AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 91 Tuesday,

No. 31 February 17, 2026

Pages 7113–7394

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.govinfo.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $860 plus postage, or $929, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 91 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

The Federal Register Printing Savings Act of 2017 (Pub. L. 115–120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: *https://www.gpo.gov/frsubs.*

Printed on recycled paper.

Contents

Federal Register

Vol. 91, No. 31

Tuesday, February 17, 2026

Agriculture Department
See Animal and Plant Health Inspection Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7243

Animal and Plant Health Inspection Service
PROPOSED RULES
Request for Information:
Standards for the Care of Breeding Female Dogs and Exercise and Socialization of Dogs, 7162–7163

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Local Update of Census Addresses Operation, 7244–7246

Civil Rights Commission
NOTICES
Hearings, Meetings, Proceedings, etc.:
Tennessee Advisory Committee, 7243–7244

Coast Guard
RULES
Great Lakes Pilotage Rates:
2026 Annual Review and Revisions to Methodology, 7121–7148
PROPOSED RULES
Sabine Pass Safety Fairway Anchorages, 7190–7199
Safety Zone:
Annual Fireworks Displays within the Sector Columbia River Captain of the Port Zone, 7188–7190

Commerce Department
See Census Bureau
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
RULES
Updating and Streamlining the Department of Commerce's Privacy Act Regulations, 7115–7118

Commodity Futures Trading Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Procedural Requirements for Requests for Interpretative, No-Action, and Exemptive Letters, 7264–7266

Comptroller of the Currency
PROPOSED RULES
Bank Appeals Process, 7163–7180
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Guidance on Sound Incentive Compensation Policies, 7368–7369

Defense Department
See Navy Department
PROPOSED RULES
Federal Acquisition Regulation:
Prohibition on Certain Semiconductor Products and Services, 7223–7242
NOTICES
Arms Sales, 7266–7267

Education Department
PROPOSED RULES
Clarification of the Appropriate Use of Terms ''National'' and ''Regional'' by Recognized Accrediting Agencies, 7199–7204
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
DC School Choice Incentive Program, 7268
Federal Perkins Loan Program Regulations and General Provisions Regulations, 7269

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Pesticide Tolerance; Exemptions, