(c)(21), 402.105(a)	CMS	Penalty for any entity serving as insurer, third party administrator, or fiduciary for a group health plan that fails to provide information that identifies situations where the group health plan is or was a primary plan to Medicare to the HHS Secretary.	2024	1,474	1,512
1395y(b)(8)(E)	42 CFR 411.361	CMS	Penalty for any non-group health plan that fails to identify claimants who are Medicare beneficiaries and provide information to the HHS Secretary to coordinate benefits and pursue any applicable recovery claim.	2024	1,474	1,512
1395nn(g)(5)	42 CFR 402.1(c)(23), 402.105(d)(2)(xv)	CMS	Penalty for any person that fails to report information required by HHS under Section 1877(f) concerning ownership, investment, and compensation arrangements.	2024	24,496	25,132
1395pp(h)	42 CFR 402.1(c)(25), 402.105(f)(2)	CMS	Penalty for any durable medical equipment supplier, including a supplier of prosthetic devices, prosthetics, orthotics, or supplies, that knowingly and willfully fails to make refunds in a timely manner to Medicare beneficiaries under certain conditions. (42 U.S.C. 1395(m)(18) sanctions apply here in the same manner, which is under 1395u(j)(2) and 1320a-7(a)(a)).	2024	19,435	19,940
1395ss(a)(2)	402.102(f)(1)	CMS	Penalty for any person that issues a Medicare supplemental policy that has not been approved by the State regulatory program or does not meet Federal standards after a statutorily defined effective date.	2024	66,711	68,444
1395ss(d)(3)(A)(vi)(II)	42 CFR 402.1(c)(25), 402.105(e), 402.105(f)(2)	CMS	Penalty for someone other than issuer that sells or issues a Medicare supplemental policy to beneficiary without a disclosure statement.	2024	34,568	35,466
1395ss(d)(3)(B)(iv)	42 CFR 402.1(c)(25), 402.105(f)(2)	CMS	Penalty for an issuer that sells or issues a Medicare supplemental policy without disclosure statement.	2024	57,617	59,114
1395ss(p)(8)	42 CFR 402.1(c)(25), 402.105(e)	CMS	Penalty for someone other than issuer that sells or issues a Medicare supplemental policy without acknowledgement form.	2024	34,568	35,466
	42 CFR 402.1(c)(25), 405402.105(f)(2)	CMS	Penalty for issuer that sells or issues a Medicare supplemental policy without an acknowledgement form.	2024	57,617	59,114
	42 CFR 402.1(c)(26), 402.105(e), 402.105(f)(3), (4)	CMS	Penalty for someone other than issuer that sells or issues Medicare supplemental policies after a given date that fail to conform to the NAIC or Federal standards established by statute.	2024	34,568	35,466
1395ss(p)(9)(C)	42 CFR 402.105(f)(3), (4)	CMS	Penalty for an issuer that sells or issues Medicare supplemental policies after a given date that fail to conform to the NAIC or Federal standards established by statute.	2024	57,617	59,114
	42 CFR 402.105(f)(5)	CMS	Penalty for someone other than issuer that sells a Medicare supplemental policy and fails to make available for sale the core group of basic benefits when selling other Medicare supplemental policies with additional benefits or fails to provide the individual, before selling the policy, an outline of coverage describing benefits.	2024	34,568	35,466
1395ss(q)(5)(C)	42 CFR 402.105(f)(5)	CMS	Penalty for an issuer that sells a Medicare supplemental policy and fails to make available for sale the core group of basic benefits when selling other Medicare supplemental policies with additional benefits or fails to provide the individual, before selling the policy, an outline of coverage describing benefits.	2024	57,617	59,114
1395ss(r)(6)(A)	42 CFR 402.105(f)(6)	CMS	Penalty for any person that fails to suspend the policy of a policyholder made eligible for medical assistance or automatically reinstates the policy of a policyholder who has lost eligibility for medical assistance, under certain circumstances.	2024	57,617	59,114
1395ss(s)(4)	42 CFR 402.1(c)(29), 402.105(c)	CMS	Penalty for any person that fails to provide refunds or credits as required by section 1882(f)(1)(B). Penalty for any issuer of a Medicare supplemental policy that does not waive listed time periods if they were already satisfied under a proceeding Medicare supplemental policy, or denies a policy, or conditions the issuances or effectiveness of the policy, or discriminates in the pricing of the policy base on health status or other specified criteria.	2024	57,617	59,114
				C2024	24,460	25,095

1395ss(t)(2)	42 CFR 402.1(c)(30), 402.105(f)(7)	CMS	Penalty for any issuer of a Medicare supplemental policy that fails to fulfill listed responsibilities.	2024	57,617	59,114
1395ss(v)(4)(A)		CMS	Penalty someone other than issuer who sells, issues, or renews a medigap Rx policy to an individual who is a Part D enrollee.	2024	24,946	25,594
1395bbb(c)(1)	42 CFR 488.725(c)	CMS	Penalty for an issuer who sells, issues, or renews a Medigap Rx policy who is a Part D enrollee.	2024	41,577	42,657
1395bbb(f)(2)(A)(i)	42 CFR 488.725(c)	CMS	Penalty for any individual who notifies or causes to be notified a home health agency of the time or date on which a survey of such agency is to be conducted.	2024	5,339	5,478
	42 CFR 488.845(b)(2)(iii) 42 CFR 488.845(b)(3)-(6); and 42 CFR 488.845(d)(1)(ii)	CMS	Maximum daily penalty amount for each day a home health agency is not in compliance with statutory requirements.	2024	25,597	26,262
	42 CFR 488.845(b)(3)	CMS	Penalty per day for home health agency's noncompliance (Upper Range)	2024	21,757	0
	42 CFR 488.845(b)(3)(i)	CMS	Minimum	2024	21,757	22,322
	42 CFR 488.845(b)(3)(i)	CMS	Maximum	2024	25,597	26,262
	42 CFR 488.845(b)(3)(ii)	CMS	Penalty for a home health agency's deficiency or deficiencies that cause immediate jeopardy and result in actual harm.	2024	25,597	26,262
	42 CFR 488.845(b)(3)(iii)	CMS	Penalty for a home health agency's deficiency or deficiencies that cause immediate jeopardy and result in potential for harm.	2024	23,036	23,634
	42 CFR 488.845(b)(4)	CMS	Penalty for an isolated incident of noncompliance in violation of established HHA policy.	2024	21,757	22,322
	42 CFR 488.845(b)(4)	CMS	Penalty for a repeat and/or condition-level deficiency that does not constitute immediate jeopardy, but is directly related to poor quality patient care outcomes (Lower Range).	2024		0
	42 CFR 488.845(b)(5)	CMS	Minimum	2024	3,841	3,941
	42 CFR 488.845(b)(5)	CMS	Maximum	2024	21,757	22,322
	42 CFR 488.845(b)(5)	CMS	Penalty for a repeat and/or condition-level deficiency that does not constitute immediate jeopardy and that is related predominately to structure or process-oriented conditions (Lower Range).	2024		0
	42 CFR 488.845(b)(6)	CMS	Minimum	2024	1,280	1,313
	42 CFR 488.845(b)(6)	CMS	Maximum	2024	2,559	2,625
	42 CFR 488.845(b)(6)	CMS	Penalty imposed for instance of noncompliance that may be assessed for one or more singular events of condition-level noncompliance that are identified and where the noncompliance was corrected during the onsite survey.	2024		0
1395eee(e)(6)(B); 1396u-4(e)(6)(B).	42 CFR 488.845(d)(1)(ii)	CMS	Penalty for each day of noncompliance (Minimum)	2024	2,559	2,625
	42 CFR 460.46	CMS	Penalty for each day of noncompliance (Maximum)	2024	25,597	26,262
		CMS	Penalty for PACE organization that discriminates in enrollment or disenrollment, or engages in any practice that would reasonably be expected to have the effect of denying or discouraging enrollment, on the basis of health status or the need for services.	2024	25,597	26,262
		CMS	For each individual not enrolled as a result of the PACE organization's discrimination in enrollment or disenrollment or practice that would deny or discourage enrollment.	2024	47,596	48,833
	42 CFR 488.408(d)(1)(iii)	CMS	Minimum	2024	47,596	48,833
	42 CFR 488.408(d)(1)(iv)	CMS	Maximum	2024		0
	42 CFR 488.408(d)(1)(iv)	CMS	Penalty for a PACE organization that charges excessive premiums	2024	17,933	18,399
		CMS	Penalty for a PACE organization misrepresenting or falsifying information to CMS or the State.	2024	119,555	122,661
		CMS	Penalty per day for a nursing facility's failure to meet Category 2 certification.	2024	47,596	48,833
		CMS	Penalty per day for a nursing facility's failure to meet a Category 2 certification.	2024	190,389	195,335
		CMS	Minimum	2024	47,596	48,833
		CMS	Maximum	2024		0
	42 CFR 488.408(d)(1)(iv)	CMS	Penalty per instance for a nursing facility's failure to meet Category 2 certification.	2024	133	136
		CMS	Minimum	2024	8,003	8,211
		CMS	Maximum	2024		
	42 CFR 488.408(e)(1)(iii)	CMS	Penalty per day for a nursing facility's failure to meet Category 3 certification	2024	2,670	2,739
		CMS	Minimum	2024	26,685	27,378
		CMS	Maximum	2024		
	42 CFR 488.408(e)(1)(iv)	CMS	Penalty per instance for a nursing facility's failure to meet Category 3 certification.	2024	8,140	8,351
		CMS	Minimum	2024	26,685	27,378
		CMS	Maximum	2024		0
		CMS	Penalty per instance for a nursing facility's failure to meet Category 3 certification.	2024	2,670	2,739
		CMS	Minimum	2024	26,685	27,378
		CMS	Maximum	2024		

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS—Continued

U.S.C. section(s)	CFR ¹	HHS agency	Description ²	Date of last penalty figure or adjustment ³	2024 Maximum adjusted penalty (\$)	2025 Maximum adjusted penalty (\$) ⁴
	42 CFR 488.408(e)(2)(ii)	CMS	Penalty per instance for a nursing facility's failure to meet Category 3 certification, which results in immediate jeopardy.	2024	0	0
			Minimum	2024	2,670	2,739
			Maximum	2024	26,685	27,378
	42 CFR 488.438(a)(1)(i)	CMS	Penalty per day for nursing facility's failure to meet certification (Upper Range).	2024	0	0
			Minimum	2024	8,140	8,351
			Maximum	2024	26,685	27,378
	42 CFR 488.438(a)(1)(ii)	CMS	Penalty per day for nursing facility's failure to meet certification (Lower Range).	2024	0	0
			Minimum	2024	133	136
			Maximum	2024	8,003	8,211
	42 CFR 488.438(a)(2)	CMS	Penalty per instance for nursing facility's failure to meet certification	2024	0	0
			Minimum	2024	2,670	2,739
			Maximum	2024	26,685	27,378
	42 CFR 488.447	CMS	Penalty imposed for failure to comply with infection control weekly reporting requirements at 42 CFR 483.80(g)(1) and (2).	2024	0	0
			First occurrence (Minimum)	2024	1,196	1,227
			Incremental increases for each subsequent occurrence	2024	598	614
			Grounds to prohibit approval of Nurse Aide Training Program—if assessed a penalty in 1819(h)(2)(B)(i) or 1919(h)(2)(A)(ii) of "not less than \$5,000" [Not CMP authority, but a specific CMP amount (CMP at this level) that is the triggering condition for disapproval].	2024	13,343	13,690
1396(f)(2)(B)(iii)(c)	42 CFR 483.151(b)(2)(iv) and (b)(3)(iii).	CMS	Grounds to waive disapproval of nurse aide training program—reference to disapproval based on imposition of CMP "not less than \$5,000" [Not CMP authority but CMP imposition at this level determines eligibility to seek waiver of disapproval of nurse aide training program].	2024	0	0
1396(h)(3)(C)(ii)(i)	42 CFR 483.151(c)(2)	CMS	Penalty for each day of noncompliance for a home or community care provider that no longer meets the minimum requirements for home and community care.	2024	0	0
			Minimum	2024	2	2
			Maximum	2024	23,048	23,647
1396u–2(e)(2)(A)(i)	42 CFR 438.704	CMS	Penalty for a Medicaid managed care organization that fails substantially to provide medically necessary items and services.	2024	47,596	48,833
			Penalty for Medicaid managed care organization that imposes premiums or charges on enrollees in excess of the premiums or charges permitted.	2024	47,596	48,833
			Penalty for a Medicaid managed care organization that misrepresents or falsifies information to another individual or entity.	2024	47,596	48,833
			Penalty for a Medicaid managed care organization that fails to comply with the applicable statutory requirements for such organizations.	2024	47,596	48,833
1396u–2(e)(2)(A)(ii)	42 CFR 438.704	CMS	Penalty for a Medicaid managed care organization that misrepresents or falsifies information to the HHS Secretary.	2024	190,389	195,335
			Penalty for Medicaid managed care organization that acts to discriminate among enrollees on the basis of their health status.	2024	190,389	195,335
1396u–2(e)(2)(A)(iv)	42 CFR 438.704	CMS	Penalty for each individual that does not enroll as a result of a Medicaid managed care organization that acts to discriminate among enrollees on the basis of their health status.	2024	28,557	29,299
1396u(h)(2)	42 CFR Part 441, Subpart I	CMS	Penalty for a provider not meeting one of the requirements relating to the protection of the health, safety, and welfare of individuals receiving community supported living arrangements services.	2024	26,685	27,378
1396w–2(c)(1)	42 U.S.C. 300gg–22(b)(2)(C)(i) 45 CFR 150.315.	CMS	Penalty for each day, for each individual affected by the failure of a health insurance issuer or non-Federal governmental group health plan to comply with federal market reform provisions in part A or D of title XXVII of the PHS Act[2022]1741177.	2024	14,232	14,602

18041(c)(2)	45 CFR 156.805(c)	CMS	2024	193	198
18081(h)(1)(A)(i)(II)	45 CFR 150.315	CMS	2024	183	188
18081(h)(1)(B)	45 CFR 155.285	CMS	2024	35,169	36,083
18081(h)(2)	45 CFR 155.285	CMS	2024	351,681	360,818
18041(c)(2)	45 CFR 155.260	CMS	2024	0	0
31 U.S.C.	45 CFR 155.206(i)	CMS	2024	35,169	36,083
	45 CFR 93.400(e)	CMS	2024	359	368
		CMS	2024	43,128	44,248
		HHS	2024	119	122
		HHS	2024	359	368
		HHS	2024	24,496	25,132
1352		HHS	2024	0	0
		HHS	2024	24,496	25,132
		HHS	2024	244,958	251,322
		HHS	2024	24,496	25,132
	45 CFR Part 93, Appendix A	HHS	2024	0	0
		HHS	2024	24,496	25,132
		HHS	2024	244,958	251,322
		HHS	2024	0	0
		HHS	2024	24,496	25,132
		HHS	2024	244,958	251,322
		HHS	2024	0	0
		HHS	2024	24,496	25,132
		HHS	2024	244,958	251,322
		HHS	2024	12,800	13,133
		HHS	2024	12,800	13,133

¹ Some HHS components have not promulgated regulations regarding their civil monetary penalty-specific statutory authorities.

² The description is not intended to be a comprehensive explanation of the underlying violation; the statute and corresponding regulation, if applicable, should be consulted.

³ Statutory or Inflation Act Adjustment.

⁴ OMB Memorandum M-16-06, Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, published February 24, 2016, guided agencies on initial "catch-up" adjustment requirements, and M-17-11, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, published December 16, 2016, followed by M-18-03, M-19-04, M-20-05, M-21-10, M-22-07, M-23-05, M-24-07, and M-25-02 guided agencies on annual adjustment requirements.

⁵ OMB Circular A-136, Financial Reporting Requirements, Section 11.4.9, directs that agencies must make annual inflation adjustments to civil monetary penalties and report on the adjustments in the Agency Financial Report (AFR) or Performance and Accountability Report (PAR).

⁶ Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, § 701(b)(1)(A) (codified as amended at 28 U.S.C. 2461 note).

⁷ Annual inflation adjustments are based on the percent change between each published October's CPI-U. In this case, October 2024 CPI-U (315.664) / October 2023 CPI-U (307.671) = 1.02598.

Robert F. Kennedy, Jr.,
*Secretary, Department of Health and Human
Services.*

[FR Doc. 2026-01688 Filed 1-27-26; 8:45 am]

BILLING CODE 4150-24-P

Proposed Rules

Federal Register

Vol. 91, No. 18

Wednesday, January 28, 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 72

[NRC-2025-1369]

RIN 3150-AL55

List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042, Amendment No. 5

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel storage regulations by revising the TN Americas LLC, NUHOMS® Extended Optimized Storage (EOS) Dry Spent Fuel Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 5 to Certificate of Compliance (CoC) No. 1042. Amendment No. 5 would revise the CoC to add a new heat load zone configuration for the EOS-37PTH canister, increasing the maximum heat load to 54 kW per dry shielded canister for storage in the EOS-Horizontal Storage Module and transfer using EOS-Transfer Casks TC125/135; clarify acceptance criteria for minor surface imperfections on high strength low-alloy basket plates in the Updated Final Safety Analysis Report (UFSAR); and make editorial updates to the UFSAR and Technical Specification revisions to align with Amendment No. 4, improve readability, and correct code references.

DATES: Submit comments by February 27, 2026. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration of only comments received on or before this date.

ADDRESSES: Submit your comments, identified by Docket ID NRC-2025-1369, at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, call or

email the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

You can read a plain language description of this direct final rule at <https://www.regulations.gov/docket/NRC-2025-1369>. 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: Amy McKenna, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; email: Amy.McKenna@nrc.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Obtaining Information and Submitting Comments
- II. Rulemaking Procedure
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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2025-1369 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-2025-1369. Address questions about NRC dockets to Helen Chang, telephone: 301-415-3228, email: Helen.Chang@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 Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, 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.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2025-1369 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. Rulemaking Procedure

Because the NRC considers this action to be non-controversial, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. The direct final rule will become effective on April 13, 2026. However, if the NRC receives any significant adverse comment by February 27, 2026, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments in a subsequent final rule. In general, absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or 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 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.

(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.

(3) The comment causes the NRC to make a change (other than editorial) to the rule, certificate of compliance, or technical specifications.

For a more detailed discussion of the proposed rule changes and associated analyses, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

For detailed instructions on filing comments, please see the **ADDRESSES** section of this document.

III. Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended, requires that “[t]he Secretary [of the

Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.” Section 133 of the Nuclear Waste Policy Act states, in part, that “[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.”

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule that added a new subpart K in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) entitled “General License for Storage of Spent Fuel at Power Reactor Sites” (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled “Approval of Spent Fuel Storage Casks,” which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on March 24, 2017 (82 FR 14987), that approved the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System design and added it to the list of NRC-approved cask designs in § 72.214 as CoC No. 1042.

This rule would be limited to the changes contained in Amendment No. 5 to CoC No. 1042 and would not include other aspects of the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System design.

IV. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998 (63 FR 31885). The NRC requests comment on this proposed rule with respect to clarity and effectiveness of the language used.

V. Regulatory Planning and Review

Executive Order (E.O.) 12866

Executive Order (E.O.) 12866, as amended by E.O. 14215, provides that the Office of Information and Regulatory Affairs (OIRA) will determine whether a regulatory action is significant as defined by E.O. 12866 and will review significant regulatory actions. OIRA determined that this proposed rule is not a significant regulatory action under E.O. 12866.

Review Under E.O.s 14154, 14192, 14215, and 14300

The NRC has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” E.O. 14215 “Ensuring Accountability for All Agencies,” and E.O. 14300, “Ordering the Reform of the Nuclear Regulatory Commission.” This proposed rule is not considered an E.O. 14192 deregulatory action.”

VI. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS accession No./ Federal Register citation
Proposed Certificate of Compliance	
“Proposed Certificate of Compliance No.1042—EOS Amendment No. 5	ML25231A254
Preliminary Safety Evaluation Report	
Preliminary Safety Evaluation Report for Certificate of Compliance No. 1042, Amendment No. 5	ML25231A256
Proposed Technical Specifications for CoC No. 1042, Amendment No. 5 Rev 0	ML25231A255
Other Documents	
Final Rule, List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042,” published March 24, 2017.	82 FR 14987
Final Rule, “Storage of Spent Fuel in NRC-Approved Storage Casks at Power Reactor Sites,” published July 18, 1990	55 FR 29181
Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998	63 FR 31885

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–2025–1369. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder NRC–2025–1369; (2) click the “Subscribe” link; and (3) enter an email address and click on the “Subscribe” link.

Dated: January 15, 2026.

For the Nuclear Regulatory Commission.

Michael King,

Executive Director for Operations.

[FR Doc. 2026–01650 Filed 1–27–26; 8:45 am]

BILLING CODE 7590–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

RIN 3133–AF92

Public Unit and Nonmember Shares

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) seeks comment on a proposed rule to amend the NCUA’s public unit and nonmember share rule to remove the requirement for a written plan to document the intended use of any borrowings, public unit, or nonmember shares if, collectively, those funds exceed 70 percent of the federally insured credit union’s (FICU’s) paid-in and unimpaired capital and surplus. FICUs would remain subject to the limits and other regulatory requirements governing public unit and nonmember shares. Removing this regulation will provide greater flexibility while holding FICUs accountable for managing the associated risks through a principles-based supervisory approach.

DATES: Comments must be received by March 30, 2026.

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

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. The docket number for this proposed rule is NCUA–2026–0133. Follow the “Submit a comment” instructions. If you are reading this document on [federalregister.gov](https://www.federalregister.gov), you may use the green “SUBMIT A PUBLIC COMMENT” button beneath this rulemaking’s title to submit a comment to the *regulations.gov*

docket. A plain language summary of the proposed rule is also available on the docket website.

- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

- *Hand Delivery/Courier:* Same as mailing address.

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

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

FOR FURTHER INFORMATION CONTACT:

Keisha Brooks, Attorney-Advisor, Office of General Counsel, at (703) 518–6540 or at 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

The Federal Credit Union Act (FCU Act) authorizes federal credit unions (FCUs) to receive payment on shares from nonmembers “subject to such terms, rates, and conditions as may be established by the [FCU] board of directors, within limitations prescribed by the Board[.]”¹ Section 107(6) of the FCU Act provides that an FCU may receive payment on shares from its members (including public units that are members) and from other credit unions.² Section 107(6) also permits an FCU to receive payments on shares from nonmembers under certain circumstances, including payment on shares from nonmember public units and their political subdivisions.³ Moreover, a low-income designated credit union may receive payment on

shares from any source regardless of membership.⁴

B. Legal Authority

The Board is issuing this proposed rule pursuant to its authority under the FCU Act. Under the FCU Act, the NCUA is the chartering and supervisory authority for FCUs and the federal supervisory authority for FICUs.⁵ The FCU Act grants the NCUA a broad mandate to issue regulations governing both FCUs and all FICUs. Section 120 of the FCU Act is a general grant of regulatory authority and authorizes the Board to prescribe rules and regulations for the administration of the FCU Act.⁶ Section 207 of the FCU Act is a specific grant of authority over share insurance coverage, conservatorships, and liquidations.⁷ Section 209 of the FCU Act is a plenary grant of regulatory authority to the Board to issue rules and regulations necessary or appropriate to carry out its role as share insurer for all FICUs.⁸ In addition, section 107(6) of the FCU Act specifically recognizes that the Board may prescribe limitations governing shares accepted by FCUs.⁹ Accordingly, the FCU Act grants the Board broad rulemaking authority to ensure that the credit union industry and the National Credit Union Share Insurance Fund (Share Insurance Fund) remain safe and sound.

Section 701.32 of the NCUA’s regulations authorizes FCUs to receive payments on shares from public units and certain nonmembers, including other credit unions, so that the FCU could use the funds to benefit its membership, for example by providing loanable funds.¹⁰ Section 701.32 limits the total amount of public unit and nonmember shares that an FCU may receive to (i) 50 percent of the credit union’s net amount of paid-in and unimpaired capital and surplus less any public unit and nonmember shares, or (ii) \$3 million, whichever is greater.¹¹ These limitations apply to all FICUs through § 741.204. In 1989, the Board established aggregate limits on such shares out of concern for the safety and soundness of the credit union and to mitigate potential losses to the Share

⁴ 12 U.S.C. 1757(6). For this purpose, § 701.34 of the NCUA’s regulations defines a “low-income member.” 12 CFR 701.34(a)(2).

⁵ 12 U.S.C. 1752–1775.

⁶ 12 U.S.C. 1766(a).

⁷ 12 U.S.C. 1787(b)(1).

⁸ 12 U.S.C. 1789(a)(11).

⁹ 12 U.S.C. 1757(6).

¹⁰ 54 FR 31182 (July 27, 1989).

¹¹ 12 CFR 700.2 defines “paid-in and unimpaired capital and surplus or unimpaired capital and surplus.”

¹ 12 U.S.C. 1757(6). Federally insured, state-chartered credit unions (FISCUs) are subject to state law.

² 12 U.S.C. 1757(6).

³ *Id.* The term “public unit” is defined at 12 CFR 745.1(c).

Insurance Fund.¹² The 1989 rule was prompted by several cases involving the misuse of such funds, which had resulted in losses to the Share Insurance Fund.¹³ The 1989 rule also established a process for FCUs to request a waiver from the NCUA Regional Director.¹⁴ The waiver process required the FCU to submit, among other things, a written plan concerning its use of public unit and nonmember shares.¹⁵ At the time, the Board expected these credit unions to have a reasonable plan in place “to ensure such funds are used in a safe and sound manner and are utilized in the best interests of the membership.”¹⁶

Most recently, a 2019 final rule significantly altered the primary aggregate limit (changing it from 20 percent of total shares to 50 percent of net worth less such shares), eliminated the waiver process, and added a due diligence requirement for a written plan.¹⁷ In the preamble to the 2019 final rule, the Board recognized that these shares are functionally equivalent to borrowings and provide FCUs with diversified and reasonably priced funding sources to better serve members.¹⁸ The Board also made conforming amendments to § 741.204, which applies to all FICUs, to reflect the changes to § 701.32.¹⁹

II. Proposed Rule

Following a review of the NCUA’s regulations, the Board has determined that § 701.32(b)(2) is unnecessarily prescriptive and burdensome. Specifically, the NCUA has determined that removing the due diligence requirement for a written plan in § 701.32(b)(2) is appropriate for the reasons discussed in this preamble. Under § 701.32(b)(2), an FCU board of directors must adopt a specific written plan concerning the intended use of these funds that is consistent with prudent risk management principles before receiving public unit or nonmember shares that, taken together with any borrowings, exceed 70 percent of paid-in and unimpaired capital and surplus. Section 741.204 of the NCUA regulations applies the written plan requirement to FISCUs.

Unlike the prior waiver process, FICUs are not required to submit these plans for NCUA approval before

accepting external funds that, in total, would exceed 70 percent of paid-in and unimpaired capital and surplus. Instead, FICUs that exceed the 70 percent limit must maintain the written plan and make it available to NCUA examiners. As stated in the preamble to the 2019 final rule adopting the due diligence requirement, the Board originally designed this approach to provide a FICU with flexibility to adopt a diverse funding structure without the regulatory burden of developing a plan regarding the intended use of those funds unless the credit union borrows a significant amount of funds or accepts a significant number of public unit and nonmember shares.²⁰ The Board now believes this prescriptive provision is unnecessary. Credit unions will continue to be expected to manage any liquidity and interest rate risk associated with this form of funding, which will be evaluated as part of a credit union’s supervisory examination.

As part of a deregulatory initiative to reduce regulatory burden by eliminating rules that are no longer necessary for the safe and sound operation of credit unions, the Board proposes to remove paragraph (b)(2) of § 701.32. This provision created an administrative requirement for FICU boards to adopt a written plan for using public unit and nonmember shares when these funds, taken together with any borrowings, exceed 70 percent of paid-in and unimpaired capital and surplus. This imposes an unnecessary administrative burden on FICUs. While the FCU Act specifically recognizes that the Board may prescribe limitations governing public unit and nonmember shares accepted by FCUs, the authorizing statute does not require the Board to mandate a written plan for using these funds. Thus, this provision is an unnecessary regulatory creation.

The Board believes that FICUs should have greater flexibility to manage their funding sources and that liquidity and concentration risks are more effectively managed through the supervisory process and the credit union’s own internal risk management policies rather than a one-size-fits-all due diligence requirement. Further, a credit union’s ability to safely manage its share composition depends on a variety of factors, including its asset structure, liquidity management practices, and overall risk profile. Accordingly, the Board believes that FICUs can manage their reliance on these funds as part of their comprehensive asset-liability and liquidity risk management programs.

Mandating a specific written plan for using public unit and nonmember shares codifies what are already standard due diligence and prudent business practices. Such a prescriptive, one-size-fits-all approach is unduly burdensome, particularly for smaller and low-income designated credit unions. The level of appropriate due diligence should be tailored to a credit union’s unique size, complexity, and risk tolerance. Removing this paragraph would empower FICU boards to exercise their business judgment and fiduciary responsibilities that are appropriate for their specific institution.

Removing this provision would also reduce administrative burden and enable FICUs to manage their own operations responsibly, tailoring their processes to their specific needs and risk profiles, subject to NCUA examiner oversight. Removing this prescriptive requirement would also align the regulation with a principles-based philosophy, trusting FICU boards to fulfill their fiduciary duties to safeguard the credit union’s interests without being constrained by inflexible procedural mandates. Therefore, the Board proposes to remove paragraph (b)(2) from § 701.32 to support a more principles-based regulatory approach that reduces this administrative burden on FICU boards of directors.

The Board invites public comment on the proposed elimination of § 701.32(b)(2). The Board invites comments on all aspects of the proposed rule. The Board specifically requests comment on whether removing § 701.32(b)(2)’s mandate for a written plan could create safety and soundness concerns or lead to imprudent risk-taking by FCUs or FISCUs.

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 U.S.C. 553(b)(4)) (Act) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*). The Act, under its terms, applies to notices of proposed rulemaking and does not expressly include other types of documents that the Board publishes voluntarily for public comment, such as notices and interim-final rules that request comment despite invoking “good cause” to forgo

¹² 54 FR 31182 (July 27, 1989).

¹³ 54 FR 31182 (July 27, 1989).

¹⁴ 54 FR 31182 (July 27, 1989).

¹⁵ 54 FR 31182 (July 27, 1989).

¹⁶ 54 FR 31183 (July 27, 1989).

¹⁷ 84 FR 58305, 58309 (Oct. 31, 2019).

¹⁸ 84 FR at 58309 (Oct. 31, 2019). For FCUs, the 50 percent borrowing limit is explicitly established by statute in 12 U.S.C. 1757(9).

¹⁹ 12 CFR 741.204.

²⁰ 84 FR 58305, 58306 (Oct. 31, 2019).

such notice and public procedure. The Board, however, has elected to address the Act's requirement in these types of documents in the interests of administrative consistency and transparency.

In summary, the Board seeks comment on a proposed rule to amend the NCUA's public unit and nonmember share rule to remove the requirement for a written plan to document the intended use of any borrowings, public unit, or nonmember shares if, collectively, those funds exceed 70 percent of the federally insured credit union's (FICU's) paid-in and unimpaired capital and surplus. FICUs would remain subject to the limits and other regulatory requirements governing public unit and nonmember shares. Removing this regulation will provide greater flexibility while holding FICUs accountable for managing the associated risks through a principles-based supervisory approach.

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

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 ("Regulatory Planning and Review"), as amended by Executive Order 14215, a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the executive order.²¹ Executive Order 13563 ("Improving Regulation and Regulatory Review") supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866.²² This proposed rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. Consistent with Executive Order 13563, this proposed rule will reduce the burden of requiring FICUs to develop and maintain a written plan for using elevated levels of public unit and nonmember shares and borrowings. OMB has determined that this proposed rule is not a "significant regulatory action" as defined in section 3(f)(1) of Executive Order 12866.

Executive Order 14192 ("Unleashing Prosperity Through Deregulation") requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior

regulations.²³ This proposed rule is expected to be a deregulatory action for purposes of Executive Order 14192.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act²⁴ generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification.²⁵ For purposes of this analysis, the NCUA considers small credit unions to be those having under \$100 million in assets.²⁶ The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions.

To the extent that the proposed rule would have any economic impacts, they will be deregulatory in nature. The proposed rule would remove the requirement that FICU boards adopt a written plan regarding the use of borrowings and public unit and nonmember shares when, collectively, those amounts reach specified levels. While removing these documentation requirements might relieve some economic costs on affected FICUs, they are unlikely to be significant. The proposed rule does not repeal or alter the aggregate limits on public unit and nonmember shares. Nor does it relax NCUA expectations that FICUs develop and execute safe-and-sound strategies for securing and deploying all types of funding. The agency is simply giving FICU boards the option of developing their own policies for managing public unit and nonmember shares within existing aggregate limits. Any FICU satisfied with the written plan requirement is free to retain it as part of its volatile-funding policies.

Accordingly, the NCUA certifies the proposed rule would not have a significant economic impact on a substantial number of small credit unions.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law

a person is not required to respond to, a collection of information, unless it displays a currently valid Office of Management and Budget control number. The PRA applies to rulemakings in which an agency creates a new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement.

The proposed rule would eliminate the information collection requirements for OMB Control Number 3133-0114 with a current expiration date of March 31, 2026. Upon publication of the final rule in the **Federal Register**, as applicable, the NCUA will submit a request to OMB to discontinue OMB Control Number 3133-0114. The proposed rescission of these regulations, along with the information collection requirements contained therein and the discontinuance of OMB Control Number 3133-0114 would reduce public information collection burden by 100 annual burden hours.

If you want to comment on the proposed rescission of the information-collection requirements that would result from this proposed rule, please send your comments and suggestions on this proposed action as previously described in the **DATES** and **ADDRESSES** sections.

E. Executive Order 13132 on Federalism

Executive Order 13132 encourages certain agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), complies with the executive order to adhere to fundamental federalism principles. This proposed rule would apply to all FICUs, but the NCUA expects that any effect on states or on the distribution of power and responsibilities among the various levels of government will be minor. State law governs the authority for state-chartered credit unions to accept nonmember shares. The proposed change would remove an administratively imposed due diligence requirement for FISCUs and is not intended to affect the division of responsibilities between the NCUA and state regulatory authorities with oversight of FISCUs. The rulemaking would therefore not have direct effect on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The NCUA welcomes comments on ways to eliminate, or at least minimize, any potential impact in this area.

²³ 90 FR 9065 (Feb. 6, 2025).

²⁴ 5 U.S.C. 601 *et seq.*

²⁵ 5 U.S.C. 605(b).

²⁶ 80 FR 57512 (Sept. 24, 2015).

²¹ 58 FR 51735 (Oct. 4, 1993).

²² 76 FR 3821 (Jan. 21, 2011).

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999.²⁷ The proposed rule relates to FICUs that accept elevated levels of external funds, and any effect on family well-being is expected to be indirect. The proposed regulatory changes are exclusively concerned with the adoption of a written plan by FICU boards regarding the intended use of such funds. The potential positive effect on family well-being, including financial well-being is, at most, indirect.

List of Subjects in 12 CFR Part 701

Advertising, Aged, Civil rights, Credit, Credit unions, Fair housing, Individuals with disabilities, Insurance, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Signs and symbols, Surety bonds.

By the National Credit Union Administration Board, this 23rd day of January, 2026.

Melane Conyers-Ausbrooks,
Secretary of the Board.

For the reasons stated in the preamble, the NCUA Board proposes to amend 12 CFR part 701, as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1785, 1786, 1787, 1788, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*; 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

§ 701.32 [Amended]

■ 2. Amend § 701.32 by removing paragraph (b)(2).

[FR Doc. 2026–01696 Filed 1–27–26; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 741

RIN 3133–AF97

Notice of Termination of Excess Insurance Coverage

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) is issuing for public comment a proposal to amend the NCUA’s regulations that establish the requirements for obtaining and maintaining federal share insurance with the National Credit Union Share Insurance Fund (Share Insurance Fund). The provisions of this part apply to all federally insured credit unions (FICUs). The proposal would reduce regulatory burden by amending the provision on the timing of prior notice provided to members of the termination of excess non-federal insurance coverage.

DATES: Comments must be received by March 30, 2026.

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

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. The docket number for this proposed rule is NCUA–2026–0135. Follow the “Submit a comment” instructions. If you are reading this document on [federalregister.gov](https://www.federalregister.gov), you may use the green “SUBMIT A PUBLIC COMMENT” button beneath this rulemaking’s title to submit a comment to the [regulations.gov](https://www.regulations.gov) docket. A plain language summary of the proposed rule is also available on the docket website.

- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

- *Hand Delivery/Courier:* Same as mailing address.

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

Public Inspection: Please follow the search instructions on <https://www.regulations.gov> to view the public comments. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received and will not be deleted, modified, or redacted.

Comments may be submitted anonymously. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing OGCMail@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Thomas Zells, Senior Attorney, Office of General Counsel, at (703) 518–6540 or at 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

Part 741 generally applies to federal credit unions (FCUs), federally insured, state-chartered credit unions (FISCU), and credit unions applying for insurance of accounts pursuant to Title II of the Federal Credit Union Act (FCU Act). This part prescribes various requirements for obtaining and maintaining federal share insurance and the payment of insurance premiums and capitalization deposit. Subpart A of part 741 contains substantive requirements that are not codified elsewhere in the NCUA’s regulations. Subpart B lists additional regulations that are codified elsewhere in the NCUA’s regulations as applying to FCUs, which also apply to FISCU.

As discussed later in this preamble, the Board is proposing to amend a regulatory requirement in subpart A of part 741 to provide more flexibility and reduce regulatory burden. Section 741.5 requires a FICU to provide written notification to all members at least thirty days before the termination of any excess share insurance coverage beyond that provided by the Share Insurance Fund. The proposed rule would remove the 30-day requirement and simply require FICUs to notify members before any excess share insurance coverage is terminated.

B. Legal Authority

The Board is issuing this proposal pursuant to its authority under the FCU Act. Under the FCU Act, the NCUA is the chartering and supervisory authority for FCUs and the federal supervisory authority for FICUs.¹ The FCU Act grants the NCUA a broad mandate to issue regulations governing both FCUs and all FICUs. Section 120 of the FCU Act is a general grant of regulatory authority and authorizes the Board to prescribe rules and regulations for the administration of the FCU Act.² Section 207 of the FCU Act is a specific grant of authority over share insurance

¹ 12 U.S.C. 1752–1775.

² 12 U.S.C. 1766(a).

²⁷ Public Law 105–277, 112 Stat. 2681 (1998).

coverage, conservatorships, and liquidations.³ Section 209 of the FCU Act is a plenary grant of regulatory authority to issue rules and regulations necessary or appropriate to carry out its role as share insurer for all FICUs.⁴ Accordingly, the FCU Act grants the Board broad rulemaking authority to ensure that the credit union industry and the Share Insurance Fund remain safe and sound.

II. Proposed Rule

Section 741.5 requires a FICU that maintains excess share insurance coverage in addition to the coverage provided by the Share Insurance Fund to notify all members in writing at least 30 days before the effective date of any termination of that excess coverage. The NCUA adopted this rule in 1986.⁵

The Board is now proposing to amend the 30-day notification requirement for terminating any excess insurance. The Board believes the 30-day timeframe imposes a prescriptive requirement not explicitly mandated by the FCU Act. While member notification of such a change in insurance coverage is needed, requiring 30-days prior notice may not provide sufficient flexibility or align with state law or contractual agreements. The Board believes timing considerations are best left to the discretion of each FICU board of directors. FICUs should consider their member agreements and applicable state law requirements when determining adequate prior notice for members, provided members are notified before coverage is terminated. A more flexible standard would still satisfy the goal of informing members of the change before it occurs.

The Board solicits comments on all aspects of this proposal.

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 U.S.C. 553(b)(4)) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*).

In summary, the Board is issuing for public comment a proposal to amend the NCUA's regulations that establish

the requirements for obtaining and maintaining federal share insurance with the Share Insurance Fund. The provisions of this part apply to all FICUs. The proposal would reduce regulatory burden by amending the provision that requires 30 days' notice be provided to members before excess non-federal insurance coverage is terminated. The proposal and the required summary can be found at <https://www.regulations.gov>.

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 ("Regulatory Planning and Review"), as amended by Executive Order 14215, a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the Executive Order.⁶ Executive Order 13563 ("Improving Regulation and Regulatory Review") supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866.⁷ This proposed rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. OMB has determined that this proposed rule is not a "significant regulatory action" as defined in section 3(f)(1) of Executive Order 12866. Further, this proposed rule is consistent with Executive Order 13563. The proposed rule will reduce the burden of catastrophic act reporting by increasing the time FICUs have to report to the agency and giving them the flexibility to determine what to incorporate into their record of an incident.

Executive Order 14192 ("Unleashing Prosperity Through Deregulation") requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.⁸ This proposed rule is expected to be a deregulatory action for purposes of Executive Order 14192.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act⁹ generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on

a substantial number of small entities. If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification.¹⁰ For purposes of this analysis, the NCUA considers small credit unions to be those having under \$100 million in assets.¹¹ The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions.

The proposed rule would reduce the regulatory burden on FICUs by eliminating the inflexible requirement for FICUs to notify members 30 days before excess non-Share Insurance Fund share insurance coverage is terminated. The Board does not expect the proposal to change FICUs' obligations to their members materially because FICUs will still be required to provide prior notice.

Accordingly, the NCUA certifies the proposed rule would not have a significant economic impact on a substantial number of small credit unions.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law, a collection of information, unless it displays a currently valid Office of Management and Budget control number. The PRA applies to rulemakings in which an agency creates a new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The NCUA has determined that the changes described in this notice do not create a new information collection or revise an existing information collection as defined by the PRA.

E. Executive Order 13132 on Federalism

Executive Order 13132 encourages certain agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. The proposal would reduce regulatory burden by eliminating an unnecessary provision within the NCUA's regulations imposing timing requirements on FICUs for providing

³ 12 U.S.C. 1787.

⁴ 12 U.S.C. 1789.

⁵ 51 FR 37549 (Oct. 23, 1986).

⁶ 58 FR 51735 (Oct. 4, 1993).

⁷ 76 FR 3821 (Jan. 21, 2011).

⁸ 90 FR 9065 (Feb. 6, 2025).

⁹ 5 U.S.C. 601 *et seq.*

¹⁰ 5 U.S.C. 605(b).

¹¹ 80 FR 57512 (Sept. 24, 2015).

member notice when excess non-federal insurance coverage is terminated. The proposal is not expected to change FICUs' obligations to their members materially and thus would not have a direct effect on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999.¹² While the proposed change is intended to reduce regulatory burden generally to allow FICUs to focus on their provision of financial services to members, any potential positive effect on family well-being, including financial well-being is, at most, indirect.

List of Subjects in 12 CFR Part 741

Bank deposit insurance, Credit, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board, this 23rd day of January, 2026.

Melane Conyers-Ausbrooks,
Secretary of the Board.

For the reasons stated in the preamble, the NCUA Board proposes to amend 12 CFR part 741 as follows:

PART 741—REQUIREMENTS FOR INSURANCE

- 1. The authority citation for part 741 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766(a), 1781–1790, and 1790d; 31 U.S.C. 3717.

- 2. Revise § 741.5 to read as follows:

§ 741.5 Notice of termination of excess insurance coverage.

In the event of a credit union's termination of share insurance coverage other than that provided by the NCUSIF, the credit union must notify all members in writing of such termination prior to the effective date of termination.

[FR Doc. 2026–01698 Filed 1–27–26; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 741

RIN 3133–AG00

Requirements for Insurance

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) is issuing for public comment a proposal to amend the NCUA's regulations that establish the requirements for obtaining and maintaining federal share insurance with the National Credit Union Share Insurance Fund (Share Insurance Fund). The provisions of this part apply to all federally insured credit unions (FICUs). The proposal would reduce regulatory burden by eliminating unnecessary and redundant requirements related to disclosing when nonmember accounts are not covered by federal share insurance.

DATES: Comments must be received by March 30, 2026.

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

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. The docket number for this proposed rule is NCUA–2026–0136. Follow the “Submit a comment” instructions. If you are reading this document on [federalregister.gov](https://www.federalregister.gov), you may use the green “SUBMIT A PUBLIC COMMENT” button beneath this rulemaking's title to submit a comment to the [regulations.gov](https://www.regulations.gov) docket. A plain language summary of the proposed rule is also available on the docket website.

- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

- *Hand Delivery/Courier:* Same as mailing address.

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

Public Inspection: Please follow the search instructions on <https://www.regulations.gov> to view the public comments. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received and will not be deleted, modified, or redacted.

Comments may be submitted anonymously. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing OGCMail@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Frank Kressman, General Counsel, Office of General Counsel, at (703) 518–6540 or at National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

Part 741 generally applies to federal credit unions (FCUs), federally insured, state-chartered credit unions (FISCUs), and credit unions making application for insurance of accounts pursuant to title II of the Federal Credit Union Act (FCU Act). This part prescribes various requirements for obtaining and maintaining federal share insurance, and paying insurance premiums and the capitalization deposit. Subpart A of Part 741 contains substantive requirements that are not codified elsewhere in the NCUA's regulations. Subpart B lists additional regulations, set forth elsewhere in the NCUA's regulations as applying to FCUs, that also apply to FISCUs.

A FISCU that is permitted by state law to accept nonmember shares or deposits must, under NCUA's current regulation § 741.10, identify such accounts on all required reports and notify all nonmember account holders in writing that their accounts are not insured by the Share Insurance Fund. As is discussed in more detail later in this preamble, to reduce regulatory burden, the Board is proposing to eliminate § 741.10 of Subpart A of part 741 as unnecessary and redundant to the disclosures FISCUs are already required to make as part of their agreement for maintaining federal share insurance.

B. Legal Authority

The Board is issuing this proposal pursuant to its authority under the FCU Act. Under the FCU Act, the NCUA is the chartering and supervisory authority for FCUs and the federal supervisory authority for FICUs.¹ The FCU Act grants the NCUA a broad mandate to issue regulations governing both FCUs and all FICUs. Section 120 of the FCU Act is a general grant of regulatory authority and authorizes the Board to prescribe rules and regulations for the administration of the FCU Act.² Section

¹ 12 U.S.C. 1752–1775.

² 12 U.S.C. 1766(a).

¹² Public Law 105–277, 112 Stat. 2681 (1998).

207 of the FCU Act is a specific grant of authority over share insurance coverage, conservatorships, and liquidations.³ Section 209 of the FCU Act is a plenary grant of regulatory authority to issue rules and regulations necessary or appropriate to carry out its role as share insurer for all FICUs.⁴ Accordingly, the FCU Act grants the Board broad rulemaking authority to ensure that the federally insured credit union industry and the Share Insurance Fund remain safe and sound.

II. Proposed Rule

Section 741.10 applies to FISCUs that are permitted by state law to accept nonmember shares or deposits from sources other than those provided for in the FCU Act. Shares or deposits from other credit unions and public units or, for low-income-designated credit unions, from any nonmembers, are included as insurable accounts under the FCU Act.⁵ For any other nonmember funds permitted by state law, § 741.10 requires FISCUs to identify such nonmember accounts as nonmember shares or deposits on any statement or report required by the Board for insurance purposes. Immediately after a state-chartered credit union receives notice from the NCUA that its member accounts are federally insured, § 741.10 requires the credit union to advise any present nonmember share and deposit holders, by letter, that their accounts are not insured by the Share Insurance Fund. FISCUs are similarly required to notify any future nonmember share and deposit fund holders by letter as they open accounts. The Board is proposing to remove § 741.10 as unnecessary and redundant to disclosures FISCUs are already required to make as part of their agreement for maintaining federal share insurance.

The NCUA adopted this regulation in 1995 to incorporate requirements already imposed on FISCUs by the Agreement for Insurance of Accounts, which must be completed by state-chartered credit unions applying for federal share insurance.⁶ Current NCUA Form 9600, “Information to be Provided in Support of the Application of a State Chartered Credit Union for Insurance of Accounts,” maintains these same requirements.⁷

The Board is now of the view that, to minimize the volume of regulations and other materials FICUs must review to comply with legal and contractual requirements, § 741.10 should be removed as duplicative of the contractual requirement imposed on FISCUs as part of maintaining federal share insurance. Thus, the Board proposes to remove § 741.10 but stresses that FISCUs are still contractually required to fulfill the terms of NCUA 9 Form 600 as a condition of maintaining federal share insurance coverage.

The Board solicits comments on all aspects of this proposal and will consider any comments it receives. The Board also solicits comments suggesting changes that should be made to § 741.9 of the NCUA’s regulations, which prohibits FICUs from offering members shares that are not eligible for federal share insurance coverage.

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 U.S.C. 553(b)(4)) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*).

In summary, to reduce regulatory burden, the proposal would eliminate unnecessary and redundant requirements imposed on FICUs for obtaining and maintaining federal share insurance coverage. The specific provision relates to the disclosure of lack of federal share insurance coverage for uncovered nonmember accounts.

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

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 (“Regulatory Planning and Review”), a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the Executive Order.⁸ Executive Order 13563 (“Improving Regulation and Regulatory Review”) supplements and reaffirms the principles, structures, and definitions governing contemporary

regulatory review established in Executive Order 12866.⁹ This proposed rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. OMB has determined that this proposed rule is not a “significant regulatory action” as defined in section 3(f)(1) of Executive Order 12866. Further, this proposed rule to remove an unnecessary provision is consistent with Executive Order 13563.

Executive Order 14192 (“Unleashing Prosperity Through Deregulation”) requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.¹⁰ This proposed rule is expected to be a deregulatory action under Executive Order 14192.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act¹¹ generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification.¹² For purposes of this analysis, the NCUA considers small credit unions to be those having under \$100 million in assets.¹³ The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions. The proposed rule would reduce regulatory burdens on FICUs by eliminating an unnecessary and redundant section within the NCUA’s regulations, which imposes requirements on FICUs for obtaining and maintaining federal share insurance. Its removal simplifies the regulatory code by eliminating unnecessary text.

Accordingly, the NCUA certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of

³ 12 U.S.C. 1787.

⁴ 12 U.S.C. 1789.

⁵ See 12 U.S.C. 1752(5).

⁶ 60 FR 58502 (Nov. 28, 1995).

⁷ See Form NCUA 9600, *Information to be Provided in Support of the Application of a State Chartered Credit Union for Insurance of Accounts*, page 14, available at https://ncua.gov/files/publications/resources-expansion/NCUA_9600.pdf.

⁸ 58 FR 51735 (Oct. 4, 1993).

⁹ 76 FR 3821 (Jan. 21, 2011).

¹⁰ 90 FR 9065 (Feb. 6, 2025).

¹¹ 5 U.S.C. 601 *et seq.*

¹² 5 U.S.C. 605(b).

¹³ 80 FR 57512 (Sept. 24, 2015).

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

E. Executive Order 13132 on Federalism

Executive Order 13132 encourages certain agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. The proposal would reduce regulatory burden by eliminating an unnecessary and redundant section within the NCUA's regulations imposing requirements on FICUs for obtaining and maintaining federal share insurance. Thus, the change would not have a direct effect on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999.¹⁴ The proposed rule would reduce regulatory burden by eliminating an unnecessary and redundant section within the NCUA's regulations imposing requirements on FICUs for obtaining and maintaining federal share insurance. While the proposed rescission is intended to reduce regulatory burden generally to allow FCUs to focus on their provision of financial services to members, any potential positive effect on family well-being, including financial well-being is, at most, indirect.

List of Subjects in 12 CFR Part 741

Bank deposit insurance, Credit, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board, this 23rd day of January, 2026.

Melane Conyers-Ausbrooks,
Secretary of the Board.

For the reasons stated in the preamble, the NCUA Board proposes to amend 12 CFR part 741 as follows:

PART 741—REQUIREMENTS FOR INSURANCE

■ 1. The authority citation for part 741 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766(a), 1781–1790, and 1790d; 31 U.S.C. 3717.

■ 2. Remove and reserve § 741.10.

§ 741.10 [Removed and reserved]

[FR Doc. 2026–01699 Filed 1–27–26; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 741

RIN 3133–AF94

Requirements for Insurance; Maximum Borrowing Authority

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) seeks comment on a proposed rule to remove the maximum borrowing authority from the NCUA's regulations that establish the requirements for obtaining and maintaining federal share insurance with the National Credit Union Share Insurance Fund (Share Insurance Fund). This provision applies to all federally insured credit unions (FICUs). Removing this regulation would eliminate an unnecessary provision that duplicates the statutory maximum borrowing limit for federal credit unions (FCUs). For federally insured, state-chartered credit unions (FISCUs), removing this section would reduce the federal regulatory burden associated with the federal limit and related waiver provision.

DATES: Comments must be received by March 30, 2026.

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

• **Federal eRulemaking Portal:** <https://www.regulations.gov>. The docket number for this proposed rule is NCUA–2026–0134. Follow the “Submit a comment” instructions. If you are reading this document on

[federalregister.gov](https://www.federalregister.gov), you may use the green “SUBMIT A PUBLIC COMMENT” button beneath this rulemaking's title to submit a comment to the [regulations.gov](https://www.regulations.gov) docket. A plain language summary of the proposed rule is also available on the docket website.

• **Mail:** Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

• **Hand Delivery/Courier:** Same as mailing address.

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

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

FOR FURTHER INFORMATION CONTACT: Keisha Brooks, Attorney-Advisor, Office of General Counsel, at (703) 518–6540 or at 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Introduction

Part 741 of the NCUA's regulations implements Title II of the Federal Credit Union Act (FCU Act), which governs the Share Insurance Fund.¹ Part 741 applies to all FICUs and prescribes various requirements for obtaining and maintaining federal share insurance and the payment of insurance premiums and the capitalization deposit.² Subpart A of part 741 contains substantive requirements that are not codified elsewhere in the NCUA's regulations. Subpart B lists additional regulations, set forth elsewhere in the NCUA's regulations as applying to FCUs, that also apply to FISCUs.³

A. Background

Among part 741's requirements, § 741.2 of the NCUA's regulations

¹ 12 U.S.C. 1781 *et seq.*

² 60 FR 58504 (Nov. 28, 1995).

³ See 64 FR 41040 (July 29, 1999); 65 FR 8593 (Feb. 18, 2000); 67 FR 71094 (Nov. 29, 2002); 77 FR 5162 (Feb. 2, 2012).

¹⁴ Public Law 105–277, 112 Stat. 2681 (1998).

establishes a maximum borrowing authority for FICUs, limiting aggregate borrowing from any source to an amount not in excess of 50 percent of its paid-in and unimpaired capital and surplus. Under section 107(9) of the FCU Act, FCUs have the express power to borrow, in accordance with such rules and regulations as may be prescribed by the Board, from any source, limited to 50 percent of paid-in and unimpaired capital and surplus.⁴ Section 741.2 implements this statutory borrowing authority for FCUs.

In 1971, shortly after the passage of Title II of the FCU Act, the Board issued regulations governing various aspects of the share insurance program.⁵ In particular, the Board issued a regulation requiring all FICUs to comply with the FCU Act's borrowing limit.⁶ In 2004, the NCUA amended § 741.2 to add a waiver process for FISCUs seeking to exceed the 50 percent borrowing limit.⁷ The provision allowed a FISCU to apply to the appropriate regional director for authority to borrow up to the amount permitted by applicable state law or its state regulator. The 2004 amendment was intended to provide these credit unions with greater flexibility, consistent with principles of dual chartering.

At that time, the Board determined that borrowing more than 50 percent of paid-in and unimpaired capital and surplus may cause an undue risk to the Share Insurance Fund and a loss of confidence in the credit union system. The waiver process made the NCUA aware of those FISCUs seeking a waiver from the maximum borrowing limit and enabled monitoring of such credit unions. To ensure safety and soundness, the waiver process required the credit union to submit a detailed analysis of the safety and soundness implications of the waiver, a proposed aggregate dollar amount or percentage of paid-in and unimpaired capital and surplus limitation, a letter from the state regulator approving the request, and an explanation of the need for a higher limit.⁸

B. Legal Authority

The Board has the legal authority to issue this proposed rule pursuant to its plenary rulemaking authority under the FCU Act and its specific rulemaking

authority under the law.⁹ Under the FCU Act, the NCUA is the chartering and supervisory authority for FCUs and the federal supervisory authority for FICUs.¹⁰ The FCU Act grants the NCUA a broad mandate to issue regulations governing all FICUs. Section 120 of the FCU Act is a general grant of regulatory authority and authorizes the Board to prescribe rules and regulations for the administration of the FCU Act.¹¹ Section 207 of the FCU Act is a specific grant of authority over share insurance coverage, conservatorships, and liquidations.¹² Section 209 of the FCU Act is a plenary grant of regulatory authority to the Board to issue rules and regulations necessary or appropriate to carry out its role as share insurer for all FICUs.¹³ Additionally, section 107(9) of the FCU Act authorizes the Board to issue regulations governing borrowing by FCUs.¹⁴ Accordingly, the FCU Act grants the Board broad rulemaking authority to ensure that the credit union industry and the Share Insurance Fund remain safe and sound.

II. Proposed Rule

Section 741.2 places a limit on the amount FICUs may borrow from any source, setting the ceiling at 50 percent of its paid-in and unimpaired capital and surplus. For FCUs, the 50 percent borrowing limit is explicitly established by statute and implemented in part 701, making § 741.2 duplicative and unnecessary for FCUs.¹⁵ Its removal simplifies the Code of Federal Regulations and reduces the volume of rules credit unions must track without altering the Board's authority or the obligations of FCUs. The Board would continue to ensure safety and soundness with respect to borrowing activities through its standard examination and supervision processes.

For FISCUs, the regulation's extension of this specific borrowing limit was a discretionary policy choice, not a statutory mandate. The regulation not only extends this limit to FISCUs but also creates a complex waiver process. The Board has reconsidered its position that applying the maximum borrowing limit to FISCUs is necessary for safety and soundness, and instead finds the current requirements impose an unnecessary burden without a corresponding statutory mandate or

significant safety and soundness benefit. The Board believes that safety and soundness considerations related to borrowing by FISCUs can be more effectively and efficiently monitored through the risk-based examination and supervision process, in close coordination with state regulators where applicable. Removing this section would reduce administrative burdens associated with the federal limit and related waiver process while maintaining robust supervisory oversight. This approach is more flexible and better respects the dual-chartering system by avoiding a rigid, one-size-fits-all federal rule.

The Board solicits comments on all aspects of this proposal. Specifically, the Board seeks comment on whether these provisions are redundant of existing statutory authority, particularly state laws or regulations, and whether their elimination would simplify compliance for FICUs without negatively impacting regulatory clarity or safety and soundness.

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 U.S.C. 553(b)(4)) (Act) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*). The Act, under its terms, applies to notices of proposed rulemaking and does not expressly include other types of documents that the Board publishes voluntarily for public comment, such as notices and interim-final rules that request comment despite invoking "good cause" to forgo such notice and public procedure. The Board, however, has elected to address the Act's requirement in these types of documents in the interests of administrative consistency and transparency.

In summary, the Board seeks comment on a proposed rule to remove the maximum borrowing authority from the NCUA's regulations that establish the requirements for obtaining and maintaining federal share insurance with the Share Insurance Fund. This provision applies to all FICUs. Removing this regulation would eliminate an unnecessary provision that duplicates the statutory maximum borrowing limit for FCUs. For FISCUs,

⁴ 12 U.S.C. 1757(9).

⁵ Public Law 91-468 (Oct. 19, 1970).

⁶ 36 FR 10844 (June 4, 1971).

⁷ Final Rule, 69 FR 8547 (Feb. 25, 2004). In the preamble to the proposed rule, the Board noted that, at the time of the 1971 rule, some states had no limitations on borrowing by FISCUs. Proposed Rule, 68 FR 56537 (Oct. 1, 2003).

⁸ 12 CFR 741.2(b).

⁹ 12 U.S.C. 1766, 1789.

¹⁰ 12 U.S.C. 1752-1775.

¹¹ 12 U.S.C. 1766(a).

¹² 12 U.S.C. 1787(b)(1).

¹³ 12 U.S.C. 1789(a)(11).

¹⁴ 12 U.S.C. 1757(9).

¹⁵ See 12 U.S.C. 1757(9); 12 CFR 701.38. Unlike § 741.2, § 701.38 outlines the contractual requirements for FCU borrowings.

removing this section would reduce the federal regulatory burden associated with the federal limit and related waiver provision.

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

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 (“Regulatory Planning and Review”), as amended by Executive Order 14215, a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the Executive Order.¹⁶ Executive Order 13563 (“Improving Regulation and Regulatory Review”) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866.¹⁷ This proposed rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. For FCUs, removing § 741.2 would eliminate a regulation that unnecessarily duplicates a statutory requirement that is implemented in part 701. For FISCUs, removing § 741.2 would reduce the regulatory burden associated with a complex waiver process. The proposed rule is consistent with Executive Order 13563. OMB has determined that this proposed rule is not a “significant regulatory action” as defined in section 3(f)(1) of Executive Order 12866.

Executive Order 14192 (“Unleashing Prosperity Through Deregulation”) requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.¹⁸ This proposed rule is expected to be a deregulatory action for purposes of Executive Order 14192.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act¹⁹ generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along

with a statement providing the factual basis for such certification.²⁰ For purposes of this analysis, the NCUA considers small credit unions to be those having under \$100 million in assets.²¹ The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions.

To the extent that the proposed rule would have any economic impacts, they will be deregulatory in nature. The proposed rule would reduce regulatory burdens on FICUs by eliminating an unnecessary provision within the NCUA’s regulations that impose requirements on FICUs for obtaining and maintaining federal share insurance. For FCUs, removing § 741.2 would eliminate a regulation that unnecessarily duplicates a statutory requirement that is implemented in part 701. For FISCUs, removing § 741.2 would reduce the regulatory burden associated with a complex waiver process.

Accordingly, particularly based on the few waiver requests the NCUA has received, the NCUA certifies the proposed rule would not have a significant economic impact on a substantial number of small credit unions.

D. Paperwork Reduction Act

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

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

E. Executive Order 13132 on Federalism

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

proposed rule would apply to all FICUs, including FISCUs. The NCUA expects that any effect on states or on the distribution of power and responsibilities among the various levels of government will be minor. The proposed change would eliminate a regulation that duplicates a statutory requirement only applicable to FCUs. The proposed change would also reduce the regulatory burden associated with a regulatory waiver process only applicable to FISCUs and is not intended to affect the division of responsibilities between the NCUA and state regulatory authorities with oversight of FISCUs. This proposed rule would apply to FCUs and FISCUs. The rulemaking may, therefore, have some effect on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. However, to the extent the rule has any such effects, they will relieve FISCUs of regulatory burden. The proposed rule would remove a duplicative rule for FCUs and, deferring to state law as appropriate, provide greater flexibility for FISCUs by reducing the administrative burden associated with a federal limit and a federal regulatory waiver process. The rulemaking would therefore not have direct effect on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999.²² The proposed rule relates to the maximum borrowing limits for FICUs, and any effect on family well-being is expected to be indirect. The potential positive effect on family well-being, including financial well-being is, at most, indirect.

List of Subjects in 12 CFR Part 741

Bank deposit insurance, Credit, Credit unions, Reporting and Recordkeeping requirements.

¹⁶ 58 FR 51735 (Oct. 4, 1993).

¹⁷ 76 FR 3821 (Jan. 21, 2011).

¹⁸ 90 FR 9065 (Feb. 6, 2025).

¹⁹ 5 U.S.C. 601 *et seq.*

²⁰ 5 U.S.C. 605(b).

²¹ 80 FR 57512 (Sept. 24, 2015).

²² Public Law 105–277, 112 Stat. 2681 (1998).

By the National Credit Union Administration Board, this 23rd day of January, 2026.

Melane Conyers-Ausbrooks,
Secretary of the Board.

For the reasons stated in the preamble, the NCUA Board proposes to amend 12 CFR part 741, as follows:

PART 741—REQUIREMENTS FOR INSURANCE

■ 1. The authority citation for part 741 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766(a), 1781–1790, and 1790d; 31 U.S.C. 3717.

§ 741.2 [Removed and reserved]

■ 2. Remove and reserve § 741.2.

[FR Doc. 2026–01697 Filed 1–27–26; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 36, 43, 45, 48, 89, 91, 107, 108, 119, 133, 135, 137, and 146

[Docket No. FAA–FAA–2025–1908; Notice No. 25–07B]

RIN 2120–AL82

Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations; Reopening of Comment Period

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: This action reopens the comment period for the notice of proposed rulemaking titled “Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations” that was published in the *Federal Register* on August 7, 2025. FAA seeks additional comments on the electronic conspicuity and right-of-way topics identified in this notice.

DATES: Send comments on or before February 11, 2026.

ADDRESSES: Send comments identified by docket number FAA–2025–1908 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <https://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 (DOT), 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- **Fax:** Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at <https://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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michelle Ferritto, ARM–100, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20592; Phone: (844) 359–6982; Email: 9-FAA-UAS-BVLOS-Rule@faa.gov.

SUPPLEMENTARY INFORMATION: On August 7, 2025, the Federal Aviation Administration (FAA) and the Transportation Security Administration (TSA) published a notice of proposed rulemaking (NPRM) titled “Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations” in the *Federal Register* (90 FR 38212; Notice No. 25–07). In that document, FAA proposed performance-based regulations to enable the design and operation of unmanned aircraft systems (UAS) mostly at low altitudes beyond visual line of sight (BVLOS) and for third-party services that support these operations including UAS Traffic Management. The comment period for the NPRM closed on October 6, 2025.

I. Summary of the Proposal

One of FAA’s primary objectives in achieving its statutory mandate to enable routine BVLOS operations is ensuring deconfliction between these operations and other operations preexisting within the NAS. In the NPRM, FAA proposed changes to legacy right-of-way rules through provisions proposed in Title 14 of the Code of Federal Regulations (CFR) § 108.195(a)(2) and proposed aligning amendments to the legacy right-of-way rules codified at § 91.113.¹ The proposed right-of-way changes would

¹ See *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight* notice of proposed rulemaking 90 FR 38212 at 38244 (discussion on proposed § 108.195(a)(2) that would require that UA operating under part 108 yield to all manned aircraft broadcasting their position using ADS–B or EC equipment).

give part 108 UAS operators presumptive right-of-way over manned aircraft except: (a) when the manned aircraft is broadcasting location data through Automatic Dependent Surveillance–Broadcast (ADS–B) Out or an approved alternate electronic conspicuity (EC) device alternate to ADS–B Out (hereinafter “alternate EC”); (b) in Class B or C airspace; (c) when the manned aircraft is taking off or landing at an airport or heliport; or (d) over Category 5 population areas. More than half of the approximately 3,100 comments received to the NPRM discussed the right-of-way proposal in some capacity.

FAA also received substantial comments on its proposals in §§ 108.180(b) and 108.185(d)(5)(ii) that would require that unmanned aircraft (UA) operating in Class B and Class C airspace or over Category 5 populations areas be able to detect-and-avoid non-cooperative aircraft.² In the NPRM, FAA articulated that non-cooperative aircraft would mean those aircraft that are not actively broadcasting their location using ADS–B Out or an approved alternate EC device. FAA stated in the NPRM that it had considered mandating ADS–B Out for manned operations below 500 feet but had not proposed it due to concerns about the cost and burden. FAA also solicited comment on whether FAA should consider an equipage requirement in relation to EC devices for manned aircraft.

II. Comments Received

FAA received significant comments on the aspects of the proposal described above. Public comments stated that FAA’s proposal would introduce unnecessary complexity to right-of-way and result in confusion by creating varying right-of-way rules depending on different operational areas. Numerous commenters also raised significant practical concerns with requiring manned aircraft to yield to UA. Other commenters expressed concern that the proposed detect-and-avoid provisions would require prohibitively expensive technology that has not been adequately proven for safety value.

On the other hand, many commenters supported the broader use of ADS–B Out or alternate EC technologies to improve airspace safety and situational awareness and to facilitate the integration of UAS into the national airspace. Some commenters identified mandatory ADS–B or alternate EC for

² See *Supra* at 38238 (discussion on proposed § 108.180(b) that would require that UAS operators in Class B and C airspace be equipped to detect and avoid non-cooperative aircraft).

manned operators in low-altitude airspace as the preferred, and only viable, collision risk mitigation strategy. Within these comments, there was great interest in portable, lower-cost alternate EC devices as alternatives to ADS-B Out, which commenters expressed could address practical concerns and limitations specific to ADS-B Out. However, FAA notes that a smaller subset of commenters opposed expanded equipage requirements for manned aircraft, suggesting that unmanned aircraft should bear more of the integration costs. These commenters preferred detect-and-avoid requirements for part 108 operations, without offering solutions to the practical issues with FAA's proposal identified by other commenters.

III. Listening Sessions

On January 6, 2026, FAA held two listening sessions with members of the UAS manufacturing community and relevant industry associations.³ During these listening sessions, FAA heard general support for ADS-B or alternate EC devices, though opinions on specific requirements varied. Other attendees supported detect-and-avoid mandates. There were differing opinions on ADS-B Out versus alternate technologies. Some industry representatives raised concerns about the practicality of ADS-B for all environments, particularly at low altitudes and in complex operating conditions. Some attendees highlighted that the UAS industry is rapidly innovating so prescriptive requirements will hinder industry development, expressing preference for performance-based requirements not linked to specific technologies. Even though sentiments heard at the listening sessions largely echoed the comments to the NPRM, the sessions suggested that focusing the public's attention on certain aspects of the proposal may yield information helpful to FAA as it looks to finalize this rule.

IV. Reopening of the Comment Period

Noting the substantial interest in, and comment on, FAA's proposed policies for ADS-B Out, EC, and detect-and-avoid, FAA is reopening the NPRM for comment on the limited topics discussed herein. FAA wants to ensure that it fully understands these comments and the relevant policy implications. Comments that have already been submitted will be considered in development of the final rule. Resubmission of duplicative

comments will not entitle the comment to greater weight. Comments unrelated to the questions below will be treated as out of scope and will not be considered.

V. Request for Comments

During this reopening, FAA requests comments about the following:

1. Are there alternate EC devices capable of complying with proposed § 108.195(a)(2)(ii) that are available today? What are the names and manufacturers of those devices? Where are the devices currently approved for use and for what purpose(s)? Do any of them have the capability to inform the user that the device is not working properly?
2. Are these EC devices approved for the same purpose as ADS-B Out? Do these alternate EC devices provide other benefits beyond what ADS-B Out offers? Are existing alternate EC devices used for, or capable of providing, anonymity?
3. If not currently available, how quickly can alternate EC devices be available to the U.S. market once an approved standard is available?
4. Would the performance requirements of § 91.227 applicable to ADS-B Out also be appropriate for alternate EC devices? Why or why not?
5. RTCA has a standard for electronic conspicuity (RTCA DO-282C). Are there any reasons why applying this standard for alternate EC devices in the U.S. not be feasible or appropriate? Are there other existing industry consensus standards for EC that the FAA should consider accepting?
6. What would be the potential downside(s) of requiring EC devices to include some sort of indicator (*e.g.*, visual or audio) to notify the pilot that the device is not working properly?
7. Are there other methods or technologies that the FAA should consider allowing manned operators to use to be electronically detectable besides ADS-B Out or alternate EC devices?

Accordingly, FAA is hereby reopening the comment period for 14 days. The comment period will close on February 11, 2026.

Issued under authority provided by 49 U.S.C. 106(f) and 44701, in Washington, DC.

Brandon Roberts,

Executive Director, Office of Rulemaking,
[FR Doc. 2026-01644 Filed 1-27-26; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2026-1062; Airspace Docket No. 25-AEA-12]

RIN 2120-AA66

Amendment of United States Area Navigation (RNAV) Route T-437; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend United States Area Navigation (RNAV) Route T-437 in the eastern United States. This action supports FAA Next Generation Air Transportation System (NextGen) efforts to provide a modern RNAV route structure to improve the safety and efficiency of the National Airspace System (NAS).

DATES: Comments must be received on or before March 16, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA-2026-1062 and Airspace Docket No. 25-AEA-12 using any of the following methods:

* *Federal eRulemaking Portal:* Go to 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493-2251.

Docket: Background documents or comments received may be read at 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Policy

³ See Docket No. FAA-2025-1908-3130, U.S. DOT/FAA—Memoranda to Docket from Listening Sessions (Jan. 15, 2026).

Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the route structure to maintain the efficient flow of air traffic within the NAS.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

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 www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, GA 30337.

Incorporation by Reference

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

Background

In the current route description of RNAV Route T-437, the SIROC, OG, waypoint (WP) is listed using the state abbreviation of "OG" in error. The abbreviation "OG" means Offshore Gulf of America. The SIROC WP is located in the state of Georgia (GA) and is listed in the National Airspace System Resource (NASR) database accordingly. In addition to the other proposed changes discussed below, this NPRM corrects this error and refers to the SIROC route point as the SIROC, GA, WP.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend RNAV Route T-437 in the eastern United States. This action supports continued FAA NextGen efforts to provide a modern RNAV route structure that improves the efficiency of the NAS. The proposed RNAV route change is described below.

T-437: RNAV Route T-437 currently extends between the SIROC, GA, WP and the ZOOMS, WV, Fix. The FAA proposes to extend the airway to the north between the ZOOMS Fix and the Elkins, WV (EKN), Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) to provide connectivity for RNAV-equipped aircraft between the Zenith, WV, and the Elkins, WV, areas. As amended, the route would be changed to extend between the SIROC WP and the Elkins VORTAC.

The full proposed description of the above route is set forth below in the proposed text amendments to part 71.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, "FAA National Environmental Policy Act Implementing Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

T-437 SIROC, GA to Elkins, WV (EKN) [Amended]

SIROC, GA	WP	(Lat. 31°03'02.32" N, long. 081°26'45.89" W)
KELER, GA	FIX	(Lat. 31°55'07.40" N, long. 081°11'09.14" W)
TBERT, SC	WP	(Lat. 32°08'46.76" N, long. 081°11'57.44" W)
DURBE, SC	WP	(Lat. 33°00'44.75" N, long. 081°17'32.69" W)
CAYCE, SC	WP	(Lat. 33°51'26.13" N, long. 081°03'14.76" W)
CRLNA, NC	WP	(Lat. 35°12'49.48" N, long. 080°56'57.32" W)
DANCO, VA	WP	(Lat. 37°05'15.75" N, long. 080°42'46.45" W)
ZOOMS, WV	FIX	(Lat. 37°28'32.22" N, long. 080°35'06.70" W)
RUFYO, WV	WP	(Lat. 37°41'35.12" N, long. 080°32'47.89" W)
GRNBR, WV	WP	(Lat. 38°02'19.12" N, long. 080°28'25.06" W)
KNEDL, WV	WP	(Lat. 38°42'35.52" N, long. 080°15'15.38" W)
Elkins, WV (EKN)	VORTAC	(Lat. 38°54'51.97" N, long. 080°05'57.38" W)

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11K, Airspace Designations and Reporting

Points, dated August 4, 2025, and effective September 15, 2025, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

* * * * *

Issued in Washington, DC, on January 26, 2026.

Alex W. Nelson,

Manager, Rules and Regulations Group.

[FR Doc. 2026-01662 Filed 1-27-26; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2026-0859; Airspace Docket No. 25-AAL-161]

RIN 2120-AA66

Amendment of United States Area Navigation Route T-373 in the Vicinity of King Salmon, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend United States Area Navigation Route (RNAV) T-373 in the vicinity of King Salmon, Alaska. The FAA is proposing this action to increase the route structure connectivity in Alaska.

DATES: Comments must be received on or before March 16, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA-2026-0859 and Airspace Docket No. 25-AAL-161 using any of the following methods:

* *Federal eRulemaking Portal:* Go to 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493-2251.

Docket: Background documents or comments received may be read at 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is

promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the airway structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

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 www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA’s web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Western Service Center, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Incorporation by Reference

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is

publicly available as listed in the **ADDRESSES** section of this document.

Background

RNAV route T-373 extends between Kowok, AK, Fix and Werel, AK, waypoint (WP). The route, as currently configured, does not provide for any terminal connectivity. The FAA is proposing to extend this route further to the southeast to the King Salmon Airport to allow for terminal services for aircraft enroute to/from the airport. This extension will also provide an alternative route option for the recently revoked Colored Federal Airway B-27.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend RNAV Route T-373 in the vicinity of King Salmon, Alaska.

T-373: T-373 currently extends between the Kowok, AK, Fix and the Werel, AK, WP. The FAA is proposing to extend the airway to the King Salmon, AK, Very High Frequency Omnidirectional Range Tactical Air Navigation (VORTAC). This VORTAC is co-located with the King Salmon Airport. As amended, T-373 would extend between the King Salmon VORTAC and the Werel WP.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, “FAA National Environmental Policy Act Implementing Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T-373 King Salmon, AK (AKN) to WEREL, AK [Amended]

King Salmon, AK (AKN)	VORTAC	(Lat. 58°43'28.97" N, long. 156°45'08.45" W)
RAGES, AK	FIX	(Lat. 59°21'43.36" N, long. 158°12'22.14" W)
ZUDSO, AK	WP	(Lat. 59°48'13.53" N, long. 158°57'43.10" W)
MAYHW, AK	WP	(Lat. 59°48'11.94" N, long. 159°16'08.97" W)
FEXOP, AK	WP	(Lat. 60°15'14.46" N, long. 160°07'38.69" W)
Bethel, AK (BET)	VORTAC	(Lat. 60°47'05.41" N, long. 161°49'27.59" W)
WEREL, AK	WP	(Lat. 62°38'29.25" N, long. 160°11'07.20" W)

* * * * *

Issued in Washington, DC, on January 26, 2026.

Alex W. Nelson,

Manager, Rules and Regulations Group.

[FR Doc. 2026–01713 Filed 1–27–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2026-1024; Airspace
Docket No. 26-AEA-2]

RIN 2120-AA66

**Amendment of Class D and Class E2
Airspace Over Binghamton, NY**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: This action proposes to amend Class D and Class E2 airspace at Greater Binghamton Airport/Edwin A. Link Field, Binghamton, NY. This action will reduce the lateral dimensions of the Binghamton, NY Class D and Class E2 airspace, which are overlays, from a 4.4-mile radius of the airport to a 4.3-mile radius of the airport.

DATES: Comments must be received on or before March 16, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA-2026-1024 and Airspace Docket No. 26-AEA-2 using any of the following methods:

* *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.

* *Mail:* 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, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493-2251.

Docket: Background documents or comments received may be read at 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, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

FAA Order JO 7400.11K Airspace Designations and Reporting Points and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Policy

Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; Telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Marc Ellerbee, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305-5589.

SUPPLEMENTARY INFORMATION:**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and Class E2 airspace in Binghamton, NY.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

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 edits, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during regular business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Incorporation by Reference

Class D and Class E2 airspace designations are published in paragraphs 5000 and 6002 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

This action proposes to amend 14 CFR part 71 by modifying both the Class D airspace and Class E2 airspace for Greater Binghamton Airport/Edwin A. Link Field, Binghamton, NY. Controlled airspace is necessary for the safety and management of IFR operations in the area for existing instrument approach procedures. A review of the current airspace revealed a need for a reduction in the lateral dimensions.

This action proposes to reduce the lateral dimensions of the Binghamton, NY Class D airspace, serving Greater Binghamton Airport/Edwin A. Link Field, from a 4.4-mile radius of the

airport to a 4.3-mile radius of the airport.

This action also proposes to reduce the lateral dimensions of the Binghamton, NY Class E2 airspace, serving Greater Binghamton Airport/Edwin A. Link Field, from a 4.4-mile radius of the airport to a 4.3-mile radius of the airport.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, “FAA National Environmental Policy Act Implementing Procedures” prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11K, Airspace Designations and Reporting Points, dated August 4, 2025, and

effective September 15, 2025, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AEA NY D Binghamton, NY [Amended]

Greater Binghamton Airport/Edwin A. Link Field, NY

(Lat. 42°12'30" N, long. 75°58'47" W)

That airspace extending upward from the surface to and including 4,100 feet MSL within a 4.3-mile radius of Greater Binghamton Airport/Edwin A. Link Field. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

AEA NY E2 Binghamton, NY

Greater Binghamton Airport/Edwin A. Link Field, NY

(Lat. 42°12'30" N, long. 75°58'47" W)

That airspace extending upward from the surface within a 4.3-mile radius of Greater Binghamton Airport/Edwin A. Link Field. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Issued in College Park, Georgia, on January 22, 2026.

Patrick Young,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2026–01656 Filed 1–27–26; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA–HQ–OPP–2025–0028; FRL–12474–11–OCSP]

Receipt of Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities—November 2025

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency’s receipt of and solicits public comment on initial filings of pesticide petitions requesting the establishment or modification of regulations for

residues of pesticide chemicals in or on various commodities. The Agency is providing this notice in accordance with the Federal Food, Drug, and Cosmetic Act (FFDCA). EPA uses the month and year in the title to identify when the Agency compiled the petitions identified in this notice of filing. Unit II of this document identifies certain petitions received in 2025 that are currently being evaluated by EPA, along with information about each petition, including who submitted the petition and the requested action.

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

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition (PP) of interest identified in Unit II. of this document, online at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Each application summary in Unit II. specifies a contact division. The appropriate division contact is identified as follow:

- RD (Registration Division) (Mail Code 7505T); Charles Smith; main telephone number: (202) 566–1030; email address: RDFRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

B. What is the Agency’s authority for taking this action?

EPA regulations for residues of pesticide chemicals in or on various food commodities are established under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), requires EPA to publish a notice of receipt of these petitions in the **Federal Register** and provide an opportunity for public comment on the requests.

C. What action is the Agency taking?

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the receipt of pesticide petitions filed under FFDCA section 408 that request the

establishment or modification of regulations for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioner. Pursuant to 40 CFR 180.7(f), a summary of the petition identified in this document, prepared by the petitioner, is included in a docket. EPA has determined that the pesticide petitions described in this document contain data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2), and 40 CFR 180.7(b); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Based upon review of the data supporting these petitions and in accordance with its authority under FFDCA section 408(d)(4)(A)(i), EPA may establish a final tolerance or tolerance exemption that “may vary from that sought by the petitioner.” For example, EPA may determine that it is appropriate to vary the commodity name for consistency with EPA’s Food and Feed Commodity Vocabulary, which is located here <https://www.epa.gov/pesticide-tolerances/food-and-feed-commodity-vocabulary>, or vary the tolerance level based on available data, harmonization interests, or the trailing zeros policy. In addition, when evaluating a petition’s requests for a tolerance or exemption, EPA will consider how use of the pesticide on a crop for which a tolerance is requested may result in residues in or on commodities related to that requested commodity (e.g., whether use on sugar beets for which a tolerance was requested on sugar beet root also requires a tolerance on sugar beet tops or whether use on a cereal grain for which a grain tolerance was requested also requires a tolerance on related animal feed commodities derived from that cereal grain). Public commenters should consider the possibility of such revisions in preparing comments on these petitions.

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, please follow the applicable instructions at <https://www.epa.gov/dockets/>

commenting-epa-dockets#rules and clearly mark the information that you claim to be CBI. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/menting-epa-dockets>.

II. Petitions Received

This unit provides the following information about the petitions:

- The Pesticide Petition (PP) Identification (IN) number;
- EPA docket ID number for the petition;
- Information about the petition (*i.e.*, name of the petitioner, name of the pesticide chemical residue and the commodities for which a tolerance or exemption is sought);
- The analytical method available to detect and measure the pesticide chemical residue or the petitioner’s statement about why such a method is not needed; and
- The division to contact for that petition.

Additional information on the petitions may be obtained through the petition summaries that were prepared by the petitioners pursuant to 21 U.S.C. 346a(d)(2)(A)(i)(I) and 40 CFR 180.7(b)(1), which are included in the docket for the petition as identified in this unit.

• *PP IN-11999.* (EPA-HQ-OPP-2025-3360). Spring regulatory Sciences on behalf of Evonik Corporation, (7801 Whitepine Road, Richmond, VA 23237) requests to establish an exemption from the requirement of a tolerance for residues of Oxirane, 2-phenyl-, polymer with oxirane, monoethyl ether, sulphosuccinated, disodium salt (CAS Reg. No. 2983072-24-6); minimum number average molecular weight 1875 daltons when used as an inert ingredient for surfactant/dispersing agent/emulsifier in pesticide formulations under 40 CFR 180.960. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

• *PP IN-12105.* (EPA-HQ-OPP-2025-3194). Nouryon Pulp and Performance Chemicals LLC, (100 Matsonford Road, Building 5, Radnor, PA 19087), requests to establish an exemption from the requirement of a tolerance for residues of 4-

morpholinecarboxaldehyde (CAS Reg. No. 4394-85-8) when used as a pesticide inert ingredient (solvent) in pesticide formulations under 40 CFR 180.920. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

• *PP IN-12209.* (EPA-HQ-OPP-2025-3195). Kraton Chemical, LLC, (9000 Southside Blvd., Bldg. 100, Suite 1300, Jacksonville, FL 32256), requests to establish an exemption from the requirement of a tolerance for residues of decarboxylated rosin (CAS Reg. No. 8050-18-8) when used as a pesticide inert ingredient (surfactant and related adjuvant of surfactant) limited to 4% by weight in pesticide formulations under 40 CFR 180.920. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

• *PP 5F9174.* (EPA-HQ-OPP-2025-1415). BASF Corporation, Agricultural Solutions, (26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709), requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide fluxapyroxad (3-(difluoromethyl)-1-methyl- *N*-(3',4',5'-trifluoro[1,1'-biphenyl]-2-yl)-1 *H*-pyrazole-4-carboxamide), including its metabolites and degradates, in or on pennycress, seed at 0.9 parts per million (ppm). Independently validated analytical methods that have been submitted are used to measure and evaluate the chemical fluxapyroxad. *Contact:* RD.

• *PP 5F9193.* (EPA-HQ-OPP-2025-2269). Bayer CropScience, (800 N Lindbergh Blvd., St. Louis, MO 63167), requests to establish tolerances in 40 CFR part 180 for residues of the herbicide, icafofin-methyl, including its metabolites and degradates, in or on: Almond, hulls at 0.03 parts per million (ppm); barley subgroup 15-22B at 0.02 ppm; field corn subgroup 15-22C at 0.02 ppm; fruit, citrus, group 10-10 at 0.02 ppm; fruit, pome, group 11-10 at 0.02 ppm; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13-07F at 0.02 ppm; fruit, stone, group 12-12 at 0.02 ppm; grain, cereal, forage, hay, stover, and straw, group 16-22 at 0.02 ppm; nut, tree, group 14-12 at 0.02 ppm; rapeseed subgroup 20A at 0.02 ppm; soybean, seed at 0.02 ppm; vegetable, legume, forage and hay, group 7-22 at 0.02 ppm; vegetable, legume, pulse, bean, dried shelled, except soybean, subgroup 6-22E at 0.02 ppm; vegetable, legume, pulse, pea, dried shelled, subgroup 6-22F at 0.02 ppm; and wheat subgroup 15-22A at 0.02

ppm. A high-performance liquid chromatography-electrospray ionization/tandem mass spectrometry (LC-MS/MS) method is used to measure and evaluate the chemical icafolin-methyl (methyl 2,5-anhydro-3,4-dideoxy-4-[[[(5S)-3-(3,5-difluorophenyl)-

5-ethenyl-4,5-dihydro-5-isoxazolyl]carbonyl]amino]-threopentionate) and its metabolite (2,5-anhydro-3,4-dideoxy-4-[[[(5S)-3-(3,5-difluorophenyl)-5-ethenyl-4,5-dihydro-5-isoxazolyl]carbonyl]amino]-threopentonic acid). *Contact:* RD.

Authority: 21 U.S.C. 346a.

Dated: January 23, 2026.

Edward Messina,

Director, Office of Pesticide Programs.

[FR Doc. 2026-01654 Filed 1-27-26; 8:45 am]

BILLING CODE 6560-50-P

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

Agricultural Marketing Service

[Doc. No. AMS–SC–25–0980]

Domestic Hemp Production Program; Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, Department of Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension and revision to the approved forms hemp producers licensed by USDA as well as States, Territories, and Tribes with approved hemp production plans must complete as part of the U.S. Domestic Hemp Production Program.

DATES: Comments on this notice are due by March 30, 2026 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments concerning this notice. Comments must be sent to USDA/AMS/Specialty Crops Program Hemp Branch, 470 L'Enfant Plaza SW, P.O. Box 23192, Washington, DC 20026; or online at <https://www.regulations.gov>. All comments should reference the docket number (TBD), the date, and the page number of this issue of the **Federal Register**. All comments received will be available for public inspection in the Office of the Docket Clerk, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237 during regular business hours, or can be viewed at: <https://www.regulations.gov>. All comments submitted in response to this notice will be included in the record and will be

made available to the public online at www.regulations.gov and will be made available for public inspection at the above physical address during regular business hours. Please be advised that all comments received will be posted without change.

FOR FURTHER INFORMATION CONTACT:

Emily Febles, Acting Branch Chief, Domestic Hemp Production Program, Market Development Division, Specialty Crops Program, AMS, USDA, USDA/AMS/Specialty Crops Program Hemp Branch, 470 L'Enfant Plaza SW, P.O. Box 23192, Washington, DC 20026; telephone: 888–721–4367; or email: farbill.hemp@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Market Development Division—Domestic Hemp Production Program.

OMB Number: 0581–0318.

Expiration Date of Approval: February 28, 2026.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The Agricultural Improvement Act of 2018 (2018 Farm Bill) amended the Agricultural Marketing Act of 1946 and was signed into law December 20, 2018, as Public Law 115–334. Section 10113 of the 2018 Farm Bill amended the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*) by adding Subtitle G—Hemp Production. The law requires the U.S. Department of Agriculture (USDA) to promulgate regulations and guidelines to develop and oversee a program for the production of hemp in the United States. The Agriculture Improvement Act of 2018, Public Law 115–334 (2018 Farm Bill) directs that this will include State and Tribal plans, and a USDA plan for those States, including territories of Indian Tribes, that choose not to submit their own plan. The 2018 Farm Bill amended the Agricultural Marketing Act of 1946 (AMA) by adding Subtitle G (sections 297A through 297D of the AMA). Section 297B of the AMA requires the Secretary of Agriculture (Secretary) to evaluate and approve or disapprove State or Tribal plans regulating the production of hemp. Section 297C of the AMA requires the Secretary to establish a Federal plan for producers in States and territories of Indian Tribes not covered by plans approved under section 297B. Lastly, section 297D of the AMA requires the Secretary to promulgate regulations and

guidelines relating to the production of hemp, including sections 297B and 297C, in consultation with the U.S. Attorney General.

States or Tribes wanting primary regulatory authority over the production of hemp within their borders may submit plans to USDA for approval. These plans outline how the State or Tribe will monitor and regulate hemp production. As instructed in the Farm Bill, this regulation provides procedures and guidance for State and Tribal Governments submitting plans to USDA for approval. USDA approves plans which comply with the Domestic Hemp Production Program regulations.

This is a request for the Office of Management and Budget (OMB) to review and approve seven forms necessary to implement and administer the Domestic Hemp Production Program authorized under the 2018 Farm Bill. Use of these forms is required by 7 CFR part 990, Domestic Hemp Production Program. A description of each form is listed below.

A. AMS–23 State and Tribal Hemp Producer Report

This form requires States and Tribes to provide USDA with contact information for each producer or business entity under their plan, a legal description of the land on which hemp is grown by each licensee, and the status of each license. This form also tracks any changes to a licensee's contact information or status in the program. This form is required to be submitted to USDA on the first business day of each month.

B. AMS–24 State and Tribal Hemp Disposal Report

This form requires States and Tribes to provide USDA with disposal or remediation information of cannabis that tested above the 0.3 percent THC threshold legal limit under program regulations. This form includes the producer's license number, lot location information, including the geospatial location or other available land descriptor for the production area subject to disposal, method used for disposal, the date when the disposal was completed, and the disposal agent name and organization. This form is required to be submitted to USDA on the first business day of each month.

C. AMS–25 State and Tribal Hemp Annual Report

This form is filled out by States or Tribes that operate under a USDA-approved hemp production plan. The States or Tribes fill out this form once a year and include the total number of acreages planted, harvested, remediated, and disposed of under their jurisdiction. This form is required to be submitted to USDA on December 15th of each year.

D. AMS–26 USDA Hemp License Application

This form is filled out by producers that wish to grow hemp under the USDA plan because they do not live in an area that has an approved state or tribal hemp production plan. The information collected on this form is used by USDA to approve applications and track participation in the program. The producer fills out their name, address, telephone number, and email address (if applicable). If the producer is a business entity, they must include the full name of the business, address of the principal business location, full name and title of the key participants, an email address if available, and EIN number of the business entity. Each producer entity needs to submit an application form.

E. AMS–27 USDA Hemp Plan Disposal Form

This form includes disposal/remediation information of cannabis that tests above the acceptable hemp THC level (0.3 percent THC threshold) under the USDA Domestic Hemp Producer Program. The form includes the producer's name and address, license number, location information, including the geospatial location or other available land descriptor for the production area subject to disposal, information on the agent handling the disposal, and the date when the disposal was completed. This form is required to be submitted to USDA no later than 30 days after the disposal/remediation date listed on the form.

F. AMS–28 USDA Hemp Plan Annual Report

This form is completed by each licensed producer under the USDA program. Each licensee must fill out annual production data including acreages planted, harvested, remediated and disposed of under their license. This form is required to be submitted to USDA on December 15th of each year.

G. Report of Acreage (FSA–578)

This form is required to be completed by each producer under a State, Tribe or the USDA plan. Producers shall report

name, address, license or authorizing number, geospatial location for each lot or greenhouse where hemp will be produced and hemp crop acreage to the USDA Farm Services Agency (FSA.)

H. AMS–22 Laboratory Test Results Report

This form is used by laboratory personnel to monitor all THC test results for all hemp production under a state, tribal or USDA plan. Each test result must be entered on this form. This form includes the producer's contact information, a hemp production license number, an identification number, the test results for each lot tested, and an attestation on whether the results were passing, failing or retesting.

Burden for Domestic Hemp Production Program

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.41 hours per response.

Respondents: Producers, handlers, processors, dehydrators, cooperatives, manufacturers, importers, and public members.

Estimated Number of Respondents: 21,781.

Estimated Number of Responses: 23,719.

Estimated Number of Responses per Respondent: 32.

Estimated Total Annual Burden on Respondents: 8,018 hours.

Comments are invited on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of 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.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

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

A 60-day comment period is provided to allow interested people to respond to the notice.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2026–01641 Filed 1–27–26; 8:45 am]

BILLING CODE; P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2025–0034]

Notice of Proposed Revision to Requirements for the Movement of Fresh Persian Lime Fruit for Consumption From Hawaii Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that we have prepared a pest risk analysis relative to the interstate movement of fresh Persian lime fruit (*Citrus latifolia* (Yu. Tanaka) Tanaka) for consumption into the continental United States. The interstate movement of fresh Persian lime fruit from Hawaii into the continental United States is currently authorized, provided that the limes are either subject to forced hot air treatment or irradiation. Based on the findings of the risk analysis, we are also proposing to authorize the interstate movement of fresh Persian lime fruit for consumption from Hawaii under a systems approach as an alternative to the current mitigation structures. We are making the pest risk analysis available to the public for review and comment.

DATES: We will consider all comments that we receive on or before March 30, 2026.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov. Enter APHIS–2025–0034 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–2025–0034, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Avenue, Beltsville, MD 20705.

Supporting documents and any comments we receive on this docket may be viewed at www.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: Dr. Derek A. Woller, Senior Regulatory Policy Specialist, Pest Exclusion and Import Permits, Import Regulations and Manuals, Regulatory Coordination and Compliance, PPQ, APHIS, 1400 Independence Ave SW, Washington, DC 20250, (480) 490-6454; Derek.A.Woller@USDA.gov.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in “Subpart A—Regulated Articles From Hawaii and the Territories” (7 CFR 318.13–1 through 318.13–17, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the movement in interstate commerce of any plant or plant product from Hawaii and the Territories to prevent plant pests or noxious weeds from being introduced into or disseminated within the United States.

Section 318.13–4 contains a performance-based process for authorizing the interstate movement of certain fruits and vegetables from Hawaii or the Territories, as well as revising the requirements for interstate movement of fruits and vegetables from Hawaii or the Territories. Paragraph (c)(1) of § 318.13–4 provides that the name and origin of all fruits and vegetables authorized for interstate movement may be found at <https://www.aphis.usda.gov/aphis/ourfocus/planthealth/complete-list-of-electronic-manuals>. This web address provides access to a list of APHIS manuals governing the movement of articles from Hawaii and the Territories.

Paragraph (c)(4) of § 318.13–4 provides that, if the Administrator of APHIS determines that any of the phytosanitary measures required for the interstate movement of a particular fruit or vegetable are no longer necessary to reasonably mitigate the plant pest risk posed by the fruit or vegetable, APHIS will publish a notice in the **Federal Register** making its pest risk documentation and determination available for public comment.

Currently, the interstate movement of fresh Persian lime fruit (*Citrus latifolia* (Yu. Tanaka) Tanaka) for consumption from Hawaii is listed in the Hawaii Manual found at <https://www.aphis.usda.gov/aphis/ourfocus/>

[planthealth/complete-list-of-electronic-manuals](https://www.aphis.usda.gov/aphis/ourfocus/planthealth/complete-list-of-electronic-manuals) as authorized interstate movement into the continental United States, provided that the limes are treated with forced hot air treatment in accordance with APHIS treatment schedule T103-b-1 or irradiation treatment in accordance with treatment schedule T105-a-1.

The State of Hawaii has requested whether a systems approach could be used as an alternative to the current mitigation structures. Based on this request, APHIS prepared a pest risk assessment that evaluated the pest risk associated with the interstate movement of fresh Persian lime fruit for consumption from Hawaii into the continental United States. APHIS made this initial pest risk assessment available for stakeholder review from December 3, 2024, to January 17, 2025, providing an informal opportunity for comment. Based on the conclusions of this pest risk assessment and stakeholder consultation, APHIS prepared a supplemental pest-specific risk assessment to determine the pest risk potential for *Bactocera dorsalis* (Oriental fruit fly, or OFF) on fresh Persian lime fruit for consumption from Hawaii. This latter assessment concludes that there is no evidence that undamaged, commercially produced Persian lime is a host of OFF. Based on these two risk assessments, a risk management document (RMD) was prepared to identify phytosanitary measures that could be applied to the Persian limes to mitigate the pest risk.

Therefore, in accordance with § 318.13–4(c), we are announcing the availability of our pest risk assessments and RMD for public review and comment. Those documents, as well as a description of the economic considerations associated with the interstate movement of Persian limes for consumption from Hawaii under the terms of the systems approach, may be viewed on the *Regulations.gov* website or in our reading room (see **ADDRESSES** above for a link to *Regulations.gov* and information on the location and hours of the reading room). You may request paper copies of the pest risk assessments and RMD by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the analysis you wish to review when requesting copies.

After reviewing any comments we receive, we will announce our decision regarding whether to revise the requirements for the interstate movement of Persian limes for consumption from Hawaii into the continental United States to provide an alternative to the current mitigation

structures in a subsequent notice. If the overall conclusions of our analysis and the Administrator’s determination of risk remain unchanged following our consideration of the comments, then we will revise the requirements for the interstate movement of Persian limes for consumption from Hawaii to authorize the systems approach specified in the RMD.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 23rd day of January 2026.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–01649 Filed 1–27–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS–2025–0170]

Proposed Revisions to Section 1 of the Field Office Technical Guide for Kansas, Nebraska, and New Jersey

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA).

ACTION: Notice of availability, request for comments.

SUMMARY: NRCS is giving notice that it is proposing to revise Section 1—General Resource References of the Field Office Technical Guide for Kansas, Nebraska, and New Jersey to include State Off-Site Methods (SOSM) for Food Security Act Wetland Identification. The proposed changes will replace existing procedures in Kansas and Nebraska, and add new procedures in New Jersey. The revisions are needed to clarify procedures and improve consistency in application. SOSM are used in completing wetland determinations for USDA program eligibility purposes.

DATES: We will consider comments that we receive by February 27, 2026.

ADDRESSES: We invite you to submit comments in response to this notice. You may submit your comments through:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and search for Docket ID NRCS–2025–0170. Follow the online instructions for submitting comments.

All comments received will be made publicly available on <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: The appropriate NRCS State Conservationist as listed below:

- *Kansas:* David Doctorian; telephone: (785) 823–4500; email: david.doctorian@usda.gov;
- *Nebraska:* Robert Lawson; telephone: (402) 437–5300; email: robert.lawson@usda.gov; and
- *New Jersey:* Julie Hawkins; (732) 573–6040; email: julie.hawkins@usda.gov.

SUPPLEMENTARY INFORMATION: Guidance contained in each state’s SOSM will be part of the technical documents and procedures that NRCS uses to determine if wetlands are present on agricultural land as required by 16 U.S.C. 3822. NRCS is required by 16 U.S.C. 3862 to make available for public review and comment all proposed revisions to standards and procedures used to carry out highly erodible land and wetland provisions of the law.

NRCS is proposing revisions to include SOSM in Section 1—General Resource References of the Field Office Technical Guide for Kansas, Nebraska, and New Jersey. The proposed SOSM will replace the following existing procedures:

- For Kansas and Nebraska, the SOSM will replace “Northern Plains Region Wetland Determination and Delineation Procedure” (March 1998).
- New Jersey does not have a current procedure to be replaced.

The revisions to the Field Office Technical Guide are needed to clarify procedures and improve consistency in application. SOSM are used in completing wetland determinations for USDA program eligibility purposes.

There are separate SOSM documents for each state. To fully understand the proposed revisions, commenters are encouraged to compare the SOSM with state procedures for the states listed above, as shown in Section 1 of the NRCS Field Office Technical Guide at <https://efotg.sc.egov.usda.gov/#/>. For example, from the site, select the state (Kansas or Nebraska), select “Document Search,” search for “Northern Plains Region” to find the documents being replaced: “Northern Plains Region Wetland Determination and Delineation Procedure.”

The electronic copies of each state’s SOSM are available through <http://www.regulations.gov> by accessing Docket ID NRCS–2025–0170. Requests for paper versions or inquiries may be directed to the specific State Conservationist as identified in the **FOR FURTHER INFORMATION CONTACT** section above.

In general, all documents have similar language and technical methodologies

with some variations based on the natural resource information available and state-specific considerations.

All comments will be considered. If no comments are received, guidance contained in each state’s SOSM will be considered final at the end of the comment period for this notice.

Colton Buckley,

Associate Chief, Natural Resources Conservation Service.

[FR Doc. 2026–01705 Filed 1–27–26; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–26–2026]

Foreign-Trade Zone 68; Application for Subzone; PMI Services North America, Inc.; El Paso, Texas

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the City of El Paso, grantee of FTZ 68, requesting subzone status for the facility of PMI Services North America, Inc., located in El Paso, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on January 26, 2026.

The proposed subzone (12.65 acres) is located at 13551–B Montana Avenue, El Paso, Texas. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 68.

In accordance with the FTZ Board’s regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board’s Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is March 9, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through March 24, 2026.

A copy of the application will be available for public inspection in the “Online FTZ Information Section” section of the FTZ Board’s website, which is accessible via www.trade.gov/ftz.

For further information, contact Camille Evans at Camille.Evans@trade.gov.

Dated: January 26, 2026.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2026–01702 Filed 1–27–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People’s Republic of China: 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 Shanghai Yueda Nails Co., Ltd., a.k.a. Shanghai Yueda Nails Industry Co., Ltd. (Shanghai Yueda) and Shanghai Yueda Nails (Chuzhou) Ltd. (Chuzhou Yueda) (collectively, Yueda Nails), exporters of certain steel nails from the People’s Republic of China (China), sold subject merchandise in the United States at prices below normal value (NV) during the period of review (POR) August 1, 2023, through July 31, 2024. Commerce is also rescinding the review with respect to four exporters that had no reviewable entries of subject merchandise during the POR. Interested parties are invited to comment on these preliminary results.

DATES: Applicable January 28, 2026.

FOR FURTHER INFORMATION CONTACT: Hannah Lee or Matthew Lipka, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1219 or (202) 482–7976, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2008, Commerce published in the **Federal Register** the antidumping duty order on certain steel nails from China.¹ After receiving multiple review requests,² Commerce

¹ See *Notice of Antidumping Duty Order: Certain Steel Nails from the People’s Republic of China*, 73 FR 44961 (August 1, 2008) (*Order*).

² See Mid Continent Steel & Wire, Inc.’s Letter, “Request for Administrative Review,” dated August 29, 2024; see also Shanghai Yueda’s Letter, “Request for Administrative Review,” dated September 3, 2024; and Chuzhou Yueda’s Letter, “Request for Administrative Review,” dated September 3, 2024.

published the notice of initiation of this administrative review on September 20, 2024.³ Between October 21 and 28, 2024, we received timely separate rate applications (SRA) or separate rate certifications (SRC) from Shanghai Yueda and Chuzhou Yueda.⁴ Additionally, three companies submitted no-shipment certifications.⁵

On December 9, 2024, Commerce tolled the deadline to issue the preliminary results in this administrative review by 90 days.⁶ On June 27, 2025, Commerce extended the preliminary results deadline by 91 days.⁷ Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days,⁸ 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.⁹ On January 7, 2026, Commerce extended the preliminary results deadline by an additional nine days.¹⁰ Accordingly, the deadline for these preliminary results is now January 16, 2026.

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.¹¹ The

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 77079 (September 20, 2024) (*Initiation Notice*).

⁴ See Shanghai Yueda's Letter, "Separate Rate Certification," dated October 21, 2024; see also Chuzhou Yueda's Letter, "Chuzhou Yueda's Separate Rate Application," dated October 28, 2024.

⁵ See Shanxi Hairui Trade Co., Ltd.'s Letter, "No Shipment Certification" dated October 21, 2024; see also Hebei Minmetals Co., Ltd.'s Letter, "Hebei Minmetals' No Shipment Letter," dated October 21, 2024; and Tianjin Jinchi Metal Products Co., Ltd.'s Letter, "No Shipment Letter for Tianjin Jinchi," dated October 21, 2024. We note that an administrative review was not requested nor initiated for Shanxi Hairui Trade Co. Ltd.

⁶ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated December 9, 2024.

⁷ See Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated June 27, 2025.

⁸ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁹ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

¹⁰ See Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated January 7, 2026.

¹¹ See Memorandum, "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Certain Steel Nails from the People's Republic of China; 2023–2024," dated

Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order¹²

The products covered by the *Order* are nails from China. A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.¹³

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.212(a), "generally, the amount of duties to be assessed is determined in a review of the order covering a discrete period of time." Thus, normally, upon completion of an administrative review, suspended entries of subject merchandise are liquidated at the antidumping duty assessment rate calculated for the review period.¹⁴ Therefore, in order to apply the final antidumping duty liability that was determined in an administrative review for a particular company, there must be at least one suspended entry of that company's subject merchandise that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the antidumping duty assessment rate calculated for the review period. Pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review if it concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise, as the case may be.¹⁵ Because the entry data that we obtained from CBP showed no suspended entries of subject merchandise from the four companies identified in Appendix II, on December 30, 2024, we notified parties of our intent to rescind this administrative review with respect to those companies.¹⁶ No party commented on our intent to rescind this review with

concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

¹² See *Order*.

¹³ See Preliminary Decision Memorandum.

¹⁴ See 19 CFR 351.212(b)(1).

¹⁵ See, e.g., *Diocetyl 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: Rescission of Antidumping Administrative Review; 2020–2021*, 88 FR 4157 (January 24, 2023).

¹⁶ See Memorandum, "Notice of Intent to Rescind Review, In Part," dated December 30, 2024.

respect to these companies. Therefore, in the absence of any suspended entries of subject merchandise during the POR from the companies listed in Appendix II, we are rescinding this administrative review with respect to these companies, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). We calculated export prices in accordance with section 772 of the Act. Because China is a non-market economy country within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Separate Rates

In the *Initiation Notice*, we informed parties that firms for which the review was initiated that wished to qualify for separate rate status must complete, as appropriate, either an SRA or SRC.¹⁷ We preliminarily determine that Yueda Nails¹⁸ is eligible for a separate rate.

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.¹⁹ Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity, the entity is not under review and the weighted-average dumping margin assigned to the China-wide entity (*i.e.* 118.04 percent) is not subject to change as a result of this administrative review.

Preliminary Results of the Review

As a result of our analysis, Commerce preliminarily determines the following estimated weighted-average dumping margin exists for the POR:

¹⁷ See *Initiation Notice*, 89 FR at 77080.

¹⁸ Commerce has preliminarily determined that the two mandatory respondents, Shanghai Yueda and Chuzhou Yueda, are affiliated and has treated them as a single entity (Yueda Nails). See Memorandum, "Affiliation and Single Entity Determination," dated concurrently with this notice; see also Preliminary Decision Memorandum.

¹⁹ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

Exporter	Weighted-average dumping margin (percent)
Shanghai Yueda Nails Co., Ltd., a.k.a. Shanghai Yueda Nails Industry Co., Ltd./Shanghai Yueda Nails (Chuzhou) Ltd	28.28

Disclosure

Commerce intends to disclose the calculations performed for these preliminary results to the parties within five days of public announcement, or if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register** accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit a case brief no later than 21 days after the date of publication of this notice.²⁰ 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.²¹ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.²² Case and rebuttal briefs should be filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.²³ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative

²⁰ See 19 CFR 351.309.

²¹ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Final Service Rule*).

²² See 19 CFR 351.309(c)(2) and (d)(2).

²³ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).²⁴

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of individuals associated with the requesting party that will attend the hearing and whether any of those individuals is a foreign national; and (3) a list of the issues the party intends to discuss at the hearing. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice in the **Federal Register**.

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this administrative review.²⁵ For the four companies identified in Appendix II with respect to which Commerce is rescinding this administrative review, Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**. For the remaining companies under review, Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

If Yueda Nails' *ad valorem* weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.50 percent) in the final results of this review, Commerce will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total quantity of those

sales, in accordance with 19 CFR 351.212(b)(1).²⁶ Where Yueda Nails reported reliable entered values, Commerce intends to calculate importer-specific *ad valorem* assessment rates by aggregating the amount of dumping calculated for all U.S. sales to the importer and dividing this amount by the total entered value of the merchandise sold to the importer.²⁷ Where Yueda Nails did not report entered value, we will calculate a per-unit importer or customer-specific assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total quantity of those sales.²⁸ To determine whether the per-unit duty assessment rate is *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we will also calculate an estimated importer-specific *ad valorem* assessment rate based on the estimated entered value.²⁹ We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate calculated in the final results of this review is not zero or *de minimis*. Where Yueda Nails' *ad valorem* weighted-average dumping margin is zero or *de minimis*, or an importer-specific *ad valorem* assessment rate is zero or *de minimis*,³⁰ we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. For entries that were not reported in the U.S. sales data submitted by Yueda Nails, but that entered under the case number of Yueda Nails (*i.e.*, at the individually-examined exporter's cash deposit rate), Commerce will instruct CBP to liquidate such entries at the rate for the China-wide entry.³¹

For the companies rescinded from the review, we will instruct CBP to assess antidumping duties on all appropriate entries at rates equal to the cash deposit of estimated antidumping duties

²⁶ In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

²⁷ See 19 CFR 351.212(b)(1).

²⁸ See 19 CFR 351.212(b)(1).

²⁹ For calculated (estimated) *ad valorem* importer-specific assessment rates used in determining whether the per-unit assessment rate is *de minimis*, see Memorandum, "Preliminary Results Analysis Memorandum for Shanghai Yueda Nails Co., Ltd. and Shanghai Yueda Nails (Chuzhou) Ltd." dated concurrently with this notice, and accompanying Margin Calculation Program Logs and Outputs.

³⁰ See 19 CFR 351.106(c)(2).

³¹ See *NME Practice* for a full discussion.

²⁴ See *APO and Final Service Rule*.

²⁵ See 19 CFR 351.212(b)(1).

required at the time of entry, or withdrawal from warehouse, in accordance with 19 CFR 351.212(c)(1)(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 cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for Yueda Nails, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except that if the *ad valorem* rate is *de minimis*, then the cash deposit rate will be zero); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of issues raised in the case and rebuttal briefs, within 120 days of the date of publication of this notice in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, 19 CFR 351.213, and 19 CFR 351.221(b)(4).

Dated: January 16, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Affiliation and Single Entity Treatment
- V. Discussion of the Methodology
- VI. Currency Conversion
- VII. Recommendation

Appendix II

Companies Rescinded From Review

1. Hebei Minmetals Co., Ltd.
2. Nanjing Yuechang Hardwares Co., Ltd.
3. Suntec Industries Co., Ltd.
4. Tianjin Jinchi Metal Products Co., Ltd.

[FR Doc. 2026-01638 Filed 1-27-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF492]

Fisheries of the Gulf of America; Southeast Data, Assessment, and Review; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of SEDAR 98 Assessment Webinar VII for Gulf of America Red Snapper.

SUMMARY: The Southeast Data Assessment and Review (SEDAR) 98 assessment process for Gulf red snapper will consist of a Data Workshop, a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 98 Assessment Webinar VII will be held March 11, 2026, from 10 a.m. until 1 p.m., Eastern Time.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open

to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571-4366; email: Julie.neer@safmnc.net.

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with the National Marine Fisheries Service and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process. SEDAR is a participatory process for developing, evaluating and reviewing information used for fisheries management advice. This multi-step process for determining the status of fish stocks in the Southeast Region may include (1) a Data stage, and (2) an Assessment stage, and (3) a Review stage. Each stage produces a report summarizing decisions made during that stage. A final stock assessment report is produced at the end of a SEDAR process documenting data sets used, model configurations and the opinions from the independent peer review. Participants for SEDAR projects are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and National Marine Fisheries Service Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants may include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations; International experts; and staff of Councils, Commissions, and state and Federal agencies.

The items of discussion during the Assessment Webinar VII are as follows: Participants will review the assessment modelling work to date.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens

Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 26, 2026.

Key Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026-01708 Filed 1-27-26; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF496]

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's (Pacific Council) Habitat Committee (HC) will hold an online public meeting.

DATES: The online meeting will be held on 2 separate days: Friday, February 20, 2026, from 9 a.m. to 3 p.m. Pacific Standard Time or until business for the day has been completed, and Wednesday, February 25, 2026, from 1 p.m. to 4 p.m. or until business for the day has been completed.

ADDRESSES: This meeting will be held online. Specific meeting information, including a proposed agenda and instructions on how to attend 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, Oregon 97220-1384.

FOR FURTHER INFORMATION CONTACT:

Kerry Griffin, Staff Officer, Pacific Council; telephone: (503) 820-2409.

SUPPLEMENTARY INFORMATION: The purpose of this online meeting is for the HC to consider items on the Pacific Council's March 2026 meeting agenda and to prepare supplemental reports, as necessary. The HC will discuss current habitat issues and may consider other items on the Pacific Council's March agenda, as appropriate.

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.

Key Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026-01623 Filed 1-27-26; 8:45 am]

BILLING CODE 3510-22-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Determination Under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement ("CAFTA-DR")

AGENCY: The Committee for the Implementation of Textile Agreements.

ACTION: Determination to add a product in unrestricted quantities to Annex 3.25 of the CAFTA-DR.

SUMMARY: The Committee for the Implementation of Textile Agreements ("CITA") has determined that certain faux leather fabric bonded to a pile fabric, as specified below, is not available in commercial quantities in a timely manner in the CAFTA-DR countries. The product is added to the list in Annex 3.25 of the CAFTA-DR in unrestricted quantities.

DATES:

Applicable Date: January 28, 2026.

ADDRESSES: <https://otexaproducts.trade.gov/otexacaproducts/requests/cafta> under "Approved Requests," File Number: CA2025005.

FOR FURTHER INFORMATION CONTACT:

Laurie Mease, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-2043 or Laurie.Mease@trade.gov.

SUPPLEMENTARY INFORMATION:

Authority: The CAFTA-DR; Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act ("CAFTA-DR Implementation Act"), Public Law 109-53; the Statement of Administrative Action accompanying the CAFTA-DR Implementation Act; and Presidential Proclamation 7987 (February 28, 2006).

Background: The CAFTA-DR provides a list in Annex 3.25 for fabrics, yarns, and fibers that the Parties to the CAFTA-DR have determined are not available in commercial quantities in a timely manner in the territory of any Party. The CAFTA-DR provides that this list may be modified pursuant to Article 3.25.4, when the United States determines that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the territory of any Party. See Annex 3.25 of the CAFTA-DR; see also section 203(o)(4)(C) of the CAFTA-DR Implementation Act.

The CAFTA-DR Implementation Act requires the President to establish procedures governing the submission of a request and providing opportunity for interested entities to submit comments and supporting evidence before a commercial availability determination is made. In Presidential Proclamation 7987, the President delegated to CITA the authority under section 203(o)(4) of CAFTA-DR Implementation Act for modifying the Annex 3.25 list. Pursuant to this authority, on September 15, 2008, CITA published modified procedures it would follow in considering requests to modify the Annex 3.25 list of products determined to be not commercially available in the territory of any Party to the CAFTA-DR (*Modifications to Procedures for Considering Requests Under the Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement*, 73 FR 53200) ("CITA's Procedures").

On December 11, 2025, CITA received a Commercial Availability Request ("Request") from Youngone (El Salvador) S.A. de C.V. ("Youngone") for

certain faux leather fabric bonded to a pile fabric, as specified below. On December 15, 2025, in accordance with CITA's Procedures, CITA notified interested parties of the Request, which was posted on the dedicated website for CAFTA-DR Commercial Availability proceedings. In its notification, CITA advised that any Response with an Offer to Supply ("Response") must be submitted by December 26, 2025, and any Rebuttal to a Response ("Rebuttal") must be submitted by January 2, 2026, in accordance with sections 6 and 7 of CITA's Procedures. In accordance with Executive Order 14371 (*Providing for the Closing of Executive Departments and Agencies of the Federal Government on December 24, 2025, and December 26, 2025*, 90 FR 60545), CITA extended the deadlines for Responses and Rebuttals by two U.S. business days, or through December 30, 2025 and January 6, 2026, respectively. CITA notified the public of the extension on its website.

No interested entity submitted a Response to the Request advising CITA of its objection to the Request with an offer to supply the subject product. In accordance with section 203(o)(4)(C) of the CAFTA-DR Implementation Act, and section 8(c)(2) of CITA's Procedures, as no interested entity submitted a Response objecting to the Request and providing an offer to supply the subject product, CITA has determined to add the specified fabric to the list in Annex 3.25 of the CAFTA-DR.

The subject product has been added to the list in Annex 3.25 of the CAFTA-DR Agreement in unrestricted quantities. A revised list has been posted on the dedicated website for CAFTA-DR Commercial Availability proceedings, at <https://otexaprod.trade.gov/otexacapublicsite/shortsupply/cafta>.

Specifications: Certain Faux Leather Fabric Bonded to a Pile Fabric

HTS: 6001.92.00.

Fabric Type: Knit fabric, faux leather bonded to a pile fabric.

Fiber Content:

Face: Faux leather fabric constructed from a 100% polyester knit fabric coated with polyurethane.

Back: Sherpa knit pile fabric 72–83% polyester, 16–26% acrylic.

Yarn Size:

Face: 75 Denier sea-island filament 100% polyester used for both warp and weft.

Back: Binding polyester 150 denier polyester combined with tops acrylic fiber, weighing between 11 to 17 grams.

Thread Count:

Face: Wales/cm 32, Course/cm 32.

Back: Wales/cm 7, Course/cm 8.

Weight: 520–535 grams per square meter.

Width: 133 to 147 centimeters (equivalent to 52.4 inches to 57.8 inches).

Weave: Knit in both, face and back.

Coloration:

Face: fiber dyed, colors: black, brown and beige and overprinted;

Back Side: fiber dyed in colors black, brown and beige.

Finishing: Bonded using the Moltopren heat process, which involves a flame lamination technique that fuses the layers through controlled heat and pressure. The finished sherpa hair has a height of approximately 11 mm in the back.

Additional Information: Sea island fiber is also known as super-conjugate fiber or butterfly polyester yarn, is formed by a core component dispersed in another polymer in a longitudinally continuous way. Polymer material forms the core part, which is also called the island phase or dispersed phase. Another polymer is called sea component, sea phase, or continuous phase. Because original dispersed phase fiber presents as an island state in the fiber section, it is called sea-island fiber.

Joshua Kroon,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 2026–01692 Filed 1–27–26; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–HA–0343]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by February 27, 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:

Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Understanding Service Member Experiences with Family Planning; OMB Control Number 0704–SMFP.

Type of Request: New.

Number of Respondents: 4,800.

Responses per Respondent: 1.

Annual Responses: 4,800.

Average Burden per Response: 1 hour.

Annual Burden Hours: 4,800 hours.

Needs and Uses: Building on prior experience executing the DoD Women's Reproductive Health Survey and other research on the health and health behaviors of service members (e.g., the Health Related Behaviors Survey), RAND National Defense Research Institute will conduct a series of focus groups with men and women across DoD service branches (Air Force, Army, Marine Corps, Navy, and Space Force) to augment this survey data and better understand how service members experience family planning both within the Military Health System and via community providers. These focus groups will also gather information on service members' experiences with any new policies related to reproductive health.

This study will highlight areas related to family planning that may threaten DoDs ability to field a ready and lethal force. It will also point to areas where DoD may need to augment or develop care, programs, services, or policies that provide needed reproductive health care and family planning services to the force in order to maintain and enhance health, readiness, retention, and lethality.

Affected Public: Individuals or households.

Frequency: Once.

Respondent's Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: January 23, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–01634 Filed 1–27–26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE**Office of the Secretary****[Docket ID: DOD–2025–OS–0739]****Submission for OMB Review;
Comment Request**

AGENCY: The Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by February 27, 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: Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of Defense Application for Priority Rating for Production or Construction Equipment; DD 691; OMB Control Number 0704–0055.

Type of Request: Revision.
Number of Respondents: 515.
Responses per Respondent: 1.
Annual Responses: 515.
Average Burden per Response: 1 hour.
Annual Burden Hours: 515.
Needs and Uses: Executive Order 12919 delegates authority to DoD to require certain contracts and orders relating to approved Defense Programs to be accepted and performed on a preferential basis. This program helps contractors acquire industrial equipment in a timely manner, thereby facilitating development and support of weapons systems and other important Defense Programs.

Affected Public: Business or other For-Profit; Not-for-Profit Institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: January 23, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–01633 Filed 1–27–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE**Department of the Navy****[Docket ID: USN–2025–HQ–0136]****Submission for OMB Review;
Comment Request**

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by February 27, 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. CYP 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: Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: USMC Family Care Program Forms; NAVMC Forms 1750/16 and 1750/17; OMB Control Number 0712–FMLY.

Type of Request: New.

NAVMC 1750/16—USMC Family Care Programs Youth Connection Request

Number of Respondents: 3,500.
Responses per Respondent: 1.
Annual Responses: 3,500.
Average Burden per Response: 30 minutes.

Annual Burden Hours: 1,750.

NAVMC 1750/17—USMC Family Care Programs Peer Leader Application

Number of Respondents: 1,500.
Responses per Respondent: 1.
Annual Responses: 1,500.
Average Burden per Response: 30 minutes.

Annual Burden Hours: 750.

Total

Number of Respondents: 5,000.

Annual Responses: 5,000.

Annual Burden Hours: 2,500.

Needs and Uses: The U.S. Marine Corps (USMC) Family Care Branch, which includes the Child and Youth Programs (CYP) and the School Liaison Program (SLP), requires this information collection to support military families as they relocate between installations. Due to the transient nature of military life, there is a critical need to ensure a “warm handoff” so that children’s access to childcare, educational support, and youth services is not interrupted. This collection provides the formal mechanism for families to be connected with essential services at their new duty station. It is also needed to identify and select qualified youth for the Youth Connection (YC) peer leadership program, which fosters a supportive community for military children.

The information collected will be used as follows:

- NAVMC 1750/16, USMC Family Care Programs Youth Connection Request: This form is used to facilitate a “warm handoff” between installations. When a family is preparing to move, parents or guardians complete this form to provide information about their needs. Staff at the current installation use this information to contact the CYP and SLP at the family’s new duty station, ensuring that the receiving programs are prepared to provide continuity of care and support upon their arrival.

- NAVMC 1750/17, USMC Family Care Programs Peer Leader Application: Youth, with parental consent and assistance, complete this form to apply for a peer leader position. Program staff use the information to review candidate qualifications and select individuals for the YC program, which is vital for supporting other military-connected youth.

By collecting this information, the USMC ensures that the quality of services is maintained for relocating families, which directly supports military family readiness and well-being.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: January 23, 2026.

Stephanie J. Bost,

*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

[FR Doc. 2026-01635 Filed 1-27-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2026-SCC-0034]

Agency Information Collection Activities; Comment Request; National Special Education Spending Study

AGENCY: National Center for Education Statistics (NCES), Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a new information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before March 30, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2026-SCC-0034. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the National Center for Education Statistics, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 5C125, Washington, DC 20202-1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Matt Soldner, (202) 453-7441.

SUPPLEMENTARY INFORMATION: The Department, 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 Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Special Education Spending Study.

OMB Control Number: 1850-NEW.

Type of Review: New ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 5,051.

Total Estimated Number of Annual Burden Hours: 11,501.

Abstract: The Institute of Education Sciences (IES), within the U.S. Department of Education (ED), requests clearance from the Office of Management and Budget (OMB) for a new data collection, the National Study of Special Education Spending (NSSSES). The study will produce estimates for what is spent on special education services for students with disabilities (SWDs), both overall and by disability category, including expenditures made by states, districts, and schools. The NSSSES also will provide policymakers and special education administrators with an up-to-date understanding of the key factors that influence special education spending, what this spending pays for, and to what extent federal appropriations from the Individuals with Disabilities Education Act of 2004

(IDEA) cover special education spending.

Ross Santy,

*Chief Data Officer, Office of Planning,
Evaluation and Policy Development.*

[FR Doc. 2026-01624 Filed 1-27-26; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER25-972-001.
Applicants: Citi Prepaid Energy LLC.
Description: Notice of Non-Material Change in Status of Citi Prepaid Energy LLC.

Filed Date: 1/21/26.
Accession Number: 20260121-5187.
Comment Date: 5 p.m. ET 2/11/26.

Docket Numbers: ER25-2312-005.
Applicants: Midcontinent Grid Solutions Iowa, LLC.

Description: Compliance filing: Amendment to Compliance Filing and Request for Shortened Comment Period to be effective 7/23/2025.

Filed Date: 1/23/26.
Accession Number: 20260123-5143.
Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26-283-000.
Applicants: Southern California Edison Company.

Description: Response to 12/23/2025, Deficiency Letter of Southern California Edison Company.

Filed Date: 1/22/26.
Accession Number: 20260122-5151.
Comment Date: 5 p.m. ET 2/12/26.

Docket Numbers: ER26-1103-000.
Applicants: Northwest Power Pool.

Description: § 205(d) Rate Filing: Proposed Tariff Revisions to Adopt WRAP Qualifying Transmission Definition to be effective 3/24/2026.

Filed Date: 1/22/26.
Accession Number: 20260122-5142.
Comment Date: 5 p.m. ET 2/12/26.

Docket Numbers: ER26-1104-000.
Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2025-01-22 Termination of Rate Schedule 19_MISO and Kansas City Power & Light Co to be effective 9/19/2025.

Filed Date: 1/22/26.
Accession Number: 20260122-5143.
Comment Date: 5 p.m. ET 2/12/26.

Docket Numbers: ER26-1105-000.

Applicants: Tucson Electric Power Company.

Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 509 to be effective 12/30/2025.

Filed Date: 1/22/26.

Accession Number: 20260122–5146.

Comment Date: 5 p.m. ET 2/12/26.

Docket Numbers: ER26–1106–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3221R2 Grain Belt Express/ITC Great Plains Int Agr to be effective 3/25/2026.

Filed Date: 1/23/26.

Accession Number: 20260123–5000.

Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26–1107–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to GIA No. 7465 & CSA No. 7466; Queue No. AG1–054 to be effective 3/25/2026.

Filed Date: 1/23/26.

Accession Number: 20260123–5032.

Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26–1108–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 4599 American Electric Power Service Corp Market Participant Agr. to be effective 1/1/2026.

Filed Date: 1/23/26.

Accession Number: 20260123–5038.

Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26–1109–000.

Applicants: Florida Power & Light Company.

Description: Tariff Amendment Cancellation of Original Service Agreement No. 321 with Lake Worth to be effective 2/1/2026.

Filed Date: 1/23/26.

Accession Number: 20260123–5054.

Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26–1110–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2026–01–23_SA 4660 OTP–OTP GIA (E0005) to be effective 1/13/2026.

Filed Date: 1/23/26.

Accession Number: 20260123–5067.

Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26–1111–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2026–01–23_SA 4661 OTP–OTP–NSP–ITC–MEC JTIQ CA (E0005) to be effective 1/16/2026.

Filed Date: 1/23/26.

Accession Number: 20260123–5075.

Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26–1112–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2026–01–23 EDAM Load Serving Entity Agreement—Bonneville Power Administration to be effective 3/25/2026.

Filed Date: 1/23/26.

Accession Number: 20260123–5103.

Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26–1113–000.

Applicants: California Independent System Operator Corporation.

Description: Tariff Amendment: 2026–01–23 Termination—Hosted Advanced Network App Service Agreement–El Paso to be effective 3/25/2026.

Filed Date: 1/23/26.

Accession Number: 20260123–5130.

Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26–1114–000.

Applicants: Welcome Solar II LLC.

Description: Initial Rate Filing: Application for Market Based Rate Tariff to be effective 3/24/2026.

Filed Date: 1/23/26.

Accession Number: 20260123–5133.

Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26–1115–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2025–01–23 Termination of Rate Schedule 24 MISO and Omaha Public Power District to be effective 9/19/2025.

Filed Date: 1/23/26.

Accession Number: 20260123–5136.

Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26–1116–000.

Applicants: Welcome Solar III LLC.

Description: Initial Rate Filing: Application for Market Based Rate to be effective 3/24/2026.

Filed Date: 1/23/26.

Accession Number: 20260123–5137.

Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26–1117–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2025–01–23 Termination of Rate Schedule 42 MISO and AEP to be effective 9/19/2025.

Filed Date: 1/23/26.

Accession Number: 20260123–5140.

Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26–1118–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to OA, Schedule 12 & RAA, Schedule 17 RE: 4Q 2025 Member Lists to be effective 12/31/2025.

Filed Date: 1/23/26.

Accession Number: 20260123–5186.

Comment Date: 5 p.m. ET 2/13/26.

Docket Numbers: ER26–1119–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2026–01–23 Cert of Concurrence—Large Generator Interconnection Agrmt–TransWest to be effective 9/2/2025.

Filed Date: 1/23/26.

Accession Number: 20260123–5187.

Comment Date: 5 p.m. ET 2/13/26.

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, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: January 23, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–01707 Filed 1–27–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12737–009]

Jordan Hydroelectric Limited Partnership, Virginia; Notice of Application for Surrender of License Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of License.

b. *Project No:* P–12737–009.

c. *Date Filed:* January 12, 2026.

d. *Applicant*: Jordan Hydroelectric Limited Partnership, Virginia.

e. *Name of Project*: Gathright Hydroelectric Project.

f. *Location*: The unconstructed project was to be located on the at the U.S. Army Corps of Engineers' (Corps) Gathright Dam on the Jackson River, near Falling Springs, Alleghany County, Virginia. The project would have occupied federal lands under the jurisdiction of the Corps.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact*: James B. Price, P.O. Box 5550, Aiken, SC 29804; 803–642–2749.

i. *FERC Contact*: Elizabeth Moats, (202) 502–6632, Elizabeth.OsierMoats@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 23, 2026 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–12737–009. Comments emailed to Commission staff

are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request*: The licensee has been unable to reach agreement with the U.S. Army Corps of Engineers-Norfolk District on project designs. The licensee does not foresee a practical and economical way to complete the project. Therefore, the licensee proposes to surrender the project license.

m. *Locations of the Application*: This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene*: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents*: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing

responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or OPP@ferc.gov.

(Authority: 18 CFR 2.1)

Dated: January 23, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026–01664 Filed 1–27–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2211–014]

Duke Energy Indiana, 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 drill new water supply wells.

b. *Project No.*: 2211–014.

c. *Date Filed*: September 29, 2025.

d. *Applicants*: Duke Energy Indiana, LLC.

e. *Name of Project*: Markland Project.

f. *Location*: The project is located on the Ohio River in Switzerland County, Indiana.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact*: Josh Quinn, Duke Energy, 525 S Tyron Street Mail Code DEP–35B, Charlotte, NC 28202 (804) 382–1764.

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 FEREC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* February 23, 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-2211-014. 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 applicant requests an amendment of license to drill three new wells to supply cooling water for project equipment which would replace three existing wells. The new wells would be located on land owned by the U.S. Army Corps of Engineers (Corps). The proposal would also require an expansion of the project boundary to envelop an additional 2.3 acres of Corps land to enclose the proposed wells.

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 23, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026-01665 Filed 1-27-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26-65-000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 13, 2026, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 1300, Houston, Texas 77002-2700, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, and 157.216 of the Commission's regulations under the Natural Gas Act (NGA), and Columbia's blanket certificate issued in Docket No. CP83-76-000, for authorization to abandon seven injection/withdrawal storage wells, connecting pipelines, and appurtenant facilities located in the Victory B Storage Field in Marshall County, West Virginia (2026 Victory B Wells Abandonment Project). The project is designed to protect Columbia's certificated facilities and services. The estimated cost for the project is \$7,000,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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

Public Reference Room at
public.referenceroom@ferc.gov.

Any questions concerning this request should be directed to LaShawndra R. Proctor, Manager of Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, by phone at (832) 320–5232, or by email at lashawndra_proctor@tcenergy.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on March 24, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or OPP@ferc.gov.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,³ and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on March 24, 2026. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to

request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on March 24, 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 24, 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 CP26–65–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁶

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26–65–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: LaShawndra R. Proctor, Manager of Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, or by email (with a link to the document) at lashawndra_proctor@tcenergy.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which

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.

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

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/subscription.asp.

(Authority: 18 CFR 2.1)

Dated: January 23, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026-01663 Filed 1-27-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26-66-000]

Tres Palacios Gas Storage, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 13, 2026, Tres Palacios Gas Storage, LLC (Tres Palacios), 915 N Eldridge Parkway, Suite 1100, Houston, Texas 77079, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.214 of the Commission's regulations under the Natural Gas Act (NGA), and Tres Palacios' blanket certificate issued in Docket No. CP07-90-000, for authorization to increase total storage capacity at Tres Palacios' Cavern IV located in Matagorda County, Texas from 10 billion cubic feet (Bcf) to 11.2 Bcf (Project). Specifically, the current working gas capacity will increase from 6.5 Bcf to 7.6 Bcf, the base gas capacity will increase from 3.5 Bcf to 3.6 Bcf. The Project is designed to maximize Tres Palacios' storage capacity and optimize deliverability of its storage facility, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing,

printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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

Any questions concerning this request should be directed to Arthur Diestel, Director, Regulatory, Tres Palacios Gas Storage, LLC, P.O. Box 1642, Houston, Texas 77251-1642, by phone at (713) 627-5116, or by email at Arthur.Diestel@enbridge.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 24, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502-6595 or OPP@ferc.gov.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

regulations,³ and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on March 24, 2026. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on March 24, 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

³ 18 CFR 157.205(e).

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

your comments on or before 5:00 p.m. Eastern Time on March 24, 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 CP26-66-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁶

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26-66-000.

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: Arthur Diestel, Director, Regulatory, Tres Palacios Gas Storage, LLC, P.O. Box 1642, Houston, Texas 77251-1642, or by email (with a link to the document) at Arthur.Diestel@enbridge.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 23, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026-01666 Filed 1-27-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25-533-000]

Pine Prairie Energy Center, LLC; Notice of Availability of the Environmental Assessment for the Proposed Pine Prairie Energy Center Phase IV Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Pine Prairie Energy Center Phase IV Expansion Project, proposed by Pine Prairie Energy Center, LLC (Pine Prairie) in the above-referenced docket.¹ Pine Prairie requests authorization to construct additional natural gas storage and pipeline facilities at an existing natural gas storage facility in Evangeline Parish, Louisiana, and modify certain facilities previously authorized by the Commission but not constructed. Further, Pine Prairie seeks authorization to amend its certificated total storage capacity to 87.2 billion cubic feet (Bcf) of natural gas (61.1 Bcf of working gas and 26.1 Bcf of base gas) and reduce the maximum daily delivery capability from 3.2 Bcf/day to 3.0 Bcf/day.

Any person wishing to comment on the EA may do so. To ensure consideration of your comments on the proposal prior to making a decision on the project, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on February 23, 2026. Instructions for filing comments are provided on page 3.

FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the Natural Gas Act of 1938 (NGA) and the lead federal agency for preparation of the EA. The EA assesses the potential environmental effects of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA)² and the Commission's implementing regulations.³ The principal purposes of the EA are to: identify and assess the potential effects on the natural and human environment; describe and evaluate reasonable alternatives; identify and recommend mitigation measures; and facilitate public involvement in the environmental review process. The EA concludes that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

The EA addresses the potential environmental effects of the construction and operation of the following project facilities:

- a new natural gas storage cavern (Cavern No. 6);
- 0.16-mile of natural gas, fresh water, and brine return pipelines that would interconnect with existing systems;
- new brine filtration, gas heating, and dehydration equipment, and demolition of existing out-of-service brine filtration equipment;
- a new 19,000-horsepower electric motor-driven compressor unit in an extension of the existing compressor building;
- about 2.4 miles of 30-inch-diameter header loop pipeline; and
- modification of the existing ANR-North Meter Station and Highway 10 Valve Site.

The Commission mailed a copy of the *Notice of Availability* of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and

⁶ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

¹ For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX-019-20-000-1758873996.

² National Environmental Policy Act of 1969, as amended (Public Law [Pub. L.] 91-190, 42 U.S.C. 4321-4347, as amended by Pub. L. 94-52, July 3, 1975; Pub. L. 94-83, August 9, 1975; Pub. L. 97-258, 4(b), September 13, 1982; Pub. L. 118-5, June 3, 2023; Pub. L. 119-21, July 4, 2025).

³ 18 Code of Federal Regulations (CFR) 380.

other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (www.ferc.gov), on the natural gas environmental documents page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (<https://elibrary.ferc.gov/eLibrary/search>), select "General Search" and enter the docket number in the "Docket Number" field, excluding the last three digits (*i.e.* CP25–533). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Under section 7(c) of the NGA, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity to construct and operate them. The Commission bases its decisions on both economic issues, including need, and environmental effects. Section 7(b) of the NGA specifies that no natural gas company shall abandon any portion of its facilities subject to the Commission's jurisdiction without the Commission first finding that the abandonment will not negatively affect the present or future public convenience and necessity.

Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental effects. The more specific your comments, the more useful they will be. For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or FercOnlineSupport@ferc.gov. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (www.ferc.gov) under the link to FERC

Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature 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 must select the type of filing you are making. If you are filing a comment on a particular project, please select "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 (CP25–533–000) 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, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at <https://www.ferc.gov/how-intervene>.

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. Additional information about the project is available from the FERC website (www.ferc.gov) using the eLibrary link. 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. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

(Authority: 18 CFR 2.1)

Dated: January 23, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026–01706 Filed 1–27–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2025–0024; FRL–12473–11–OCSP]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients November 2025

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and request for comment.

SUMMARY: This document announces the Agency's receipt of and solicits comment on applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. The Agency is providing this notice in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA uses the month and year in the title to identify when the Agency complied the applications identified in this notice of receipt. Unit II. of this document identifies certain applications received in 2025 that are currently being evaluated by EPA, along with information about each application, including when it was received, who submitted the application, and the purpose of the application.

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

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the *EPA File Symbol* or the *EPA Registration Number* of interest as shown in Unit II. of this document, online at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Each application summary in Unit II. specifies a contact division. The appropriate division contact is identified as follow:

- RD (Registration Division) (Mail Code 7505T); Charles Smith; main telephone number: (202) 566-1030; email address: RDFRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Executive Summary***A. Does this action apply to me?*

This action provides information that is directed to the public in general.

B. What is the Agency's authority for taking this action?

EPA is taking this action pursuant to section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(4), and 40 CFR 152.102.

C. What action is the Agency taking?

EPA is hereby providing notice of receipt and opportunity to comment on applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Notice of receipt of these applications does not imply a decision by the Agency on these applications. The applications identified in this document were received since the last notice that was issued and are currently being evaluated by EPA in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (<https://www.epa.gov/registration/participation-process-registration-actions>).

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, please follow the applicable instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and clearly mark the information that you claim to be CBI. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/commenting-epa-dockets>.

II. Registration Applications Received

This unit provides the following information about the applications received: The EPA File Symbol or Registration number(s); EPA docket ID number for the application; Name and address of the applicant; Name of the active ingredient, product type and proposed uses; and the division to contact for that application. Additional information about the application may also be available in the docket for the application as identified in this unit.

- *File Symbol:* 264-RELE. *Docket ID number:* EPA-HQ-OPP-2025-2269. *Applicant:* Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167. *Product name:* Icafolin-methyl Technical. *Active ingredient:* Herbicide—icafolin-methyl at 96%. *Proposed use:* For formulation into end-use herbicides for use on canola, cereals, citrus, field corn, grapes, pome fruit, popcorn, pulses, soybean, stone fruit and tree nuts. *Date of receipt:* June 27, 2025. *Contact:* RD.

- *File Symbol:* 264-RELN. *Docket ID number:* EPA-HQ-OPP-2025-2269. *Applicant:* Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167. *Product name:* USH679SC200. *Active ingredient:* Herbicide—icafolin-methyl at 18.70%. *Proposed uses:* Soybeans; field corn (grain and silage); cereals (wheat, barley, rye, triticale, quinoa, oats, canarygrass, buckwheat); canola, rapeseed, flax, camelina; bean (phaseolus spp.), dry seed; bean (vigna spp.), dry seed; broad bean (fava bean), dry seed (vicia faba subsp. faba var. faba); chickpea; lentil; pea (pisum spp., includes field pea); citrus (group 10-10); grape; pome fruit (group 11-10); stone fruit (group 12-12); and tree nuts (almond; cashew; chestnut; hazelnut (filbert); pecan; pistachio; walnut, black; and walnut, English). *Date of receipt:* June 27, 2025. *Contact:* RD.

- *File Symbol:* 264-RELR. *Docket ID number:* EPA-HQ-OPP-2025-2269. *Applicant:* Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167. *Product name:* USH679EC412. *Active ingredient:* Herbicide—icafolin-methyl at 1.09%, bromoxynil heptanoate at 17.10% and bromoxynil octanoate at 17.68%. *Proposed uses:* Canola, rapeseed, flax, camelina; bean (phaseolus spp.), dry seed; bean (vigna spp.), dry seed; broad bean (fava bean), dry seed (vicia faba subsp. faba var. faba); chickpea; lentil; pea (pisum spp.,

includes field pea). *Date of receipt:* June 27, 2025. *Contact:* RD.

- *File Symbol:* 264-REUI. *Docket ID number:* EPA-HQ-OPP-2025-2269. *Applicant:* Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167. *Product name:* USH679SC450. *Active ingredient:* Herbicide—icafolin-methyl at 26.50% and indaziflam at 13.30%. *Proposed uses:* Citrus (group 10-10), grape, pome fruit (group 11-10), stone fruit (group 12-12) and tree nuts (almond; cashew; chestnut; hazelnut (filbert); pecan; pistachio; walnut, black; and walnut, English). *Date of receipt:* June 27, 2025. *Contact:* RD.

- *File Symbol:* 264-REUO. *Docket ID number:* EPA-HQ-OPP-2025-2269. *Applicant:* Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167. *Product name:* USH679SC470. *Active ingredient:* Herbicide—icafolin-methyl at 10.94% and flufenacet at 29.23%. *Proposed uses:* Soybean and field corn (grain and silage). *Date of receipt:* June 27, 2025. *Contact:* RD.

- *File Symbol:* 264-REUT. *Docket ID number:* EPA-HQ-OPP-2025-2269. *Applicant:* Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167. *Product name:* USH679EC427. *Active ingredient:* Herbicide—icafolin-methyl at 0.21%, bromoxynil heptanoate at 16.82%, bromoxynil octanoate at 17.38%, and pyrasulfotole at 2.14%. *Proposed use:* Cereals (wheat, barley, triticale). *Date of receipt:* June 27, 2025. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 23, 2026.

Edward Messina,

Director, Office of Pesticide Programs.

[FR Doc. 2026-01653 Filed 1-27-26; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2025-3823; FRL 13191-01-OW]

Review of Science on Fluoride in Drinking Water: Preliminary Assessment Plan and Literature Survey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: As the first step in developing the Fluoride Human Health Toxicity Assessment (toxicity assessment), the U.S. Environmental Protection Agency (EPA) is releasing the Fluoride Preliminary Assessment Plan and Literature Survey (Assessment Plan) for public comment to provide

transparency and gather early feedback. The objectives of the Assessment Plan are to describe the approach the EPA intends to follow to develop the fluoride toxicity assessment and present the results of the preliminary literature survey. The Assessment Plan is not a toxicity assessment; it does not contain conclusions regarding harmful human health effects of fluoride or determine the level of fluoride exposure at or above which is associated with harmful health effects. Such conclusions about fluoride human health effects will be released as part of the forthcoming draft human health toxicity assessment. The EPA's toxicity assessment will be used to inform future decisions about potential revisions to the existing fluoride drinking water standard under the Safe Drinking Water Act (SDWA). This notice outlines details on how to provide comments and describes the purpose of the Fluoride Preliminary Assessment Plan and Literature Survey.

DATES: Comments must be received on or before states February 27, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-HQ-OW-2025-3823, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.
- *Email:* ow-docket@epa.gov. Include Docket ID No. EPA-HQ-OW-2025-3823 in the subject line of the message.
- *Mail:* U.S. Environmental

Protection Agency, EPA Docket Center, Office of Ground Water and Drinking Water 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. to 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: Susan Euling, Drinking Water Science and Engineering Division, Office of Ground Water and Drinking Water (Mail Code 4601M), Environmental Protection

Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; email address: fluoride@epa.gov

SUPPLEMENTARY INFORMATION:

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- I. Public Participation
 - A. Written Comments
- II. General Information
 - A. Introduction to the Preliminary Assessment Plan and Literature Survey for the Fluoride Human Health Toxicity Assessment
 - B. Next Steps for the Fluoride Human Health Toxicity Assessment

I. Public Participation

A. Written Comments

Submit your comments, identified by Docket ID No. EPA-HQ-OW-2025-3823, 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. General Information

A. Introduction to the Preliminary Assessment Plan and Literature Survey for the Fluoride Human Health Toxicity Assessment

The EPA is committed to ensuring clean and safe drinking water for all Americans with the goal of protecting human health, including children's health. In response to concerns about fluoride in drinking water, the EPA is developing a new human health toxicity assessment that will review scientific information on the potential health risks of fluoride in drinking water. The toxicity assessment will be based on a systematic review of the scientific

information on the potential health risks of fluoride in drinking water. The objective of the toxicity assessment is to determine the fluoride levels that a person can be exposed to and be unlikely to experience harmful health effects; these values are called toxicity values, specifically noncancer reference doses (RfDs).

The Preliminary Assessment Plan and Literature Survey (Assessment Plan) is the first step in developing the toxicity assessment. The objectives of the Assessment Plan are to describe the approach the EPA intends to follow to develop the human health toxicity assessment and present the results of the preliminary literature survey. The preliminary literature survey describes the results of conducting initial systematic review steps to identify relevant health effects studies, consistent with agency human health risk assessment guidance and Executive Order 14303 Restoring Gold Standard Science. A summary of the scoping and problem formulation conclusions is also presented in the Assessment Plan. As part of scoping and problem formulation, the EPA identified key science issues specific to fluoride exposure and health effects measurement that will be evaluated during toxicity assessment development.

The Assessment Plan is not a toxicity assessment; it does not contain conclusions regarding harmful human health effects of fluoride or determine the level of fluoride exposure at or above which is associated with harmful health effects. The EPA is releasing the Fluoride Preliminary Assessment Plan and Literature Survey for public comment to provide transparency and gather early feedback about the assessment scope and identified literature.

The EPA's fluoride toxicity assessment will evaluate human health hazards. The fluoride toxicity assessment, once final, can be used by EPA, states, Tribes, and local communities, along with specific exposure and other relevant information, to determine, under the appropriate regulations and statutes, the potential risk associated with human exposures to fluoride. Specifically, the EPA's toxicity assessment will be used to inform future decisions about potential revisions to the existing fluoride drinking water standard under the Safe Drinking Water Act (SDWA). The results of this toxicity assessment will also be used to inform Centers for Disease Control and Prevention (CDC) recommendations regarding fluoride in drinking water (<https://>

www.whitehouse.gov/wp-content/uploads/2025/09/The-MAHA-Strategy-WH.pdf).

B. Next Steps for the Fluoride Human Health Toxicity Assessment

The EPA is accepting public comments on this Assessment Plan for 30 days. The EPA will consider all public comments during the next step in the toxicity assessment process, which is the development of the Systematic Review Protocol (protocol). The protocol will present detailed methods for conducting subsequent steps of the systematic review. The EPA will then follow the protocol to develop a draft Fluoride Human Health Toxicity Assessment. The draft toxicity assessment will follow EPA human health risk assessment methods and guidance, summarize the health effects associated with exposure to fluoride during childhood, and identify the fluoride level at or below which a person can be exposed to and be unlikely to experience harmful health effects. The draft toxicity assessment will be released for external peer review and public comment. The EPA will consider the external peer review and public comments and revise the assessment as appropriate, before publishing a final Fluoride Human Health Toxicity Assessment.

Jessica L. Kramer,

Assistant Administrator.

[FR Doc. 2026-01657 Filed 1-27-26; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2025-0026; FRL-12472-11-OCSP]

Pesticide Product Registration; Receipt of Applications for New Uses November 2025

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and request for comment.

SUMMARY: This document announces the Agency's receipt of and solicits comment on applications to register new pesticide products containing currently registered active ingredients that would entail a change in use pattern. The Agency is providing this notice in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA uses the month and year in the title to identify when the Agency complied the applications identified in this notice of receipt. Unit

II. of this document identifies certain applications received in 12/4/2024 and 02/07/2025 that are currently being evaluated by EPA, along with information about each application, including when it was received, who submitted the application, and the purpose of the application.

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

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the EPA File Symbol or the EPA Registration Number of interest as shown in Unit II. of this document, online at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/>.

FOR FURTHER INFORMATION CONTACT: Each application summary in Unit II. specifies a contact division. The appropriate division contact is identified as follow:

- RD (Registration Division) (Mail Code 7505T); Charles Smith; main telephone number: (202) 566-1030; email address: RD@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

B. What is the Agency's authority for taking this action?

EPA is taking this action pursuant to section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(4), and 40 CFR 152.102.

C. What action is the Agency taking?

EPA is hereby providing notice of receipt and opportunity to comment on applications to register new pesticide products containing currently registered active ingredients that would entail a change in use pattern. EPA provides a notice of receipt on a monthly basis, using the month and year in the title to help distinguish one document from the other. This document identifies the applications that were received since the last notice that was issued and are currently being evaluated by EPA in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Notice of receipt of these applications does not imply a decision

by the Agency on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (<https://www.epa.gov/registration/participation-process-registration-actions>).

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, please follow the applicable instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and clearly mark the information that you claim to be CBI. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/epa-dockets>.

II. Applications To Register New Uses

This unit provides the following information about each application received: The EPA File Symbol or Registration number(s); EPA docket ID number for the application; Name and address of the applicant; Name of the active ingredient, product type and proposed uses; and the division to contact for that application. Additional information about the application may also be available in the docket for the application as identified in this unit.

- *EPA Registration Number:* 59639-233, 59639-230, 59639-272, 59639-248, and 5969-231. *Docket ID number:* EPA-HQ-OPP-2025-0129. *Applicant:* Valent U.S.A. LLC, 4600 Norris Canyon Road, San Ramon, CA 94583. *Active ingredient:* Inpyrfluxam. *Product type:* Fungicide. *Proposed use:* Leafy Greens Subgroup 4-16A. *Received date:* December 4, 2024. *Contact:* RD.

- *EPA Registration Number:* 7969-312, 7969-309. *Docket ID number:* EPA-HQ-OPP-2025-1415. *Applicant:* BASF Corporation, Agricultural Solutions, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709. *Active ingredient:* Fluxapyroxad. *Product type:* Fungicide. *Proposed use:* Pennycress. *Received date:* February 7, 2025. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 23, 2026.

Edward Messina,

Director, Office of Pesticide Programs.

[FR Doc. 2026-01652 Filed 1-27-26; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0787; FR ID 327630]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.” The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (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 comments and recommendations for the proposed information collection should be submitted on or before February 27, 2026.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the information collection to Cathy.Williams@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the

information collection, contact Cathy Williams at (202) 418-2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) 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; (b) the accuracy of the Commission’s burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

OMB Control Number: 3060-0787.

Title: Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers’ Long Distance Carriers, CC Docket No. 94-129, CG Docket 17-169.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or household; Business or other for-profit; State, Local or Tribal Government.

Number of Respondents and Responses: 1,178 respondents; 3,817 responses.

Estimated Time per Response: 30 minutes (.50 hours) to 10 hours.

Frequency of Response: Recordkeeping requirement; Biennial, on occasion and one-time reporting requirements; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirements is found at Sec. 258 [47 U.S.C. 258] Illegal Changes In Subscriber Carrier Selections, Public Law 104-104, 110 Stat. 56.

Total Annual Burden: 8,692 hours.

Total Annual Cost: \$2,630,000.

Needs and Uses: Section 258 of the Telecommunications Act of 1996 (1996 Act) directed the Commission to prescribe rules to prevent the unauthorized change by telecommunications carriers of consumers’ selections of telecommunications service providers (slamming). On March 17, 2003, the FCC released the Third Order on Reconsideration and Second Further Notice of Proposed Rulemaking, CC Docket No. 94-129, FCC 03-42 (Third Order on Reconsideration), in which the Commission revised and clarified certain rules to implement section 258 of the 1996 Act. On May 23, 2003, the Commission released an Order (CC Docket No. 94-129, FCC 03-116) clarifying certain aspects of the Third Order on Reconsideration. On January 9, 2008, the Commission released the Fourth Report and Order, CC Docket No. 94-129, FCC 07-223, revising its requirements concerning verification of a consumer’s intent to switch carriers.

The Fourth Report and Order modified the information collection requirements contained in § 64.1120(c)(3)(iii) of the Commission’s rules to provide for verifications to elicit “confirmation that the person on the call understands that a carrier change, not an upgrade to existing service, bill consolidation, or any other misleading description of the transaction, is being authorized.”

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026-01694 Filed 1-27-26; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company

Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than February 27, 2026.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414. Comments can also be sent electronically to

Comments.applications@chi.frb.org:

1. *Enova International, Inc., Chicago, Illinois*; to become a bank holding company by merging with Grasshopper Bancorp, Inc., and thereby indirectly acquiring Grasshopper Bank, N.A., both of New York, New York, through a merger with a newly formed subsidiary, Enova Interim Bank, N.A., South Jordan, Utah.

B. Federal Reserve Bank of Minneapolis (Mark Nagle, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291. Comments can also be sent electronically to MA@mpls.frb.org:

1. *PB Family Bancshares, Inc., Hastings, Minnesota*; to acquire Gateway Bank, Mendota Heights, Minnesota.

Board of Governors of the Federal Reserve System.

Benjamin W. McDonough,

Deputy Secretary of the Board.

[FR Doc. 2026-01687 Filed 1-27-26; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0290; Docket No. 2026-0001; Sequence No. 2]

Information Collection; System for Award Management Registration Requirements for Financial Assistance Recipients

AGENCY: Technology Transformation Services, General Services Administration (GSA).

ACTION: Notice; request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, the Regulatory Secretariat Division invites the public to comment on a revision to an existing information collection requirement regarding the pre-award registration requirements for Prime Financial Assistance Recipients.

DATES: Submit comments on or before March 30, 2026.

ADDRESSES: Submit comments identified by Information Collection “3090-0290, System for Award Management Registration Requirements for Financial Assistance Recipients” via <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching OMB control number 3090-0290. Select the link “Comment Now” that corresponds with Information Collection “3090-0290, System for Award Management Registration Requirements for Financial Assistance Recipients”. Follow the instructions provided on the screen. Please include your name, company name (if any), and Information Collection “3090-0290, System for Award Management Registration Requirements for Financial Assistance Recipients” on your attached document.

Instructions: Please submit comments only and cite Information Collection “3090-0290, System for Award Management Registration Requirements for Financial Assistance Recipients”, in all correspondence related to this collection. Comments received generally will be posted without change to [regulations.gov](https://www.regulations.gov), including any personal and/or business confidential information provided. To confirm

receipt of your comment(s), please check [regulations.gov](https://www.regulations.gov), approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: IAE Program Office at IAE_Admin@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

The existing information collection requires applicants and recipients of Federal financial assistance, unless the applicant is an individual or Federal awarding agency that is excepted from those requirements, to register in the System for Award Management (SAM) and maintain an active SAM registration with current information at all times during which they have an active Federal award or an application or plan under consideration by an agency pursuant to 2 CFR subtitle A, chapter I, and part 25. This facilitates prime awardee reporting of sub-award and executive compensation data pursuant to the Federal Funding Accountability and Transparency Act of 2006, as amended (31 U.S.C. 6101 note). This information collection requires that all prime financial assistance awardees, subject to reporting under the Federal Funding Accountability and Transparency Act, register and maintain their registration in [SAM.gov](https://www.sam.gov).

The proposed amendment would update the Financial Assistance General Representations and Certifications to align with updated executive branch guidance including Department of Justice “Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination” (July 29, 2025) (<https://www.justice.gov/ag/media/1409486/dl>) and Executive Order (E.O.) 14173 of January 21, 2025, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (<https://www.federalregister.gov/documents/2025/01/31/2025-02097/ending-illegal-discrimination-and-restoring-merit-based-opportunity>) applicable to all entities receiving grants, cooperative agreements, and financial assistance such as loans, insurance, and direct appropriations.

B. Annual Reporting Burden

Respondents: 222,760.
Responses per Respondent: 1.
Total Annual Responses: 222,760.
Hours per Response: 2.75.
Total Burden Hours: 612,590.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this

collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the GSA, Regulatory Secretariat Division (MVCB) at GSARegSec@gsa.gov. Please cite OMB Control No. 3090-0290, System for Award Management Registration Requirements for Financial Assistance Recipients, in all correspondence.

Elizabeth F DelNegro,
Associate Chief Information Officer.
[FR Doc. 2026-01676 Filed 1-27-26; 8:45 am]
BILLING CODE 6820-WY-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970-0477]

Proposed Information Collection Activity; Generic Clearance for Reviewer Recruitment Forms

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) proposes to extend approval of the existing overarching generic clearance for Reviewer Recruitment Forms (Office of Management and Budget (OMB) #0970-0477). No changes are proposed to the terms of the overarching generic. Burden estimates have been updated.

DATES: Comments due March 30, 2026.

ADDRESSES: In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing infocollection@acf.hhs.gov. Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The overarching generic clearance for Reviewer Recruitment Forms provides ACF with the opportunity to collect from potential reviewers, such as those who review grant proposals, conference proposals, research/evaluation plans, study designs, report drafts, and/or other ACF materials.

ACF developed this generic because each program office within ACF has slightly different needs for information about reviewer applicants based on the specific activities for which reviewers are needed, yet the individual forms submitted under the generic will serve an identical function. The overarching purpose is to select qualified reviewers for ACF review processes and activities

based on professional qualifications. Information will be collected through questions on forms and documents provided by candidates. Example documents include writing samples and curriculum vitae and/or resumes. ACF uses the information collected to recruit well-qualified reviewers with relevant background experience and knowledge.

The abbreviated clearance process of the generic clearance allows program offices to gather a suitable pool of candidates within the varied time periods available for reviewer recruitment.

These forms submitted under this generic will be voluntary, low-burden and uncontroversial. Currently approved information collections are available for review on [RegInfo.gov](https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202506-0970-021): https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202506-0970-021.

Respondents: Individuals who may apply to review materials for ACF.

Annual Burden Estimates

The following burden estimates include burden associated with currently approved individual requests that ACF expects will be extended through this extension request and an estimate of burden for potential new requests under this generic. Based on the past three years and with a goal to reduce burden moving forward, the number of respondents has been reduced by 50 percent and the estimated time per response by 34 percent, from 30 to 20 minutes. Overall, burden for potential new requests is 67 percent less than the currently approved umbrella generic.

POTENTIAL NEW REQUESTS

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Avg. burden per response (in hours)	Total burden (in hours)
New Reviewer Recruitment Forms	1,500	1	.33	495

ONGOING CURRENTLY APPROVED REQUESTS

Generic information collection title	Number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Grant Reviewer Recruitment for the Family and Youth Services Bureau (FYSB) Discretionary Grant Programs	250	1	0.17	42
Children's Bureau Grant Reviewer Recruitment Module	500	1	0.08	42
Administration for Native Americans (ANA) Panel Reviewer Profile Questionnaire	300	1	0.40	120
Eligibility Information from Applicants: Reviewer Information Form for General Reviewer and for Specific Reviewer	95	1	0.17	16
Office of Planning, Research, and Evaluation, Division of Economic Independence Information Collection for Prospective Grant Reviewer Opportunities	250	1	0.08	21

ONGOING CURRENTLY APPROVED REQUESTS—Continued

Generic information collection title	Number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Total Estimated Annual Burden	241

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Mary C. Jones,
ACF/OPRE Certifying Officer.
 [FR Doc. 2026–01711 Filed 1–27–26; 8:45 am]
BILLING CODE 4184–88–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Heart, Lung, and Blood Advisory Council, October 29, 2026, 12:00 p.m. to October 29, 2026, 04:00 p.m., Claude D. Pepper Building, 31 Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on January 26, 2026, 91 FRN 3210.

The National Heart, Lung, and Blood Advisory Council open meeting is being amended due to a change in the meeting date from October 29, 2026, to March 25, 2026; meeting format from regular to virtual; and the meeting location Claude D. Pepper Building, 31 Center Drive, Bethesda, MD 20892 to 6701 Rockledge Drive, Bethesda, MD 20892. The meeting is partially Closed to the public.

Dated: January 26, 2026.
Denise M. Santeufemio,
Supervisory Program Analyst, Office of Federal Advisory Committee Policy.
 [FR Doc. 2026–01689 Filed 1–27–26; 8:45 am]
BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, Member Conflict: Mechanisms of neurodevelopment, neurodegeneration, and neural repair, January 29, 2026, 09:00 a.m. to January 29, 2026, 05:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on December 05, 2025, 90 FR 56177, Doc No. 2025–22067.

This meeting is being amended to change the date from January 29, 2026, to February 17, 2026. and the panel name to “Topics in neurodevelopment, neurodegeneration, and the blood brain barrier”. The meeting is closed to the public.

Dated: January 23, 2026.
Bruce A. George,
Program Analyst, Office of Federal Advisory Committee Policy.
 [FR Doc. 2026–01640 Filed 1–27–26; 8:45 am]
BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Council on Alcohol Abuse and Alcoholism, February 05, 2026, 11:00 a.m. to February 05, 2026, 4:30 p.m., National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20817 which was published in the **Federal Register** on January 21, 2026, FR Doc. 2026–01030.

This notice is being amended to change the start times for the Closed and Open portions from Closed 11:00 a.m. to 12:30 p.m. and Open: 1:00 p.m. to 4:30

p.m. The times are now Closed 1:00 p.m. to 2:00 p.m. and Open 2:30 p.m. 4:30 p.m. The meeting is partially closed to the public.

Dated: January 26, 2026.
David W. Freeman,
Supervisory Program Analyst, Office of Federal Advisory Committee Policy.
 [FR Doc. 2026–01701 Filed 1–27–26; 8:45 am]
BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–AT–25–003: Pain Research Enhancement Program (PREP).

Date: February 27, 2026.
Time: 10:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.
Contact Person: Nesar Uddin Akanda, Ph.D., M.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–8984, nesar.akanda@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.
Date: March 3–4, 2026.
Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892, 301-435-2902, gubina@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Cancer Prevention, Control and Treatment Research.

Date: March 3–4, 2026.

Time: 9:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Erica Charlot Spears, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-480-3211, spearsec@csr.nih.gov.

Name of Committee: Applied Therapeutics for Cancer Integrated Review Group; Mechanisms of Cancer Therapeutics C Study Section.

Date: March 4, 2026.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Gloria Huei-Ting Su, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-496-0465, gloria.su@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Institutional Training Grants (T32) and Education Program (R25) Review.

Date: March 4, 2026.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Anita T. Tandle, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 240-204-0329 tandlea@mail.nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Clinical Informatics and Digital Health Study Section.

Date: March 6, 2026.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Paul Hewett, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 240-672-8946 hewettmarxpn@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 26, 2026.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-01690 Filed 1-27-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Cancer Advisory Board.

The meeting will be held in-person and is open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <http://videocast.nih.gov/>.

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board.

Date: June 29, 2026.

Open: 6:00 p.m. to 9:00 p.m.

Agenda: National Cancer Advisory Board Subcommittee Meetings.

Place: Gaithersburg Marriott, Washingtonian Center, 9751 Washington Blvd., Gaithersburg, MD 20878 (In Person and Virtual Meeting).

Date: June 30, 2026.

Open: 9:00 a.m. to 4:00 p.m.

Agenda: Director's and Program reports and presentations; business of the Board.

Closed: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute—Shady Grove, 9609 Medical Center Drive, Room TE406 and 408, Rockville, MD 20850 (In Person and Virtual Meeting).

Contact Person: Shamala K. Srinivas, Ph.D., Associate Director Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, 7th Floor, Room 7W530, Bethesda, MD 20892, 240-276-6340, shamala@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NCI-Shady Grove campus. All visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: NCAB: <http://deainfo.nci.nih.gov/advisory/ncab/ncab.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 26, 2026.

David Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-01700 Filed 1-27-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6882; NPS-WASO-NAGPRA-NPS0041880; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: Indiana University, Bloomington, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Indiana University 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 27, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Jayne-Leigh Thomas, Executive Director, Indiana University, Student Building 318, 701 E Kirkwood Avenue, Bloomington, IN 47405, email thomajay@iu.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 Indiana 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.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two sacred objects are one ki'i akua and one lei niho palaoa. The ki'i akua was purchased from Christie's of London in 1980. It has been suggested that this figure was acquired by Andrew Bloxam of the HMS Blonde in 1825. This figure may have come from the site of Hale-o-Keawe near Kona, or purchased in Oahu. The lei niho palaoa was purchased in 1980 from Oceanie-Afrique Noire.

Determinations

Indiana University has determined that:

- The two sacred objects described in this notice are specific ceremonial objects needed by a traditional Native Hawaiian religious leader for present-day adherents to practice traditional Native Hawaiian religion, according to the Native Hawaiian traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Native Hawaiian Organization Hui Iwi Kuamo'o.

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 27, 2026. If competing requests for repatriation are received, Indiana 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. Indiana 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. 2026-01668 Filed 1-27-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6883; NPS-WASO-NAGPRA-NPS0041882; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Santa Barbara Museum of Natural History, Santa Barbara, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Santa Barbara Museum of Natural History 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 27, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Luke Swetland, President and CEO, Santa Barbara Museum of Natural History, 2559 Puesta del Sol, Santa Barbara, CA 93105, email lswetland@sbnature2.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 Santa Barbara

Museum of Natural History, 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 14 trays of cultural items (approx. 46,656 objects) have been requested for repatriation. The 14 trays of unassociated funerary objects consist of stone artifacts (bowls, pestles, beads, etc.), asphaltum, projectile points, fish hooks, shell beads and bead fragments (which account for the large number of objects), abalone spangles and ornaments, unsorted midden material, detritus, gravers, drills, mammal bones (including fox) and teeth (including whale), bird bones, tarring pebbles, donut stones, red ochre, skirt weights, fish bones (including shark centra), basketry fragments, asphaltum basket impressions, seagrass cordage and matting fragments, eelgrass cordage, sinkers, net weights, bone awls, whale vertebra bowl, mortar fragments/groundstone, bone tools, etc. These items were excavated from cemetery sites on Santa Rosa Island at Skull Gulch (SRI-2A and SRI-2B) by Phil Orr over several seasons of archaeological fieldwork between 1947 and 1951.

Determinations

The Santa Barbara Museum of Natural History has determined that:

- The 14 trays of unassociated funerary objects described in this notice were 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 reasonable connection between the cultural items described in this notice and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, 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 27, 2026. If competing requests for repatriation are received, the Santa Barbara Museum of Natural History 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 Santa Barbara Museum of Natural History 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. 2026-01670 Filed 1-27-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6884; NPS-WASO-NAGPRA-NPS0041883; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Army Corps of Engineers, Tulsa District, Tulsa, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Tulsa District (USACE Tulsa) intends to carry out the disposition of human remains removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the human remains in this notice may occur on or after February 27, 2026. If no claim for disposition is received by January 28, 2027, the human remains in this notice will become unclaimed human remains.

ADDRESSES: Send written claims for disposition of the human remains in this notice to Jacqueline Rodgers, U.S. Army Corps of Engineers, Tulsa District, 2488 East 81st Street, Tulsa, OK 74137, email jacqueline.rodgers@usace.army.mil.

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 USACE Tulsa, and additional information on the human remains in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, three total individuals have been reasonably identified. No associated funerary objects are present. On May 17, 2021 USACE Tulsa was notified that a member of the public had recovered human remains from site 34KA133, a precontact site that dates from the Archaic—Woodland archaeological periods located at Kaw Lake in Kay County, Oklahoma. The remains represent a single individual and no funerary objects were recovered. On May 25, 1998 the remains of one individual were identified eroding from the shoreline at site 34CR107, a precontact Woodland period site located at Keystone Lake in Creek County, Oklahoma. Tulsa District personnel attempted to protect the individual in place. After several storms in the area extensively eroded the shoreline and exposed the individual, and all human remains were recovered. No funerary objects were recovered. Through May 4 and 5, 2019 the remains of one individual who had been discovered by members of the public eroding from the shoreline were recovered from site 34PW3, a precontact site dating from the Woodland—Plains Village archaeological periods located at Keystone Lake in Pawnee County, Oklahoma. No funerary objects were recovered.

Determinations

The USACE Tulsa has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- The Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma have priority for disposition

of the human remains described in this notice.

Claims for Disposition

Written claims for disposition of the human remains in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by January 28, 2027, the human remains in this notice will become unclaimed human remains. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows that they have priority for disposition.

Disposition of the human remains in this notice may occur on or after February 27, 2026. If competing claims for disposition are received, the USACE Tulsa must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the human remains are considered a single claim and not competing claims. The USACE Tulsa is responsible for sending a copy of this notice to the lineal descendants, 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. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: January 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-01671 Filed 1-27-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6889; NPS-WASO-NAGPRA-NPS0041881; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Indiana University, Bloomington, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Indiana University 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 27, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Jayne-Leigh Thomas, Executive Director, Indiana University, Student Building 318, 701 E Kirkwood Avenue, Bloomington, IN 47405, email thomajay@iu.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 Indiana 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.

Abstract of Information Available

A total of eight cultural items have been requested for repatriation. The eight sacred objects are four Leis, one 'Eke, one Umeke, one Pā, and one Pū. The Leis, the 'Eke, the Umeke, and the Pā were acquired in 1966 and the Pū was acquired in 2003.

Determinations

Indiana University has determined that:

- The eight sacred objects described in this notice are specific ceremonial objects needed by a traditional Native Hawaiian religious leader for present-day adherents to practice traditional Native Hawaiian religion, according to the Native Hawaiian traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Native Hawaiian Organization Hui Iwi Kuamo'o.

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 27, 2026. If competing requests for repatriation are received, Indiana 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. Indiana 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. 2026-01669 Filed 1-27-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6886; NPS-WASO-NAGPRA-NPS0041884; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Kalamazoo Valley Museum, Kalamazoo, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kalamazoo Valley Museum intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony 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 27, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Regina Gorham, Collections Manager for the Kalamazoo Valley Museum, 230 N Rose Street, Kalamazoo, MI 49007, email rgorham@kvcc.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 Kalamazoo Valley 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 five cultural items have been requested for repatriation. The five sacred objects/objects of cultural patrimony are baskets. The donor of the objects is the Kalamazoo Institute of Arts, who received the baskets from Donald S. Gilmore. Donald S. Gilmore and Genevieve Upjohn are members of two families that have for decades been involved in businesses, arts and culture and more in Kalamazoo and the surrounding area. Donald comes from the Gilmore Brother's Department Store family, where he worked before joining his step-father at the Upjohn Company (now Pfizer) in 1929. He and Genevieve married in 1916. The pair spent much of their time and money in philanthropic pursuits in Kalamazoo, donating money and time to a variety of institutions. Their art collection makes up a large portion of the collection of the Kalamazoo Institute of Arts having donated 2,400 pieces over the years. Genevieve enjoyed painting and photography and the couple had a home at Smoke Tree Ranch in Palm Springs, California where she photographed the landscape. In the Museum's collection, other donation from the couple including photos of themselves, and some furniture pieces made in Japan.

Determinations

The Kalamazoo Valley Museum has determined that:

- The five sacred objects/objects of cultural patrimony 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).

- There is a connection between the cultural items described in this notice and the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, 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 27, 2026. If competing requests for repatriation are received, the Kalamazoo Valley Museum 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 Kalamazoo Valley 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. 2026-01672 Filed 1-27-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6881; NPS-WASO-NAGPRA-NPS0041879; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: Western Washington University Archaeological Repository, Department of Anthropology, Bellingham, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Western Washington University Archaeological Repository (WWUAR), Department of Anthropology intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony 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 27, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural

items in this notice to Dr. Judith Pine, Western Washington University, Department of Anthropology, Arntzen Hall 340, 516 High Street, Bellingham, WA 98225, email pinej@wwu.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 WWUAR, 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 36 cultural items have been requested for repatriation. The 36 sacred objects/objects of cultural patrimony are bone, stone, antler, glass and clay tools, red ochre and ceremonial items. These items were identified in four different WWUAR collections from Whatcom County, WA. Twelve of the 36 cultural items in this notice were collected by Keith Montgomery of Western Washington University (WU) in 1978 for his MA thesis research by systematic surface collection and excavation of 5 2x2 meter test cuts. Another five of the cultural items were collected by Robert Spear and Western Washington University, spring and summer field schools in 1976 for his M.A. thesis research. Materials were collected by excavation of 22 2x2 meter cuts and 1 1x3 meter cut. The final 19 cultural items requested for repatriation are from the Sturgeon Collection. This collection from Deming, Whatcom County, WA, consists of bone, stone, and antler tools and was donated to the WWUAR at an unknown date. The WWUAR has no information about the collections being treated with potentially hazardous substances.

Determinations

The WWUAR has determined that:

- The 36 sacred objects/objects of cultural patrimony 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).

- There is a connection between the cultural items described in this notice and the Lummi Tribe of the Lummi Reservation and the Nooksack Indian Tribe.

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 27, 2026. If competing requests for repatriation are received, the WWUAR 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 WWUAR 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. 2026-01667 Filed 1-27-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6887; NPS-WASO-NAGPRA-NPS0041885; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Army Corps of Engineers, Walla Walla District, Walla Walla, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Walla Walla District intends to carry out the disposition of human remains removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or

Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the human remains in this notice may occur on or after February 27, 2026. If no claim for disposition is received by January 28, 2027, the human remains in this notice will become unclaimed human remains.

ADDRESSES: Send written claims for disposition of the human remains in this notice to Scott M. Hall, Supervisory Archaeologist, U.S. Army Corps of Engineers, Walla Walla District, 201 North Third Avenue, Walla Walla, WA 99362-1876, email scott.m.hall@usace.army.mil.

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 U.S. Army Corps of Engineers, Walla Walla District and additional information on the human remains in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least one individual have been reasonably identified. No associated funerary objects are present. The human remains are of one sub-adult, found eroding from the riverbank near Finley, in Benton County, Washington. The remains were discovered by a member of the public in 2010 and were transferred to law enforcement personnel in 2025 as part of a police investigation.

Determinations

The U.S. Army Corps of Engineers, Walla Walla District has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Colville Reservation; Confederated Tribes of the Umatilla Indian Reservation; and the Nez Perce Tribe have priority for disposition of the human remains described in this notice.

Claims for Disposition

Written claims for disposition of the human remains in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by January 28, 2027, the human remains in this notice will become unclaimed

human remains. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice and, if joined to a request from one or more of the Indian Tribes, the Wanapum Band of Priest Rapids, a non-federally recognized Indian group.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition.

Disposition of the human remains in this notice may occur on or after February 27, 2026. If competing claims for disposition are received, the U.S. Army Corps of Engineers, Walla Walla District must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the human remains are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Walla Walla District is responsible for sending a copy of this notice to the lineal descendants, 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. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: January 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-01673 Filed 1-27-26; 8:45 am]

BILLING CODE 4312-52-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Beverage Brewing Products and Components Thereof, DN 3878*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC

20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Adrian Rivera Maynez Enterprises, Inc. on January 23, 2026. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain beverage brewing products and components thereof. The complaint names as a respondent: Denys Orlov d/b/a GoodCups of Alpine, CA. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders.

Proposed respondent, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the

United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3878") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov. Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must

include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: January 23, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-01639 Filed 1-27-26; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

[OMB Number 1117-0063]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Drug Use Statement

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Drug Enforcement Administration, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until February 27, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Benjamin Inks, Writer/Editor, Office of Compliance, Policy Administration Section 700 Army Navy Drive Arlington VA 22202, telephone: 571-672-4524, email: Benjamin.B.Inks@dea.gov.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on 11/24/2025, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- 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.

Written comments and recommendations for this 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 information collection or the OMB Control Number 1117-0063. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Drug Enforcement Administration Pre-Employment Drug Policy Notification and Acknowledgement.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form number: DEA-200. The sponsoring component is the Drug Enforcement Administration.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected public: DEA job applicants are asked to complete the form. While not mandatory, an applicant can be disqualified in the hiring process for failing to provide the requested acknowledgement.

Abstract: The Drug Enforcement Administration (DEA) is a federal law enforcement agency charged with enforcing the controlled substances laws and regulations of the United States. Its principal responsibilities include investigation and prosecution of major violators of controlled substances laws.

5. *Obligation to Respond:* While not mandatory, an applicant can be disqualified in the hiring process for failing to provide the requested acknowledgement.

6. *Total Estimated Number of Respondents:* 4727.

7. *Estimated Time per Respondent:* 7 minutes.

8. *Frequency:* once.

9. *Total Estimated Annual Time Burden:* 551 hours.

10. *Total Estimated Annual Other Costs Burden:* \$0.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: January 26, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026-01703 Filed 1-27-26; 8:45 am]

BILLING CODE 4410-02-P

OFFICE OF MANAGEMENT AND BUDGET

Notice; 2025 Statutory Pay-As-You-Go Act Annual Report

AGENCY: Office of Management and Budget (OMB).

ACTION: Notice.

SUMMARY: This report is being published as required by the Statutory Pay-As-You-Go (PAYGO) Act of 2010. The Act requires that OMB issue an annual report and a sequestration order, if necessary.

FOR FURTHER INFORMATION CONTACT: Payton Thomas. 202-395-7868.

SUPPLEMENTARY INFORMATION: This report can be found at <https://www.whitehouse.gov/omb/paygo/>.

Authority: 2 U.S.C. 934.

Kelly A. Kinneen,

Assistant Director for Budget.

This Report is being published pursuant to section 5 of the Statutory Pay-As-You-Go (PAYGO) Act of 2010, Public Law 111-139, 124 Stat. 8, 2 U.S.C. 934, which requires that OMB issue an annual PAYGO report, including a sequestration order if necessary, no later than 14 working days after the end of a congressional session.

This Report describes the budgetary effects of all PAYGO legislation enacted during the first session of the 119th Congress and presents the 5-year and 10-year PAYGO scorecards maintained by OMB.¹ Because neither the 5-year nor 10-year scorecard shows a debit for the budget year, which for purposes of this Report is fiscal year 2026,² a sequestration order under subsection 5(b) of the PAYGO Act, 2 U.S.C. 934(b) is not required.

The budget year balance on each of the PAYGO scorecards is zero because the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026 (Pub. L. 119-37) set the balances on both scorecards to zero for all years. The change directed by Public Law 119-37 is discussed in more detail in section IV of this report.

During the first session of the 119th Congress, no laws with PAYGO effects were enacted with emergency requirements under section 4(g) of the PAYGO Act, 2 U.S.C. 933(g). Two laws had estimated budgetary effects on direct spending and/or revenues that

were excluded from the calculations of the PAYGO scorecards due to provisions excluding part of the law from section 4(d) of the PAYGO Act, 2 U.S.C. 933(d).

I. PAYGO Legislation With Budgetary Effects

PAYGO legislation is authorizing legislation that affects direct spending or revenues, and appropriations legislation that affects direct spending in the years after the budget year or affects revenues in any year.³ The PAYGO Act requires that new legislation changing direct spending or revenue must be enacted on a “pay-as-you-go” basis; that is, that the cumulative effects of all such legislation enacted during a congressional session must not increase projected on-budget deficits.

The PAYGO Act’s requirement of deficit neutrality is based on two scorecards that tally the cumulative budgetary effects of PAYGO legislation as averaged over rolling 5- and 10-year periods starting with the budget year. The 5-year and 10-year PAYGO scorecards for each congressional session begin with the balances of costs or savings carried over from previous sessions and then tally the costs or savings of PAYGO laws enacted in the most recent session.

The 5-year PAYGO scorecard for the first session of the 119th Congress began with balances of zero in every year of both the 5- and 10-year scorecards because the American Relief Act, 2025 (Pub. L. 118-158) set the balances on both scorecards to zero for all years at the end of the second session of the 118th Congress.

Laws enacted during the first session of the 119th Congress created balances on the 5- and 10-year scorecards of \$529 billion and \$444 billion in each year, respectively.⁴ Public Law 119-37 set the

³ Provisions in appropriations acts that affect direct spending in the years after the budget year (also known as “outyears”) or affect revenues in any year are considered to be budgetary effects for the purposes of the PAYGO scorecards except if the provisions produce outlay changes that net to zero over the current year, budget year, and the four subsequent years. As specified in section 3 of the PAYGO Act, off-budget effects are not counted as budgetary effects. Off-budget effects refer to effects on the Social Security trust funds (Old-Age and Survivors Insurance and Disability Insurance) and the Postal Service.

⁴ Public Law 119-21, the Working Families Tax Cut Act, extended the tax cuts originally enacted in the Tax Cuts and Jobs Act of 2017 (Pub. L. 115-97). While the budgetary effects of the tax relief due to the extension of these tax cuts are included in the balances on the PAYGO scorecards, the Administration believes that the baseline required by the PAYGO Act does not properly represent the current policy outlook. A more appropriate benchmark against which to measure policy

¹ This report encompasses laws enacted between January 3, 2025 at noon and January 3, 2026 at 11:55 a.m. (Pub. L. 118-225 through Pub. L. 119-68).

² References to years on the PAYGO scorecards are to fiscal years.

balances in all years of both scorecards to zero again at the end of the first session of the 119th Congress.

In the first session of the 119th Congress, 34 laws were enacted that were determined to constitute PAYGO legislation. Of the 34 enacted PAYGO laws, 13 laws were estimated to have PAYGO budgetary effects (costs or savings) in excess of \$500,000 over one or both of the 5-year or 10-year PAYGO windows. These were:

- Public Law 118–258, Supporting America’s Children and Families Act;
- Public Law 118–272, Thomas R. Carper Water Resources Development Act of 2024;
- Public Law 119–2, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “Waste Emissions Charge for Petroleum and Natural Gas Systems: Procedures for Facilitating Compliance, Including Netting and Exemptions.”
- Public Law 119–4, Full-Year Continuing Appropriations and Extensions Act, 2025;
- Public Law 119–5, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Internal Revenue Service relating to “Gross Proceeds Reporting by Brokers That Regularly Provide Services Effectuating Digital Asset Sales.”

- Public Law 119–21, Working Families Tax Cut Act;⁵
- Public Law 119–27, Guiding and Establishing National Innovation for U.S. Stablecoins Act;
- Public Law 119–31, VA Home Loan Program Reform Act;
- Public Law 119–37, Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026;
- Public Law 119–39, Internal Revenue Service Math and Taxpayer Help Act;
- Public Law 119–43, Medal of Honor Act;
- Public Law 119–58, Secure Rural Schools Reauthorization Act of 2025; and
- Public Law 119–60, National Defense Authorization Act for Fiscal Year 2026.

In addition to the laws identified above, 21 laws enacted in this session were estimated to have negligible budgetary effects on the PAYGO scorecards—costs or savings of less than \$500,000 over both the 5-year and 10-year PAYGO windows.

II. Budgetary Effects Excluded From the Scorecard Balances

A. Emergency Designations

No laws were enacted in the first session of the 119th Congress with an

emergency designation under the PAYGO Act.

B. Statutory Provisions Excluding Legislation From the Scorecards

Two laws enacted in the first session of the 119th Congress had estimated budgetary effects on direct spending and revenues that were excluded from the calculations for the PAYGO scorecards due to provisions in law excluding part of the law from section 4(d) of the PAYGO Act. These were:

- Public Law 119–4, Full-Year Continuing Appropriations and Extensions Act, 2025; and
- Public Law 119–37, Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026.

Additionally, Division A of Public Law 119–4 included a rescission of \$20.2 billion of funding for the Internal Revenue Service (IRS) enforcement and compliance activities, which is estimated to result in decreases to revenue collections. This decrease in revenues is excluded from the PAYGO estimate by scoring rules established under the requirements of section 252(d)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

III. PAYGO Scorecards

STATUTORY PAY-AS-YOU-GO SCORECARDS

[In millions of dollars; negative amounts portray decreases in deficits]

	2026	2027	2028	2029	2030					
First Session of the 119th Congress	529,120	529,120	529,120	529,120	529,120					
Balances from Previous Sessions	0	0	0	0	0					
Change in balances pursuant to Sec. 8001(d) of Division H of Public Law 119–37	–529,120	–529,120	–529,120	–529,120	–529,120					
5-year PAYGO Scorecard ...	0	0	0	0	0					
	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
First Session of the 119th Congress	444,023	444,023	444,023	444,023	444,023	444,023	444,023	444,023	444,023	444,023
Balances from Previous Sessions	0	0	0	0	0	0	0	0	0	0
Change in balances pursuant to Sec. 8001(d) of Division H of Public Law 119–37	–444,023	–444,023	–444,023	–444,023	–444,023	–444,023	–444,023	–444,023	–444,023	–444,023
10-year PAYGO Scorecard	0	0	0	0	0	0	0	0	0	0

changes would include the extension of tax cuts originally enacted in the Tax Cuts and Jobs Act of 2017. The entry for Public Law 119–21 on Part II of the PAYGO scorecards reflects the

Administration’s assessment of the true budgetary impact of the Working Families Tax Cut Act, which is savings of \$1.4 trillion over the budget window.

⁵ Public Law 119–21 is also titled, “To provide for reconciliation pursuant to title II of H. Con. Res. 14”.

IV. Legislative Revisions to the PAYGO Scorecards

Section 8001(d) of division H of Public Law 119–37, the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026, states: “Effective on the date of the adjournment of the first session of the 119th Congress, and for the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after such adjournment and for determining whether a sequestration order is necessary under such section, the balances on the PAYGO scorecards established pursuant to paragraphs (4) and (5) of section 4(d) of such Act shall be zero.” Accordingly, all years on both the 5- and 10-year scorecards are zero.

V. Sequestration Order

As shown on the scorecards, the budgetary effects of PAYGO legislation enacted in the first session of the 119th Congress, combined with section 8001(d) of division H of Public Law 119–37, resulted in no costs on either the 5-year or the 10-year scorecard in the budget year, which is 2026 for the purposes of this Report. Because the costs for the budget year, as shown on the scorecards, were set to zero for the budget year, there is no “debit” on either scorecard under section 3 of the PAYGO Act, 2 U.S.C. 932, and a sequestration order is not required.⁶

[FR Doc. 2026–01651 Filed 1–27–26; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 26–007]

Name of Information Collection: Personal Identity Validation for Routine and Intermittent Access to NASA Facilities, Sites, and Information Systems

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Renewal of information collection.

SUMMARY: NASA, as part of its continuing effort to reduce paperwork and respondent burden, under the

⁶ Sequestration reductions pursuant to section 251A of the Balanced Budget and Deficit Control Act (BBEDCA) for 2026 were calculated and ordered in a separate report and are not affected by this determination. See: <https://www.whitehouse.gov/wp-content/uploads/2025/04/OMB-Report-to-the-Congress-on-the-BBEDCA-251A-Sequestration-for-Fiscal-Year-2026.pdf>.

Paperwork Reduction Act, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

DATES: Comments are due by February 27, 2026.

ADDRESSES: Written comments and recommendations for this 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 Review—Open for Public Comments”.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to NASA PRA Clearance Officer, Stayce Hoult, NASA Headquarters, 300 E Street SW, JC0000, Washington, DC 20546, phone 256–714–8575, or email stayce.d.hoult@nasa.gov or hq-ocio-pra-program@mail.nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Homeland Security Presidential Directive 12 (HSPD–12) established a mandatory requirement for a Government-wide identity verification standard. In compliance with HSPD–12 and the National Institute of Standards and Technology (NIST) Federal Information Processing Standard (FIPS) 201: Personal Identity Verification of Federal Employees and Contractors, and OMB Policy memorandum M–05–24 Implementation of Homeland Security Presidential Directive 12, NASA must collect information from members of the public to: (1) validate identity and (2) issue secure and reliable federal credentials to enable access to NASA facilities/sites and NASA information systems. Information collected is consistent with background investigation data to include but not limited to name, date of birth, citizenship, social security number (SSN), address, employment history, biometric identifiers (e.g. fingerprints), signature, digital photograph. NASA collects information from U.S. Citizens and U.S. Persons requiring access 30 or more days in a calendar year. NASA also collects information from foreign nationals regardless of their affiliation time.

NASA collects, stores, and secures information from individuals identified above in the NASA Identity Management and Account Exchange System (IdMAX) in a manner consistent with the Constitution and applicable laws, including the Privacy Act (5 U.S.C. 552a.). Information is collected

via a combination of electronic and paper processes and stored in the NASA IdMAX.

NASA is committed to effectively performing the Agency’s communication function in accordance with the Space Act Section 203 (a)(3) to “provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof,” and to enhance public understanding of, and participation in, the nation’s aeronautical and space program in accordance with the NASA Strategic Plan.

II. Methods of Collection

NASA collects this information electronically (90%) and on paper (10%).

III. Data

Title: Personal Identity Validation for Routine and Intermittent Access to NASA Facilities, Sites, and Information Systems.

OMB Number: 2700–0158.

Type of review: Renewal of information collection.

Affected public: Individuals.

Estimated annual number of activities: 52,000.

Estimated number of respondents per activity: 1.

Annual responses: 52,000.

Estimated time per response: 10 minutes.

Estimated total annual burden hours: 8,667 hours.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA’s estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Stayce Hoult,

PRA Clearance Officer, National Aeronautics and Space Administration

[FR Doc. 2026–01645 Filed 1–27–26; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection for Comments Request: Proposed Collection

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comments.

SUMMARY: The National Credit Union Administration (NCUA) 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.

DATES: Written comments should be received on or before March 30, 2026 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to Madeleine Humm, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314, Suite 6070; Fax No. (703) 519-8161; or email at PRAComments@NCUA.gov.

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Madeleine Humm at (703) 518-6547.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133-NEW.

Title: Request for Individual Access and Consent for Disclosure of Records Protected Under the Privacy Act.

Abstract: The purpose of this collection is to ensure that the records of individuals who are the subject of NCUA systems of records are not wrongfully disclosed by NCUA. The information will be used by NCUA staff who process Freedom of Information Act (FOIA) and/Privacy Act requests for NCUA records when an individual requests NCUA records about themselves or consents to disclose records about themselves to a third-party. Specifically, NCUA Form "Request for Individual Access to Records Protected Under the Privacy Act" will be used to collect sufficient information to verify an individual's identity and identify the relevant system(s) of records containing the requested Privacy Act records. NCUA Form "Consent for Disclosure of Records Protected Under the Privacy Act" will be used to obtain individual consent to disclose Privacy Act records to a third-party, contact information for the person or entity to whom disclosure is authorized, and sufficient information

to identify the relevant system(s) of records.

Affected Public: Individuals.
Estimated Total Annual Burden Hours: 16.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the 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 the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2026-01693 Filed 1-27-26; 8:45 am]

BILLING CODE 7535-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 99902080; NRC-2025-1171]

Atomic Alchemy Operators LLC; VIPR Idaho LLC; Construction Permit Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted a request by Atomic Alchemy Inc., on behalf of Atomic Alchemy Operators LLC and VIPR Idaho LLC, to withdraw its construction permit application. The construction permit application was for a four-unit, non-power, light-water-cooled, pool-type Versatile Isotope Production Reactor facility to be located at the Idaho National Laboratory desert site, in Bingham County, Idaho.

DATES: January 28, 2026.

ADDRESSES: Please refer to Docket ID NRC-2025-1171 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-2025-1171. 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: Justin Hudson, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-287-0538; email: Justin.Hudson@nrc.gov.

SUPPLEMENTARY INFORMATION: The NRC has granted a request by Atomic Alchemy, Inc., on behalf of Atomic Alchemy Operators LLC and VIPR Idaho LLC, to withdraw its construction permit application dated September 12, 2025. The construction permit application was for a four-unit, non-power, light-water-cooled, pool-type Versatile Isotope Production Reactor (VIPR) facility to be located at the Idaho National Laboratory desert site, in Bingham County, Idaho. On November 28, 2025, the NRC published in the **Federal Register** a notice of receipt and availability (90 FR 54765) of the construction permit application. The construction permit application and the letter requesting its withdrawal dated December 19, 2025, are available in ADAMS under Accession Nos. ML25255A199 (package) and ML25353A630, respectively.

Dated: January 26, 2026.

For the Nuclear Regulatory Commission.

Jeffrey Rady,

Chief, Non-Power Production and Utilization Facility Licensing Branch, Division of Advanced Reactors and Non-Power Production and Utilization Facilities, Office of Nuclear Reactor Regulation.

[FR Doc. 2026-01704 Filed 1-27-26; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104675; File No. SR-CboeEDGX-2026-002]

Self-Regulatory Organizations; Cboe EDGX 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 23, 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 EDGX Exchange, Inc. (the “Exchange” or “EDGX”) 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 EDGX Exchange, Inc. (the “Exchange” or “EDGX”) 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 System³ counts each of the following within an underlying for an EFID⁴ (“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-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 Automated Improvement Mechanism Auctions (“AIM”), Complex-AIM (“C-AIM”), Solicitation Auction Mechanism Auctions (“SAM”), Complex-SAM (“C-SAM”), Step Up Mechanism Auctions (“SUM”), and 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

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).

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.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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 AIM, C-AIM, SAM, C-SAM, SUM and 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, such as price improvement requirements or 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 counterparties which may involve different risk considerations. The Exchange believes allowing Members the option to adjust their risk tolerance based on contra-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 Act¹⁰ 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

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(6).

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.*

19(b)(3)(A) of the Act¹² 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-CboeEDGX-2026-002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-CboeEDGX-2026-002. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGX-2026-002

and should be submitted on or before February 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026-01627 Filed 1-27-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104672; File No. SR-NYSEARCA-2026-03]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the NYSE Arca Options Fee Schedule To Adopt Additional Rebates for Certain Manual and QCC Executions

January 23, 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 14, 2026, NYSE Arca, Inc. (“NYSE Arca” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE Arca Options Fee Schedule (“Fee Schedule”) regarding the Floor Broker Fixed Cost Prepayment Incentive Program to adopt certain additional rebates for manual and QCC executions. The proposed rule change is available on the Exchange's website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text

of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Floor Broker Fixed Cost Prepayment Incentive Program (the “FB Prepay Program”) by adopting certain additional rebates for manual executions. The Exchange proposes to implement the fee change effective January 14, 2026.⁴

The FB Prepay Program is a prepayment incentive program that allows Floor Brokers to prepay certain of their annual Eligible Fixed Costs in exchange for volume rebates.⁵ Participating Floor Brokers receive their rebate amount on a monthly basis. All Floor Brokers that participate in the FB Prepay Program are eligible for a rebate on manual billable volume of (\$0.08) per billable side, payable on a monthly basis. In addition, FB Prepay Program participants that achieve more than 500,000 manual billable sides in a month are eligible for an additional rebate of (\$0.02) per billable side, which is payable back to the first billable side. Participants in the FB Prepay Program may be eligible for additional rebates based on combined QCC and manual billable volume, payable back to the first billable side, as shown in the table on the Fee Schedule.⁶ The calculation of volume on which rebates earned through the Manual Billable Rebate Program would be paid is based on transactions including at least one side for which manual transaction fees are applicable and excludes QCCs.⁷

⁴ The Exchange previously filed to amend the Fee Schedule on December 31, 2025, for January 2, 2026 effectiveness (SR-NYSEARCA-2025-92), and withdrew such filing on January 14, 2026.

⁵ See Fee Schedule, FLOOR BROKER FIXED COST PREPAYMENT INCENTIVE PROGRAM (the “FB Prepay Program”). “Eligible Fixed Costs” include the OTP Trading Participant Rights fee for a Floor Broker, Floor Broker Order Capture Device—Market Data Fees, Floor Booth fees, the Options Floor Access Fee, and Wire Services fees, as set forth in the table in the Fee Schedule.

⁶ See Fee Schedule, FB Prepay Program, Table titled “Qualifying Volume” and “Rebate per Billable Side”.

⁷ The Exchange proposes to continue to exclude volume from QCC transactions from the calculation of eligible volume for rebates paid through the Manual Billable Rebate Program because Floor Brokers would be eligible for separate credits and rebates for QCC transactions.

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).

¹⁵ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

The Exchange proposes to modify the FB Prepay Program to offer participants an additional rebate based on combined QCC and manual billable volume. Specifically, the Exchange proposes to offer an additional rebate of (\$0.01) per manual billable side and an additional rebate of (\$0.01) per Non-Customer vs. Non-Customer QCC contract, if participants exceed the aggregate of QCC Tier 1 and QCC Tier 2 qualifications in combined manual billable and QCC billable contracts. Consistent with the current additional rebate, the proposed additional rebates would be retroactive to the first billable side. The Exchange proposes to describe the new rebates in proposed new rule text that would appear below the table titled “Qualifying Volume” and “Rebate per Billable Side” in the FB Prepay Program section of the Fee Schedule.

2. 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 Sections 6(b)(4) and (5) of the Act,⁹ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The proposed change is reasonable, equitable, and not unfairly discriminatory. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”¹⁰

There are currently 18 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of

executed volume of multiply-listed equity and ETF options trades.¹¹ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in November 2025, the Exchange had 10.67% market share of executed volume of multiply-listed equity and ETF options trades.¹² In such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of option order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules.

The proposed changes to the FB Prepay Program are designed to attract Floor Brokers that have not yet participated in the program. The FB Prepay Program continues to be designed to encourage the role performed by Floor Brokers in facilitating the execution of orders via open outcry, a function which the Exchange wishes to support for the benefit of all market participants.

The Exchange believes that the proposed changes to the Manual Billable Rebate program are reasonable because they should continue to encourage Floor Brokers to participate in the FB Prepay Program, and to provide liquidity on the Exchange. In particular, the proposed additional rebates should incent OTP Holders to increase the number of manual—and QCC—transactions sent to the Exchange. Moreover, the new rebates should incent Floor Brokers to encourage OTP Holders to aggregate their executions at the Exchange as a primary execution venue. To the extent that the proposed change achieves its purpose of attracting more volume to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for order execution, thus improving market quality for all market participants.

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits because the proposal

is based on the amount and type of business transacted on the Exchange. Floor Brokers are not obligated to participate in the FB Prepay Program, and those who do can choose to execute manual billable volume and QCC transactions to earn the proposed rebates through the Manual Billable Rebate Program or not. In addition, the Manual Billable Rebate Program continues to be equally available to all Floor Brokers that participate in the FB Prepay Program.

The Exchange believes the proposed change is not unfairly discriminatory because it is based on the amount and type of business transacted on the Exchange. Floor Brokers are not obligated to execute manual billable or QCC transactions or participate in the FB Prepay Program, and the proposed rebates offered through the Manual Billable Rebate Program are available to all Floor Brokers that participate in the FB Prepay Program on a non-discriminatory basis. The proposed changes are designed to encourage Floor Brokers to utilize the Exchange as a primary trading venue for all transactions (if they have not done so previously) and increase manual billable and QCC volume sent to the Exchange.

To the extent that the proposed continuation of (and modifications to) the FB Prepay Program and Manual Billable Rebate Program attract more manual transactions and QCCs to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and attract more order flow to the Exchange, thereby improving market-wide quality and price discovery. The resulting increased volume and liquidity would provide more trading opportunities and tighter spreads to all market participants and thus 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.

To the extent the proposed change continues to attract greater volume and liquidity, the Exchange believes the proposed change would improve the Exchange’s overall competitiveness and strengthen its market quality for all market participants. In the backdrop of the competitive environment in which the Exchange operates, the proposed rule change is a reasonable attempt by the Exchange to increase the depth of its

¹¹ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>.

¹² Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of ETF-based options, *see id.*, the Exchange’s market share in multiply-listed equity and ETF options decreased from 13.22% in November 2024 to 10.67% for the month of November 2025.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(4) and (5).

¹⁰ *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7-10-04) (“Reg NMS Adopting Release”).

market and improve its market share relative to its competitors.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."¹³

Intramarket Competition. The proposed modifications to the FB Prepay Program, in particular the proposed additional rebates, would be available to all similarly-situated Floor Brokers that participate in the FB Prepay Program. The Exchange believes that the proposed change to adopt the additional rebates for Floor Brokers would encourage competition, including by attracting additional liquidity to the Exchange, which would continue to make the Exchange a more competitive venue for, among other things, order execution and price discovery. The Exchange does not believe that the proposed change would impair the ability of any market participants or competing order execution venues to maintain their competitive standing in the financial markets. To the extent that the continuation of the FB Prepay Program and the proposed additional credits imposes an additional competitive burden on non-Floor Brokers, the Exchange believes that any such burden would be appropriate because Floor Brokers serve an important function in facilitating the execution of orders and price discovery for all market participants.

Intermarket Competition. The Exchange operates in a highly

competitive market in which market participants can readily favor one of the 17 other competing option exchanges if they deem fee levels at a particular venue to be excessive.

In such an environment, the Exchange must continually adjust its fees and credits to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹⁴ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in November 2025, the Exchange had 10.67% market share of executed volume of multiply-listed equity and ETF options trades.¹⁵

The Exchange believes that the proposed changes reflect this competitive environment because they modify the Exchange's fees and rebates in a manner designed to continue to incent OTP Holders to direct trading interest (particularly manual transactions and QCC transactions) to the Exchange, to provide liquidity and to attract order flow. To the extent that Floor Brokers are encouraged to participate in the FB Prepay Program and/or incented to utilize the Exchange as a primary trading venue for all transactions, all of the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)¹⁶ of the Act and

¹⁴ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>.

¹⁵ Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of ETF-based options, *see id.*, the Exchange's market share in multiply-listed equity and ETF options decreased from 13.22% in October 2024 to 10.67% for the month of October 2025.

¹⁶ 15 U.S.C. 78s(b)(3)(A).

subparagraph (f)(2) of Rule 19b-4¹⁷ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁸ 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-NYSEARCA-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-NYSEARCA-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-NYSEARCA-2026-03 and should be submitted on or before February 18, 2026.

¹⁷ 17 CFR 240.19b-4(f)(2).

¹⁸ 15 U.S.C. 78s(b)(2)(B).

¹³ See Reg NMS Adopting Release, *supra* note 10, at 37499.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Vanessa A. Countryman,
Secretary.

[FR Doc. 2026–01628 Filed 1–27–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0538]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Form ADV–H

Upon Written Request, Copies Available

From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information.

The title for the collection of information is “Form ADV–H under the Investment Advisers Act of 1940.” Form ADV–H (17 CFR 279.3) under the Investment Advisers Act of 1940 (“Advisers Act”) is the application that investment advisers use to request a hardship exemption from making Advisers Act filings electronically with the Investment Adviser Registration Depository (“IARD”).

There are two types of hardship exemptions from making Advisers Act filings through IARD: a temporary hardship exemption and a continuing hardship exemption. Advisers Act rule 203–3 (17 CFR 275.203–3) sets forth requirements for both temporary hardship exemptions and continuing hardship exemptions for advisers registered or registering with the Commission. Advisers Act rule 204–4(e) (17 CFR 275.204–4(e)) sets forth requirements for temporary hardship exemptions for exempt reporting advisers.

A temporary hardship exemption is available to advisers registered or registering with the Commission, as well as exempt reporting advisers, if the adviser has unanticipated technical difficulties that prevent it from submitting a filing to the IARD system. To apply for a temporary hardship exemption, the adviser must file Form ADV–H in paper format no later than one business day after the subject filing was due, and submit the subject filing

electronically through IARD no later than seven business days after the subject filing was due. The temporary hardship exemption is granted when the adviser files the completed Form ADV–H.

A continuing hardship exemption provides an exemption from electronic filing for no more than one year. It is available to certain advisers registered or registering with the Commission; it is not available to exempt reporting advisers. Such adviser must be a small business and be able to demonstrate that the electronic filing requirements are prohibitively burdensome or expensive. To apply for a continuing hardship exemption, an adviser must file Form ADV–H at least ten business days before a filing is due. The Commission will grant or deny the application within ten business days after the adviser files Form ADV–H. If the Commission approves the application, the adviser may submit filings to FINRA in paper format for the period of time for which the exemption is granted.

The purpose of the collection of information is to enable the Commission to process requests for temporary hardship exemptions and to determine whether to grant a continuing hardship exemption from the requirement for advisers to make Advisers Act filings electronically through IARD.

Respondents are investment advisers registered or registering with the Commission, as well as exempt reporting advisers. Based on our experience and data, we estimate that there are 22,495 respondents, consisting of 16,404 registered investment advisers and 6,091 exempt reporting advisers. Of those respondents, we estimate that we would receive two responses annually, and each response would take approximately one hour to complete. Therefore, we estimate an annual aggregate burden of two hours for this collection of information.

The collection of information does not require recordkeeping or records retention. The collection of information requirements are mandatory. The information collected is a filing with the Commission, and is not kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC’s estimate of the burden

imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to PaperworkReductionAct@sec.gov by March 30, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: January 23, 2026.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2026–01625 Filed 1–27–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104679; File No. SR–LTSE–2026–01]

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Fee Schedule To Modify the Liquidity Incentive Program

January 23, 2026.

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on January 12, 2026, Long-Term Stock Exchange, Inc. (“LTSE” 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 is filing with the Securities and Exchange Commission (“Commission”) a proposed rule change to amend its Fee Schedule to modify the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

¹⁹ 17 CFR 200.30–3(a)(12).

Liquidity Incentive Program (“LTSE LIP” or “Program”). The Exchange proposes to implement the changes to the fee schedule pursuant to this proposal on January 12, 2026.

The text of the proposed rule change is available at the Exchange’s website at <https://longtermstockexchange.com/>, and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement on 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 self-regulatory organization 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 on the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On July 1, 2025, the Exchange implemented the LTSE LIP to enhance liquidity and improve market quality in LIP Enhanced Securities³ traded on the Exchange by incentivizing Members to quote at or better than the National Best Bid and Offer (“NBBO”) and provide liquidity in both select securities, the LIP Enhanced Securities and more generally in all other securities traded on LTSE, the LIP Standard Securities.^{4,5}

The Exchange now proposes several additional changes to the Fee Schedule

³ LIP Enhanced Securities means a list of securities designated as such, that are used for the purposes of qualifying for the incentives within the LIP. The universe of these securities will be determined by the Exchange and published on the Exchange’s website. See Definitions Section of the Fee Schedule.

⁴ LIP Standard Securities means a security not defined as a “LIP Enhanced Security” and traded on LTSE. See Definitions Section of the Fee Schedule.

⁵ LTSE LIP was initially adopted in SR-LTSE-2025-13 on June 30, 2025, which was withdrawn and refiled on July 10, 2025. See Securities Exchange Release No. 34-103517 (July 22, 2025), 90 FR 35325 (July 25, 2025) (SR-LTSE-2025-16). The Program includes three key incentives: (1) a proportional share of 80% of LTSE’s SIP Quote Revenue for LIP Enhanced Securities, distributed among qualifying Members based on quoting activity; (2) reduced taker fees for LIP Enhanced Securities, available to all Members without quoting obligations; and (3) for LIP Standard Securities, a choice between a proportional share of 20% of LTSE’s SIP Quote Revenue or a quarterly credit, contingent on meeting specific quoting thresholds.

to modify the LTSE LIP. The proposed amendments would (i) amend the eligibility requirement period for both Incentive 1 and Incentive 3 from quarterly to monthly; (ii) amend the distribution calculation of LTSE’s SIP Quote Revenue from quarterly to monthly; (iii) remove transitional language that applied to the fourth quarter of 2025; (iv) amend the optional credit in Incentive 3 to a monthly credit of \$25; and (v) make edits consistent with these changes to the Notes to LIP section of the Fee Schedule.

Currently, the eligibility threshold for Incentive #1 requires a Member to display a quote in a LIP Enhanced Security of a Minimum Quoted Size (“MQS”), for at least 30% of the time at the NBBO of the Regular Market Session in a calendar quarter, in order to share in SIP Quote Revenue, which is distributed proportionally among eligible Members based on quoting activity within the calendar quarter. In turn, the eligibility threshold for Incentive #3 requires a Member to be eligible for Incentive #1 in at least 50 LIP Enhanced Securities and display a quote of at least one round lot in a LIP Standard Security of a MQS, for at least 25% of the time at the NBBO of the Regular Market Session in a calendar quarter, in order to share in SIP Quote Revenue, which is distributed proportionally among eligible Members based on quoting activity within the calendar quarter; or alternative to receiving a share of the SIP Quote Revenue a Member can receive a quarterly credit of \$75 per LIP Standard Security per Market Participant ID (“MPID”) to be used against fees for removing liquidity. For both Incentive #1 and Incentive #3 the Exchange proposes to amend both the eligibility requirement period and share of the LTSE SIP Quote Revenue from quarterly to monthly. The Exchange also proposes to amend the optional quarterly credit in Incentive #3 from a quarterly credit of \$75 per LIP Standard Security per MPID to a monthly credit of \$25 per LIP Standard Security per MPID.

The Exchange believes allowing Members to qualify and receive a proportional amount of LTSE SIP Quote Revenue monthly, rather than a quarterly basis, will encourage greater participation in the LIP. The LIP is intended to encourage Members to promote price discovery and market quality by quoting at the NBBO for a significant portion of each day in a large number of securities generally, and in LIP Enhanced Securities in particular, thereby benefiting the Exchange and other investors by providing improved trading conditions for all market

participants through narrower bid-ask spreads and increasing the depth of liquidity available at the NBBO in a broad base of securities, including the LIP Enhanced Securities. Thus, the Exchange believes that the proposed changes to the Program will promote price discovery and market quality in LIP Enhanced Securities and more generally on the Exchange, and, further, that the resulting tightened spreads and increased displayed liquidity will benefit all investors by deepening the Exchange’s liquidity pool, supporting the quality of price discovery, enhancing quoting competition across all exchanges, and promoting market transparency.

The Exchange notes that it is not proposing any changes to the SIP Quote Revenue distribution, which will continue to occur at the end of each calendar quarter when the Exchange receives its MDR payment from the SIPs.⁶

The Exchange also proposes to amend the language regarding Minimum Quoted Size in the Notes to the LIP section of the Fee Schedule. Currently the language states that the MQS will be calculated for each LIP Enhanced Security and published at least quarterly on the Exchange’s website. In line with the proposed changes above which change all quarterly calculations to monthly calculations, the Exchange proposes to change this to state that the MQS will now be published monthly on the Exchange’s website. The Exchange then proposes to delete the sentence and related footnote that expands upon how the Exchange will treat mid-quarter MQS changes as this detail is no longer relevant now that the MQS will be

⁶ The Securities Information Processors (“SIPs”), which include the Unlisted Trading Privileges and Consolidated Tape Association, collect fees from subscribers for trade and quote tape data received from trading centers and reporting facilities, such as the Exchange (collectively, “SIP Participants”). After deducting the cost of operating each tape, the profits are allocated among the SIP Participants on a quarterly basis, according to a complex set of calculations that consider estimates of anticipated Market Data Revenue (“MDR”), adjustments to comport to actual MDR from previous quarters and a non-linear aggregation of total trading and quoting activity in Tape A, B and C securities in attributing MDR to each SIP Participant. Based on these calculations, the SIPs provide MDR payments to each SIP Participant during the second month of each quarter for trade and quote data from the previous calendar quarter, which are subject to adjustment through subsequent quarterly payments. These payments can be divided into six pools (*i.e.*, trade and quote activity in Tape A, B, and C securities). To determine a monthly SIP Quote Revenue allocation the Exchange uses a corresponding monthly SIP report in conjunction with the quarterly MDR payments to calculate the correct allocation of the MDR payment in each symbol for each month of the quarter.

published monthly and the Exchange would not adjust the MQS mid-month.

The Exchange then proposes to make other conforming changes to the Notes in the LIP Section. Specifically, the Exchange proposes to amend the second bullet to state that Incentive #1 and Incentive #3 will be calculated, and eligibility determined, on a monthly basis instead of quarterly. Additionally, the Exchange proposes to amend the language in the third bullet to state that all quoting requirements and incentives reset each calendar month rather than each quarter. Revenue will continue to be shared proportionally based on quoting activity.

Lastly, the Exchange also proposes to delete language from the Fee Schedule that applied only to the fourth quarter of 2025. This provision, adopted in SR-LTSE-2025-24,⁷ temporarily adjusted revenue-sharing parameters that were specific to the fourth quarter of 2025 and will not be needed going forward.

(b) Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁸ in general, and furthers the objectives of Section 6(b)(4) of the Act,⁹ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among all of its Members and issuers and other persons using its facilities; Section 6(b)(5) of the Act,¹⁰ which requires, among other things, that the rules of the Exchange be 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 to protect investors and the public interest and are not designed to permit unfair discrimination between customers, issuers, brokers or dealers. The Exchange also believes that the proposed rule change is reasonable, fair and equitable, and non-discriminatory.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue or reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, and market participants can readily trade on

competing venues if they deem pricing levels at those other venues to be more favorable.

The Exchange believes that amending the eligibility requirement periods, as well as the distribution calculation from quarterly to monthly is reasonable and equitable because it will encourage greater participation in the LTSE LIP by allowing Members to receive the incentive of the LTSE SIP Quote Revenue or credit for any month they meet the month quoting requirement, rather than having the Member commit to a quarterly quoting requirement. Thus the Exchange believes the proposed changes will promote price discovery and market quality in both LIP Enhanced and LIP Standard Securities and more generally on the Exchange, and, in turn could result in tightened spreads and increased displayed liquidity that will benefit all investors by deepening the Exchange's liquidity pool, supporting the quality of price discovery, enhancing quoting competition across all exchanges, and promoting market transparency.

The proposed changes are not unfairly discriminatory, as all Members that meet the same quoting criteria are eligible to receive the increased revenue share on identical terms and it will enhance, rather than burden, intermarket competition by encouraging additional displayed liquidity on LTSE.

The Exchange believes that amending the Notes section and stating that the MQS will be calculated for each LIP Enhanced Security and published monthly on the Exchange's website is reasonable, equitable and not unfairly discriminatory. The change conforms the MQS calculation timeframe to be consistent with the new monthly timeframe for both the eligibility requirements and LTSE SIP Revenue payment distributions, which will reduce investor confusion on the Program.

The Exchange believes that deleting text that is no longer applicable and adding clarifying text is consistent with Section 6(b)(5) and 6(b)(1) of the Act because it enhances transparency and clarity in the Fee Schedule. The removal is administrative, eliminates obsolete provisions and ensures that the rule text accurately reflects the Program currently in effect. It does not modify incentives or alter Member obligations and therefore imposes no burden on competition.

Taken together, these amendments are designed to increase participation in the LTSE LIP by lowering participation thresholds, aligning Program parameters with market realities, and maintaining clear and transparent rule text. The

Exchange believes the proposal supports the objectives of Section 6(b)(5) of the Act by fostering fair competition, encouraging displayed liquidity, and promoting a more efficient and transparent market environment for investors. The Exchange believes that its transaction pricing is subject to significant competitive forces and that proposed changes to the fees and rebates described herein are appropriate to address such forces.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the proposal is intended to enhance market quality on the Exchange by encouraging additional quoting activity on LTSE and promoting more competitive displayed markets. The proposed amendments are designed to make the LTSE LIP more accessible and attractive to a broader range of Members. As a result, the Exchange believes the proposal would enhance its competitiveness as a market that attracts actionable orders, thereby making it a more desirable destination venue for its customers. For these reasons, the Exchange believes that the proposal furthers the Commission's goal in efficient pricing of individual stocks for all types of orders, large and small."¹¹

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

This proposed rule change establishes dues, fees or other charges among its members and, as such, may take effect upon filing with the Commission pursuant to Section 19(b)(3)(A)(ii) of the Act¹² and paragraph (f)(2) of Rule 19b-4 thereunder.¹³ Accordingly, the proposed rule change would take effect upon filing with the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the

⁷ See Securities Exchange Act Release No. 34-104353 (December 9, 2025), 90 FR 57800 (December 12, 2025) (SR-LTSE-2025-24).

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 Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 47396 (June 29, 2005).

¹² 15 U.S.C. 78s(b)(3)(A)(ii).

¹³ 17 CFR 240.19b-4(f)(2).

action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further 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-LTSE-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-LTSE-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-LTSE-2026-01 and should be submitted on or before February 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Vanessa A. Countryman,
Secretary.

[FR Doc. 2026-01631 Filed 1-27-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0728]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 17ab2-2

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 *et seq.*), the Securities and Exchange Commission (SEC or "Commission") is submitting to the Office of Management and Budget (OMB) this request for extension of the proposed collection of information provided for in Rule 17ab2-2 (17 CFR 240.17ab2-2) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Exchange Act Rule 17ab2-2 establishes procedures for making determinations affecting covered clearing agencies in certain defined circumstances. Exchange Act Rule 17ab2-2(a) establishes procedures for the Commission to make a determination, either of its own initiative or upon application by any clearing agency or member of a clearing agency, whether a covered clearing agency is systemically important in multiple jurisdictions. Exchange Act Rule 17ab2-2(b) establishes procedures to determine, if the Commission deems appropriate, whether any of the activities of a clearing agency providing central counterparty services, in addition to clearing agencies registered with the Commission for the purpose of clearing security-based swaps, have a more complex risk profile. Exchange Act Rule 17ab2-2(c) provides a procedure for the Commission to determine, either of its own initiative or upon application by any clearing agency or member of a clearing agency, whether to rescind any such determinations previously made by the Commission.

A clearing agency or one of its members that seeks a determination from the Commission under Rule 17ab2-2 or rescission of any determination previously made by the Commission under Rule 17ab2-2 must submit an application to the Commission. A respondent would have the burden of preparing such application for submission to the Commission. The Commission would use the information in the collection to facilitate its determination regarding systemic

importance in multiple jurisdictions or a rescission of a determination. It is unlikely that confidential information would be included in the collection of information, but such information received would be kept confidential subject to provisions of the Freedom of Information Act.

Commission staff believes that Rule 17ab2-2 would impose a PRA burden on a clearing agency that applies for a determination from the Commission under the rule. Commission staff estimate that two respondent clearing agencies (or a member of a clearing agency) could submit an application for such a determination.

Commission staff estimates that each respondent clearing agency incurs a one-time burden of 10 hours and a one-time cost of \$2,190 to draft and review a determination request submitted to the Commission, for a total of 20 hours and \$4,380 for all respondents. The total annualized burden and cost for all respondents are 6.66 hours and \$1,460.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202511-3235-003 or email comment to MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov within 30 days of the day after publication of this notice, by March 2, 2026.

Dated: January 26, 2026.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-01659 Filed 1-27-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104676; File No. SR-NYSEAMER-2026-03]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the NYSE American Options Fee Schedule To Modify the Market Maker Sliding Scale Qualification Tiers and Amend the Floor Broker Fixed Cost Prepayment Incentive Program

January 23, 2026.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934

¹ 15 U.S.C. 78s(b)(1).

¹⁴ 17 CFR 200.30-3(a)(12).

(“Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that, on January 14, 2026, NYSE American LLC (“NYSE American” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE American Options Fee Schedule (“Fee Schedule”) regarding (1) the Market Maker Sliding Scale program (the “MM Sliding Scale”); (2) the Floor Broker Fixed Cost Prepayment Incentive (the “FB Prepay Program”); and (3) the limit on the maximum combined Floor Broker credits paid for QCC trades and rebates paid through the Manual Billable Rebate Program (the “FB Cap”). The Exchange proposes to implement the fee change effective January 14, 2026.⁴ The proposed rule change is available on the Exchange’s website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Fee Schedule regarding (1) certain volume thresholds under the MM Sliding Scale; (2) rebates available to participants in the FB Prepay Program; and (3) the amount of the FB Cap, as described in more detail below. The Exchange proposes to implement the fee change effective January 14, 2026.

MM Sliding Scale

Section I.C. of the Fee Schedule sets forth the MM Sliding Scale, a sliding

scale of transaction fees charged to NYSE American Options Market Makers (referred to as Market Makers herein) that decrease upon the Market Maker trading certain minimum, increasing monthly volume thresholds as expressed in four tiers.⁵ The MM Sliding Scale offers different rates depending on whether volume is non-take or take⁶ and offers reduced rates for Market Makers that participate in the Exchange’s Prepayment Programs for Market Makers, per Section I.D. of the Fee Schedule.⁷

The Exchange proposes to amend the MM Sliding Scale by modifying the volume thresholds required to qualify for tiers 2 and 3 of the program, effective July 1, 2026.⁸ Currently, Market Makers can qualify for tier 2 of the MM Sliding Scale by achieving electronic ADV of greater than 0.25% and up to 0.70% of TCADV and qualify for tier 3 of the MM Sliding Scale by achieving electronic ADV of greater than 0.70% and up to 1.25% of TCADV. The Exchange proposes to maintain these volume thresholds for tiers 2 and 3 through June 30, 2026, and effective July 1, 2026, amend the volume thresholds for tiers 2 and 3 as reflected in the table below, with current thresholds in brackets and proposed thresholds italicized.

Tier	Market maker electronic ADV as a % of TCADV	Rate per contract for non-take volume ¹	Rate per contract for take volume ¹	Prepayment program participant rates	
				Rate per contract for non-take volume ¹	Rate per contract for take volume ¹
1	0.00% to 0.25%	\$0.25	\$0.25	\$0.21	\$0.24
2	>0.25% to [0.70%] <i>0.65%</i>	0.23	0.25	0.19	0.23
3	>[0.70%] <i>0.65%</i> to 1.25%	0.12	0.17	0.08	0.12
4	>1.25%	0.09	0.14	0.06	0.10

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ The Exchange previously filed to amend the Fee Schedule on December 31, 2025, for January 2, 2026 effectiveness (SR–NYSEAMER–2025–78), and withdrew such filing on January 14, 2026.

⁵ See Fee Schedule, Section I.C., NYSE American Options Market Maker Sliding Scale—Electronic, available at: https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf (excluding any volumes attributable to QCC trades, CUBE Auctions, and Strategy Execution Fee Caps, as these transactions are subject to separate pricing described in Fee Schedule Sections I.F., I.G., and I.J, respectively). The thresholds are based on a Market Makers’ volume transacted electronically as a percentage of total industry Customer equity and Exchange Traded Fund options volumes as reported by the

Options Clearing Corporation (the “OCC”). See OCC Monthly Statistics Reports, available here, <http://www.theocc.com/webapps/monthly-volume-reports>. See also Fee Schedule, Key Terms and Definitions, TCADV (defining TCADV as “Total Industry Customer equity and ETF option average daily volume. TCADV includes OCC calculated Customer volume of all types, including Complex Order transactions and QCC transactions, in equity and ETF options”).

⁶ For purposes of the MM Sliding Scale, “all eligible volume that does not remove liquidity” qualifies as non-take volume; whereas any volume that removes liquidity qualifies as take volume.” See Fee Schedule, Section I.C., note 1. For example, any Market Maker transaction that interacts with resting liquidity is take volume.

⁷ The Exchange offers Market Makers the opportunity to prepay a portion of certain

transactions costs in exchange for reduced rates under the MM Sliding Scale, as well as enabling such Market Makers to qualify their Affiliated OFF or Appointed OFF, if any, to earn enhanced credits under the American Customer Engagement (“ACE”) Program per Section I.E. of the Fee Schedule. See Fee Schedule, Sections I.D. (describing 1 Year Prepayment Program and Balance of the Year Program) and I.E. (setting forth the ACE Program). The Market Maker Prepayment Program is designed to encourage Market Makers to commit capital to the Exchange as a demonstration of long-term participation on the Exchange as a primary execution venue.

⁸ See proposed Fee Schedule, Section I.C., NYSE American Options Market Maker Sliding Scale—Electronic.

In other words, the Exchange proposes that, as of July 1, 2026, the volume threshold for tier 2 will change from “>0.25% to 0.70%” to “>0.25% to 0.65%” and the volume threshold for tier 3 will change from “>0.70% to 1.25%” to “>0.65% to 1.25%.” This proposed change would lower the volume threshold for tier 3 beginning on July 1, 2026 and is intended to facilitate Market Makers’ ability to qualify for the reduced rates available in tier 3 (including the preferential pricing afforded to Market Makers that participate in the Market Maker Prepayment Program). The Exchange is not proposing any changes to the rates offered through the MM Sliding Scale program or any changes to the volume thresholds for tiers 1 and 4.

Although the Exchange cannot predict with certainty whether any Market Makers would seek to qualify for the rates available through the MM Sliding Scale program, the Exchange believes that the proposed change, which would make it easier for Market Makers to

qualify for the lower per contract rates available in tier 3 of the MM Sliding Scale beginning in July 2026, would continue to encourage Market Maker activity on the Exchange.

FB Prepay Program

The FB Prepay Program, as set forth in Section III.E.1. of the Fee Schedule, is a prepayment incentive program that allows Floor Brokers to prepay certain of their annual Eligible Fixed Costs in exchange for the opportunity to earn rebates through the Manual Billable Rebate Program (each a “Manual Rebate”).⁹ Manual Rebates are payable monthly, back to the first billable side, on transactions for which at least one side is subject to manual transaction fees and, unless otherwise specified, excludes QCC volume.¹⁰ Participating Floor Brokers that achieve more than 500,000 manual billable sides in a month are eligible for a Manual Rebate of (\$0.05) per billable side, and those that achieve more than 1.1 million manual billable sides in a month are

eligible for an additional Manual Rebate of (\$0.02) per billable side. In addition, FB Prepay Participants that execute at least 500,000 manual billable sides in a month may be eligible for an additional rebate of (\$0.02) per billable side, payable back to the first billable side, if they also execute at least 3.5 million Firm Facilitation sides. Currently, the Manual Billable Rebate Program also provides an alternative way for participants in the FB Prepay Program that execute at least 5 million combined manual billable and QCC billable contracts in a month to earn a rebate of (\$0.10) per billable side, payable back to the first billable side.¹¹ In addition, participating Floor Brokers that achieve this combined volume threshold may also be eligible for one of the following additional rebates based on combined QCC and manual billable contracts, payable back to the first billable side (participants that qualify for both rebates would be entitled only to the greater of the two):

Qualifying volume	Additional rebate per billable side
Execute combined manual billable and QCC billable contracts exceeding 5 million by at least 40% <i>OR</i> Execute combined manual billable and QCC billable contracts exceeding 5 million by at least 100%.	(\$0.01) <i>OR</i> (\$0.02)

The Exchange first proposes to amend FB Prepay Program to provide for an additional (\$0.03) rebate that would be available to participating Floor Brokers that execute at least 10x the minimum requirement to qualify for the Manual Billable Rebate Program (*i.e.*, 10x of 500,000 billable sides) in combined manual billable and QCC billable contracts in a month, provided that at least 60% of such contracts are manual billable contracts. This rebate would be an alternative to the additional (\$0.02) rebate available to FB Prepay Program participants that execute the requisite number of Firm Facilitation sides and would replace the existing option to qualify for an additional rebate based on combined manual billable and QCC billable contracts.¹² Although the proposed change would require Floor Brokers to execute a higher proportion of manual billable contracts (as

compared to QCC billable contracts) in order to qualify for the additional rebate, the Exchange believes the proposed change would encourage additional manual executions on the Exchange, consistent with the intent of the FB Prepay Program to encourage the role performed by Floor Brokers in facilitating the execution of orders via open outcry.

The Exchange also proposes to amend the FB Prepay Program to provide for an additional rebate of (\$0.01) per manual billable side and an additional rebate of (\$0.01) per two billable side QCC contract,¹³ each payable back to the first billable side, which would be available to participating Floor Brokers if they exceed the higher of the qualifications in the table above (*i.e.*, combined manual billable and QCC billable contracts exceeding 5 million by at least 100%) by 2 million combined manual

billable and QCC billable contracts.¹⁴ The Exchange believes this proposed change, which offers an additional rebate to qualifying FB Prepay Program participants, could incentivize Floor Brokers to participate in the FB Prepay Program (including Floor Brokers that have not previously participated in the program) and encourage program participants to conduct more manual billable and QCC billable volume on the Exchange to earn the proposed rebate(s) on such volume.

FB Cap

The FB Cap is a limit on the maximum combined Floor Broker credits paid for QCC trades and rebates paid through the Manual Billable Rebate Program of \$3,000,000 per month per Floor Broker firm.¹⁵ Earlier this year, in response to extreme market volatility and a concomitant surge in open outcry

⁹ See Fee Schedule, Section III.E.1., Floor Broker Fixed Cost Prepayment Incentive Program (the “FB Prepay Program”). Floor Brokers may enroll in the Program for the entire calendar year or may enroll at any time during a calendar year, subject to the various prepayment requirements. *See id.*

¹⁰ The Exchange excludes any volume calculated to achieve the Strategy Execution Fee Cap, regardless of whether the cap is achieved, from the Manual Billable Rebate Program because fees on such volume are already capped and therefore such

volume does not increase billable manual volume. *See id.*

¹¹ *See id.*

¹² The Exchange proposes to delete the sentence describing the currently available additional rebate based on combined manual billable and QCC billable contracts and make a related non-substantive, conforming change in the sentence that follows.

¹³ A two billable side QCC contract has a non-customer participant on both sides of the contract.

¹⁴ The Exchange proposes to describe these rebates in new rule text that would appear below the table titled “Qualifying Volume” and “Additional Rebate per Billable Side” in Section III.E.1. of the Fee Schedule.

¹⁵ See Fee Schedule, Sections I.F. and III.E.1. (providing, in relevant part, that Floor Broker credits paid for QCC trades and rebates paid through the Manual Billable Rebate Program shall not combine to exceed \$3,000,000 per month per Floor Broker firm).

volume that led to Floor Broker firms earning higher than average monthly credits and rebates, the Exchange waived the FB Cap to allow Floor Broker firms to continue to send credit/rebate-generating order flow to the Exchange without concern for reaching the FB Cap.¹⁶ Because open outcry volumes on the Exchange remain elevated, the Exchange proposes to increase the FB Cap to \$4,000,000 per month per Floor Broker firm.

The proposed change is intended to incent Floor Brokers to continue to direct their order flow to the Exchange, thereby increasing liquidity to the benefit of all market participants, by increasing the amount of the monthly cap on combined Floor Broker credits paid for QCC trades and rebates paid through the Manual Billable Rebate Program.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹⁷ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,¹⁸ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The proposed changes to the Fee Schedule are reasonable, equitable, and not unfairly discriminatory. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in

promoting market competition in its broader forms that are most important to investors and listed companies.”¹⁹

There are currently 18 registered options exchanges competing for order flow. Based on publicly available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.²⁰ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in November 2025, the Exchange had 8.58% market share of executed volume of multiply-listed equity and ETF options order flow.²¹ In such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of option order flow.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees. In response to this competitive marketplace, the Exchange has established incentives, such as the MM Sliding Scale and FB Prepay Program, to encourage market participants to direct order flow to the Exchange.

The Exchange believes that the proposed changes to the MM Sliding Scale, FB Prepay Program, and FB Cap are reasonable. The proposed change to the MM Sliding Scale would reduce the minimum volume threshold to achieve tier 3, effective July 1, 2026, thus making it easier to achieve. Accordingly, the Exchange believes that the MM Sliding Scale, as modified, should continue to encourage Market Makers to commit to directing their order flow to the Exchange in exchange for reduced rates, which would increase volume and liquidity, to the benefit of all market participants by providing

more trading opportunities and tighter spreads. The Exchange believes that the proposed changes to the Manual Billable Rebate program are reasonable because they should continue to encourage Floor Brokers to participate in the FB Prepay Program and to provide liquidity on the Exchange. In particular, the proposed rebates are intended to encourage Floor Brokers to increase the number of manual and QCC transactions directed to the Exchange and to aggregate their executions at the Exchange as a primary execution venue. To the extent that the proposed change achieves its purpose of attracting more volume to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for order execution, thus improving market quality for all market participants. The Exchange believes the proposed change to the FB Cap is reasonable because it is also designed to encourage the unique function of Floor Brokers in facilitating the execution of open outcry orders, to the benefit of all market participants. To the extent the proposed increase to the amount of the FB Cap encourages Floor Brokers to continue facilitating transactions on the Exchange (instead of on a competing market), all market participants should benefit from increased liquidity, and increased order flow on the Exchange would continue to make the Exchange a more competitive venue for order execution, thus supporting market quality for all market participants.

The Exchange believes the proposed changes are equitable and not unfairly discriminatory because they are based on the amount and type of business transacted on the Exchange. The MM Sliding Scale program is available to all Market Makers, who can attempt to trade sufficient monthly volume to achieve one of the MM Sliding Scale tiers or not. Market Makers likewise have the option of participating in the Prepayment Program to be eligible for further reduced rates under the MM Sliding Scale or not. The Exchange believes it is equitable and not unfairly discriminatory to continue to offer incentives to Market Makers given their heightened obligations, as compared to other market participants, and because, to the extent the proposed change achieves its intended purpose in encouraging Market Maker activity on the Exchange, all market participants would be encouraged to direct additional order flow to the Exchange, making it a more attractive venue for execution. Similarly, Floor Brokers are not obligated to participate in the FB Prepay Program, and those who do can

¹⁶ See Securities Exchange Act Release Nos. 102890 (April 18, 2025), 90 FR 17273 (April 24, 2025) (SR-NYSEAMER-2025-26); 102985 (May 2, 2025), 90 FR 19584 (May 8, 2025) (SR-NYSEAMER-2025-27); 103623 (August 1, 2025), 90 FR 37905 (August 6, 2025) (SR-NYSEAMER-2025-46); 104258 (November 25, 2025), 90 FR 55186 (December 1, 2025) (SR-NYSEAMER-2025-65). The Exchange also proposes a non-substantive, clean up change to delete language from the Fee Schedule in Sections I.F. and III.E.1. referencing the waiver of the FB Cap for the months of November and December 2025, which will have expired.

¹⁷ 15 U.S.C. 78f(b).

¹⁸ 15 U.S.C. 78f(b)(4) and (5).

¹⁹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7-10-04) (“Reg NMS Adopting Release”).

²⁰ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available at: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>.

²¹ Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.*, the Exchange’s market share in equity-based options increased from 6.09% for the month of November 2024 to 8.58% for the month of November 2025.

choose to execute manual billable volume and QCC transactions to earn rebates through the Manual Billable Rebate Program or not. In addition, the Manual Billable Rebate Program continues to be equally available to all Floor Brokers that participate in the FB Prepay Program. Floor Brokers likewise are not obligated to execute manual billable or QCC transactions, and the proposed rebates offered through the Manual Billable Rebate Program would be available to all Floor Brokers that participate in the FB Prepay Program on a non-discriminatory basis. Finally, the FB Cap, as proposed, would apply equally to all Floor Brokers that execute manual transactions and/or QCC transactions and that earn rebates and credits applied toward such cap. The Exchange also believes that it is equitable and not unfairly discriminatory to continue to offer incentives to Floor Brokers to encourage their unique function in facilitating the execution of orders via open outcry, to the benefit of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."²²

Intramarket Competition. The proposed change is designed to continue to attract order flow to the Exchange by offering Market Makers competitive rates based on increased volumes on the Exchange, which would enhance the quality of quoting and may increase the volumes of contracts trade on the Exchange. To the extent that there is an additional competitive burden on non-Market Makers, the Exchange believes that this is appropriate because Market Makers have heightened obligations that other

market participants do not and the proposal should incent market participants to direct additional order flow to the Exchange, and thus provide additional liquidity that enhances the quality of its markets and increases the volume of contracts traded here. The proposed changes to the FB Prepay Program would be available to all similarly-situated Floor Brokers that participate in the FB Prepay Program. The Exchange believes that the proposed change to adopt the additional rebates for Floor Brokers would encourage competition, including by attracting additional liquidity to the Exchange, which would continue to make the Exchange a more competitive venue for, among other things, order execution and price discovery. The proposed change to the FB Cap would apply equally to all similarly-situated Floor Brokers. To the extent that the continuation of the FB Prepay Program, the proposed additional rebates for Floor Broker participants in the program, or the increased FB Cap impose an additional competitive burden on non-Floor Brokers, the Exchange believes that any such burden would be appropriate because Floor Brokers serve an important function in facilitating the execution of orders and price discovery for all market participants.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the other 17 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades. Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in November 2025, the Exchange had 8.58% market share of executed volume of multiply-listed equity and ETF options order flow.

The Exchange believes that the proposed change to the MM Sliding Scale reflects this competitive environment because modifying the volume threshold for tier 3 of the MM Sliding Scale to make it easier to achieve should continue to encourage Market Makers to commit to directing their order flow to the Exchange, which would increase volume and liquidity, to

the benefit of all market participants by providing more trading opportunities and tighter spreads. Similarly, the proposed changes to the FB Prepay Program would provide for additional rebates to program participants, which could encourage Floor Brokers to direct trading interest (particularly manual transactions and QCC transactions) to the Exchange, to provide liquidity and to attract order flow. The proposed change to the FB Cap is also designed to continue to incent Floor Brokers to direct manual and QCC transactions to the Exchange, to provide liquidity and to attract order flow to the Exchange. To the extent that Floor Brokers are encouraged to participate in the FB Prepay Program and/or to utilize the Exchange as a primary trading venue for all transactions, all of the Exchange's market participants should benefit from improved market quality and increased opportunities for price improvement.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)²³ of the Act and subparagraph (f)(2) of Rule 19b-4²⁴ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²⁵ 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.

²³ 15 U.S.C. 78s(b)(3)(A).

²⁴ 17 CFR 240.19b-4(f)(2).

²⁵ 15 U.S.C. 78s(b)(2)(B).

²² See Reg NMS Adopting Release, *supra* note 19, at 37499.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-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-NYSEAMER-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-NYSEAMER-2026-03 and should be submitted on or before February 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁶

Vanessa A. Countryman,
Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104673; File No. SR-C2-2026-003]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 5.34(c) With Respect to Its Risk Monitor Mechanism, To Provide Trading Permit Holders ("TPHs") With Additional Flexibility in Establishing How Their Trading Activity Counts Towards Certain Risk Parameters

January 23, 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 C2 Exchange, Inc. (the "Exchange" or "C2") 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 C2 Exchange, Inc. (the "Exchange" or "C2") proposes to amend Rule 5.34(c) with respect to its Risk Monitor Mechanism, to provide Trading Permit Holders ("TPHs") 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/options/regulation/rule_filings/bzx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set

forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 5.34(c), Order and Quote Price Protection Mechanisms and Risk Controls (All Orders). Specifically, the Exchange proposes changes to the Risk Monitor Mechanism to provide TPHs with additional flexibility in establishing how their trading activity counts towards certain risk parameters.

By way of background, the Risk Monitor Mechanism provides TPHs with the ability to manage their order and execution risk. Each TPH may establish limits for various parameters in the Exchange's counting program. The System³ counts each of the following within an underlying for an EFID⁴ ("underlying limit") and across all underlyings for an EFID ("EFID limit") and/or across all underlyings for a group of EFIDs ("EFID Group") ("EFID Group limit"), over a TPH-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 TPH'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 TPH's underlying limit within the interval or the absolute limit for the underlying, the Risk Monitor Mechanism cancels or rejects such TPH's orders or quotes in all series of the underlying and cancels or rejects any additional orders or quotes from the TPH in the underlying until the

³ The term "System" means the automated trading system the Exchange uses for the trading of option contracts. See Rule 1.1.

⁴ The term "EFID" means an Executing Firm ID. See Rule 1.1.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

²⁶ 17 CFR 200.30-3(a)(12).

counting program resets. Similarly, when the System determines a risk parameter exceeds a TPH's EFID limit within the interval or the absolute limit for the EFID, the Risk Monitor Mechanism cancels or rejects such TPH'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 TPH's EFID Group limit within the interval or the absolute limit for the EFID Group, the Risk Monitor Mechanism cancels or rejects such TPH'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 5.34(c) to enhance the Risk Monitor Mechanism to provide TPHs with additional flexibility in establishing how their trading activity counts towards certain risk parameters.

First, the Exchange proposes to add new Rule 5.34(c)(4)(B)(i)⁵ to allow TPHs the option to exclude certain options auction-executed volume from certain of the Risk Monitor Mechanism risk parameters, namely the volume parameter in Rule 5.34(c)(4)(A)(i) and the count parameter in Rule 5.34(c)(4)(A)(iii). Under the proposed change, a TPH may specify whether volume or executions in Complex Order Auctions ("COA") count toward the TPH's underlying, EFID, or EFID Group limit (on both an interval or absolute basis).

The Exchange also proposes to add new Rule 5.34(c)(4)(B)(ii) to allow TPHs the option to establish the volume or count parameters on a contra-party capacity basis. Under the proposed change, a TPH may specify a percentage (up to 100%) of volume or executions to count toward the TPH's underlying, 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 TPH 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 TPH's underlying, EFID, or EFID Group limit (on an interval or absolute basis).

The proposed changes allow the TPH 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 TPHs 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 TPHs with enhanced abilities to manage their risk with respect to orders on the Exchange. The Exchange believes that allowing TPHs 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 TPHs in minimizing their risk exposure, thereby reducing the potential for disruptive, market-wide events.

The Exchange believes the proposed change to allow TPHs to specify whether volume or executions in COA count toward the TPH'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 TPHs 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 TPHs 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 TPHs 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 counterparties which may involve different risk considerations. The Exchange believes allowing TPHs the option to adjust their risk tolerance based on contra-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 TPHs and apply uniformly to all TPHs who may choose to utilize the enhanced risk parameter settings. As noted above, use of the proposed enhancements is optional and TPHs 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 TPHs and apply uniformly to all TPHs who may choose to utilize the enhanced risk parameter settings. As noted above, use of the proposed enhancements is optional and TPHs are free to utilize them or not, at their discretion.

⁵ As part of the proposed change, the Exchange proposes to renumber current Rules 5.34(c)(4)(B), (C), (D), (E), and (F) as Rules 5.34(c)(4)(C), (D), (E), (F), and (G), respectively.

⁶ See Rule 1.1 (definition of "Capacity").

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁹ *Id.*

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 TPHs 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 Act¹⁰ 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 Act¹² 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.

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.

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-C2-2026-003 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-C2-2026-003. 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-C2-2026-003 and should be submitted on or before February 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Vanessa A. Countryman,
Secretary.

[FR Doc. 2026-01632 Filed 1-27-26; 8:45 am]

BILLING CODE 8011-01-P

¹⁴ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104680; File No. SR-DTC-2026-001]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Limit Accessibility to DTC's Participant Terminal System

January 23, 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, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(4) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would update seven DTC services guides⁵ and the DTC Operational Arrangements (Necessary for Securities to Become and Remain Eligible for DTC Services) (collectively, "DTC Procedures")⁶ to (i) limit accessibility to DTC's Participant Terminal System ("PTS") to automated non-human personas only, such as automated bots and robotic process automation ("RPA") identities, by adding a footnote at the first reference of PTS in each of the DTC Procedures stating such and (ii) make related

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(4).

⁵ The seven DTC service guides to be updated are the Custody Service Guide, Deposits Service Guide, Distributions Service Guide, Redemptions Service Guide, Reorganizations Service Guide, Settlement Service Guide, and Underwriting Service Guide, available at www.dtcc.com/legal/rules-and-procedures.

⁶ Terms not defined herein are defined in the DTC Procedures. DTC Procedures, *supra* note 5. The DTC Procedures are Procedures of DTC. Pursuant to the Rules, By-Laws and Organization Certificate of DTC ("DTC Rules"), the term "Procedures" means the procedures, service guides, and regulations of DTC adopted pursuant to DTC Rule 27, as amended from time to time. DTC Rule 1, Section 1, *supra* note 5. They are binding on DTC and each Participant in the same manner that they are bound by the DTC Rules.

conforming, technical, and ministerial changes, as described below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change would update the DTC Procedures to (i) limit accessibility to DTC's Participant Terminal System ("PTS") to automated non-human personas only, such as automated bots and robotic process automation ("RPA") identities, by adding a footnote at the first reference of PTS in each of the DTC Procedures stating such and (ii) make related conforming, technical, and ministerial changes, as described below.

Background

As part of broader modernization efforts, DTC is undertaking a multi-phase initiative to modernize Participant access to its services, with a focus on eliminating reliance on legacy infrastructure, enhancing operational resilience, and improving the client experience. As part of this effort, DTC is transitioning away from use of PTS, also referred to as the TN3270 terminal, which has historically supported both automated and manual user access to DTC services. This transition supports DTC's longer-term objective to streamline and consolidate Participant access through standardized platforms.

Proposed Changes

To begin transitioning away from PTS, DTC proposes to add a footnote at the first reference of PTS in each of the DTC Procedures to state that the use of PTS would be limited to automated non-human personas only, such as automated bots and RPA identities. The footnote would further state that human user access via PTS would no longer be supported and that Participants must ensure that any access by human personas is conducted through alternative interfaces, such as the DTCC Mainframe Portal or MyDTCC.

For the time being, DTC will continue to allow non-human personas access to PTS to give Participants that rely on automated bots and RPA identities that "scrape" PTS for information more time to transition such automated features to alternative means of gathering such information via DTC's other interface options, such as the DTCC Mainframe Portal and MyDTCC.

DTC also proposes to update later references of PTS in the DTC Procedures to the abbreviated form "PTS" in lieu of the full name, so that inquiries regarding the meaning of "PTS" would bring readers back to the first reference, which would contain the footnote described above.

No additional functional or service-related changes are being made as part of this proposed rule change. All services and functions available via PTS are also available via another DTC interface, of which Participants have been made aware.⁷

Implementation Timeframe

The proposed rule change would be implemented by March 31, 2026, with the specific date being announced by Important Notice no later than 14 Business Days prior to such date. A legend would be added to the DTC Procedures stating such, and that once implemented, the legend would automatically be removed.

Following implementation, DTC will (i) no longer permit any new human personas to access PTS and (ii) begin transitioning any existing human personas that remain on PTS off PTS. DTC anticipates that such transition may take several months.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act requires that the rules of the clearing agency be designed, *inter alia*, to promote the prompt and accurate clearance and settlement of securities transactions.⁸ As described above, the proposed rule change would (i) add a footnote at the first reference of PTS, in each of the DTC Procedures, to limit the accessibility of PTS to automated non-human personas only, and (ii) make related conforming, technical, and ministerial changes. By updating the DTC Procedures to state that PTS would only be available for automated (non-human) access, for the time being, and would no longer be permitted for human users, DTC is directing Participants to DTC's more modern interfaces, so DTC can begin unwinding

some of its older, outdated interfaces in favor of its more standardized and operationally efficient interfaces that can better service Participants. By better servicing Participants on more modern interfaces, DTC would be promoting more efficient and effective access to its clearance and settlement services. Accordingly, DTC believes that the proposed rule change is consistent with the Section 17A(b)(3)(F) of the Act, as cited above.

Rule 17ad-22(e)(21)⁹ promulgated under the Act requires, *inter alia*, that DTC, a covered clearing agency, establish, implement, maintain and enforce written policies and procedures reasonably designed to, as applicable, be efficient and effective in meeting the requirements of its Participants and the markets it serves. As described above, by updating the DTC Procedures to limit PTS usage and transition human users to DTC's more modern and operationally efficient interfaces, such as the DTCC Mainframe Portal or MyDTCC, the proposed rule change shows that DTC is considering the efficiency and effectiveness of its interfaces and working to direct Participants to more modern options as it unwinds some of its legacy access points. Accordingly, DTC believes that the proposed rule change would help promote efficiency and effectiveness in a manner consistent with Rule 17ad-22(e)(21), as cited above.

(B) Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule change would have any impact or impose any burden on competition¹⁰ because, as described above, the proposed rule change would simply direct Participants' human users away from PTS and to more modern access interfaces for DTC's services, while still temporarily allowing automated access to PTS given the greater challenge in transitioning such automated features. Moreover, the proposed rule change does not modify the availability of services or introduce differential treatment among Participants. Therefore, DTC believes that the proposed rule change would not favor or disadvantage any Participant.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not received or solicited any written comments relating to this proposal. If any written comments are

⁷ <https://dtcclearing.com/helpfiles/enterprise/ptspbs/Content/Topics/overview/intro.htm>.

⁸ 15 U.S.C. 78q-1(b)(3)(F).

⁹ 17 CFR 240.17ad-22(e)(21).

¹⁰ 15 U.S.C. 78q-1(b)(3)(I).

received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b-4 and the General Instructions thereto.

Persons submitting written comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b-4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, available at www.sec.gov/rules-regulations/how-submit-comment. General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at tradingandmarkets@sec.gov or 202-551-5777.

DTC reserves the right to not respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)¹¹ of the Act and paragraph (f) of Rule 19b-4 thereunder.¹² At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

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-DTC-2026-001 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-DTC-2026-001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking>). Copies of the filing will be available for inspection and copying at the principal office of DTC and on DTCC's website (www.dtcc.com/legal/sec-rule-filings). 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-DTC-2026-001 and should be submitted on or before February 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Vanessa A. Countryman,
Secretary.

[FR Doc. 2026-01629 Filed 1-27-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35912; 812-15788]

WisdomTree Digital Trust, WisdomTree Securities, Inc., WisdomTree Digital Management, Inc., and WisdomTree Transfers, Inc.; Notice of Application

January 26, 2026.

AGENCY: Securities and Exchange Commission (the "Commission").

ACTION: Notice.

Notice of an application under: (i) section 6(c) of the Investment Company Act of 1940 (the "Investment Company Act") for an exemption from section 22(d) and rule 22c-1 under the Investment Company Act; and (ii) section 17(d) of the Investment

Company Act and rule 17d-1 under the Investment Company Act for an order permitting certain joint arrangements.

SUMMARY OF APPLICATION: Applicants request an order that would permit a broker-dealer to purchase and sell to individual and institutional investors, on a principal basis, shares of a government money market fund subject to rule 2a-7 under the Investment Company Act (a "MMF") that seeks to maintain a stable net asset value ("NAV") per share at a price of \$1.00 per share, plus or minus dealer compensation. Applicants also request an order pursuant to section 17(d) of the Investment Company Act and rule 17d-1 under the Investment Company Act authorizing affiliated dealers to enter into an arrangement with an MMF to trade the MMF's shares as described above.

APPLICANTS: WisdomTree Digital Trust (the "Applicant Trust"), WisdomTree Securities Inc. (the "Affiliated Dealer"), WisdomTree Digital Management, Inc. (the "Adviser"), and WisdomTree Transfers, Inc. (the "Affiliated Transfer Agent" and, collectively with the Trust, the Affiliated Dealer, and the Adviser, "Applicants").

FILING DATES: The application was filed on May 8, 2025 and amended on January 16, 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 Commission's Secretary at Secretarys-Office@sec.gov and serving 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 20, 2026, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Investment Company 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: Ryan M. Louvar, WisdomTree Digital Trust and WisdomTree Securities Inc., 250 West 34th Street, 3rd Floor New

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f).

¹³ 17 CFR 200.30-3(a)(12).

York, New York 10119; Todd P. Zerega, Morgan, Lewis & Bockius LLP, todd.zerega@morganlewis.com.

FOR FURTHER INFORMATION CONTACT: Christopher D. Carlson, Senior Counsel, Thomas Ahmadifar, Branch Chief, or Daniele Marchesani, Assistant Chief Counsel, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' amended application, dated January 16, 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/searchedgar/legacy/companysearch.html>. You may also call the SEC's Office of Investor Education and Advocacy at (202) 551-8090.

Applicants' Representations

Applicants

1. The Trust is organized as a Delaware statutory trust and registered under the Investment Company Act as an open-end management investment company. The Trust offers shares of multiple series, each with its own distinct investment objectives, policies, and restrictions.

2. WisdomTree Government Money Market Digital Fund (the "Applicant Fund"), a series of the Trust, is a MMF with an investment objective to seek to provide investors with a high level of current income consistent with preservation of capital and liquidity and the maintenance of a stable NAV. The NAV of the Applicant Fund's shares is calculated each day the New York Stock Exchange (the "NYSE") is open for trading at the close of regular trading on such exchange, generally 4:00 p.m. (Eastern Time), except when certain holidays are observed. The Applicant Fund uses the amortized cost method to value its portfolio securities and seeks to maintain a stable NAV of \$1.00 per share. The amortized cost method involves valuing a security at its cost and amortizing any discount or premium over the period until maturity, regardless of the impact of fluctuating interest rates or the market value of the security. In addition, as required under rule 2a-7, the Applicant Fund calculates a market-based (or so-called "shadow") NAV per share on each day the NYSE is open for trading for purposes of confirming that its NAV continues to approximate fair value.

Neither the Applicant Fund nor any other Covered Funds (defined below) will charge a sales load or rule 12b-1 fee on any of their shares that will be available for investors to purchase from or sell to a Covered Dealer (defined below).

3. The Affiliated Dealer is a broker-dealer registered under the Securities Exchange Act of 1934 (the "Exchange Act") and is a member of the Financial Industry Regulatory Authority, Inc. ("FINRA").¹ The Affiliated Dealer is an affiliated person of the Applicant Fund under the Investment Company Act.

4. The Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 and serves as the investment adviser to the Applicant Fund.²

5. The Affiliated Transfer Agent is a transfer agent registered with the Commission and serves as the Applicant Fund's transfer agent.

6. Applicants request an order exempting them from section 22(d) of the Investment Company Act and rule 22c-1 under the Investment Company Act to permit the Affiliated Dealer and any other entity registered as a broker-dealer with the Commission that has entered into a dealer agreement with a Covered Fund (defined below) or the Covered Fund's distributor (each, a "Covered Dealer") to purchase and sell shares of a Covered Fund on a principal basis from and to individual and institutional investors at a price of \$1.00 per share (plus or minus dealer compensation), rather than at the Covered Fund's next-calculated net asset value ("NAV") per share (the "Pricing Relief"). The Pricing Relief would not apply to transactions directly or indirectly between a Covered Dealer and a Covered Fund. Applicants also request an order pursuant to section 17(d) of the Investment Company Act and rule 17d-1 thereunder authorizing

¹ Applicants request that the following entities that would comply with any representations and conditions in the application that apply to the Affiliated Dealer be permitted to rely on the relief in the future: any entity registered as a broker-dealer with the Commission that has entered into a dealer agreement with the Trust or the Trust's distributor that is an "affiliated person" (as such term is defined in section 2(a)(3) of the Act) of the Adviser or any affiliated person of such a person.

² Applicants request that any of the following entities that is a registered investment adviser with the Commission be permitted to rely on the relief in the future that would comply with any representations and conditions in the application that apply to the Adviser: (i) the Adviser's successors, and (ii) any entity controlling, controlled by, or under common control with, the Adviser or its successors. For the purposes of the requested order, "successor" is limited to an entity resulting from a reorganization into another jurisdiction or a change in the type of business organization.

the Affiliated Dealer to enter into an arrangement with a Covered Fund to trade a Covered Fund's Shares in reliance on the Pricing Relief (the "Rule 17d-1 Relief" and, collectively with the Pricing Relief, the "Relief").

7. The Applicants request that the Relief apply with respect to any series of the Applicant Trust or any other registered open-end management investment company or series thereof (i) that is a government MMF and seeks to maintain a stable NAV of \$1.00 per share by using the amortized cost or penny rounding method of valuation and (ii) for which the Adviser (or the Adviser's successors or any entity controlling, controlled by, or under common control with the Adviser or its successors)³ serves as investment adviser (referred to collectively herein as "Covered Funds"). Any entity relying on this Relief will do so in compliance with the terms and conditions of the Application. Applicants represent that each entity presently intending to rely on the requested Relief is listed as an Applicant.

Applicants' Proposal

8. Shares of the Applicant Fund are available for purchase by individual and institutional investors. Individual investors may invest in the Applicant Fund by setting up an account through WisdomTree Prime (the "App"), a mobile application made available through certain app stores such as the Apple App Store and Google Play. Institutional investors may invest in the Applicant Fund through WisdomTree Connect (the "Portal"). The Portal may be accessed by institutional investors through a web-based portal or an application programming interface.

9. A Covered Fund is expected to use blockchain technology to maintain a record of its shares and permit peer-to-peer transfers of its shares between permissioned investors, which is described in its prospectus.⁴ Investors that have been registered with the Affiliated Transfer Agent can elect, in their sole discretion, to submit purchase and sale or redemption orders to either a Covered Dealer⁵ (in the case of

³ See footnote 2, above.

⁴ Applicants are not seeking exemptive relief with respect to whether or how blockchain technology is used by a Fund to maintain a record of its shareholders.

⁵ It is anticipated that Covered Dealers (in addition to the Affiliated Dealer) may utilize the relief granted pursuant to the order requested hereunder to transact in shares of a Covered Fund. The participation of multiple Covered Dealers could provide benefits to investors such as the broadening of a Covered Fund's investor base and distribution channels, and increased liquidity options for investors. Prior to the addition of any Covered

purchases or sales) or a Covered Fund (in the case of purchases and redemptions). If such an order is submitted to a Covered Dealer, and the Covered Dealer accepts the order, the Covered Dealer will sell out of its own inventory of shares, with respect to a purchase request, or buy, with respect to a sale request, shares of a Covered Fund to or from the requesting investor on a principal basis.

10. As discussed in the Application, a Covered Dealer will have sole discretion as whether to accept a request for a purchase or sale order from an investor, but will use such discretion equally and in a non-discriminatory manner to all investors. If a Covered Dealer rejects a request for a purchase or sale of shares of a Covered Fund, it will promptly inform the investor and provide appropriate instructions for the investor on how to correct and resubmit the request or instruct them to place an order directly with a Covered Fund. Additionally, if the deviation of the market-based (or shadow) NAV is 0.25% or greater from a Covered Fund's amortized cost NAV of \$1.00 per share, either: (i) the option to transact with such Covered Dealer would be temporarily suspended, effective upon a Covered Fund's filing of Form N-CR with respect to such deviation, until the deviation has been remedied, and investors would be required to transact directly with a Covered Fund; or (ii) the Covered Dealer would process any transactions at a Covered Fund's next calculated NAV in accordance with section 22(d) of and rule 22c-1 under the Investment Company Act.⁶ If a Covered Dealer were to temporarily suspend trades with investors for any reason, an announcement would be made in a manner that seeks to ensure that all investors, whether institutional or retail, contemporaneously have access to such information.

11. All transactions in a Covered Fund's shares between an investor and a Covered Dealer will be priced at \$1.00, but a Covered Dealer may receive dealer compensation as agreed upon by the Covered Dealer and investor. Applicants represent that such dealer compensation will be fair and reasonable and will be fully disclosed to the investor prior to the transaction with the Covered Dealer.

Dealer, the Covered Fund's registration statement would be supplemented to account for the Covered Fund being available for transactions on multiple platforms.

⁶For the avoidance of doubt, as is the case with other representations or conditions that apply to Dealers, the representation regarding suspension of trading in a Covered Fund's shares in reliance on the Relief applies to both Affiliated Dealers and Additional Dealers.

Any transaction-based compensation will be itemized and included in the applicable transaction confirmations along with any information that may be required in such confirmations pursuant to Rule 10b-10 under the Exchange Act. No Covered Fund will be involved in determining which situations such transaction-based compensation will be required or what the level will be and will not receive any part of it.

12. Applicants anticipate that the ability of investors to purchase or sell shares of a Covered Fund with a Covered Dealer will provide meaningful benefits, including faster settlement, continuous access to liquidity, and greater operational flexibility. Specifically:

- **Faster Transaction Settlement:**

Upon receipt of consideration from the investor, it is anticipated that a Covered Dealer will generally be able to deliver the corresponding Covered Fund shares to the investor within minutes.

- **No Conversion Delay:** A Covered Dealer may offer a conversion service to exchange an investor's stablecoins to U.S. dollars, which are in turn invested in a Covered Fund. Where the investor provides consideration to the Covered Dealer in stablecoins using a conversion service offered by such Covered Dealer, it is anticipated that such Covered Dealer will not need to wait to convert the stablecoins to U.S. dollars before settling the transaction with the investor. Instead, the Covered Dealer will proceed with share delivery as soon as feasible after confirming receipt of the stablecoins (*i.e.*, within approximately one minute). The stablecoin to U.S. dollar conversion will be handled separately by the Covered Dealer as part of the maintenance of its own balance sheet and, therefore, will not delay investor settlement. This contrasts with the current process involving direct purchases and redemptions with a Covered Fund, where the investor engages with either a third party or an affiliate of the Adviser for stablecoin to U.S. dollar conversions, which, depending on the stablecoin, could take significantly longer (*i.e.*, hours) to complete.

- **24/7 Availability:** Investors may benefit from the ability to transact at any time, including outside of traditional market hours. This is particularly advantageous for institutional investors or those managing liquidity across global time zones.

- **Access to Regulated Liquidity:** Investors can receive near immediate exposure to a registered money market fund with operational workflows that offer enhanced convenience compared to traditional mutual fund platforms,

which generally involve end-of-day NAV timing and can involve multi-day settlement.

13. Applicants maintain that these features support a more flexible, investor-friendly experience, particularly when compared to traditional mutual fund channels that may involve end-of-day NAV pricing, delayed confirmations, and/or longer operational settlement windows.

14. Within the Portal or App, an investor will have the ability to elect to transact with a Covered Dealer or directly with a Covered Fund. Applicants will take such steps as may be necessary to clarify for investors that shares being purchased or sold in connection with a Covered Dealer's principal transaction service are being purchased or sold from a Covered Dealer and are not being purchased or redeemed from a Covered Fund.⁷ Disclosure in a Covered Fund's prospectus and through App display features will be provided to inform investors prior to submitting an order to a Covered Dealer: (i) of their right to purchase and redeem shares from a Covered Fund directly without paying dealer compensation; (ii) that they may pay dealer compensation when they purchase and sell shares with the Covered Dealer; (iii) that the Covered Dealer reserves the right to reject purchases or sales of shares in its sole discretion; and (iv) that depending on when dividends are declared and paid by a Covered Fund, an investor may not receive a dividend payment on the date it purchases shares from or sells shares to the Covered Dealer and the dividend will be paid to the Covered Dealer or a former shareholder that sold its shares to the Covered Dealer. Prior to when an investor indicates an intent to enter into a transaction, the dealer compensation will be fully disclosed to the investor and will be itemized on the transaction confirmation.

⁷It is expected that Covered Dealers other than the Affiliated Dealer would have their own respective platforms with their own customer base and that such platforms would contain similar disclosure and display features as contemplated herein to inform investors that the investors have the ability to elect to transact with the Covered Dealer or directly with the Fund prior to entering into an order with the Covered Dealer. The Affiliated Dealer will provide disclosure on the App and Portal that other Covered Dealers may provide transaction services at a lower cost or dealer compensation than the Affiliated Dealer. It is possible that the App or Portal could evolve to offer trading with Covered Dealers and, in such a case, the App or Portal would contain additional disclosure and display features to inform investors of their option to transact directly with a Covered Fund, with the Affiliated Dealer or with the Covered Dealer and the costs and fees associated with each option.

Applicants' Legal Analysis

Section 22(d) of the Investment Company Act and Rule 22c-1 Under the Investment Company Act

15. Section 22(d) of the Investment Company Act and rule 22c-1 thereunder generally require a mutual fund, including a government MMF, to sell its securities at the price based on the current NAV of such security next computed after receipt of a purchase request. Section 22(d) of the Investment Company Act generally requires dealers to sell shares of a mutual fund at the current public offering price described in the prospectus. Similarly, under rule 22c-1, redemption or repurchase requests to a fund or a dealer, respectively, must be effected at the current NAV next computed after an order to redeem or repurchase is received. Rule 2a-7 allows stable NAV MMFs to calculate their NAV for purposes of distribution using the amortized cost or penny-rounding method of valuation.⁸

16. Transactions in the shares between a Covered Dealer and investors will be effected at a fixed price of \$1.00 per share. While a Covered Fund's next calculated NAV is anticipated to also always be \$1.00, the relief accounts for the scenario where a Fund would "break the buck" so that a Covered Fund's next-calculated NAV would not be \$1.00.

17. Section 22(d), its provisions, as well as those of rule 22c-1, appear to have been intended: (i) to prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (ii) to prevent unjust discrimination or preferential treatment among buyers, and (iii) to ensure an orderly distribution system of shares by contract dealers by eliminating price competition from non-contract dealers who could offer investors shares at less than the published sales price and who could pay investors a little more than the published redemption price.⁹

18. Applicants believe that none of these purposes will be undermined or circumvented by permitting a Covered Dealer to transact in the shares of Covered Funds on a continuous basis at a price of \$1.00 per share (plus or minus dealer compensation) with investors. The first two purposes—preventing dilution caused by riskless-trading schemes and preventing unjust discrimination among buyers—would

not seem to be relevant issues for trading by a Covered Dealer in shares of a Covered Fund. For the first purpose, transactions between a Covered Dealer and investors in the shares do not involve a Covered Fund as a party and cannot result in dilution of an existing investor's interest in a Covered Fund. A Covered Dealer would only be permitted to purchase or redeem shares directly with a Covered Fund at the next calculated NAV in accordance with section 22(d) and rule 22c-1. For the second purpose, all investors will be able to transact in shares at a price of \$1.00 per share regardless of how they invest. Additionally, anyone may sell shares of a Covered Fund and anyone may acquire such shares either by transacting with a Covered Dealer or by transacting directly with a Covered Fund. For the third purpose, the Applicants contend that the proposed distribution system also will be orderly. Anyone may sell or acquire shares either by selling or purchasing via from a Covered Dealer or by transacting directly with a Covered Fund. The Applicants acknowledge that an investor executing trades through a Covered Dealer would not know at the time of such sale or purchase whether the price paid would be higher or lower than the actual NAV next calculated by a Covered Fund. However, historically money market funds have infrequently fallen below a NAV of \$1.00 per share and government money market funds specifically are required to invest at least 99.5% of their total assets in investments that are backed by the full faith and credit of the U.S. government. There have been no recorded incidents of a government MMF falling below a NAV of \$1.00 per share but should such instance occur certain corrective measures could be taken.

19. A Covered Dealer will be able to reject a purchase or sale request in the circumstances described above and, in certain circumstances described in the Application, an investor will be given the opportunity to update or correct and resubmit their purchase or sale request. Therefore, the Applicants believe that since the Covered Dealer is being transparent with the circumstances in which a request may be rejected and, in certain cases, giving the investor the opportunity to resubmit the request, a rejection is unlikely to cause a surge of redemptions from a Covered Fund.

20. While a Covered Dealer may receive dealer compensation as agreed upon by the Covered Dealer and investor when transacting with investors in shares of a Covered Fund at a price of \$1.00 per share, as noted above, Applicants represent that such

dealer compensation will be: (i) fair and reasonable; (ii) fully disclosed to the investor prior to the transaction with the Covered Dealer; and (iii) itemized and included in the applicable transaction confirmations along with any information that may be required in such confirmations pursuant to Rule 10b-10 under the Exchange Act. Investors always remain eligible to avoid paying dealer compensation charges by submitting purchase and sale orders directly to a Covered Fund.

21. On the basis of the foregoing, Applicants believe: (i) that the concerns intended to be addressed by section 22(d) and rule 22c-1 are adequately addressed, and (ii) that the relief requested is appropriate, in the public interest, and consistent with the protection of investors and the purposes of section 1 of the Investment Company Act. Based on the facts set forth in the application, the Applicants respectfully request that the Commission enter an order under section 6(c) of the Investment Company Act exempting Applicants from the provisions of section 22(d) and rule 22c-1 to the extent necessary to permit the trading of shares of a Covered Fund on a continuous basis by the Covered Dealer with investors at a fixed price of \$1.00 per share (plus or minus dealer compensation), rather than at the next calculated NAV of a Covered Fund.

Section 17(d) of the Investment Company Act and Rule 17d-1 Under the Investment Company Act

22. Section 17(d) states in part, that: "[i]t shall be unlawful for any affiliated person of or principal underwriter for a registered investment company . . . acting as principal to effect any transaction in which such registered company . . . is a joint or a joint and several participant with such person, principal underwriter, or affiliated person, in contravention of such rules and regulations as the Commission may prescribe." Rule 17d-1 provides in part, that: "[n]o affiliated person of or principal underwriter for any registered investment company . . . and no affiliated person of such a person or principal underwriter, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which any such registered company . . . is a participant . . . unless an application regarding such joint enterprise, arrangement or profit-sharing plan has been filed with the Commission and has been granted by an order" of the Commission. When reviewing such applications, rule 17d-

⁸ Rule 2a-7(c)(1)(i).

⁹ See *Protecting Investors: A Half Century of Investment Company Regulation* (SEC Division of Investment Management, May 1992) at 299-303.

1(b) provides that the Commission is required to consider “whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit-sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Investment Company Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.”

23. The Applicants believe that none of these purposes will be undermined or circumvented by permitting the Affiliated Dealer to transact in Shares of a Covered Fund held or to be held within its own inventory with investors at a price other than NAV. First, the Affiliated Dealer will transact with a Covered Fund on the same basis as any other investor. Second, there are several safeguards designed to ensure that the Affiliated Dealer is not able to act upon any material non-public information (“MNPI”) with respect to a Covered Fund, such as information about a Covered Fund’s NAV or valuation decisions, prior to publication of such information to all other investors. Such safeguards include policies and procedures of a Covered Fund and the Adviser designed to ensure that MNPI with respect to a Covered Fund is not disclosed to the Affiliated Dealer unless it is necessary for the conduct of its business. Similarly, the Affiliated Dealer will maintain policies and procedures that seek to prevent the Affiliated Dealer from obtaining and acting upon MNPI of a Covered Fund (unless as necessary for the conduct of its business). The policies and procedures will also prevent the sharing or overlap of common senior officers of a Covered Fund and Adviser with senior officers of the Affiliated Dealer. Additionally, the Trust and the Adviser have each adopted a Code of Ethics pursuant to rule 17j–1 under the Investment Company Act and rule 204A–1 under the Investment Advisers Act of 1940, respectively. Each Code of Ethics is designed, in part, to ensure that officers or employees of the Trust and Adviser keep confidential and do not misuse MNPI obtained by such persons in their capacity as an employee or officer. Each Code of Ethics will supplement and reinforce the Trust’s and Adviser’s policies and procedures that seek to ensure that the Affiliated Dealer is not able to act upon any MNPI with respect to a Covered Fund. If the Affiliated Dealer does receive MNPI about a Covered Fund because it is necessary to conduct the Affiliated Dealer’s business, then such information will be subject to

a confidentiality agreement, which will restrict the Affiliated Dealer from using or acting upon the MNPI, except as necessary to comply with the representations or conditions of the Application, until it is disclosed to all investors of a Covered Fund. Lastly, investors will need to affirmatively elect to use the Affiliated Dealer’s principal transaction service, and investors will continue to be able to purchase and redeem Shares directly from a Covered Fund.

24. On the basis of the foregoing, Applicants believe that the protections intended to be afforded by section 17(d) and rule 17d–1 are adequately addressed. Accordingly, Applicants hereby request that an order be granted under section 17(d) and rule 17d–1 to permit the arrangement described herein with respect to a Covered Fund’s engagement of the Affiliated Dealer.

Applicants’ Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

1. The Relief will only apply with respect to a Covered Fund that is organized as a government money market fund subject to the provisions and restrictions of rule 2a–7 under the Investment Company Act and whose shares are not listed on a national securities exchange. In relying on the Relief, Applicants will not establish, operate or otherwise make available any facility that would create a secondary market for shares of a Covered Fund other than what is contemplated in the Application.

2. A Covered Fund will not impose a sales charge or any rule 12b–1 fees.

3. Any investor has the option and remains eligible to purchase or redeem shares directly from a Covered Fund.

4. Shares of a Covered Fund purchased or sold in reliance on the Relief will only be purchased from or sold to an investor by a Covered Dealer at a price of \$1.00 per share (plus or minus any dealer compensation). Shares of a Covered Fund will only be purchased from or submitted for redemption to a Covered Fund by a Covered Dealer in cash (U.S. dollars) at a Covered Fund’s NAV per share next calculated after a Covered Fund’s receipt of a Covered Dealer’s order for purchase or redemption.

5. A Covered Dealer will not advertise or market that shares being purchased or sold in connection with the principal transaction service as being purchased or sold directly from a Covered Fund. A Covered Dealer will provide appropriate disclosure to inform investors (i) that

they are purchasing from or selling their shares to a Covered Dealer, and (ii) of the investors’ right to purchase and redeem shares from a Covered Fund directly.

6. A Covered Fund will calculate a market-based (or shadow) NAV per share on each day the NYSE is open for trading for purposes of confirming that its NAV continues to approximate fair value. If a Covered Fund’s market-based NAV per share deviates from the Covered Fund’s amortized-cost NAV per share by 0.25% or greater, the option to transact with a Covered Dealer would be either: (i) temporarily suspended, effective upon the Covered Fund’s filing of Form N–CR with respect to such deviation, until the deviation has been remedied, and investors would be required to transact directly with the Covered Fund; or (ii) a Covered Dealer would process any transactions at the Covered Fund’s next calculated NAV in accordance with section 22(d) of and rule 22c–1 under the Investment Company Act.

By the Commission,
Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026–01691 Filed 1–27–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0269]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 17f–5

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information.

Rule 17f–5 (17 CFR 270.17f–5) under the Investment Company Act of 1940 [15 U.S.C. 80a] (the “Act”) governs the custody of the assets of registered management investment companies (“funds”) with custodians outside the United States. Under rule 17f–5, a fund or its foreign custody manager (as delegated by the fund’s board) may maintain the fund’s foreign assets in the care of an eligible fund custodian under certain conditions. If the fund’s board delegates to a foreign custody manager authority to place foreign assets, the

fund's board must find that it is reasonable to rely on each delegate the board selects to act as the fund's foreign custody manager. The delegate must agree to provide written reports that notify the board when the fund's assets are placed with a foreign custodian and when any material change occurs in the fund's custody arrangements. The delegate must agree to exercise reasonable care, prudence, and diligence, or to adhere to a higher standard of care, in performing the delegated services. When the foreign custody manager selects an eligible foreign custodian, it must determine that the fund's assets will be subject to reasonable care if maintained with that custodian, and that the written contract that governs each custody arrangement will provide reasonable care for fund assets. The contract must contain certain specified provisions or others that provide at least equivalent care. The foreign custody manager must establish a system to monitor the performance of the contract and the appropriateness of continuing to maintain assets with the eligible foreign custodian.

The collection of information requirements in rule 17f-5 are intended to provide protection for fund assets maintained with a foreign bank custodian whose use is not authorized by statutory provisions that govern fund custody arrangements,¹ and that is not subject to regulation and examination by U.S. regulators. The requirement that the fund board determine that it is reasonable to rely on each delegate is intended to ensure that the board carefully considers each delegate's qualifications to perform its responsibilities. The requirement that the delegate provide written reports to the board is intended to ensure that the delegate notifies the board of important developments concerning custody arrangements so that the board may exercise effective oversight. The requirement that the delegate agree to exercise reasonable care is intended to provide assurances to the fund that the delegate will properly perform its duties.

The requirements that the foreign custody manager determine that fund assets will be subject to reasonable care with the eligible foreign custodian and under the custody contract, and that each contract contain specified provisions or equivalent provisions, are intended to ensure that the delegate has evaluated the level of care provided by the custodian, that it weighs the adequacy of contractual provisions, and

that fund assets are protected by minimal contractual safeguards. The requirement that the foreign custody manager establish a monitoring system is intended to ensure that the manager periodically reviews each custody arrangement and takes appropriate action if developing custody risks may threaten fund assets.²

Commission staff estimates that each year, approximately 55 registrants³ could be required to make an average of one response per registrant under rule 17f-5. A "response" may involve the fund's directors making certain findings concerning foreign custody managers, and the review and ratification of custodial contracts. Commission staff estimates a response relating to these matters will require approximately 2.5 hours of board of director time per response, to make the necessary findings concerning foreign custody managers, and 1 hour of related compliance attorney time per response, to assist the fund board.⁴ For registrants, the total annual burden associated with these requirements of the rule is up to approximately 192.5 hours (55 responses \times 3.5 hours per response).

Foreign custody managers are also affected by the collection of information requirements under rule 17f-5. Commission staff estimate that, in connection with each registrant's board of directors making certain findings concerning a foreign custody manager, approximately 20 hours of trust administrator time from the applicable foreign custody manager will be required for initial considerations regarding custodial arrangements with each registrant and preparing reports to the fund board.⁵ Commission staff further estimate that annually, approximately 15 foreign custody

managers will be required to make an average of 4 responses per manager concerning the use of foreign custodians other than depositories.⁶ This "response" may involve the foreign custody manager establishing bank custody arrangements, negotiating/re negotiating custodial contracts, preparing reports to fund boards, and establishing and/or amending the foreign custody manager's system for monitoring custody arrangements for its clients. The staff estimates that each response will take approximately 250 hours of trust administrator time, requiring approximately 1000 total hours annually per foreign custody manager (4 responses per foreign custody manager \times 250 hours per response). Thus, the total annual burden for foreign custody managers associated with the requirements of the rule is approximately 16,100 hours ((55 responses by foreign custody managers to registrants for initial consideration \times 20 hours per response) + ((15 foreign custody managers \times 4 responses per manager) \times 250 hours per response)).

Therefore, the total annual burden of all collection of information requirements of rule 17f-5 is estimated to be up to 16,292.5 hours (192.5 hours + 16,100 hours). The total monetized annual cost of burden hours is estimated to be \$5,344,500 ((192.5 hours \times \$3,760/hour blended wage rate) + (16,100 hours \times \$287/hour for a trust administrator's time)).⁷ Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule's permission for funds to maintain their assets with foreign custodians.

An agency may not conduct or sponsor, and a person is not required to

² The staff believes that subcustodian monitoring does not involve "collection of information" within the meaning of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) ("Paperwork Reduction Act").

³ This figure is an estimate of the number of new management investment company registrants each year, based on data reported on Form N-CEN as of December 2022, 2023, and 2024; Commission staff anticipates that the number of existing registrants that change their foreign custody managers is negligible and, therefore, the compliance burden of rule 17f-5 falls primarily on new registrants; in practice, not all registrants will use foreign custody managers; the actual figure therefore may be smaller.

⁴ As discussed below, Commission staff estimate that a response from a registrant will also include a related burden for the applicable foreign custody manager chosen by the registrant's board of directors.

⁵ This estimate does not include burden hours related to the establishment and/or amendment of the foreign custody manager's system for monitoring custody arrangements for its clients, which is accounted for separately as discussed below.

⁶ This figure is based on the staff's estimate of the number of global custodians that may act as foreign custody managers under rule 17f-5.

⁷ The rates used to create the blended rate are as follows: board of director time—\$5,085 and compliance attorney time—\$449; staff estimates concerning wage rates for the cost of board of director time are based on fund industry representations; based on fund industry representations, the staff estimated in 2014 that the average cost of board of director time, for the board as a whole, was \$4,000 per hour; adjusting for inflation, the staff estimates that the current average cost of board of director time is approximately \$5,085 per hour; estimates concerning wage rates for compliance attorneys and trust administrators are based on salary information for the securities industry compiled by the Securities Industry and Financial Markets Association and modified by Commission staff for 2025; the compliance attorney and trust administrator wage figures are based on published rates for each, modified to account for a 1800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead; see Securities Industry and Financial Markets Association, Report on Management & Professional Earnings in the Securities Industry 2013.

¹ See section 17(f) of the Act. 15 U.S.C. 80a-17(f).

respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to PaperworkReductionAct@sec.gov by March 30, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: January 23, 2026.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2026-01626 Filed 1-27-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104674; File No. SR-CBOE-2026-006]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 5.34(c) With Respect to Its Risk Monitor Mechanism, To Provide Users With Additional Flexibility in Establishing How Their Trading Activity Counts Towards Certain Risk Parameters

January 23, 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 Exchange, Inc. (the "Exchange" or "Cboe Options") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I 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 Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to amend Rule 5.34(c) with respect to its Risk Monitor Mechanism, to provide Users 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/options/regulation/rule_filings/bzx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 5.34(c), Order and Quote Price Protection Mechanisms and Risk Controls (All Orders). Specifically, the Exchange proposes changes to the Risk Monitor Mechanism to provide Users with additional flexibility in establishing how their trading activity counts towards certain risk parameters.

By way of background, the Risk Monitor Mechanism provides Users³ with the ability to manage their order and execution risk. Each User may establish limits for various parameters in the Exchange's counting program. The System⁴ counts each of the

following within a class for an EFID⁵ ("class limit") and across all classes for an EFID ("EFID limit") and/or for all classes for a group of EFIDs ("EFID Group") ("EFID Group limit"), over a User-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 User'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 class; 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 User's class limit within the interval or the absolute limit for the class, the Risk Monitor Mechanism cancels or rejects such User's orders or quotes in all series of the class and cancels or rejects any additional orders or quotes from the User in the class until the counting program resets. Similarly, when the System determines a risk parameter exceeds a User's EFID limit within the interval or the absolute limit for the EFID, the Risk Monitor Mechanism cancels or rejects such User's orders or quotes in all classes and cancels or rejects any additional orders or quotes from the EFID in all classes until the counting program resets. Finally, when the System determines a risk parameter exceeds a User's EFID Group limit within the interval or the absolute limit for the EFID Group, the Risk Monitor Mechanism cancels or rejects such User's orders or quotes in all classes and cancels or rejects any additional orders or quotes from any EFID within the EFID Group in all classes until the counting program resets.

The Exchange proposes to amend Rule 5.34(c) to enhance the Risk Monitor Mechanism to provide Users with additional flexibility in

and open outcry trading of option contracts on the Exchange, and includes any connectivity to the foregoing trading platform that is administered by or on behalf of the Exchange, such as a communications hub. See Rule 1.1.

⁵ The term "EFID" means an Executing Firm ID. See Rule 1.1.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The term "User" means any TPH or Sponsored User who is authorized to obtain access to the System pursuant to Rule 5.5. See Rule 1.1.

⁴ The term "System" means the Exchange's hybrid trading platform that integrates electronic

establishing how their trading activity counts towards certain risk parameters.

First, the Exchange proposes to add new Rule 5.34(c)(4)(B)(i)⁶ to allow Users the option to exclude certain options auction-executed volume from certain of the Risk Monitor Mechanism risk parameters, namely the volume parameter in Rule 5.34(c)(4)(A)(i) and the count parameter in Rule 5.34(c)(4)(A)(iii). Under the proposed change, a User may specify whether volume or executions in Automated Improvement Mechanism Auctions (“AIM”), Complex-AIM (“C-AIM”), Solicitation Auction Mechanism Auctions (“SAM”), Complex-SAM (“C-SAM”), Step Up Mechanism Auctions (“SUM”), and Complex Order Auctions (“COA”) count toward the User’s class, EFID, or EFID Group limit (on both an interval or absolute basis).

The Exchange also proposes to add new Rule 5.34(c)(4)(B)(ii) to allow Users the option to establish the volume or count parameters on a contra-party capacity basis. Under the proposed change, a User may specify a percentage (up to 100%) of volume or executions to count toward the User’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 User could specify that only 20% of the quantity on each trade with a Capacity “C” (*i.e.*, Public Customer)⁷ contra-party would be counted towards the User’s class, EFID, or EFID Group limit (on an interval or absolute basis).

The proposed changes allow the User 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 Users 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.⁸ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁹ 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)¹⁰ 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 Users with enhanced abilities to manage their risk with respect to orders on the Exchange. The Exchange believes that allowing Users 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 Users in minimizing their risk exposure, thereby reducing the potential for disruptive, market-wide events.

The Exchange believes the proposed change to allow Users to specify whether volume or executions in AIM, C-AIM, SAM, C-SAM, SUM and COA count toward the User’s class, 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, such as price improvement requirements or exposure periods, as compared to other order types. As a result, these orders have different risk considerations. Allowing Users 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 Users 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 Users 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 Users the option to adjust their risk tolerance based on contra-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 Users and apply uniformly to all Users who may choose to utilize the enhanced risk parameter settings. As noted above, use of the proposed enhancements is optional and Users 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 Users and apply uniformly to all Users who may choose to utilize the enhanced risk parameter settings. As noted above, use of the proposed enhancements is optional and Users 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 Users 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.

⁶ As part of the proposed change, the Exchange proposes to renumber current Rules 5.34(c)(4)(B), (C), (D), (E), and (F) as Rules 5.34(c)(4)(C), (D), (E), (F), and (G), respectively.

⁷ See Rule 1.1 (definition of “Capacity”).

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ *Id.*

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 Act¹¹ and Rule 19b-4(f)(6)¹² 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 Act¹³ and Rule 19b-4(f)(6)¹⁴ 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-CBOE-2026-006 on the subject line.

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f)(6).

¹³ 15 U.S.C. 78s(b)(3)(A).

¹⁴ 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.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CBOE-2026-006. 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-CBOE-2026-006 and should be submitted on or before February 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Vanessa A. Countryman,
Secretary.

[FR Doc. 2026-01630 Filed 1-27-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0229]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form N-17D-1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the Securities and Exchange Commission (SEC or "Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Section 17(d) (15 U.S.C. 80a-17(d)) of the Investment Company Act of 1940 ("Act") authorizes the Commission to adopt rules that protect funds and their security holders from overreaching by affiliated persons when the fund and the

affiliated person participate in any joint enterprise or other joint arrangement or profit-sharing plan. Rule 17d-1 under the Act (17 CFR 270.17d-1) prohibits funds and their affiliated persons from participating in a joint enterprise, unless an application regarding the transaction has been filed with and approved by the Commission. Subparagraph (d)(3) of the rule provides an exemption from this requirement for any loan or credit advance to, or acquisition of securities or other property of, a small business concern, or any agreement to do any of these transactions ("investments") made by a small business investment company ("SBIC") and a bank that is an affiliated person of (1) the SBIC or (2) an affiliated person of the SBIC ("affiliated bank"). The exemption requires the Commission to prescribe reports about the investments, and the Commission has designated Form N-17D-1 ("form") as the form for reports required by rule 17d-1(d)(3).¹

SBICs and their affiliated banks use Form N-17D-1 to report any contemporaneous investments in a small business concern. The form provides shareholders and persons seeking to make an informed decision about investing in an SBIC an opportunity to learn about transactions of the SBIC that have the potential for self-dealing and other forms of overreaching by affiliated persons at the expense of shareholders.

Form N-17D-1 requires SBICs and their affiliated banks to report identifying information about the small business concern and the affiliated bank. The report must include, among other things, the SBIC's and affiliated bank's outstanding investments in the small business concern, the use of the proceeds of the investments made during the reporting period, any changes in the nature and amount of the affiliated bank's investment, the name of any affiliated person of the SBIC or the affiliated bank (or any affiliated person of the affiliated person of the SBIC or the affiliated bank) who has any interest in the transactions, the basis of the affiliation, the nature of the interest, and the consideration the affiliated person has received or will receive.

There are no SBICs currently registered with the Commission and, thus, we estimate that annually there will be no transactions that trigger the obligations to file the form.² The Commission requests authorization to maintain an inventory of one burden hour to ease future renewals of Form N-

¹ See 17 CFR 270.17d-2.

² The Commission has not received a filing on Form N-17D-1 since March 23, 1987.

¹⁵ 17 CFR 200.30-3(a)(12).

17D-1's collection of information analysis should an SBIC register with the Commission in the future and engage in a transaction that would necessitate reporting on the form. If an SBIC were to file on Form N-17D-1, we estimate the cost would be \$266.³ Providing the information required by this form is mandatory, and the Commission will not keep responses on Form N-17D-1 confidential.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202509-3235-008 or send an email comment to MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov within 30 days of the day after publication of this notice by March 2, 2026.

Dated: January 26, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-01660 Filed 1-27-26; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 2120-0660]

Agency Information Collection

Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Flight Operations Quality Assurance (FOQA) Program

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the FAA invites public comments about our intention to request the Office of

Management and Budget (OMB) approval to renew an information collection. The collection involves the voluntary submission of information gained through the Flight Operations Quality Assurance (FOQA) Program. FOQA is a voluntary safety program designed to improve aviation safety through the proactive use of flight-recorded data. The information collected will allow operators to use this data to identify and correct deficiencies in all areas of flight operations.

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: By mail: Sandra L. Ray, 1187 Thorn Run Road, Suite 200, Coraopolis, PA 15108

By Fax: 412-239-3063

FOR FURTHER INFORMATION CONTACT:

Sandra Ray, Flight Standards, Office of Safety Standards, Safety Management Branch (AFS-940) by email at: sandra.ray@faa.gov; phone: 412-546-7344.

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: 2120-0660.

Title: Flight Operations Quality Assurance (FOQA) Program.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: Flight Operations Quality Assurance (FOQA) is a voluntary safety program designed to improve aviation safety through the proactive use of flight-recorded data. Operators will use this data to identify and correct deficiencies in all areas of flight operations.

An air carrier wanting to participate in FOQA will prepare an Implementation and Operations (I&O) Plan for FAA review and approval. The I&O Plan specifies the organization, technology, policies, procedures, and operational processes to be used in their FOQA program. It further details how

an air carrier will collect operational flight data, develop methods to analyze the collected flight data (e.g., trigger events, routine operational measurements), and establish procedures for comparing the collected data with established procedures and standards. The air carrier determines the areas it will heighten awareness and feedback programs to enhance safety. Identified areas often include flight procedures, flight training procedures and qualification standards, crew performance, air traffic control procedures, aircraft maintenance and engineering programs, and/or aircraft and airport design and maintenance. Trend analyses of FOQA data will identify potential problem areas, evaluate corrective actions, and measure performance over time. This information is de-identified to share with stakeholders and regulators such as the FAA, National Aeronautics and Space Administration (NASA), or industry safety groups.

Properly used, FOQA data can reduce or eliminate safety risks, as well as minimize deviations from regulations. Through access to de-identified aggregate FOQA data, the FAA can identify and analyze national trends and target resources to reduce operational risks in the National Airspace System (NAS), air traffic control (ATC), flight operations and airport operations.

The FAA and the air transportation industry have sought additional means for addressing safety problems and identifying potential safety hazards. Based on the experiences of foreign air carriers, the results of several FAA-sponsored studies, and input received from government/industry safety forums, the FAA concluded that wide implementation of FOQA programs could have significant potential to reduce air carrier accident rates below current levels. The value of FOQA programs is the early identification of adverse safety trends, which, if uncorrected, could lead to accidents. A key element in FOQA is the application of corrective action and follow-up to ensure that unsafe conditions are effectively remediated.

Respondents: 69 Air Carriers (57 with existing programs and 12 with new programs).

Frequency: Once for certificate holders requesting a new program, monthly for certificate holders with an existing program.

Estimated Average Burden per Response: 100 hours for new respondents, 30 hours annually for existing respondents.

³ The estimated wage figure is based on published rates for Senior Accountants (\$266); the \$266/hour figure for a Senior Accountant is from Securities Industry and Financial Markets Association's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

Estimated Total Annual Burden 1,200 hours for new respondents, 1,710 hours for existing respondents.

Issued in Washington, DC.

Hugh J. Thomas,

Acting Deputy Executive Director, Flight Standards Service.

[FR Doc. 2026-01658 Filed 1-27-26; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans), is issuing this notice to announce actions taken by Caltrans that are final agency actions. These actions relate to the proposed multi-asset pavement preservation project in Ventura County on State Route 33 from 0.6-miles south of Parkview Drive (postmile 6.3) to 0.1-miles north of Foothill Trail (postmile 13.49) in Casitas Springs in Ojai within Ventura County.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before June 29, 2026. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Environmental Assessment (EA) with Finding of No Significant Impact (FONSI) and additional project documents can be viewed and downloaded from CEQA net at: <https://ceqanet.lci.ca.gov/2025060606/3> or by contacting Caltrans District 7 Environmental, 100 S Main Street, MS16A, Los Angeles, CA 90012, during normal business hours from 8 a.m. to 5 p.m. (Pacific Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: Susan Koo, Senior Environmental Scientist, (213) 269-1106, Susan.Tse@dot.ca.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, and as subsequently renewed on May 27, 2022, the FHWA assigned, and Caltrans assumed,

environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by Caltrans and other Federal agencies on the project, and the laws under which such actions were taken are described in the EA/FONSI approved on October 16, 2025, and in other project records for the listed project. The EA/FONSI and other documents for the listed project are available by contacting Caltrans at the address provided above.

The project subject to this notice is:

Project Location: The project limits include on State Route 33 from 0.6-miles south of Parkview Drive (postmile 6.3) to 0.1-miles north of Foothill Trail (postmile 13.49) in Casitas Springs in Ojai within Ventura County.

Project Actions: This notice applies to the EA/FONSI and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Programmatic Approval and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. *Air:* Clean Air Act (CAA) [42 U.S.C. 7401-7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)-470(ii)]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501-312508].

9. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601-9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901-6992(k)].

10. *Executive Orders:* E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning

and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1)).

Antonio Johnson,

Director of Planning, Environmental and Right of Way, Federal Highway Administration, California Division.

[FR Doc. 2026-01681 Filed 1-27-26; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans), is issuing this notice to announce actions taken by Caltrans that are final. The actions relate to a proposed highway project, I-15 Express Lanes Project Southern Extension (ELPSE) in the City of Lake Elsinore, through the unincorporated Riverside County community of Temescal Valley to El Cerrito Road in the City of Corona in the County of Riverside, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before June 29, 2026. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Environmental Assessment, Final Finding of No Significant Impact (FONSI), and additional project documents can be viewed and downloaded from the project website at: <https://www.rctc.org/projects/i15-express-southern-extension/> or by contacting Caltrans District 8 Environmental, California Department of Transportation, District 8, 464 West 4th Street, San Bernardino, CA 92401-1400, during normal business hours from 8 a.m. to 5 p.m. (Pacific Time), Monday through Friday, except State holidays. Or at Riverside County Transportation Commission: 4080

Lemon St., 3rd Floor, P.O. Box 12008, Riverside, CA 92502, during normal business hours from 8 a.m. to 5 p.m. (Pacific Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Gita Tokhmafshan, Senior Environmental Planner, Environmental Planning Caltrans District 8, 464 West 4th Street, 6th Floor, MS 821, San Bernardino, CA 92401–1400, Office Hours: 8 a.m.–5:00 p.m., Office Phone: (909) 501–5742, Email: Gita.Tokhmafshan@dot.ca.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007 and as subsequently renewed on May 27, 2022, the FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the proposed highway. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Finding of No Significant Impact (FONSI) for the project, approved on December 3, 2025, and in other documents in the project records. The FONSI and other project records are available by contacting Caltrans at the address provided above.

The project subject to this notice is:

Project Location: The project limits include constructing two new express lanes in both the northbound (NB) and southbound (SB) directions, for a total of four lanes, within the median of I–15 from State Route (SR–) 74 (Central Avenue) (post mile [PM] 22.3) in the City of Lake Elsinore, through the unincorporated Riverside County community of Temescal Valley, to El Cerrito Road (PM 38.1) in the City of Corona, for a distance of approximately 15.8 miles.

Project Actions: This notice applies to the Environmental Assessment and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Programmatic Approval and all laws under which such actions were taken, including but not limited to:

1. **General:** National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. **Air:** Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. **Noise:** Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

4. **Land:** Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200302–200310].

5. **Wildlife:** Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361–1423h]; Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(f)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801–1891d], with Essential Fish Habitat requirements [16 U.S.C. 1855(b)(2)].

6. **Historic and Cultural Resources:** Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)–470(II)]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501–312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013; 18 U.S.C. 1170].

7. **Social and Economic:** Civil Rights Act of 1964 [42 U.S.C. 2000 d–2000d–1]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. **Wetlands and Water Resources:** Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251–1387]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501–3510]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1466]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f–300j–26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 119(g) and 133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4001–4130].

9. **Hazardous Materials:** Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

10. **Executive Orders:** E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of

Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1)).

Antonio Johnson,

Director of Planning, Environmental and Right of Way, Federal Highway Administration, California Division.

[FR Doc. 2026–01682 Filed 1–27–26; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; correction.

SUMMARY: This Notice corrects the website address by which the original Notice of Limitations for the California Department of Transportation's (Caltrans) final agency action was posted on August 7, 2025.

DATES: A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before February 4, 2026. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The ROD issued by Caltrans as a cooperating agency is solely for the project's encroachment into Caltrans ROW, and additional project documents can be viewed and downloaded from the project website at: <https://www.metro.net/projects/southeastgateway/#documents> or <https://tinyurl.com/SGLROD> for direct access to the Caltrans ROD.

FOR FURTHER INFORMATION CONTACT:

Thoa Le, Senior Environmental Scientist, telephone: (213) 269–0238, email: thoa.le@dot.ca.gov during normal business hours from 9 a.m. to 5 p.m.

SUPPLEMENTARY INFORMATION: On August 7, 2025, at 90 FR 38203, FHWA in coordination with Caltrans published a Notice of Limitation on claims for judicial review of Caltrans' final agency actions subject to 23 U.S.C. 139(l)(1) for issuing licenses, permits, or approvals for the proposed LRT project. That Notice incorrectly listed the website

address for the Caltrans ROD. This Notice corrects that error and establishes a judicial claim period with an end date of February 4, 2026.

Antonio Johnson,

Director of Planning, Environmental and Right of Way, Federal Highway Administration, California Division.

[FR Doc. 2026-01683 Filed 1-27-26; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans), is issuing this notice to announce actions taken by Caltrans that are final agency actions. These actions relate to the proposed Interstate 680 Northbound Express Lane Completion Project in Contra Costa County, California. Caltrans, in partnership with the Contra Costa Transportation Authority, is proposing to construct an express lane on northbound Interstate 680 from Livorna Road to State Route 242, with a 2-mile gap in the express lane at the State Route 24 Interchange in Walnut Creek; construct braided ramps at Treat Boulevard; and convert an existing high-occupancy vehicle lane from State Route 242 to north of Arthur Road to an express lane.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before June 29, 2026. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Environmental Assessment with a Finding of No Significant Impact and additional project documents can be viewed and downloaded from the project website at: <https://ccta.net/projects/innovate-680/express-lane-completion/> or by contacting Caltrans District 4 Environmental, 111 Grand Avenue, Oakland, CA 94612, during normal business hours from 8 a.m. to 5 p.m.

(Pacific Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT:

Brycelyn Hendrix, Environmental Scientist, (510) 435-4190, Brycelyn.Hendrix@dot.ca.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, and as subsequently renewed on May 27, 2022, the FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by Caltrans and other Federal agencies on the project, and the laws under which such actions were taken are described in the Environmental Assessment with Finding of No Significant Impact approved on 10/31/25, and in other project records for the listed project. The Environmental Assessment with Finding of No Significant Impact and other documents for the listed project are available by contacting Caltrans at the address provided above.

The project subject to this notice is:

Project Location: The project limits are from postmile 10.7 at the southern limit to postmile 23.1 at the northern limit on Interstate 680 in Contra Costa County, California.

Project Actions: This notice applies to the Environmental Assessment with Finding of No Significant Impact and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Programmatic Approval and all laws under which such actions were taken, including but not limited to:

1. **General:** National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. **Air:** Clean Air Act (CAA) [42 U.S.C. 7401-7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. **Noise:** Noise Control Act of 1972 [42 U.S.C. 4901-4918]; 23 CFR part 772.

4. **Land:** Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200302-200310].

5. **Wildlife:** Endangered Species Act (ESA) [16 U.S.C. 1531-1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361-1423h], Anadromous Fish Conservation Act [16 U.S.C. 757(a)-

757(f)]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703-712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801-1891d], with Essential Fish Habitat requirements [16 U.S.C. 1855(b)(2)].

6. **Historic and Cultural Resources:** Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)-470(II)]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501-312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013; 18 U.S.C. 1170].

7. **Social and Economic:** Civil Rights Act of 1964 [42 U.S.C. 2000d-2000d-1]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

8. **Wetlands and Water Resources:** Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251-1387]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501-3510]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451-1466]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f-300j-26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401-406]; Wild and Scenic Rivers Act [16 U.S.C. 1271-1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 119(g) and 133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4001-4130].

9. **Hazardous Materials:** Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601-9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901-6992(k)].

10. **Executive Orders:** E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1)).

Antonio Johnson,

Director of Planning, Environmental and Right of Way, Federal Highway Administration, California Division.

[FR Doc. 2026-01677 Filed 1-27-26; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans), is issuing this notice to announce actions taken by Caltrans that are final agency actions. These actions relate to the proposed project which would improve operations and safety and upgrade assets to current standards on the Arroyo Seco Parkway (SR 110) in the cities of Los Angeles and South Pasadena, California. The Project consists of two alternatives, one “No Build” Alternative and one “Build Alternative” that will replace N110–N5 Connector Sidehill Viaduct (Bridge No. 53–2225G) and upgrade the bridge railing of Avenue 43 Ramp Bridge (Bridge #53–0985S) and the Arroyo Seco Channel Bridge (Bridge #53–0276).

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before June 29, 2026. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Environmental Assessment (EA) with Finding of No Significant Impact (FONSI) can be viewed and downloaded from the following website at: <https://dot.ca.gov/caltrans-near-me/district-7/district-7-programs/d7-environmental-docs> or by contacting Caltrans District 7 Division of Environmental Planning, 100 S. Main Street, Ste. 100 MS16A, Los Angeles, CA 90012, during normal business hours from 8 a.m. to 5 p.m. (Pacific Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: Jason Roach, Senior Environmental

Scientist, (213) 310–2653, and jason.roach@dot.ca.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, and as subsequently renewed on May 27, 2022, the FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by Caltrans on the project, and the laws under which such actions were taken are described in the EA/FONSI approved on June 19, 2025, and in other project records for the listed project. The EA/FONSI and other documents for the listed project are available by contacting Caltrans at the address provided above.

The project subject to this notice is: *Project Location:* The project limits include improvements on SR–110 Postmiles (25.34/30.1) in the City of Los Angeles and South Pasadena within Los Angeles County. The project consists of 2 alternatives, one “No Build” Alternative and one “Build Alternative” that will replace N110–N5 Connector Sidehill Viaduct (Bridge No. 53–2225G) and upgrade the bridge railing of Avenue 43 Ramp Bridge (Bridge #53–0985S) and Arroyo Seco Channel Bridge (Bridge #53–0276).

Project Actions: This notice applies to the EA/FONSI and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Programmatic Approval and all laws under which such actions were taken, including but not limited to:

- *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

- *Air:* Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

- *Noise:* Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

- *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200302–200310].

- *Wildlife:* Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361–1423h], Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(f)]; Fish and Wildlife Coordination

Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801–1891d], with Essential Fish Habitat requirements [16 U.S.C. 1855(b)(2)].

- *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)–470(II)]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501–312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013; 18 U.S.C. 1170].

- *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000d–1]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

- *Wetlands and Water Resources:* Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251–1387]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501–3510]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1466]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f–300j–26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 119(g) and 133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4001–4130].

- *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

- *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1)).

Antonio Johnson,

Director of Planning, Environmental and Right of Way, Federal Highway Administration, California Division.

[FR Doc. 2026–01685 Filed 1–27–26; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans), is issuing this notice to announce actions taken by Caltrans that are final agency actions. These actions relate to the proposed to the improvements of reconstructing and widening The Old Road, replacing two bridges, reconstructing and widening Rye Canyon Road, and reconstructing and widening Sky View Lane, including reconfiguration of its intersection with The Old Road.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before June 29, 2026. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Environmental Assessment with Finding of No Significant Impact (EA/FONSI) and additional project documents can be viewed and downloaded from the project website at: <https://pw.lacounty.gov/projects/the-old-road-over-santa-clara-river/> or by contacting Caltrans District 7 Environmental, 100 Main St., Los Angeles, CA 90012, during normal business hours from 8 a.m. to 5 p.m. (Pacific Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Michael Enwedo, Environmental Brach Chief, michael.enwedo@dot.ca.gov, (213) 335–0060.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, and as subsequently renewed on May 27, 2022, the FHWA

assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by Caltrans and other Federal agencies on the project, and the laws under which such actions were taken are described in the EA/FONSI approved on July 8, 2025, and in other project records for the listed project. The EA/FONSI and other documents for the listed project are available by contacting Caltrans at the address provided above.

The project subject to this notice is:

Project Location: The project is on the Old Road from Henry Mayo Drive to Magic Mountain Parkway. This limits also include Rye Canyon Road from Old Road to Avenue Stanford. The project would also extend the existing multi-use trail from its existing terminus just south of Rye Canyon Road to just northwest of the I–5 on and off ramps. The project would reconstruct and widening Sky View Lane between The Old Road and Entertainment Drive.

Project Actions: This notice applies to the Environmental Assessment with Finding of No Significant Impact and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Programmatic Approval and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. *Air:* Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. *Noise:* Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

4. *Fish and Wildlife Coordination Act* [16 U.S.C. 661–667(d)]; *Migratory Bird Treaty Act* (MBTA) [16 U.S.C. 703–712];

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; *Archaeological Resources Protection Act* of 1979 (ARPA) [16 U.S.C. 470(aa)–470(ii)]; *Preservation of Historical and Archaeological Data* [54 U.S.C. 312501–312508].

6. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675];

7. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

8. *Relocation and Real Property Acquisition:* The Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), and Title 49 Code of Federal Regulations (CFR) Part 24.

9. *Farmlands:* Farmland Protection Policy Act (FPPA, 7 United States Code [U.S.C.] 4201–4209; and its regulations, 7 Code of Federal Regulations [CFR] Part 658) require federal agencies.

10. *Hydrology and Floodplain:* (E.O.) 11988, (CFR) 650 Subpart A.

11. *Water Quality and Storm Water Runoff:* Clean Water Act (CWA), National Pollutant Discharge Elimination System (NPDES).

Antonio Johnson,

Director of Planning, Environmental and Right of Way, Federal Highway Administration, California Division.

[FR Doc. 2026–01684 Filed 1–27–26; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–1117]

Qualifications of Drivers: Minimum Age for Drivers; American Trucking Associations; Application for Exemption

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

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on the application of the American Trucking Associations (ATA) for a 5-year exemption to allow motor carriers that previously participated in the Agency’s Safe Driver Apprenticeship Pilot (SDAP) program, which ended on November 7, 2025, to continue onboarding and training drivers under the age of 21.

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

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2025–1117 by any of the following methods:

• *Federal eRulemaking Portal:* www.regulations.gov. See the Public Participation and Request for Comments section below for further information.

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

• *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* (202) 493–2251.

Each submission must include the Agency name and the docket number (FMCSA–2025–1117) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, (771) 216–2436; richard.clemente@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2025–1117), indicate the specific section of this document to which the comment applies, and provide a reason for your suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means.

FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-1117/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

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

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

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

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, insert FMCSA–2025–1117 in the keyword box, select the document tab and choose the document to review. To view

comments, click this notice, then click “Browse Comments.” If you do not have access to the internet, you may view the docket by visiting Docket Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Applicant’s Request

Current Regulatory Requirements

Under 49 CFR 391.11(b)(1), “Except as provided in subpart G of this part, a person is qualified to drive a motor vehicle if he/she—(1) Is at least 21 years old.”

Under 49 U.S.C. 31315(c)(2)(A) and 49 CFR 381.505(b)(1), a pilot program is limited to a maximum of 3 years.

FMCSA announced its SDAP program on January 14, 2022 (87 FR 2477). FMCSA began data collection on apprentice drivers in November 2022. The SDAP program concluded on November 7, 2025.

Applicant’s Request

ATA requests a five-year exemption from 49 CFR 391.11(b)(1) to allow motor

carriers that had been approved to participate in FMCSA's SDAP program to continue onboarding and training 18- to 20-year-old apprentice drivers after the November 7, 2025 expiration of the SDAP program. ATA states that FMCSA's SDAP program quarterly reports demonstrate positive safety outcomes, including millions of miles driven by program participants without reportable crashes. ATA believes that continuing the regulatory relief under an exemption would create minimal administrative burdens for FMCSA or participating motor carriers.

ATA's request outlines the history of prior efforts to evaluate younger drivers for interstate CMV operations, including the Truckload Carriers Associations' petition for a younger-driver pilot program, which FMCSA denied in 2003 due to insufficient data, and the Under-21 Military Pilot Program established pursuant to § 5404 of the Fixing America's Surface Transportation Act.¹

Applicant's Equivalent Level of Safety

ATA contends that the SDAP program has now generated safety data and demonstrated effective oversight, as FMCSA has exercised its authority to remove carriers or participants when necessary to ensure safety. ATA believes that because FMCSA did not end the pilot program early, the program met an equivalent level of safety to existing regulations. Although ATA's application for exemption states that FMCSA "has not acted to end the pilot program," FMCSA clarifies that the SDAP program concluded on November 7, 2025, as required by statute.

A copy of ATA's application for exemption is available for review in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on ATA's application for a five-year exemption from 49 CFR 391.11(b)(1) to allow 18- to 20-year-old apprentice drivers to continue to be onboarded and trained by motor carriers that were approved to participate in the SDAP program, which ended on November 7, 2025. All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the

extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator of Policy.

[FR Doc. 2026-01679 Filed 1-27-26; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2025-0027]

Qualification of Drivers; Exemption Applications; Hearing

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

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 37 individuals for an exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

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

ADDRESSES: You may submit comments identified by Docket No. FMCSA-2025-0027 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov, insert the docket number (FMCSA-2025-0027) in the keyword box and click "Search." Next, choose the only notice listed, and click on the "Comment" button. Follow the online instructions for submitting comments.

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

- *Hand Delivery:* West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the

SUPPLEMENTARY INFORMATION section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, (202) 366-4001, fmcamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2025-0027), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0027>. Next, choose the only notice listed, click the "Comment" button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your

¹ Public Law 114-94 (Dec. 4, 2015), 129 Stat. 1312, 49 U.S.C. 31315 note.

submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to www.regulations.gov, insert the docket number (FMCSA–2025–0027) in the keyword box and click “Search.” Next, choose the only notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the “Department Wide System of Records Notices” link at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information

relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

III. Background

The physical qualification standard for drivers regarding hearing, found in 49 CFR 391.41(b)(11), states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971)). In 2008, FMCSA published Evidence Report, “Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety.”¹ The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) no studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver’s license holder population does not support the contention that individuals

with hearing impairment are at an increased risk for a crash.

On February 1, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding hearing in 49 CFR 391.41(b)(11) (78 FR 7479 (Feb. 1, 2013)). The Agency considers relevant scientific information and literature, the 2008 Evidence Report, “Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety,” any public comments received, and each individual’s driving record in deciding whether to grant the exemption.

The 37 individuals listed in this notice have requested an exemption from the hearing standard in 49 CFR 391.41(b)(11). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Flint Adams

Mr. Adams, 54, holds a class D driver’s license in Wisconsin.

Ali Aljanabi

Mr. Aljanabi, 55, holds a class A commercial driver’s license (CDL) in Ohio.

Sean Boasman

Mr. Boasman, 46, holds a class D driver’s license in New Jersey.

Eduardo Bojorquez

Mr. Bojorquez, 28, holds a class C driver’s license in California.

Cody Burks

Mr. Burks, 43, holds a class C driver’s license in Texas.

Claudius Callwood

Mr. Callwood, 40, holds a class D driver’s license in New York.

Gregory Carlson

Mr. Carlson, 37, holds a class A CDL in Kansas.

Michael Carter

Mr. Carter, 53, holds a class D driver’s license in Vermont.

Che Cooper

Mr. Cooper, 55, holds a class C driver’s license in California.

William Crump

Mr. Crump, 55, holds a class D driver’s license in Arizona.

¹ <https://www.fmcsa.dot.gov/regulations/medical/hearing-vestibular-function-and-commercial-motor-vehicle-driver-safety-executive>.

Michael Della Penna

Mr. Della Penna, 41, holds a class E driver's license in Florida.

Wilder Fils Aime

Mr. Fils Aime, 35, holds a class E driver's license in Florida.

Kristina Flores

Ms. Flores, 26, holds a class D driver's license in Massachusetts.

Rene Romero Gainza

Mr. Gainza, 57, holds a class C driver's license in California.

Brian Garcia Gomez

Mr. Garcia Gomez, 23, holds a class C driver's license in California.

Benjamin Geng

Mr. Geng, 41, holds a class R driver's license in Minnesota.

Desi Gonzales

Mr. Gonzales, 24, holds a class C driver's license in California.

Travis Haire

Mr. Haire, 35, holds a class D driver's license in Vermont.

William Harrison

Mr. Harrison, 35, holds a class D driver's license in Utah.

Stephen Hilsdon

Mr. Hilsdon, 48, holds a class A CDL in Massachusetts.

Joshua Johnson

Mr. Johnson, 31, holds a class CM driver's license in Texas.

Dylan Lewis

Mr. Lewis, 25, holds a class D driver's license in Delaware.

Bradley Mauney

Mr. Mauney, 36, holds a class C driver's license in North Carolina.

Carissa Mitchell

Ms. Mitchell, 37, holds a class C driver's license in Texas.

Riley Mueller

Mr. Mueller, 24, holds a class DM driver's license in Wisconsin.

Michael Musser

Mr. Musser, 38, holds a class A CDL in Pennsylvania.

Cynthia Osborne

Ms. Osborne, 61, holds a class C driver's license in Maryland.

Christopher Schreiber

Mr. Schreiber, 48, holds a class D driver's license in Oklahoma.

Wayne Sevon

Mr. Sevon, 62, holds a class AM CDL in South Carolina.

Jessica Smoot

Ms. Smoot, 38, holds a class CM1 driver's license in California.

Evgeny Tikhomirov

Mr. Tikhomirov, 44, holds a class C driver's license in Florida.

Wuilmer Vergara

Mr. Vergara, 39, holds a class D CDL in Utah.

Harvey Walden

Mr. Walden, 69, holds a class D driver's license in Oklahoma.

Marcos Watson

Mr. Watson, 46, holds a class D driver's license in South Carolina.

Leon Wesker

Mr. Wesker, 39, holds a class D driver's license in Wisconsin.

Sergey Yengoyan

Mr. Yengoyan, 32, holds a class C driver's license in California.

Michael Zanders

Mr. Zanders, 55, holds a class D driver's license in New York.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026-01680 Filed 1-27-26; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2025-0014]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 63 individuals for an

exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

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

ADDRESSES: You may submit comments identified by Docket No. FMCSA-2025-0014 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov, insert the docket number (FMCSA-2025-0014) in the keyword box and click "Search." Next, choose the only notice listed, and click on the "Comment" button. Follow the online instructions for submitting comments.

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

- *Hand Delivery:* West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, (202) 266-4001, fmcsamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:**I. Public Participation***A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2025-0014), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You

may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0014>. Next, choose the only notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

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

C. Viewing Comments

To view comments, go to www.regulations.gov, insert the docket number (FMCSA–2025–0014) in the keyword box and click “Search.” Next,

choose the only notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the “Department Wide System of Records Notices” link at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align

with the maximum duration of a driver’s medical certification.

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control” a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.¹ In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.² The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual’s medical information and driving record in deciding whether to grant the exemption.

The 63 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Shane A. Andrzejewski

Shane A. Andrzejewski is a 36-year-old class DM license holder in South Carolina. He has a history of focal epilepsy and has been seizure free since

¹ Appendix A to Part 391, Title 49, available at [https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix A](https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix%20A) to Part 391.

² “Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,” Medical Expert Panel (Oct. 15, 2007), available at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf>.

January 2001. He takes an anti-seizure medication with the dosage and frequency remaining the same since June 2018. His physician states that they are supportive of him receiving an exemption.

Robert Baschwitz

Robert Baschwitz is a 34-year-old class A commercial driver's license (CDL) holder in Indiana. He has a history of generalized provoked seizures and has been seizure free since July 26, 2024. He takes an anti-seizure medication with the dosage and frequency remaining the same since December 10, 2024. His physician states that they are supportive of him receiving an exemption.

Paul Beadle

Paul Beadle is a 40-year-old class D license holder in Arizona. He has a history of focal seizures and has been seizure free since 2011. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2011. His physician states that they are supportive of him receiving an exemption.

Daniel Billington

Daniel Billington is a 37-year-old class D license holder in Idaho. He has a history of tonic-clonic seizures and has been seizure free since 2011. He takes an anti-seizure medication with the dosage and frequency remaining the same since August 2011. His physician states that they are supportive of him receiving an exemption.

Lee R. Blumer

Lee R. Blumer is a 52-year-old class D enhanced license holder in Minnesota. He has a history of focal epilepsy and has been seizure free since 2008. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2022. His physician states that they are supportive of him receiving an exemption.

Zaire Bowman

Zaire Bowman is a 29-year-old class D license holder in New Jersey. He has a history of generalized epilepsy and has been seizure free since October 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since November 2021. His physician states that they are supportive of him receiving an exemption.

Allen Bradley

Allen Bradley is a 28-year-old class D license holder in Alabama. He has a history of epilepsy and has been seizure free since September 2010. He takes an anti-seizure medication with the dosage

and frequency remaining the same since 2023. His physician states that they are supportive of him receiving an exemption.

Aaron Brammer

Aaron Brammer is a 43-year-old class A CDL holder in Iowa. He has a history of epilepsy and has been seizure free since 2001. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Jools Brandt

Jools Brandt is a 68-year-old class B enhanced license holder in Minnesota. He has a history of epileptic seizures and has been seizure free since 1996. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2021. His physician states that they are supportive of him receiving an exemption.

Jimmie Burts

Jimmie Burts is a 36-year-old class C license holder in Maryland. He has a history of a head injury and has been seizure free since July 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since December 2015. His physician states that they are supportive of him receiving an exemption.

Carlos Colon

Carlos Colon is a 45-year-old class D license holder in Idaho. He has a history of partial epilepsy and has been seizure free since 2006. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2006. His physician states that they are supportive of him receiving an exemption.

Rodney Cook

Rodney Cook is a 50-year-old class C license holder in Maryland. He has a history of focal epilepsy and has been seizure free since 2002. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2005. His physician states that they are supportive of him receiving an exemption.

Victor Cox

Victor Cox is a 52-year-old class C license holder in North Carolina. He has a history of idiopathic generalized epilepsy and has been seizure free since May 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since July 2017. His physician states that they are

supportive of him receiving an exemption.

Michael Curtin

Michael Curtin is a 62-year-old class DM license holder in New York. He has a history of seizures and has been seizure free since September 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since July 2020. His physician states that they are supportive of him receiving an exemption.

Franklin Todd Davis

Franklin Todd Davis is a 59-year-old class C license holder in Iowa. He has a history of seizure disorder and has been seizure free since December 2009. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2008. His physician states that they are supportive of him receiving an exemption.

Larry Dillon

Larry Dillon is a 43-year-old class C license holder in Oregon. He has a history of generalized epilepsy and has been seizure free since June 2009. He takes an anti-seizure medication with the dosage and frequency remaining the same since August 2017. His physician states that they are supportive of him receiving an exemption.

Glenn Egan

Glenn Egan is a 50-year-old class A CDL holder in California. He has a history of epilepsy and has been seizure free since August 1, 2012. He takes an anti-seizure medication with the dosage and frequency remaining the same since October 14, 2020. His physician states that they are supportive of him receiving an exemption.

James Engelbrecht

James Engelbrecht is a 43-year-old class R license holder in Colorado. He has a history of epilepsy and has been seizure free since 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since February 2021. His physician states that they are supportive of him receiving an exemption.

Scott Engman

Scott Engman is a 52-year-old class D enhanced license holder in Minnesota. He has a history of seizure disorder and has been seizure free since 2009. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2009. His physician states that they are supportive of him receiving an exemption.

Tary Freeman

Tary Freeman is a 42-year-old class A CDL holder in North Carolina. He has a history of generalized seizure disorder and has been seizure free since 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since February 28, 2019. His physician states that they are supportive of him receiving an exemption.

Vitorio Garcia

Vitorio Garcia is a 40-year-old class C license holder in California. He has a history of epilepsy and has been seizure free since 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since April 17, 2018. His physician states that they are supportive of him receiving an exemption.

Andre Gliwski

Andre Gliwski is a 52-year-old class D license holder in New York. He has a history of epilepsy and has been seizure free since 1994. He takes an anti-seizure medication with the dosage and frequency remaining the same since 1994. His physician states that they are supportive of him receiving an exemption.

Joshuah Gunter

Joshuah Gunter is a 43-year-old class AM CDL holder in South Carolina. He has a history of seizure disorder and has been seizure free since 2007. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Cory Guyer

Cory Guyer is a 37-year-old class CM license holder in Georgia. He has a history of seizure disorder and has been seizure free since 1994. He takes an anti-seizure medication with the dosage and frequency remaining the same since 1994. His physician states that they are supportive of him receiving an exemption.

Maria Heider

Maria Heider is a 28-year-old class D license holder in Massachusetts. She has a history of unprovoked epilepsy and has been seizure free since 2012. She takes an anti-seizure medication with the dosage and frequency remaining the same since April 2016. Her physician states that they are supportive of her receiving an exemption.

Wendell Hines

Wendell Hines is a 62-year-old class R license holder in Colorado. He has a history of seizure disorder and has been seizure free since 2008. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2008. His physician states that they are supportive of him receiving an exemption.

Jeffrey Hopkins

Jeffrey Hopkins is a 72-year-old class D license holder in Massachusetts. He has a history of unprovoked seizure and has been seizure free since 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2019. His physician states that they are supportive of him receiving an exemption.

Aaron Howe

Aaron Howe is a 27-year-old class D license holder in Utah. He has a history of epilepsy and has been seizure free since 2014. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2014. His physician states that they are supportive of him receiving an exemption.

Kenneth Jacobs

Kenneth Jacobs is a 47-year-old class D license holder in Ohio. He has a history of petit mal without grand mal seizures and has been seizure free since 2007. He takes an anti-seizure medication with the dosage and frequency remaining the same since March 2021. His physician states that they are supportive of him receiving an exemption.

Luke Evan Jaeger

Luke Evan Jaeger is a 33-year-old class DM license holder in New York. He has a history of partial epilepsy and has been seizure free since 2013. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2022. His physician states that they are supportive of him receiving an exemption.

Sophia Jaffas

Sophia Jaffas is a 28-year-old class C chauffer license holder in Michigan. She has a history of provoked seizure and has been seizure free since January 2024. She takes an anti-seizure medication with the dosage and frequency remaining the same since 2024. Her physician states that they are supportive of her receiving an exemption.

Michael Lemmon

Michael Lemmon is a 27-year-old regular license holder in Washington. He has a history of epilepsy and has been seizure free since 2014. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2014. His physician states that they are supportive of him receiving an exemption.

Derik Malone

Derik Malone is a 54-year-old class D license holder in Utah. He has a history of single unprovoked seizure and has been seizure free for over 30 years. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Adrian Martin

Adrian Martin is a 34-year-old class C license holder in Pennsylvania. He has a history of epilepsy and has been seizure free since 2005. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2005. His physician states that they are supportive of him receiving an exemption.

Kale Maubach

Kale Maubach is an 18-year-old class C license holder in Texas. He has a history of benign rolandic epilepsy and has been seizure free since 2016. He does not take anti-seizure medication. His physician states that they are supportive of him receiving an exemption.

Nakia Merritt

Nakia Merritt is a 51-year-old class E license holder in West Virginia. He has a history of epilepsy and has been seizure free since August 18, 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since August 28, 2016. His physician states that they are supportive of him receiving an exemption.

Eric Milyard

Eric Milyard is a 56-year-old class A enhanced CDL holder in Washington. He has a history of seizure disorder and has been seizure free since 1988. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Kyler Moss

Kyler Moss is a 32-year-old class D license holder in Wisconsin. He has a history of epilepsy and has been seizure

free since June 2018. He takes an anti-seizure medication with the dosage and frequency remaining the same since January 2016. His physician states that they are supportive of him receiving an exemption.

Charlie Orand

Charlie Orand is a 29-year-old class D license holder in Oklahoma. He has a history of epilepsy and has been seizure free since May 2013. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2013. His physician states that they are supportive of him receiving an exemption.

Thurman Pugh

Thurman Pugh is a 54-year-old class B CDL holder in Texas. He has a history of epilepsy and has been seizure free since July 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since November 2017. His physician states that they are supportive of him receiving an exemption.

Dana Ramspott

Dana Ramspott is a 61-year-old class B CDL holder in New Hampshire. He has a history of epileptic seizures and has been seizure free since 2000. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2000. His physician states that they are supportive of him receiving an exemption.

David Richer

David Richer is a 45-year-old class O license holder in Michigan. He has a history of seizure disorder and has been seizure free since 1997. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2000. His physician states that they are supportive of him receiving an exemption.

Jesse Rinck

Jesse Rinck is a 38-year-old class D license holder in Oklahoma. He has a history of seizures and has been seizure free since 2006. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2006. His physician states that they are supportive of him receiving an exemption.

Lamar Royal

Lamar Royal is a 31-year-old class E, C enhanced chauffeur's license holder in Michigan. He has a history of epilepsy and has been seizure free since 2015. He takes an anti-seizure medication with the dosage and frequency remaining the

same since February 26, 2020. His physician states that they are supportive of him receiving an exemption.

Wily Santos

Wily Santos is a 42-year-old class A CDL holder in Rhode Island. He has a history of partial complex seizure and has been seizure free since 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Byron Serfling

Byron Serfling is a 28-year-old class C license holder in Oregon. He has a history of generalized epilepsy and has been seizure free since April 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since July 2020. His physician states that they are supportive of him receiving an exemption.

William Shelton

William Shelton is a 36-year-old class C license holder in Texas. He has a history of epilepsy and has been seizure free since January 15, 2008. He takes an anti-seizure medication with the dosage and frequency remaining the same since January 15, 2008. His physician states that they are supportive of him receiving an exemption.

Scottie Smith

Scottie Smith is a 44-year-old class C license holder in Maine. He has a history of epilepsy and has been seizure free since 2007. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Matthew Tastad

Matthew Tastad is a 31-year-old class 1 license holder in South Dakota. He has a history of seizure disorder and has been seizure free since 2012. He takes an anti-seizure medication with the dosage and frequency remaining the same since September 4, 2012. His physician states that they are supportive of him receiving an exemption.

Roger Taylor

Roger Taylor is a 54-year-old class enhanced license holder in Washington. He has a history of unprovoked seizure and has been seizure free since November 6, 2020. He takes an anti-seizure medication with the dosage and frequency remaining the same since November 6, 2020. His physician states

that they are supportive of him receiving an exemption.

Richard Tedford

Richard Tedford is a 33-year-old class E license holder in Missouri. He has a history of seizures and has been seizure free since 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2016. His physician states that they are supportive of him receiving an exemption.

Rick Teevens

Rick Teevens is a 55-year-old class A CDL holder in Massachusetts. He has a history of nocturnal seizures and has been seizure free since October 15, 1994. He takes an anti-seizure medication with the dosage and frequency remaining the same since 1994. His physician states that they are supportive of him receiving an exemption.

Wayne C. Thomsen

Wayne C. Thomsen is a 61-year-old class A CDL holder in Minnesota. He has a history of partial symptomatic epilepsy and has been seizure free since 1995. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2019. His physician states that they are supportive of him receiving an exemption.

Anthony Thomson

Anthony Thomson is a 49-year-old class A CDL holder in Iowa. He has a history of seizures and has been seizure free since 2005. He takes an anti-seizure medication with the dosage and frequency remaining the same since January 2021. His physician states that they are supportive of him receiving an exemption.

Michael Timmons

Michael Timmons is a 40-year-old class D license holder in South Carolina. He has a history of focal epilepsy and has been seizure free since August 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since March 13, 2023. His physician states that they are supportive of him receiving an exemption.

Marcus Tovar

Marcus Tovar is a 39-year-old class C license holder in Georgia. He has a history of seizure disorder and has been seizure free since February 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2021. His physician states

that they are supportive of him receiving an exemption.

Courey Veney

Courey Veney is a 28-year-old class C license holder in Maryland. He has a history of epilepsy and has been seizure free since 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since August 29, 2017. His physician states that they are supportive of him receiving an exemption.

Petr Voyku

Petr Voyku is a 27-year-old class D license holder in Tennessee. He has a history of epilepsy and has been seizure free since 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2020. His physician states that they are supportive of him receiving an exemption.

Amy Weaver

Amy Weaver is a 66-year-old class E, C enhanced chauffeur's license holder in Michigan. She has a history of seizure disorder and has been seizure free since 2015. She takes an anti-seizure medication with the dosage and frequency remaining the same since January 2016. Her physician states that they are supportive of her receiving an exemption.

Jeremy Wolfe

Jeremy Wolfe is a 37-year-old class C license holder in Pennsylvania. He has a history of epilepsy and has been seizure free since 2013. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2021. His physician states that they are supportive of him receiving an exemption.

John Wolfe

John Wolfe is a 65-year-old class AM license holder in Pennsylvania. He has a history of epilepsy and has been seizure free since 2008. He takes an anti-seizure medication with the dosage and frequency remaining the same since October 2008. His physician states that they are supportive of him receiving an exemption.

Christian Yesbeck

Christian Yesbeck is a 39-year-old class A CDL holder in Virginia. He has a history of focal onset seizures and has been seizure free since April 14, 2008. He takes an anti-seizure medication with the dosage and frequency remaining the same since October 31, 2018. His physician states that they are

supportive of him receiving an exemption.

Michael Young

Michael Young is a 51-year-old class C license holder in New York. He has a history of seizure disorder and has been seizure free since May 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2016. His physician states that they are supportive of him receiving an exemption.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026-01678 Filed 1-27-26; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2026-0298]

Pipeline Safety: Advisory Bulletin on the Integrity Risks of Type A Repair Sleeves

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice; issuance of advisory bulletin.

SUMMARY: PHMSA is issuing this advisory bulletin to highlight the integrity risks associated with using Type A sleeves to repair hazardous liquid pipelines. Type A sleeve failures have resulted in significant environmental damage and costs to the industry. Incident data suggests these failures were due to improper installation, moisture intrusion, and the selection of ineffective assessment methods. This bulletin provides specific technical details for managing the integrity of Type A sleeves.

FOR FURTHER INFORMATION CONTACT: James Urisko, Southern Region Director, Office of Pipeline Safety, by telephone at 404-832-1150, or by email at james.urisko@dot.gov.

SUPPLEMENTARY INFORMATION:

Type A and B Repair Sleeves

Operators use Type A sleeves to repair hazardous liquid pipelines. A Type A sleeve consists of two halves of a steel cylinder that are placed around a carrier pipe at the location of an anomaly or defect. The two halves are then welded together to encircle the carrier pipe fully. A Type A sleeve works by reinforcing the carrier pipe at the location of the anomaly or defect to maintain the serviceability of the pipeline. In the absence of that structural reinforcement, the anomaly or defect would be subject to additional strain that could lead to a failure. When properly installed, a Type A sleeve can be used to provide effective structural reinforcement for many nonleaking anomalies or defects, such as nonpitting corrosion, scrapes, gouges, and dents.¹

Operators also use Type B sleeves to repair hazardous liquid pipelines. A Type B sleeve is similar to a Type A sleeve, except that the ends of a Type B sleeve are welded to the carrier pipe itself. Like a Type A sleeve, a Type B sleeve provides structural reinforcement to the carrier pipe at the location of an anomaly or defect. However, because the ends are welded to the carrier pipe, a Type B repair sleeve is capable of withstanding the load and containing the pressure of that pipe as well. A properly installed Type B sleeve can therefore be used effectively to repair leaking anomalies or defects and areas of the carrier pipe experiencing severe wall loss.

Type A Sleeve Integrity Risks

Type A sleeves are subject to certain integrity risks. Type A sleeves that are not welded to the carrier pipe face a heightened corrosion risk due to potential water intrusion, particularly if the annular space at the end of the sleeve is not properly sealed. Type A sleeves can also shield the carrier pipe from receiving adequate cathodic protection. These risks are analogous to what is experienced in a shorted casing, where the presence of an electrolyte in the annular space between the casing and the carrier pipe can lead to

¹ Pipeline Research Council International, *Updated Pipeline Repair Manual Rev. 6*, p. 16 (Aug. 28, 2006); J.F. Kiefner and A.R. Duffy, *A Study of Two Methods For Repairing Defects in Line Pipe*, submitted to American Gas Association Pipeline Research Committee, p. 3, 12-14 (Oct. 31, 1974), but see p. 114 referencing the limitations of Type A sleeves for reinforcing gouges in dents; J. Kiefner, *GRI Guide for Locating and Using Pipeline Industry Research 8: Pipeline Repair Methods*, Gas Research Institute, p. 28 (Mar. 2001); J.F. Kiefner and R. Fournie, *A Review of Current Methods of Pipeline Repair*, Proceedings of the Fifth Annual International Pipeline Rehabilitation Seminar, p. 202 (Feb. 2-5, 1993).

accelerated corrosion. Proper installation of a Type A sleeve is necessary to mitigate such risks, e.g., minimizing the width of the annular gap between the sleeve and the carrier pipe, and sealing the ends with a semi-liquid material, can prevent corrosion due to water intrusion.²

Pressure cycling in hazardous liquid pipelines increases the risk of a Type A sleeve failure. Repeated changes or fluctuations in pressure place additional stress on the carrier pipe, and that stress can lead to a failure over time. Type A sleeves that are not welded to the carrier pipe face a heightened risk of such failures at the sleeve ends, where stress concentration is more likely to occur due to pressure cycling.

Recent Type A Sleeve Incidents

Several recent incidents demonstrate the consequences that can result from failing to manage the risk associated with Type A sleeves properly. On December 8, 2014, a release of gasoline was discovered on the CNG pipeline in Belton, South Carolina. The leak originated under a Type A sleeve installed in 1991 to remediate a dent. Metallurgical analysis identified the cause of the failure as issues with the filler material used to fill the dent between the pipe and the sleeve.³

On August 14, 2020, a release of gasoline was discovered on the Colonial Line 1 pipeline in Huntersville, North Carolina. The leak originated under a Type A sleeve installed in 2004 to remediate a dent. Metallurgical analysis identified the cause of the failure as a crack caused primarily by corrosion fatigue.⁴

On January 31, 2025, a release of jet fuel was discovered on the Twin Oaks Pipeline in Upper Makefield Township, Pennsylvania. The leak originated under a Type A sleeve that was installed in 1995 to repair a bottom-side dent. Metallurgical analysis revealed that the

pipe had a 2.5-inch axial crack caused by near neutral Stress Corrosion Cracking (NN-SCC) resulting from water ingress between the carrier pipe and the sleeve.

I. Advisory Bulletin (ADB-2026-02)

PHMSA advises owners and operators of hazardous liquid pipeline systems to take the following steps to manage the integrity of Type A sleeves:

1. *Record Maintenance and Confirmation.* Operators are reminded that Type A sleeve installations are subject to the recordkeeping requirements in 49 CFR part 195. Operators should ensure that such records are available and contain all necessary and appropriate information. Operators should also:

- Evaluate maintenance records associated with sleeve repairs to ensure they include as-found and as-left defect conditions, the type of sleeve installed, welding and nondestructive testing records, coating and annular filler installation records, and photo documentation.

- If records are missing, unavailable, or incomplete, conduct additional searches or use available data, testing results, or other records to determine essential information about the Type A sleeve installation necessary for threat mitigation and integrity management.

2. *Review of ILI Data.* Inline inspection (ILI) data is a valuable information source for operators to determine whether Type A sleeves could present an integrity threat to their pipelines. Operators should:

- Utilize ILI data to confirm the locations of all Type A sleeves and investigate Type A sleeve installation sites that lack adequate records.

- Verify that installation records exist for all installed Type A sleeves and the type of anomaly that is present.

- Confirm that ILI vendors do not determine without justification that an anomaly under a Type A sleeve is not an integrity threat.

- Determine if their ILI data is accurate and reliable for detection of anomalies at sleeve locations, and where the ILI data is not reliable, operators should immediately assess the pipeline's integrity at the installation site.

3. *Inventory and Interactive Threat Assessment.* Type A sleeves should be factored as a possible integrity threat on pipelines on which they are installed. Operators should:

- Create an inventory of all Type A sleeves which includes a determination of whether the repair is to be considered "temporary" or "permanent," with

supporting analysis for any established repair lifespan.

- Risk models should account for the interaction between the original defect (such as a dent), the repair method, pressure cycling (fatigue), and the reliance on pipeline coatings to prevent moisture intrusion and corrosion between the carrier pipe and the Type A sleeve.

4. *Fatigue Evaluation.* Operators should conduct engineering fatigue analyses for any sleeve repair subjected to frequent pressure cycles in accordance with American Society of Mechanical Engineers (ASME) PCC-2: *Repair of Pressure Equipment and Piping*.

5. *Enhanced Leak Detection and Monitoring.* SCADA and static pressure tests may not be able to detect small leaks under sleeves. Operators should:

- Consider conducting targeted ground leak surveys in areas of Type A sleeve installations.

- Rigorously investigate all leak complaints, including excavating any Type A sleeve(s) that are proximal to a complaint, consistent with the commodity being transported in the pipeline.

- Consider enhanced leak detection methodologies, such as long-term over and short analysis, when analyzing a possible small leak.

- Review static testing procedures and modify as appropriate to assure small pipe sections can be isolated and tested with adequate pressures and consistent durations to identify small leaks.

- Consider additional continuous leak detection technologies, such as acoustics ball leak detection and fiber optic leak detection, in areas necessitating rapid identification of potential small leaks to the surrounding environment.

6. *Mechanical and Installation Standards.* Operators should ensure that Type A sleeve installation procedures are consistent with the requirements in 49 CFR part 195 and established industry standards and practices, including American Petroleum Institute (API) Recommended Practice (RP) 1160: *Standards for Hazardous Liquid Pipeline Integrity*, API RP 2201: *Safe Hot Tapping Practices in the Petroleum and Petrochemical Industries*, ASME standard B31.4: *Pipeline Transportation Systems for Liquids and Slurries*, and the recommendations of the Pipeline Research Council International and the ASME Post-Construction Committee. Operators are reminded that under 49 CFR 195.422 repairs must be made safely and in a manner that prevents damage to persons or property.

² Pipeline Research Council International, *Updated Pipeline Repair Manual Rev. 6*, p. 15, 18 (Aug. 28, 2006); J.F. Kiefner and R. Fournie, *A Review of Current Methods of Pipeline Repair*, Proceedings of the Fifth Annual International Pipeline Rehabilitation Seminar, p. 192 (Feb. 2-5, 1993); J.F. Kiefner and A.R. Duffy, *A Study of Two Methods For Repairing Defects in Line Pipe*, submitted to American Gas Association Pipeline Research Committee, p. 3, 95 (Oct. 31, 1974); Michael Baker Jr., Inc., *Mechanical Damage Final Report*, submitted to U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety, Integrity Management Program, under Delivery Order DTRS56-02-D-70036, p. 116 (Apr. 2009).

³ For more information, see CPF No. 2-2015-5001-S on PHMSA's Enforcement Transparency website.

⁴ For more information, see CPF No. 4-2021-005-NOPSO on PHMSA's Enforcement Transparency website.

Guidance and advisory bulletins are not rules; are not meant to bind the public in any way; and do not assign duties, create legally enforceable rights, or impose new obligations that are not otherwise contained in regulations.

Issued in Washington, DC, on January 26, 2026, under the authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2026–01675 Filed 1–27–26; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on January 22, 2026. See **SUPPLEMENTARY INFORMATION** section for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Sanctions Compliance, 202–622–2490; or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Action

On January 22, 2026, OFAC determined that one or more persons identified below meet one or more of the criteria for the imposition of sanctions set forth in section 1(a)–(c) of Executive Order 14059 of December 15, 2021, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” 86 FR 71549 (E.O. 14059). OFAC has selected to impose blocking sanctions pursuant to section 2(a)(i) of

E.O. 14059 on the persons identified below.

As a result, the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. MC DONAL RODRIGUEZ, Anita Yorleny (a.k.a. MCDONALD RODRIGUEZ, Anita), Limon, Costa Rica; DOB 04 Oct 1974; nationality Costa Rica; Gender Female; Cedula No. 701120514 (Costa Rica) (individual) [ILLICIT–DRUGS–EO14059] (Linked To: PICADO GRIJALBA, Luis Manuel).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, Luis Manuel Picado Grijalba, a person whose property and interests in property are blocked pursuant to E.O. 14059.

2. MC DONALD RODRIGUEZ, Estefania (a.k.a. MCDONALD RODRIGUEZ, Estefania), Costa Rica; DOB 09 Apr 1992; nationality Costa Rica; Gender Female; Cedula No. 702100887 (Costa Rica) (individual) [ILLICIT–DRUGS–EO14059] (Linked To: PICADO GRIJALBA, Luis Manuel).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, Luis Manuel Picado Grijalba, a person whose property and interests in property are blocked pursuant to E.O. 14059.

3. PENA RUSSELL, Tonny Alexander (Latin: PEÑA RUSSELL, Tonny Alexander), Limon, Costa Rica; DOB 29 Dec 1987; nationality Costa Rica; Gender Male; Cedula No. 701820333 (Costa Rica) (individual) [ILLICIT–DRUGS–EO14059] (Linked To: PICADO GRIJALBA, Luis Manuel).

Designated pursuant to section 1(b)(i)(B) of E.O. 14059 for having provided, or attempted to provide, financial, material, or technological support for, or goods or services in support of, Luis Manuel Picado Grijalba, a person whose property and interests in property are blocked pursuant to E.O. 14059.

4. PICADO GRIJALBA, Luis Manuel (a.k.a. “Shock”), Limon, Costa Rica; DOB 22 Dec 1981; nationality Costa Rica; Gender Male; Cedula No. 801190098 (Costa Rica) (individual) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a

significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

5. PICADO GRIJALBA, Jordie Kevin (a.k.a. “Noni”), Limon, Costa Rica; DOB 19 May 1993; nationality Costa Rica; Gender Male; Cedula No. 702200042 (Costa Rica) (individual) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

Entities

1. 3–101–507688 SA, Limon, Costa Rica; Tax ID No. 3–101–507688 (Costa Rica) [ILLICIT–DRUGS–EO14059] (Linked To: MC DONALD RODRIGUEZ, Estefania).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, Estefania Mc Donald Rodriguez, a person whose property and interests in property are blocked pursuant to E.O. 14059.

2. ASOCIACION DE LIDERES LIMONENSES DEL SECTOR PESQUERO (a.k.a. “ASOLIPES”), Limon, Costa Rica; Tax ID No. 3–002–384913 (Costa Rica) [ILLICIT–DRUGS–EO14059] (Linked To: MC DONALD RODRIGUEZ, Anita Yorleny).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, Anita Yorleny Mc Donal Rodriguez, a person whose property and interests in property are blocked pursuant to E.O. 14059.

3. CELAJES DE YORK CDY SA, Limon, Costa Rica; Tax ID No. 3–101–313254 (Costa Rica) [ILLICIT–DRUGS–EO14059] (Linked To: MC DONALD RODRIGUEZ, Estefania).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, Estefania Mc Donald Rodriguez, a person whose property and interests in property are blocked pursuant to E.O. 14059.

4. INVERSIONES LAURITA L AND L SA (a.k.a. INVERSIONES LAURITA L&L SA), San Jose, Costa Rica; Tax ID No. 3–101–703720 (Costa Rica) [ILLICIT–DRUGS–EO14059] (Linked To: MC DONALD RODRIGUEZ, Estefania).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, Estefania Mc Donald Rodriguez, a person whose property and interests in property are blocked pursuant to E.O. 14059.

5. MAGIC ESTHETIC SALON SA, San Jose, Costa Rica; Tax ID No. 3-101-800676 (Costa Rica) [ILLICIT-DRUGS-EO14059] (Linked To: MC DONALD RODRIGUEZ, Estefania; Linked To: MC DONAL RODRIGUEZ, Anita Yorleny).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, Estefania Mc Donald Rodriguez, a person whose property and interests in property are blocked pursuant to E.O. 14059.

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, Anita Yorleny Mc Donal Rodriguez, a person whose property and interests

in property are blocked pursuant to E.O. 14059.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026-01661 Filed 1-27-26; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons and vessels that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging

in transactions with them. The vessels placed on the SDN List have been identified as property in which a blocked person has an interest.

DATES: This action was issued on January 23, 2026. See Supplementary Information for relevant dates.

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant Director for Licensing, 202-622-2480; Assistant Director for Sanctions Compliance, 202-622-2490; or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Action

On January 23, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

BILLING CODE 4810-AL-P

Entities

1. BENOIL SHIPPING INC, 80 Broad Street, Monrovia, Liberia; Organization Established Date 2025; Identification Number IMO 0184349 [IRAN-EO13902].

Designated pursuant to to section 1(a)(i) of Executive Order 13902 of September 28, 2010, "Imposing Sanctions With Respect to Additional Sectors of Iran," 85 FR 2003, 3 CFR, 2020 Comp., p. 299 (E.O. 13902), for operating in the petroleum sector of the Iranian economy.

2. GALERAN SERVICE CORP, Suite 10, 3rd Floor, La Ciotat, Mont Fleuri, Mahe Island, Seychelles; Organization Established Date 2025; Identification Number IMO 0189512 [IRAN-EO13902].

Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

3. LONGEVITY SHIPPING LIMITED, Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 16 Jan 2025; Identification Number IMO 0241856; Registration Number 129722 (Marshall Islands) [IRAN-EO13902].

Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

4. ODYSSEY MARINE INC., Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 04 May 2020; Identification Number IMO 6440853; Registration Number 120937 (Marshall Islands) [IRAN-EO13902].

Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

5. TRADE BRIDGE GLOBAL INC., Trust Company Complex, Ajeltake Road, Aljeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 13 Aug 2025; Identification Number IMO 0315412; Registration Number 133345 (Marshall Islands) [IRAN-EO13902].

Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

6. AAYAT SHIP MANAGEMENT PRIVATE LIMITED (a.k.a. AAYAT SHIP MANAGEMENT PVT LTD), Regaro Ka Mohalla, Nechhwa, Sikar, Rajasthan 332026, India; Organization Established Date 01 Oct 2024; Identification Number IMO 0108270; Company Number U52242RJ2024PTC097487 (India) [IRAN-EO13902].

Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

7. BLACK STONE OIL AND GAS (Arabic: الحجر الاسود للنفط و الغاز) (a.k.a. BLACK STONE OIL & GAS SPC), Muscat, Muscat Governorate, Oman; Organization Established Date 22 Apr 2024; Identification Number IMO 0242372; Registration Number 1547543 (Oman) [IRAN-EO13902].

Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

8. HORIZON HARVEST SHIPPING LLC (Arabic: هورايون هارفيست للشحن ذ م م), Office No 103, Al Garhoud, Deira, Dubai, United Arab Emirates; Organization Established Date 30 Nov 2023; Identification Number IMO 6457931; License 1270880 (United Arab Emirates) [IRAN-EO13902].

Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum of the Iranian economy.

Vessels

1. AQUA SPIRIT (3E3983) LPG Tanker Panama flag; Vessel Year of Build 1999; Vessel Registration Identification IMO 9197727; MMSI 352001226 (vessel) [IRAN-EO13902] (Linked To: BENOIL SHIPPING INC).

Identified as property in which BENOIL SHIPPING INC., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

2. CESARIA (T8A5357) Crude Oil Tanker Palau flag; Vessel Year of Build 2003; Vessel Registration Identification IMO 9251602; MMSI 511101849 (vessel) [IRAN-EO13902] (Linked To: GALERAN SERVICE CORP).

Identified as property in which GALERAN SERVICE CORP, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

3. CHIRON 5 (D6A2827) Products Tanker Comoros flag; Vessel Year of Build 2005; Vessel Registration Identification IMO 9306665; MMSI 620827000 (vessel) [IRAN-EO13902] (Linked To: TRADE BRIDGE GLOBAL INC.).

Identified as property in which TRADE BRIDGE GLOBAL INC., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

4. EASTERN HERO (T8A4456) Chemical/Products Tanker Palau flag; Vessel Year of Build 2007; Vessel Registration Identification IMO 9353905; MMSI 511101182 (vessel) [IRAN-EO13902] (Linked To: ODYSSEY MARINE INC.).

Identified as property in which ODYSSEY MARINE INC., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

5. KEEL (D6A4174) Shuttle Tanker Comoros flag; Vessel Year of Build 2002; Vessel Registration Identification IMO 9176929; MMSI 620800174 (vessel) [IRAN-EO13902] (Linked To: TRADE BRIDGE GLOBAL INC.).

Identified as property in which TRADE BRIDGE GLOBAL INC., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

6. LONGEVITY 7 Chemical/Products Tanker Unknown flag; Former Vessel Flag Palau; Vessel Year of Build 2002; Vessel Registration Identification IMO 9240885 (vessel) [IRAN-EO13902] (Linked To: LONGEVITY SHIPPING LIMITED).

Identified as property in which LONGEVITY SHIPPING LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

7. AL DIAB II (T8A3535) LPG Tanker Palau flag; Vessel Year of Build 1996; Vessel Registration Identification IMO 9053816; MMSI 511100397 (vessel) [IRAN-EO13902] (Linked To: BLACK STONE OIL AND GAS).

Identified as property in which BLACK STONE OIL AND GAS, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

8. AVON (D6A4259) LPG Tanker Comoros flag; Vessel Year of Build 1993; Vessel Registration Identification IMO 9034705; MMSI 620800259 (vessel) [IRAN-EO13902] (Linked To: AAYAT SHIP MANAGEMENT PRIVATE LIMITED).

Identified as property in which AAYAT SHIP MANAGEMENT PRIVATE LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

9. SEA BIRD (T8A4825) LPG Tanker Palau flag; Vessel Year of Build 1995; Vessel Registration Identification IMO 9088536; MMSI 511101458 (vessel) [IRAN-EO13902] (Linked To: HORIZON HARVEST SHIPPING LLC).

Identified as property in which HORIZON HARVEST SHIPPING LLC, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

(Authority: E.O. 13902.)

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026-01646 Filed 1-27-26; 8:45 am]

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FEDERAL REGISTER

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January 28, 2026

Part II

General Services Administration

48 CFR Parts 6100, 6101, 6102 et al.

Civilian Board of Contract Appeals; Rules of Procedure of the Civilian Board of Contract Appeals; Administrative Changes to Agency Rules of Practice and Procedure; Implementation of the Administrative False Claims Act; Final Rules

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 6100 through 6106

[CBCA Case 2025–61–01; Docket No. GSA–CBCA–2025–0069; Sequence No. 1]

RIN 3090–AL15

Civilian Board of Contract Appeals; Rules of Procedure of the Civilian Board of Contract Appeals; Administrative Changes to Agency Rules of Practice and Procedure

AGENCY: Civilian Board of Contract Appeals; General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The Civilian Board of Contract Appeals (Board) is making minor, noncontroversial amendments to its rules of practice and procedure to incorporate language that accounts for technological developments, to clarify differences between efilings and filing pleadings through the Board's Electronic Docketing System (EDS), to change definitions where necessary to integrate EDS filing, to delete obsolete terminology, and to enhance integration of the Board's new procedural rules proposed pursuant to recent amendments to the Administrative False Claims Act (AFCA) and the Contract Disputes Act (CDA).

DATES: This final rule is effective on February 27, 2026.

FOR FURTHER INFORMATION CONTACT: Tara Mehrbach, Chief Counsel, Civilian Board of Contract Appeals, at 202–606–8790 or tara.mehrbach@cbca.gov. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or GSARegSec@gsa.gov. Please cite RIN 3090–AL15.

SUPPLEMENTARY INFORMATION:

I. Background

The Board was established within GSA by section 847 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109–163. Board members are administrative judges appointed by the Administrator of General Services under 41 U.S.C. 7105(b)(2) with the concurrence of the Office of Federal Procurement Policy.

On December 23, 2024, the National Defense Authorization Act (NDAA) for Fiscal Year 2025 (FY 2025 NDAA) (Pub. L. 118–159) was signed into law. The FY 2025 NDAA expands the Administrative False Claims Act of 2023 (AFCA), 31 U.S.C. 3801 *et seq.* This Act, previously known as the Program Fraud Civil Remedies Act of 1986, offers an

administrative remedy for addressing false claims and statements made to the United States that the Department of Justice opts not to prosecute. The FY 2025 NDAA also amended the CDA (41 U.S.C. 7101–7109). The CDA amendment expanded the jurisdiction of certain agency boards of contract appeals, including the Board, to hear cases referred to the Board under AFCA (41 U.S.C. 7105). The new statutory language requires the Board to amend procedural regulations within 180 days of enactment of the FY 2025 NDAA (31 U.S.C. 3801 note).

The Board's new procedural rules associated with AFCA jurisdiction, 48 CFR 6107, will govern the Board's processing of cases under AFCA. In drafting the new AFCA-related procedural rules, the Board had to make some amendments to its existing rules of practice and procedure to accommodate the AFCA-specific rules. The Board has also amended its rules of practice and procedure to integrate terms and provisions related to the Board's transition to an Electronic Docketing System (EDS).

The Board's minor proposed amendments to its rules of practice and procedure fall into several categories. A new provision at 48 CFR 6100 provides an introduction to the Board's rules and procedures. Other categories of these amendments to the Board's rules of practice and procedure include changes necessitated by the Board's transition to EDS filing, editorial changes, removal of obsolete language, updates to address the evolution of technology, alignment of language to accommodate new or amended rules, and miscellaneous changes.

Rule changes necessitated by the Board's transition to EDS filing include Rules 6101.1 (updating definitions related to business day, efilings, service, and timeliness), 6101.4 (setting forth procedure for efilings of appeal files), and 6101.7 (defining how service is achieved when filing in EDS) as well as Rule 6106.604 and 6106.605 (requiring the filing of all documents in EDS except upon permission of the Clerk and for voluminous attachments, setting forth methods for filing voluminous attachments, and updating service for Federal Emergency Management Agency (FEMA) arbitration disputes).

Editorial changes were made to Rules 6101.1, 6101.2, 6101.3, 6101.4, 6101.5, 6101.6, 6101.8, 6101.9, 6101.12, 6101.13, 6101.16, 6101.19, 6101.24, 6101.25, 6101.26, and 6101.53. Editorial changes were also made to Rules 6102.201 and 6102.202; 6103.301, 6103.302, 6103.303, 6103.304, 6103.306, and 6103.307; 6104.401, 6104.402,

6104.403, 6104.406, and 6104.407; 6105.501, 6105.502, 6105.503, 6105.505, and 6105.506; and 6106.604, 6106.605, 6106.607, 6106.609, 6106.610, and 6106.611.

Obsolete language was removed from Rules 6101.36 (removing the rule regarding the Board's seal which is no longer used to authenticate filings), 6102.202 (removing paper filing and other obsolete requirements in Federal Crop Insurance Corporation (FCIC) disputes), 6103.302 (removing information about filing by facsimile for transportation rate claims), 6104.402 (removing information about filing by facsimile for travel and relocation claims), and 6105.502 (removing information about filing by facsimile for travel and relocation requests for advisory opinions).

Many rules were updated to address the evolution of technology including Rules 6101.1 (explaining efilings, transmission of electronic records, EDS, computation of time, and what constitutes service; removing the Board's facsimile information; and clarifying email addresses), 6101.4 (setting forth the procedure for efilings of appeal files and removing paper filing of appeal files), 6101.9 (explaining that parties in a CDA case can access case records in EDS), and 6101.22 (restricting the recording of hearings regardless of whether the hearing is conducted in person or virtually); 6102.202 (updating efilings provisions for FCIC disputes); 6103.301 (updating efilings methods and computation of time for transportation rate claims), 6103.302 (updating when a transportation rate claim is considered filed), and 6103.303, 6103.304, and 6103.307 (setting forth uniform 30-day response, reply, and reconsideration request time requirements for transportation rate claims regardless of location of claimant or agency office); 6104.401 (updating efilings methods and computation of time for travel and relocation claims) and 6104.403, 6104.404, and 6104.407 (setting forth uniform 30-day response, reply, and reconsideration request time requirements for transportation rate claims regardless of location of claimant or agency office); 6105.502 (updating efilings methods and computation of time for travel and relocation requests for advisory opinions) and 6105.503 and 6105.506 (setting forth uniform 30-day additional submission and reconsideration request time requirements regardless of the location of the affected employee or agency for matters related to an agency's request for a decision on questions involving payment of travel or relocation expenses); 6106.604 (cross-referencing

updated definitions in the CDA rules related to business day, filing in EDS, e-filing, and filing methods for exhibits), 6106.611 (expanding FEMA “hearing” options under streamlined procedures in FEMA arbitrations to include in person, virtual, hybrid, and/or on the written record), and 6106.612 (expanding the “hearing” options to include in person, virtual, or hybrid hearings).

Several rules were amended to align existing rule language with statutory or regulatory language or new or amended rule language including Rule 6101.36–50 (reserved) and 6101.55 (adding effective date); 6102.201 (updating statutory reference) and 6102.203 (adding effective date); 6103.309 (adding effective date); 6104.409 (adding effective date); 6105.507 (adding effective date); 6106.602 (aligning minimum dispute amount with statutory language), 6106.603 (aligning with regulatory language and adding cross-reference to time computation), 6106.604 (updating language to comport with EDS filing requirements), and 6106.614 (adding effective date).

Miscellaneous changes were made to Rules 6101.5 (addressing withdrawals of appearance); 6101.8 (explaining weighing of factual assertions and undisputed facts); 6104.406 (addressing publication of travel and relocation decisions); 6105.505 (addressing publication of travel and relocation requests for advisory opinions); 6106.605 (explaining the Board’s preferred method of assembling and submitting exhibits and clarifying citation requirements); and 6106.608 and 6106.611 (addressing confidentiality).

II. Rules of Agency Procedure and Practice

Under the Administrative Procedure Act, rules of agency procedure or practice are exempt from the act’s notice and comment rulemaking requirements. 5 U.S.C. 553(b)(A). As this rule constitutes revisions to the Board’s existing procedural rules and practice requirements, the rule is exempt from notice and comment requirements.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the

importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Management and Budget’s Office of Information and Regulatory Affairs (OIRA) has determined that this rule is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866.

IV. Executive Order 14192

This rule is not an E.O. 14192 regulatory action because this rule is not significant under E.O. 12866.

V. Congressional Review Act

OIRA has determined that this is not a “major rule” as defined by 5 U.S.C. 804(2).

VI. Regulatory Flexibility Act

As this final rule is exempt from the Administrative Procedure Act’s public notice requirements pursuant to 5 U.S.C. 553(b)(A) (rules of agency procedure or practice), a Regulatory Flexibility Analysis is not required.

VII. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, does not apply because this rule does not impose any new or modified information collection requirements that require the approval of the Office of Management and Budget.

VIII. Unfunded Mandates Reform Act of 1995

This rule will not impose a federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year.

List of Subjects

48 CFR Part 6100

Administrative practice and procedure, Rules of procedure.

48 CFR Part 6101

Administrative practice and procedure, Claims, Government procurement.

48 CFR Part 6102

Administrative practice and procedure, Agriculture.

48 CFR Part 6103

Administrative practice and procedure, Freight forwarders.

48 CFR Parts 6104 and 6105

Administrative practice and procedure, Travel and relocation expenses.

48 CFR Part 6106

Administrative practice and procedure, Disaster assistance.

Erica S. Beardsley,

Chair, Civilian Board of Contract Appeals, General Services Administration.

For the reasons set forth in the preamble, GSA amends 48 CFR chapter 61 as set forth below:

- 1. Add part 6100 to read as follows:

PART 6100—RULES OF PROCEDURE OF THE CIVILIAN BOARD OF CONTRACT APPEALS

Sec.

6100.1 General.
6100.2 [Reserved]

Authority: 5 U.S.C. 504; 7 U.S.C. 1501 *et seq.*; 31 U.S.C. 3529; 31 U.S.C. 3702; 31 U.S.C. 3726(i)(1); 31 U.S.C. 3803(d); 41 U.S.C. 438(c)(2); 41 U.S.C. 7101–7109; 42 U.S.C. 5189a(d).

6100.1 General.

(a) *Scope.* The parts in this chapter address different types of matters brought before the Board. The rules in each part apply only to matters brought under that part unless otherwise specified. Board judges also preside in matters not covered by this chapter.

(b) *Effective date.* Unless otherwise provided in a part of this chapter the rules of this chapter govern cases filed with the Board on or after February 27, 2026, and all further proceedings in cases then pending, unless the Board decides that using the rules in this chapter in a case pending on their effective date would be inequitable or infeasible.

(c) *Use of Electronic Docketing System (EDS).* Some, but not all, of the matters covered by this chapter require parties to submit certain filings in EDS (see Rule 1(b) (48 CFR 6101.1(b))). The matters requiring filing in EDS are set forth in the applicable parts and are posted on the Board’s website: <https://www.cbca.gov>.

6100.2 [Reserved]

PART 6101—CONTRACT DISPUTES

- 2. Revise the heading for part 6101 to read as set forth above.

- 3. The authority citation for part 6101 is revised to read as follows:

Authority: 41 U.S.C. 7101–7109; 5 U.S.C. 504.

- 4. Revise section 6101.1 to read as follows:

6101.1 General information; definitions [Rule 1].

(a) *Scope and purpose.* The rules of procedure in this part apply to matters

filed with the Board under the Contract Disputes Act (CDA), 41 U.S.C. 7101–7109, under a non-CDA contract that allows for Board review, and under the Equal Access to Justice Act (EAJA), 5 U.S.C. 504 (see Rule 1(b) (48 CFR 6101.1(b))). The Board may alter the procedures on its own initiative or on request of a party to promote the just, informal, expeditious, and inexpensive resolution of a case.

(b) *Definitions.* As used in this part:

Appeal; appellant. “Appeal” means a contract dispute filed with the Board under the CDA or under a non-CDA contract that allows for Board review. An “appellant” is the contractor filing an appeal.

Appeal file. “Appeal file” means the submissions to the Board under Rule 4 (48 CFR 6101.4).

Application; applicant. “Application” means a submission to the Board under Rule 30 (48 CFR 6101.30) of a request for an award of fees and other expenses under EAJA or another provision authorizing such an award. An “applicant” is a party filing an application.

Attorney. “Attorney” means a person licensed to practice law in a state, commonwealth, or territory of the United States or in the District of Columbia.

Board judge; judge. “Board judge” or “judge” means a member of the Board.

Business days. The Board’s business days are days other than Saturdays, Sundays, Federal holidays, and days on which the Board, for any reason, does not open or is required to close before 4:30 p.m. (Eastern Time).

Case. “Case” means an appeal, petition, or application.

Clerk of the Board. The “Clerk” of the Board receives filings, docket cases, and prepares official correspondence for the Board.

Efile; efilings. To “efile” a document means to submit it to the Board by emailing it to cbca.efile@cbca.gov, as allowed by rule or permission of the Clerk. A document so filed is an “efiling.” Protected material shall not be efiled unless a Board judge has entered a protective order. Classified material cannot be efiled. Efilings occur upon receipt by the Board’s email server. Parties shall review the Board’s website for filing format, size, and other requirements.

Electronic storage medium. “Electronic storage medium” includes, but is not limited to, hard disks, compact discs (CDs), Universal Serial Bus (USB) flash drives, and digital versatile discs (DVDs).

Electronically stored information. “Electronically stored information”

means information created, manipulated, communicated, stored, and best used in digital form with computer hardware and software.

Electronic Docketing System (EDS). “EDS” is the Board’s automated system by which the parties may upload and access documents electronically. The Board posts EDS instructions and manuals on its website. Parties shall review the website for filing format, size, and other requirements.

Equal Access to Justice Act (EAJA), 5 U.S.C. 504. This statute governs applications for awards of fees and other expenses in certain CDA cases.

File; filing. To “file” a document means to submit it to the Board by means authorized by rule or permission of the Clerk. “Filing” types include as permitted: hand deliveries, including by courier, to the Clerk; United States Postal Service (USPS) mail; efilings; upload in EDS; and transfers via a secure file transfer method. Documents filed electronically should usually be in portable document format (PDF). The Board prefers that documents are enabled to allow word searches through text recognition. See the Board’s website for additional information on filing documents, including appeal file exhibits. Efilings and EDS uploads received by 11:59:59 p.m. (Eastern Time) are same-day filings. Efilings and EDS uploads received at or after midnight (12:00 a.m. Eastern Time) are next-business day filings. Transfers via a secure file transfer method are received when the Clerk receives the party’s notice that a transfer has been made to the portal. The date the Clerk receives the secure file transfer notice is determined by the same timing rules as applied to efilings and EDS uploads. A notice of appeal or application is filed upon the earlier of its receipt by the Clerk or, if mailed through the USPS, the mailing date. A USPS postmark is prima facie evidence of a mailing date.

Party. “Party” means an appellant, applicant, petitioner, or respondent.

Petition; petitioner. “Petition” means a request that the Board direct a contracting officer to issue a written decision on a claim. A “petitioner” is a party submitting a petition.

Receipt. The Board deems a party’s “receipt” of a document to occur upon the earlier of the sending party’s emailing of the document to the receiving party’s email address of record (without notice of delivery failure) or the receiving party’s possession of a document sent by other means.

Respondent. A “respondent” is the government agency whose decision, action, or inaction is the subject of an appeal, petition, or application.

Secure file transfer method. Secure file transfer methods allow for the secure transfer of files between systems. The requirements for transferring documents to the Board via a secure file transfer method are posted on the Board’s website.

Upload. To “upload” a document means to submit it successfully through EDS.

(c) *Construction.* The Board construes this part to promote the just, informal, expeditious, and inexpensive resolution of every case. The Board may apply principles of the Federal Rules of Civil Procedure (28 U.S.C. App.) to resolve issues not covered by this part.

(d) *Panels.* The Board assigns each case to a panel of three judges, one of whom presides. The presiding judge sets the case schedule, oversees discovery, and conducts conferences, hearings, and other proceedings. The presiding judge may, without participation by other panel members:

(1) Decide any appeal under the small claims procedure of Rule 52 (48 CFR 6101.52), any nondispositive motion, or any petition; and

(2) Dismiss a case as permitted by Rule 12(c) (48 CFR 6101.12(c)). Rule 53(c) (48 CFR 6101.53(c)) provides the composition of panel members required for decisions under the Board’s accelerated procedure. The Board decides all other matters by majority vote of a panel unless the full Board decides a matter under Rule 28 (48 CFR 6101.28). Only panel and full Board decisions are precedential.

(e) *Location and addresses.* The Board’s physical and mailing address is 1800 M Street NW, 6th Floor, Washington, DC 20036. The Clerk’s telephone number is (202) 606–8800. The Clerk’s email address for efilings is cbca.efile@cbca.gov. The Clerk’s email address for purposes other than efilings is cbcaclerk@cbca.gov.

(f) *Clerk’s office.* The Clerk’s office is open to the public and for physical deliveries from 8:00 a.m. to 4:30 p.m. (Eastern Time) on business days (see Rule 1(b) (48 CFR 6101.1(b))).

■ 5. Amend section 6101.2 by revising paragraphs (a) and (b) to read as follows:

6101.2 Filing appeals, petitions, and applications; consolidation [Rule 2].

(a) *Filing an appeal.* A notice of appeal shall be:

(1) In writing;

(2) Signed by the appellant, the appellant’s attorney, or an authorized representative (see Rule 5 (48 CFR 6101.5)); and

(3) Filed with the Board, with a copy to the contracting officer who received or issued the claim or the successor

contracting officer. A notice of appeal should include:

(i) The name, telephone number, and mailing and email addresses of the appellant and/or its attorney or authorized representative;

(ii) The contract number;

(iii) The name, telephone number, and mailing and email addresses of the contracting officer who received or issued the claim;

(iv) A copy of the claim with any certification; and

(v) A copy of the contracting officer's decision on the claim or a statement that the appeal is from a failure to issue a decision ("a deemed denial").

(b) *Filing a petition.* A petition shall be:

(1) In writing;

(2) Signed by the petitioner, the petitioner's attorney, or an authorized representative (see Rule 5 (48 CFR 6101.5)); and

(3) Filed with the Board, with a copy to the contracting officer who received the claim or the successor contracting officer. A petition shall ask the Board to order the contracting officer to issue a decision and should include:

(i) The name, telephone number, and mailing and email addresses of the petitioner and/or its attorney or authorized representative;

(ii) The contract number;

(iii) The name of the contracting officer who received the claim, with that person's telephone number, mailing address, and email address; and

(iv) A copy of the claim with any certification.

* * * * *

6101.3 [Amended]

■ 6. Amend section 6101.3 in paragraph (a) by removing "A period ends on" and adding "A period must end on" in its place.

■ 7. Revise section 6101.4 to read as follows:

6101.4 Appeal file [Rule 4].

(a) *Filing.* Within 30 days after receiving the Board's docketing notice, the respondent shall file and serve all documents relevant to the appeal, including:

(1) The contracting officer's decision on the claim;

(2) The contract, including all pertinent specifications, amendments, plans, drawings, and incorporated proposals or parts thereof;

(3) All correspondence between the parties relevant to the appeal;

(4) The claim with any certification;

(5) Relevant affidavits, witness statements, or transcripts of testimony taken before the appeal;

(6) All documents relied on by the contracting officer to decide the claim; and

(7) Relevant internal memoranda, reports, and notes.

(b) *Submission and assembly of appeal file.* (1) Appeal file exhibits may be filed (see the Board's website for size requirements), transferred via a secure file transfer method, or submitted on electronic storage medium. Appeal file exhibits may not be filed in EDS.

(2) Appeal file exhibits shall be in .pdf format or will be rejected. The appeal file index and each exhibit shall be separate documents with no subfolders or embedded documents.

(3) Appeal file exhibits shall be complete, legible, arranged in chronological order, numbered, and indexed. Parties shall avoid filing duplicative exhibits and shall number exhibits continuously and consecutively from one filing to the next, so that a complete appeal file consists of one set of consecutively numbered exhibits.

(4) Parties shall number the pages of each exhibit consecutively, unless an exhibit is already paginated in another logical manner.

(5) The appeal file index shall describe each exhibit by date and content.

(6) Parties may file documents *in camera* only by permission of the Board.

(7) Parties shall include in the appeal file all documents relevant to the merits of the case.

(c) *Supplementing.* Within the time set by the Board in an appeal, a party may file non-duplicative documents relevant to the claim, organized as instructed in Rule 4(b) (paragraph (b) of this section), starting with the next available exhibit number.

(d) *Submission by order.* The Board may order a party to supplement the appeal file, including by filing an exhibit in another format.

(e) *Status of exhibits.* The Board considers appeal file exhibits part of the record for decision under Rule 9(a) unless a party objects to an exhibit within the time set by the Board and the Board sustains the objection.

(f) *Other procedures.* The Board may postpone or waive the filing of an appeal file.

■ 8. Amend section 6101.5 by:

■ a. Removing from the introductory text of paragraph (a) "the Board—" and adding "the Board—" in its place;

■ b. Removing from the last sentence of paragraph (b) "each State bar" and adding "each state bar" in its place;

■ c. Revising paragraph (c); and

■ d. Adding paragraph (d).

The revision and addition read as follows:

6101.5 Appearing; notice of appearance [Rule 5].

* * * * *

(c) *Appellant, applicant, and petitioner withdrawals of appearance.*

(1) A representative of an appellant, applicant, or petitioner who has filed a notice of appearance, or is deemed to have done so under Rule 5(b) (paragraph (b) of this section), and wishes to withdraw from a case must file a motion identifying by name, telephone number, mailing address, and email address the person who will assume responsibility for representing the party in question. The motion must state grounds for withdrawal, unless the motion represents that the party in question will meet the existing case schedule.

(2) If an appellant, applicant, or petitioner wishes to withdraw a representative who is unable or unwilling to file a motion to withdraw, the party may file a motion to remove the individual as a representative. The party must provide notice to the individual, who will have fourteen days to show cause why the motion should not be granted. The Board will consider the motion only if at least one remaining or replacement representative has entered an appearance in accordance with Rules 5(a) and (b) (paragraphs (a) and (b) in this section).

(d) *Respondent withdrawals of appearance.* A respondent may withdraw or substitute an attorney or representative at any time by filing a notice of withdrawal and/or substitution of the attorney or representative that is signed by a remaining attorney or representative or a newly designated attorney or representative.

6101.6 [Amended]

■ 9. Amend section 6101.6 in the first sentence of paragraph (a) by removing "complaint stating in simple, concise, and direct terms" and adding "complaint with a simple, concise, and direct statement of" in its place.

■ 10. Revise section 6101.7 to read as follows:

6101.7 Service of documents [Rule 7].

A party filing any document not submitted *in camera* (see Rule 9(d)(2) (48 CFR 6101.9(d)(2))) shall send a copy to the other party by the same method as used for the filing or by a faster method. EDS automatically serves documents on parties with active EDS accounts to whom the Clerk has granted matter-specific access. For any documents not filed in EDS, including appeal file exhibits, the parties shall serve such documents. Parties shall certify to the Board:

(a) The method of filing; and

(b) The recipient’s physical address or email address when filing outside of EDS. The Board may consider a document not served or not properly filed if served in a manner inconsistent with this rule.

- 11. Amend section 6101.8 by:
 - a. Removing from paragraph (a) “(48 CFR 6101.23(b))” and adding “(48 CFR 6101.23(b))” in its place;
 - b. Removing from paragraph (c) “(48 CFR 6101.3(b))” and adding “(48 CFR 6101.3(b))” in its place; and
 - c. Revising paragraph (f).

The revision reads as follows:

6101.8 Motions [Rule 8].

* * * * *

(f) *Summary judgment motions*—(1) *Generally.* A party may move for summary judgment on all or part of a claim or defense if the party believes in good faith it is entitled to judgment as a matter of law based on undisputed material facts. In deciding motions for summary judgment, the Board looks to Rule 56 of the Federal Rules of Civil Procedure for guidance.

(2) *Additional filings with briefs*—(i) *Statement of undisputed material facts.* The movant shall file with its brief a separate document titled, “Statement of Undisputed Material Facts.” This document shall set forth in numbered paragraphs all facts necessary to support the motion. Undisputed material facts shall be supported by citations to appeal file exhibits, admissions in pleadings, and/or evidence filed with the brief. The Board may disregard factual assertions not made in conformity with this rule.

(ii) *Statement of genuine issues.* The opposing party shall file with its brief a separate document titled, “Statement of Genuine Issues.” This document shall respond in correspondingly numbered paragraphs to the Statement of Undisputed Material Facts by admitting, denying, or admitting with qualification the facts stated. Factual disputes may be shown by citing appeal file exhibits, admissions in pleadings, and/or evidence filed with either brief. The Board may treat as undisputed a fact presented in conformity with Rule 8(f)(2)(i) (paragraph (f)(2) of this section) that the opposing party admits, ignores, or denies without adequate support and/or explanation.

* * * * *

- 12. Amend section 6101.9 by revising paragraphs (a)(2)(v) and (e) to read as follows:

6101.9 Record; content and access [Rule 9].

- (a) * * *
- (2) * * *

(v) Illustrative aids; and

* * * * *

(e) *Access.* Parties may access case records in EDS. The Clerk may refer non-parties seeking case records to the parties or Board staff, as appropriate.

- 13. Amend section 6101.12 by revising paragraphs (b)(1) and (3), and adding paragraph (b)(5) to read as follows:

6101.12 Stays and dismissals [Rule 12].

* * * * *

(b) * * *

(1) *Generally.* The Board may dismiss a case or part of a case either on motion of a party or after permitting a response to an order to show cause.

* * * * *

(3) *For lack of jurisdiction.* If the Board finds that it lacks jurisdiction to decide all or part of a case, the Board will dismiss without prejudice the case or the part of the case, regardless of the parties’ positions on jurisdiction or dismissal.

* * * * *

(5) *Prejudice.* Except for dismissals for lack of jurisdiction, dismissals are with prejudice unless a Board order or other applicable law provides otherwise.

* * * * *

6101.16 [Amended]

- 14. Amend section 6101.16 in paragraph (b) by removing “imposing undue burden” and adding “imposing an undue burden” in its place.

6101.19 [Amended]

- 15. Amend section 6101.19 in paragraph (b) by removing “(or makes a hybrid election under Rule 18(b)(48 CFR 6101.18(b))” and adding “(or makes a hybrid election under Rule 18(b)(48 CFR 6101.18(b))” in its place.

- 16. Revise section 6101.22 to read as follows:

6101.22 Transcripts [Rule 22].

The Board arranges transcription of hearings, other than hearings under the small claims procedure of Rule 52 (48 CFR 6101.52). The Board may, but generally does not, arrange transcription of conferences or other proceedings. No one may record, either in person or virtually, or transcribe a Board proceeding without the Board’s permission. The Board may order or acknowledge corrections to an official transcript. Each party is responsible for obtaining its own copy of a transcript.

6101.24 [Amended]

- 17. Amend section 6101.24 in paragraph (a) by removing “hearing under Rule 20” and adding “hearing

under Rule 20 (48 CFR 6101.20)” in its place.

- 18. Amend section 6101.25 by revising paragraph (b) to read as follows:

6101.25 Decisions and settlements [Rule 25].

* * * * *

(b) *Settlements.* Parties may settle a case by stipulating to the amount of an award. The Board may issue a decision awarding the stipulated amount if:

(1) The Board is satisfied that it has jurisdiction; and

(2) The stipulation states that no party will seek reconsideration of, seek relief from, or appeal the Board’s decision.

- 19. Amend section 6101.26 by revising paragraph (b) to read as follows:

6101.26 Reconsideration [Rule 26].

* * * * *

(b) *Time limit for motion.* A party may move for reconsideration of a decision or order on an appeal or petition within 30 days after that party receives the decision or order. A party may move for reconsideration of a decision or order on an application within 7 days after receiving the decision or order. The Board does not extend these time limits absent good cause or if the decision has become final as a matter of law.

* * * * *

6101.36 [Removed and Reserved]

- 20. Remove and reserve section 6101.36.

6101.53 [Amended]

- 21. Amend section 6101.53 in paragraph (c) by removing “the panel will decide the appeal” and adding “the full panel will decide the appeal” in its place.

- 22. Add section 6101.55 to read as follows:

6101.55 Effective date [Rule 55].

The effective date of these rules is identified in 48 CFR 6100.1(b).

PART 6102—CROP INSURANCE CASES

- 23. The authority citation for part 6102 continues to read as follows:

Authority: 7 U.S.C. 1501 *et seq.*; 41 U.S.C. 438(c)(2).

- 24. Revise section 6102.201 heading and text to read as follows:

6102.201 Scope [Rule 201].

These procedures govern the Board’s resolution of disputes between insurance companies and the Department of Agriculture’s Risk Management Agency (RMA) involving actions of the Federal Crop Insurance

Corporation (FCIC). Prior to the creation of this Board, the Department of Agriculture Board of Contract Appeals resolved these disputes pursuant to statute, 7 U.S.C. 1501 *et seq.* (the Federal Crop Insurance Act), and regulations, 7 CFR 24.4(b) and 400.169. The Board has this authority to resolve these disputes under the Contract Disputes Act, 41 U.S.C. 7105(b)(4)(B).

■ 25. Revise section 6102.202 to read as follows:

6102.202 Rules for crop insurance cases [Rule 202].

The rules of procedure for these cases are the same as the rules of procedure for Contract Disputes Act appeals (48 CFR 6101) with these exceptions:

(a) *Rule 1(b) (Definitions)* (48 CFR 6101.1(b)). (1) The term “appeal” means a dispute between an insurance company that is a party to a Standard Reinsurance Agreement (or other reinsurance agreement) and the RMA, and the term “appellant” means the insurance company filing an appeal.

(2) The terms “petition” and “petitioner” do not apply to FCIC cases.

(3) Unless otherwise authorized by the Clerk, parties shall efile all submissions in accordance with Rule 1(b) (“efile; efilng”) (48 CFR 6101.1(b)).

(b) *Rule 1(d) (Panels)*. The procedures in Rule 1(d) (48 CFR 6101.1(d)) regarding small claims under Rule 52 (48 CFR 6101.52) and accelerated procedures under Rule 53 (48 CFR 6101.53) do not apply.

(c) *Rule 2(a) (Filing an appeal)*. In place of Rule 2(a) (48 CFR 6101.2(a)), substitute the following: A notice of appeal shall be in writing and signed by the appellant or by the appellant’s attorney or authorized representative. If the appeal is from a determination by the Deputy Administrator of Insurance Services regarding an action alleged not to be in accordance with the provisions of a Standard Reinsurance Agreement (or other reinsurance agreement) or if the appeal is from a determination by the Deputy Administrator of Compliance concerning a determination regarding a compliance matter, the notice of appeal should describe the determination in enough detail to enable the Board to differentiate that decision from any other. The appellant can satisfy this requirement by attaching to the notice of appeal a copy of the Deputy Administrator’s determination. If an appeal is taken from the failure of the Deputy Administrator to make a timely determination, the notice of appeal should describe in detail the matter that the Deputy Administrator has failed to determine. The appellant can satisfy this requirement by attaching

to the notice of appeal a copy of the written request for a determination it sent to the Deputy Administrator. The notice of appeal shall also contain:

(1) The name, telephone number, and mailing and email addresses of the appellant and/or its attorney or authorized representative; and

(2) The name, telephone number, and mailing and email addresses of the Deputy Administrator who received or issued the claim. The appellant shall provide the Deputy Administrator a copy of the notice of appeal and attachments.

(d) *Rule 2(b) (Filing a petition)*. Rule 2(b) (48 CFR 6101.2(b)) does not apply to FCIC cases.

(e) *Rule 2(d) (Time limits)*. (1) In place of Rule 2(d)(1) (48 CFR 6101.2(d)(1)), substitute the following: An appeal from a determination of a Deputy Administrator shall be filed no later than 90 calendar days after the date the appellant receives that determination. The Board is authorized to resolve only those appeals that are timely filed.

(2) In place of Rule 2(d)(2) (48 CFR 6101.2(d)(2)), substitute the following: An appeal may be filed with the Board if the Deputy Administrator fails or refuses to issue a determination within 90 days after the appellant submits a request for a determination.

(3) Rule 2(d)(3) (48 CFR 6101.2(d)(3)) does not apply to FCIC cases.

(f) *Rule 4 (Appeal file)*. In place of Rule 4(a) (48 CFR 6101.4(a)), substitute the following: Within 30 days after receiving the Board’s docketing notice, the respondent shall file and serve all documents relevant to the appeal, including:

(1) The determination of the Deputy Administrator that is the subject of the dispute;

(2) The reinsurance agreement (with amendments or modifications) at issue in the dispute;

(3) Pertinent correspondence between the parties that is relevant to the dispute, including prior administrative determinations and related submissions;

(4) Documents and other tangible materials on which the Deputy Administrator relied in making the underlying determination; and

(5) Any additional material pertinent to the authority of the Board or the resolution of the dispute.

(g) *Rule 5 (Appearing; notice of appearance)*. In Rule 5(a)(2) (48 CFR 6101.5(a)(2)), replace “contracting officer or the contracting officer’s authorized representative” with “Deputy Administrator.”

(h) *Rule 7 (Service of documents)*. The second sentence of Rule 7 (48 CFR 6101.7) does not apply to FCIC cases.

(i) *Rule 16 (Subpoenas)*. Rules 16(b) through (h) (48 CFR 6101.16(b) through (h)) do not apply. Instead, upon the written request of any party filed with the Clerk of the Board, or upon the initiative of a judge, a judge is authorized by delegation from the Secretary of Agriculture to request the appropriate United States Attorney to apply to the appropriate United States District Court for the issuance of subpoenas pursuant to 5 U.S.C. 304.

(j) *Rule 25 (Decisions and settlements)*. In Rule 25(a) (48 CFR 6101.25(a)), the phrase, “except as allowed by Rule 52,” does not apply to FCIC cases.

(k) *Rule 32 (Appeal from Board decision)*. In place of Rules 32(a) through (c) (48 CFR 6101.32(a) through (c)), substitute the following:

(1) *Finality of Board decision*. A decision of the Board is a final administrative decision.

(2) *Appeal permitted*. An appellant may file suit in the appropriate United States District Court to challenge the Board’s decision. An appellant filing such a suit shall provide the Board with a copy of the complaint.

(l) *Rule 51 (Alternative procedures)*. Rule 51 (48 CFR 6101.51) does not apply to FCIC cases, except for the availability of alternative dispute resolution under Rule 54 (48 CFR 6101.54).

(m) *Rule 52 (Small claims procedure)*. Rule 52 (48 CFR 6101.52) does not apply to FCIC cases.

(n) *Rule 53 (Accelerated procedure)*. Rule 53 (48 CFR 6101.53) does not apply to FCIC cases.

■ 26. Add section 6102.203 to read as follows:

6102.203 Effective date [Rule 203].

The effective date of these rules is identified in 48 CFR 6100.1(b).

PART 6103—TRANSPORTATION RATE CASES

■ 27. The authority citation for part 6103 is revised to read as follows:

Authority: 31 U.S.C. 3726(i)(1); 41 U.S.C. 7101–7109; Sec. 201(o), Pub. L. 104–316, 110 Stat. 3826, 3842–44.

■ 28. Amend section 6103.301 by:

■ a. Removing from paragraph (b) “These procedures are applicable to” and adding “These procedures apply to” in its place; and

■ b. Adding paragraphs (c) and (d) to read as follows:

6103.301 Scope [Rule 301].

* * * * *

(c) *Filing method and computation of time*. Unless otherwise authorized by

the Clerk, parties shall efile all submissions in accordance with Rule 1(b) (“efile; efilings”) (48 CFR 6101.1(b)). Time periods are computed in accordance with Rule 3(a) (48 CFR 6101.3(a)). See Rule 1(b) (“business days”) (48 CFR 6101.1(b)). Efilings received by 11:59:59 p.m. (Eastern Time) are same-day filings. Efilings received at or after midnight (12:00 a.m. Eastern Time) are next-business day filings.

(d) *Location and hours.* See Rule 1(e) (48 CFR 6101.1(e)) for the Board’s location, telephone number, and email address and Rule 1(f) (48 CFR 6101.1(f)) for the Clerk’s office hours.

■ 29. Revise sections 6103.302 through 6103.304 to read as follows:

6103.302 Filing claims [Rule 302].

(a) *Form.* A claim must be in writing and signed by the claimant or by the claimant’s attorney or authorized representative. No particular form is required. The request should describe the basis for the claim and state the amount sought. The request should also include—

(1) The name, address, telephone number, and email address of the claimant;

(2) The Government bill of lading or Government transportation request number;

(3) The claimant’s bill number;

(4) The Government voucher number and date of payment;

(5) The Audit Division claim number;

(6) The agency for which the services were provided and, if known, the name, address, telephone number, and email address of the agency’s contact person; and

(7) Any other identifying information.

(b) *When claim is considered filed.* A claim is filed when it is received by the Clerk of the Board.

(c) *Notice of docketing.* The Clerk of the Board shall docket the claim and promptly provide a written notice of docketing to the claimant, the Director of the Audit Division, and the agency for which the services were provided. The notice of docketing will identify the judge to whom the claim has been assigned.

(d) *Service of copy.* The claimant shall provide the Audit Division and the agency identified in paragraph (a)(6) of this section copies of all material provided to the Board. The claimant shall indicate that copies have been provided to the Audit Division and the agency.

6103.303 Responses to claims [Rule 303].

(a) Content of responses. Within 30 calendar days, the Audit Division and

the agency for which the services were provided shall each submit to the Board:

(1) A simple, concise, and direct statement of its response to the claim;

(2) Citations to applicable statutes, regulations, and cases; and

(3) Any additional information deemed necessary to the Board’s review of the claim.

(b) *Service of copy.* Submissions to the Board shall indicate that a copy has been provided to the claimant and to the Audit Division or the agency, as appropriate. To expedite proceedings, if either the Audit Division or the agency will not file a response (e.g., it believes its reasons for denying the claim were sufficiently explained in the material filed by the claimant), it should notify the Board, the claimant, and the Audit Division or the agency, as appropriate, that it does not intend to file a response.

6103.304 Reply to the audit division and agency responses [Rule 304].

A claimant may file a reply to the Audit Division and agency responses within 30 calendar days after receiving the responses. The claimant shall provide a copy of the response to the Audit Division and the agency. To expedite proceedings, if the claimant does not wish to respond, the claimant should so notify the Board, the Audit Division, and the agency.

■ 30. Revise sections 6103.306 and 6103.307 to read as follows:

6103.306 Decisions [Rule 306].

The judge will issue a written decision based upon the record, which includes submissions by the claimant, the Audit Division, and the agency, and information provided during conferences. The Board will provide the claimant, the Audit Division, and the agency a copy of the decision. In addition, all Board decisions are posted weekly on the Board’s website.

6103.307 Reconsideration of Board decision [Rule 307].

The claimant, the Audit Division, or the agency may request reconsideration. A request must be received by the Board within 30 calendar days after the date the decision was issued. The request should state the reasons why the Board should consider the request. Mere disagreement with a decision or re-argument of points already made is not a sufficient ground for reconsideration.

■ 31. Add section 6103.309 to read as follows:

6103.309 Effective date [Rule 309].

The effective date of these rules is identified in 48 CFR 6100.1(b).

PART 6104—TRAVEL AND RELOCATION EXPENSES CASES

■ 32. The authority citation for part 6104 is revised to read as follows:

Authority: Secs. 202(n), 204, Pub. L. 104–316, 110 Stat. 3826, 3842–44; Sec. 211, Pub. L. 104–53, 109 Stat. 535; 31 U.S.C. 3702; 41 U.S.C. 7101–7109.

■ 33. Amend section 6104.401 by:

■ a. Removing from paragraph (b) introductory text “These procedures are applicable to” and adding “These procedures apply to” in its place; and

■ b. Adding paragraphs (d) and (e).

The additions read as follows:

6104.401 Scope [Rule 401].

* * * * *

(d) *Filing method and computation of time.* Unless otherwise authorized by the Clerk, parties shall efile all submissions in accordance with Rule 1(b) (“efile; efilings”) (48 CFR 6101.1(b)). Time periods are computed in accordance with Rule 3(a) (48 CFR 6101.3(a)). See Rule 1(b) (“business days”) (48 CFR 6101.1(b)). Efilings received by 11:59:59 p.m. (Eastern Time) are same-day filings. Efilings received at or after midnight (12:00 a.m. Eastern Time) are next-business day filings.

(e) *Location and hours.* See Rule 1(e) (48 CFR 6101.1(e)) for the Board’s location, telephone number, and email address and Rule 1(f) (48 CFR 6101.1(f)) for the Clerk’s office hours.

■ 34. Revise sections 6104.402 through 6104.404 to read as follows:

6104.402 Filing claims [Rule 402].

(a) *Filing claims.* A claim may be sent to the Board in either of the following ways:

(1) *Claim filed by claimant.* A claim shall be in writing and must be signed by the claimant or by the claimant’s attorney or authorized representative. No particular form is required. The request should describe the basis for the claim and state the amount sought. The request should also include—

(i) The name, address, telephone number, and email address of the claimant;

(ii) The name, address, telephone number, and email address of the agency employee who denied the claim;

(iii) A copy of the denial of the claim; and

(iv) Any other information which the claimant believes the Board should consider.

(2) *Claim forwarded by agency on behalf of claimant.* If an agency has denied a claim for travel or relocation expenses, it may, at the claimant’s request, forward the claim to the Board.

The agency shall include the information required by paragraph (a)(1) of this section and by Rule 403 (48 CFR 6104.403).

(3) *Where claims are filed.* Claims should be filed with the Clerk of the Board. See Rule 401(d) (48 CFR 6104.401(d)) for filing methods and requirements.

(b) *Notice of docketing.* The Clerk of the Board shall docket the request for review and promptly provide a written notice of docketing to the claimant and the agency. The notice of docketing will identify the judge to whom the claim has been assigned.

(c) *Service of copy.* The claimant shall provide the agency employee identified in paragraph (a)(1)(ii) of this section, or the individual otherwise identified by the agency to handle the claim, copies of all material provided to the Board. If an agency forwards a claim to the Board, it shall, at the same time, provide the claimant a copy of all material sent to the Board.

6104.403 Response to claim [Rule 403].

(a) *Content of response.* When a claim has been filed with the Board by a claimant, within 30 calendar days after docketing by the Board, the agency shall submit to the Board:

(1) A simple, concise, and direct statement of its response to the claim;

(2) Citations to applicable statutes, regulations, and cases; and

(3) Any additional information the agency considers necessary to the Board's review of the claim.

(b) *Service of copy.* The agency shall provide claimant a copy of these submissions. To expedite proceedings, if the agency believes its reasons for denying the claim were sufficiently explained in the material filed by the claimant, it should notify the Board and the claimant that it does not intend to file a response.

6104.404 Reply to agency response [Rule 404].

A claimant may file a reply to the agency response within 30 calendar days after receiving the response. If the claim has been forwarded by the agency, the claimant shall have 30 calendar days from the time the claim is docketed by the Board to reply. To expedite proceedings, if the claimant does not wish to reply, the claimant should so notify the Board and the agency.

■ 35. Revise sections 6104.406 and 6104.407 to read as follows:

6104.406 Decisions [Rule 406].

The judge will issue a written decision based upon the record, which includes submissions by the claimant

and the agency, and information provided during conferences. The Board will provide the claimant and the agency a copy of the decision. In addition, all Board decisions are posted weekly on the Board's website. Published decisions will identify only first names of claimants and the first initial of their surnames.

6104.407 Reconsideration of Board decision [Rule 407].

The claimant or the agency may request reconsideration. A request must be received by the Board within 30 calendar days after the date the decision was issued. The request should state the reasons why the Board should consider the request. Mere disagreement with a decision or re-argument of points already made is not a sufficient ground for reconsideration.

■ 36. Add section 6104.409 to read as follows:

6104.409 Effective date [Rule 409].

The effective date of these rules is identified in 48 CFR 6100.1(b).

PART 6105—DECISIONS AUTHORIZED UNDER 31 U.S.C. 3529

■ 37. The authority citation for part 6105 is revised to read as follows:

Authority: 31 U.S.C. 3529; 31 U.S.C. 3702; 41 U.S.C. 7101–7109; Secs. 202(m), 204, Pub. L. 104–316, 110 Stat. 3826, 3842–44; Sec. 211, Pub. L. 104–53, 109 Stat. 535.

■ 38. Revise sections 6105.501 through 6105.503 to read as follows:

6105.501 Scope [Rule 501].

These procedures govern the Board's issuance of decisions, upon the request of an agency disbursing or certifying official, or agency head, on questions involving payment of travel or relocation expenses; these decisions were formerly issued by the Comptroller General under 31 U.S.C. 3529. Section 204 of the General Accounting Office Act of 1996, Public Law 104–316, transfers the authority to issue these decisions to the Director of the Office of Management and Budget and authorizes the Director to delegate the authority to perform this function to another agency or agencies. The Director has delegated the authority to issue these decisions to the Administrator of General Services, who has redelegated that function to the Civilian Board of Contract Appeals.

6105.502 Request for decision [Rule 502].

(a) Request for decision. (1) A disbursing or certifying official of an agency, or the head of an agency, may request from the Board a decision (referred to as a "Section 3529

decision") on a question involving a payment the disbursing official or head of agency will make, or a voucher presented to a certifying official for certification, which concerns the following type of claim made against the United States by a federal civilian employee:

(i) A claim for reimbursement of expenses incurred while on official temporary duty travel; and

(ii) A claim for reimbursement of expenses incurred in connection with relocation to a new duty station.

(2) A request for a Section 3529 decision must be in writing and refer to a specific payment or voucher, though no particular form is required. The request may not seek general legal advice and should—

(i) Explain why the official is seeking a Section 3529 decision, rather than taking action on his or her own regarding the matter;

(ii) State the question presented and include citations to applicable statutes, regulations, and cases;

(iii) Include—

(A) The name, address, telephone number, and email address of the official making the request;

(B) The name, address, telephone number, and email address of the employee affected by the specific payment or voucher; and

(C) Any other information the official believes the Board should consider.

(iv) Unless otherwise authorized by the Clerk, parties shall efile all submissions in accordance with Rule 1(b) ("efile; efilng") (48 CFR 6101.1(b)). Time periods are computed in accordance with Rule 3(a) (48 CFR 6101.3(a)). Efilings received by 11:59:59 p.m. (Eastern Time) are same-day filings. Efilings received at or after midnight (12:00 a.m. Eastern Time) are next-business day filings. See Rule 1(b) ("business days") (48 CFR 6101.1(b)); Rule 1(e) ("Location and addresses") (48 CFR 6101.1(e)); and Rule 1(f) ("Clerk's office") (48 CFR 6101.1(f)).

(b) Notice of docketing. The Clerk of the Board will docket the request for a Section 3529 decision and promptly provide a written notice of docketing to the official and the affected employee. The notice of docketing will identify the judge to whom the request has been assigned.

(c) Service of copy. The official submitting a request for a Section 3529 decision shall provide the affected employee copies of all material provided to the Board. All submissions to the Board shall indicate that a copy has been provided to the affected employee and the method of service.

6105.503 Additional submissions [Rule 503].

If the affected employee wishes to submit any additional information to the Board, he or she must submit such information within 30 calendar days after receiving the copy of the request for decision and supporting material. See Rule 502(a)(2)(iv) (48 CFR 6105.502(a)(2)(iv)) for filing requirements. To expedite proceedings, if the employee does not wish to make an additional submission, the employee should so notify the Board and the agency.

■ 39. Revise sections 6105.505 and 6105.506 to read as follows:

6105.505 Decisions [Rule 505].

The judge will issue a written decision based upon the record, which includes submissions by the agency and the affected employee, and information provided during conferences. The Board will provide a copy of the decision to the agency and affected employee. In addition, all Board decisions are posted weekly on the Board's website. Published decisions will identify only first names of claimants and the first initial of their surnames.

6105.506 Reconsideration of Board decision [Rule 506].

The agency or the affected employee may request reconsideration. A request must be received by the Board within 30 calendar days after the date the decision was issued. The request should state the reasons why the Board should consider the request. Mere disagreement with a decision or re-argument of points already made is not a sufficient ground for reconsideration.

■ 40. Add section 6105.507 to read as follows:

6105.507 Effective date [Rule 507].

The effective date of these rules is identified in 48 CFR 6100.1(b).

PART 6106—ARBITRATION OF PUBLIC ASSISTANCE ELIGIBILITY OR REPAYMENT

■ 41. Revise the heading for part 6106 to read as set forth above.

■ 42. The authority citation for part 6106 continues to read as follows:

Authority: 42 U.S.C. 5189a(d).

■ 43. Revise sections 6106.602 through 6106.604 to read as follows:

6106.602 Authority [Rule 602].

The Board is authorized by section 423 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5189a(d), to arbitrate disputes between applicants

and FEMA as to eligibility for public assistance (or repayment of past public assistance). Minimum dispute amounts are set forth in 42 U.S.C. 5189a(d).

6106.603 Purpose [Rule 603].

Under the Stafford Act, the Board acts for the United States Government to resolve public assistance eligibility and repayment disputes by arbitration, a speedy and flexible method of impartial dispute resolution. An arbitration decision under these rules is the final action by the Executive Branch in a dispute. These rules facilitate the creation of an arbitration record sufficient to allow the Board to issue a prompt, just, and reasoned decision. Time periods are computed in accordance with Rule 3(a) (48 CFR 6101.3(a)).

6106.604 Arbitration request [Rule 604].

(a) *Requesting arbitration.* An applicant for public assistance may request arbitration by following applicable FEMA guidance implementing section 423 of the Stafford Act. Upon the Board's receipt of an arbitration request, the Clerk issues a notice of docketing to all parties.

(b) *Definitions.* The following terms in Board Rule 1(b) (48 CFR 6101.1(b)) apply to arbitrations under this part: "Board judge; judge," "business days," "Clerk of the Board," "efile; efileing," "electronic storage medium," "Electronic Docketing System (EDS)," "file; filing," "receipt," "secure file transfer method," and "upload." See Rule 604(d) (paragraph (d) of this section) for authorized filing methods.

(c) *Contacting the Board.* For the Board's location, telephone number, email address, and the Clerk's office hours, see Rules 1(e)–(f) (48 CFR 6101.1(e)–(f)).

(d) *Electronic filing.* Applicants shall file arbitration requests with the Board in EDS unless the Clerk has granted permission to efile the request. Voluminous attachments to the arbitration request may be efiled, transferred via a secure file transfer method, or submitted on electronic storage medium and must be filed under one of these methods if the size, format, and other requirements for submission in EDS cannot be met. EDS generates electronic receipts for arbitration requests.

■ 44. Revise section 6106.605 to read as follows:

6106.605 Filings; exhibits; parties; representation; service [Rule 605].

(a) *Filing methods.* Parties shall file all documents in EDS unless the Clerk has

granted permission to efile the documents. See Rule 604(d) (48 CFR 6106.604(d)) when filing voluminous attachments.

(b) *Exhibits.* When filing exhibits, the Board prefers that parties:

- (1) Provide an exhibit index;
- (2) Consecutively number exhibits;
- (3) Place the exhibit number at the beginning of each exhibit's file name;
- (4) Identify the exhibit name and number on the first page of each exhibit;
- (5) Submit each exhibit as a separate document with no subfolders or embedded documents; and

(6) Number the pages of each exhibit consecutively, unless the exhibit is already paginated in another logical manner. Exhibits shall be in .pdf format. The Board prefers that documents are enabled to allow word searches through text recognition. Parties shall cite to exhibits in their filings, including in the arbitration request and FEMA's response.

(c) *Parties and representatives.* The parties to an arbitration are the applicant, the grantee (if not the applicant), and FEMA. Each party shall have one primary representative. This person need not be an attorney but must be authorized by law, formal delegation, or permission of the arbitrators to speak and act for the party in the arbitration. Unless otherwise advised, the Board deems the person who signed the arbitration request to be the applicant's primary representative. Any other primary representative or other party representative shall promptly file a notice of appearance complying with Rule 5(b) (48 CFR 6101.5(b)).

(d) *Service and certification.* Service of documents to other parties shall be by the same method as used for the filing or by a faster method. EDS automatically serves documents on parties with active EDS accounts to whom the Clerk has granted matter-specific access. For any documents, including exhibits, not filed in EDS, the parties shall serve such documents. Parties shall certify to the Board:

- (1) The method of filing; and
- (2) The recipient's physical or email address when filing outside of EDS. The Board may consider a document not served or properly filed if served in a manner inconsistent with this rule.

6106.607 [Amended]

■ 45. Amend section 6106.607 by removing "summary to efile" and adding "summary to file" in its place.

■ 46. Revise sections 6106.608 through 6106.610 to read as follows:

6106.608 Evidence; timing [Rule 608].

No party is required to provide additional evidence. An applicant or grantee may, but need not, supplement materials it previously provided to FEMA regarding the dispute. A party may elect to present additional evidence, *i.e.*, documents, things, or testimony tending to make a factual contention appear more or less likely to be true. Any briefs or other documents prepared for the arbitration, including recordings and transcriptions thereof, are confidential. If a party so elects, the panel will to the extent practicable allow a response. FEMA shall file its response to an arbitration request within 30 calendar days after receiving the docketing notice. A panel may not exclude as untimely evidence proffered before arbitration closes under Rule 613. A panel may consider the timing or surprise nature of evidence when assessing the significance, credibility, or probative value of the evidence.

6106.609 Other materials considered; ex parte communications [Rule 609].

Written or oral arguments or statements of experts as to how a panel should understand evidence or apply the law are not evidence but may be presented as scheduled by the panel and may be subject to page, word, or time limits. By the close of arbitration under Rule 613 (48 CFR 6106.613), parties should provide the panel with everything it needs to make a decision. Documents written by a party for the panel shall comply with the rules in this part and with Rule 23 (48 CFR 6101.23). No member of a panel or of the Board's staff will communicate with a party about any material issue in arbitration outside of the presence of the other party or parties, and no one shall attempt such communications on behalf of a party.

6106.610 Motions [Rule 610].

Motions are strictly limited and should ordinarily be made orally during the initial conference under Rule 607. A later motion may be filed. A party may make a procedural motion, such as to extend time. An applicant may move for voluntary dismissal. No party may move for:

(a) A prehearing merits decision (*e.g.*, summary judgment or dismissal for failure to state a claim); or

(b) An involuntary prehearing dismissal other than on the merits, except on the grounds that an arbitration request is untimely. A panel ordinarily issues one decision per arbitration.

■ 47. Revise section 6106.611 to read as follows:

6106.611 Hearing: in person, virtual, hybrid, and/or on the written record [Rule 611].

Parties may conclude an arbitration by presenting their positions in a hearing. A hearing may be:

(a) In person;

(b) Virtual;

(c) Hybrid (in person and virtual);

(d) If agreed by all parties, on the written record; or

(e) A combination of a hearing on the written record and another hearing type. The panel will begin a hearing within 60 calendar days after the initial conference under Rule 607 unless the Board Chair approves a later date. Unless agreed by the parties and the panel, all panel members will attend an in-person, virtual, or hybrid hearing sited in Washington, DC. A single panel member may conduct an in-person or hybrid hearing sited outside Washington, DC. Hearing procedures are at the panel's discretion with the goal of promptly, justly, and finally resolving the dispute, and need not involve traditional witness examination or cross-examination. Parties should not offer fact witnesses to read legal materials or to make legal arguments. Statements of fact in a hearing need not be sworn but are made subject to penalty for violation of 18 U.S.C. 1001. Hearings are confidential and not public and may not be recorded by any means without the Board's permission. The Board may have a hearing transcribed for the panel's use. If a transcript is made, a party may purchase a copy from the court reporter or transcription service and has 7 calendar days after a copy is available to file proposed corrections.

6106.612 [Amended]

■ 48. Amend section 6106.612 in paragraph (c) by removing "live hearings by efilng" and adding "in person, virtual, or hybrid hearings by filing" in its place.

■ 49. Add section 6106.614 to read as follows:

6106.614 Effective date [Rule 614].

The effective date of these rules is identified in 48 CFR 6100.1(b).

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GENERAL SERVICES ADMINISTRATION**48 CFR Part 6107**

[CBCA Case 2025-61-02; Docket No. GSA-CBCA-2025-0070; Sequence No. 1]

RIN 3090-AL16

Civilian Board of Contract Appeals; Rules of Procedure of the Civilian Board of Contract Appeals; Implementation of the Administrative False Claims Act

AGENCY: Civilian Board of Contract Appeals; General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The Civilian Board of Contract Appeals (Board) is issuing new rules of procedure to effectuate the new administrative scheme set forth in the Administrative False Claims Act of 2023, as amended by the National Defense Authorization Act for Fiscal Year 2025. The Board is issuing this final rule governing its administrative process for deciding claims brought by authorities, as defined by the Administrative False Claims Act (AFCA), seeking to impose civil penalties against persons who make, submit, or present false claims and statements to executive agencies of the United States of America.

DATES: This final rule is effective on February 27, 2026.

FOR FURTHER INFORMATION CONTACT: Tara Mehrbach, Chief Counsel, Civilian Board of Contract Appeals, at 202-606-8790 or tara.mehrbach@cbca.gov. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202-501-4755 or GSARegSec@gsa.gov. Please cite RIN 3090-AL16.

SUPPLEMENTARY INFORMATION:**I. Background**

The Board was established within GSA by section 847 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109-163. Board members are administrative judges appointed by the Administrator of General Services under 41 U.S.C. 7105(b)(2) with the concurrence of the Office of Federal Procurement Policy.

On December 23, 2024, the National Defense Authorization Act (NDAA) for Fiscal Year 2025 (FY 2025 NDAA) (Pub. L. 118-159) was signed into law. The FY 2025 NDAA expands the Administrative False Claims Act of 2023 (AFCA), 31 U.S.C. 3801 *et seq.* This Act, previously known as the Program Fraud Civil Remedies Act of 1986, offers an

administrative remedy for addressing false claims and statements made to the United States that the Department of Justice opts not to prosecute. The FY 2025 NDAA also amended the Contract Disputes Act (CDA), 41 U.S.C. 7101–7109. The CDA amendment expanded the jurisdiction of certain agency boards of contract appeals, including the Civilian Board of Contract Appeals, to hear cases referred to the Board under AFCA (41 U.S.C. 7105). The new statutory language requires the Board to amend procedural regulations within 180 days of enactment of the FY 2025 NDAA (31 U.S.C. 3801 note).

AFCA provides an administrative process by which federal authorities can seek recovery of relatively small dollar value false claims (up to one million dollars) that the Department of Justice elects not to pursue. The liability provisions of AFCA remain closely modeled on those in the False Claims Act. The principal differences between the False Claims Act and AFCA are that AFCA does not include a qui tam enforcement mechanism, covers false written statements even in the absence of a claim, and provides for administrative rather than judicial resolution.

The Board's procedural rules, 48 CFR 6107, will govern the Board's processing of cases under AFCA. Under AFCA, a reviewing authority may seek, from the Attorney General or the Attorney General's delegate, permission to pursue a civil fraud claim against a person. If permission is granted, the reviewing official from the authority must notify the person alleged to be liable of fraud of the allegations and the amount of the alleged fraud. After adequate notice is provided to the person alleged to be liable for civil fraud, the person has 30 days to elect a hearing. If the person elects a hearing and the reviewing official refers the matter to the Board, as authorized by 41 U.S.C. 7105(e)(1)(E), a Board member may serve as the presiding officer, as defined by 31 U.S.C. 3801(a)(7)(C), to hear the referred administrative fraud case. The Board member, serving as the presiding officer, would commence an administrative hearing process unless the Board chair refused to accept the referral.

The Board's rules set forth the procedures to be followed if a case referral is made to the Board under AFCA and the Board accepts the referral. The rules generally (Rule 703) provide procedural specificity as to the hearings and determinations process set forth in 31 U.S.C. 3803. The rules establish that a case referral is effectuated by transmission through the Clerk of the Board of a complaint, a

copy of the notice of referral that was provided to the respondent pursuant to AFCA, and the answer, if any. (Rule 703(b), Rule 703(e)).

The rules state that one Board member will preside in each referred case (Rule 703(a)(4)) and that the presiding Board member will set a schedule, oversee any discovery, conduct conferences, hearings, and other proceedings, and decide the merits of the case.

The rules provide for submission of an electronic evidence file, including exculpatory information under 31 U.S.C. 3803(e)(2), and an opportunity for objection to the admission of evidence (Rule 703(c), Rule 703(f)). The rules state that a presiding Board member may in his or her discretion receive any evidence to which no party objects, will employ the Federal Rules of Evidence to resolve objections to the admissibility of evidence (Rule 703(g)), and may dismiss a case without reaching the merits in certain circumstances (Rule 703(h)). The rules clarify that a party representative need not be an attorney (Rule 703(d)) and that a ruling issued by a presiding judge will be provided to each party and, if resolved on the merits in whole or in part, posted on the Board's website (Rule 703(l)). Rulings by the presiding Board member are binding on the parties but are not precedential. (Rule 703(a)(4)).

II. Rules of Agency Procedure and Practice

Under the Administrative Procedure Act, rules of agency procedure or practice are exempt from the act's notice and comment rulemaking requirements. 5 U.S.C. 553(b)(A). As this rule constitutes the procedures to be followed for referrals to the Board under AFCA and the Board's practice requirements in these matters, the rule is exempt from notice and comment requirements.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) has

determined that this rule is a significant regulatory action and, therefore, it was reviewed under section 6(b) of E.O. 12866.

IV. Executive Order 14192

This rule is not an E.O. 14192 regulatory action because it imposes no more than de minimis cost.

V. Congressional Review Act

OIRA has determined that this rule does not meet the definition in 5 U.S.C. 804(2).

VI. Regulatory Flexibility Act

As this final rule is exempt from the Administrative Procedure Act's public notice requirements pursuant to 5 U.S.C. 553(b)(A) (rules of agency procedure or practice), a Regulatory Flexibility Analysis is not required.

VII. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, does not apply because this rule does not impose any new or modified information collection requirements that require the approval of the Office of Management and Budget.

VIII. Unfunded Mandates Reform Act of 1995

This rule will not impose a federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year.

List of Subjects 48 CFR Part 6107

Administrative practice and procedure, Claims, Fraud.

Erica S. Beardsley,

Chair, Civilian Board of Contract Appeals, General Services Administration.

For the reasons set forth in the preamble, GSA adds 48 CFR part 6107 to read as follows:

PART 6107—ADMINISTRATIVE FALSE CLAIMS ACT REFERRALS

Sec.

- 6107.701 Scope [Rule 701].
- 6107.702 Authority [Rule 702].
- 6107.703 Rules for AFCA referrals [Rule 703].
- 6107.704 Effective date [Rule 704].

Authority: 41 U.S.C. 7105(e)(1)(E).

6107.701 Scope [Rule 701].

The rules in this part establish procedures for any matter referred to a member of the Board under the Administrative False Claims Act (AFCA), 31 U.S.C. 3803(d).

6107.702 Authority [Rule 702].

The Board is authorized to issue these rules under section 5203(g)(3) of the National Defense Authorization Act for Fiscal Year 2025 (Pub. L. 118–159), 31 U.S.C. 3801 note, and the Contract Disputes Act (CDA), 41 U.S.C. 7105(e)(1)(E).

6107.703 Rules for AFCA referrals [Rule 703].

The rules of procedure for referrals under the AFCA are the same as the rules of procedure for CDA cases under part 6101 of this chapter, including the definitions, with the following exceptions:

(a) Rule 1.

(1) Rule 1(a) (48 CFR 6101.1(a)) does not apply.

(2) The definitions in Rule 1(b) (48 CFR 6101.1(b)) of “appeal; appellant,” “appeal file,” “application; applicant,” “Board judge; judge,” “case,” “party,” “petition; petitioner,” and “respondent” do not apply.

(3) The following definitions apply.

Case. “Case” means a matter involving one or more alleged false claims or statements by a “person” as defined in the AFCA that is referred to a member of the Board under the AFCA.

Complainant. “Complainant” means an agency or agency component whose authorized official refers a case to a Board member under the AFCA.

Evidence file. “Evidence file” means the submissions to the Board under Rule 703(c).

Party. “Party” means a complainant or a respondent.

Respondent. “Respondent” means a person or entity alleged by a complainant to have made one or more false claims or statements.

(4) In place of Rule 1(d) (48 CFR 6101.1(d)), substitute the following. One Board member will preside in each referred case. The presiding Board member will set a schedule, oversee any discovery, conduct conferences, hearings, and other proceedings, and decide the merits. References to “the Board” in the rules of procedure for CDA cases shall, as appropriate in context, mean the presiding Board

member, whose rulings are not precedential.

(b) *Rule 2.* In place of Rule 2 (48 CFR 6101.2), substitute the following. A complainant may as authorized by law refer a case by transmitting to the Board Chair, through the Clerk:

(1) the complaint;

(2) a copy of the notice of referral that was mailed or delivered to the respondent pursuant to the AFCA; and

(3) the answer, if any. If there is no answer, a referral may include a motion for a default decision. The Clerk will promptly notify the parties of the Board Chair’s acceptance or non-acceptance of a referred case.

(c) *Rule 4.* In place of Rule 4 (48 CFR 6101.4), substitute the following. As directed by the presiding Board member, the parties shall submit an electronic evidence file organized substantially like an electronic appeal file under Rule 4(b) for CDA cases. The evidence file shall include without limitation any exculpatory information under 31 U.S.C. 3803(e)(2). Evidence file exhibits are part of the record of a case under Rule 9(a) (48 CFR 6101.9(a)) unless a party objects to an exhibit within the time set by the presiding Board member and the presiding Board member sustains the objection.

(d) *Rule 5.* In place of Rule 5(a) (48 CFR 6101.5(a)), substitute the following. A complainant may appear in a case through an attorney. A respondent may appear through an attorney or, if an individual, may appear for himself or herself. A corporation, trust, or association may appear by one of its officers. A limited liability corporation, partnership, or joint venture may appear by one of its members. Each individual appearing on behalf of a party must have legal authority to appear. An attorney appearing in a case shall file a notice of appearance complying with Rule 5(b) (48 CFR 6101.5(b)).

(e) *Rule 6.* In place of Rule 6 (48 CFR 6101.6), substitute the following. The complaint and the answer (if the complainant received one) shall accompany a referral. The presiding Board member may accept amended or supplemental pleadings as is consistent with due process.

(f) *Rule 9.* In Rule 9(a)(1)(i) (48 CFR 6101.9(a)(1)(i)), replace “Rule 4 appeal file” with “Rule 703(c) evidence file.” Rule 9(a)(2)(i) (48 CFR 6101.9(a)(2)(i)) does not apply.

(g) *Rule 10.* In place of Rule 10 (48 CFR 6101.10), substitute the following. The presiding Board member may in his or her discretion receive any evidence to which no party objects and will apply the Federal Rules of Evidence to resolve objections to the admissibility of evidence bearing on proof of fraud or falsity.

(h) *Rule 12.* In place of Rule 12 (48 CFR 6101.12), substitute the following. The presiding Board member may dismiss a case without reaching the merits:

(1) For lack of jurisdiction, or

(2) At the request of the complainant and with the approval of the Board Chair. The presiding Board member may stay a case as is consistent with due process.

(i) *Rule 17.* In Rule 17(a) (48 CFR 6101.17(a)), replace “appeal file” with “evidence file.”

(j) *Rule 18.* In Rule 18 (48 CFR 6101.18), replace “judge” with “Board member.”

(k) *Rule 21.* In Rule 21(a) (48 CFR 6101.21(a)), replace “judge” with “Board member.”

(l) *Rule 25.* In Rule 25(a) (48 CFR 6101.25(a)), replace the second sentence with the following. The Board will send a copy of a decision to each party, requesting confirmation of receipt (see Rule 1 (48 CFR 6101.1)), and will post on its website a decision that resolves all or part of a case on the merits.

(m) *Rules 28, 31, 51–53.* Rules 28 (48 CFR 6101.28), 31 (48 CFR 6101.31), and 51 through 53 (48 CFR 6101.51–53) do not apply.

(n) *Rule 55.* Rule 55 (48 CFR 6101.55) does not apply. The effective date is stated in Rule 704 (48 CFR 6107.704).

6107.704 Effective date [Rule 704].

The effective date of these rules is February 27, 2026.

[FR Doc. 2026–01710 Filed 1–27–26; 8:45 am]

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H.R. 4323/P.L. 119-73
Trafficking Survivors Relief Act (Jan. 23, 2026; 139 Stat. 2003)

This is a continuing list of public bills from the second session of the 119th Congress which have become Federal laws. This list is also available online at <https://>

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H.R. 6938 /P.L. 119-74
Commerce, Justice, Science; Energy and Water Development; and Interior and Environment Appropriations Act, 2026 (Jan. 23, 2026; 140 Stat. 5)
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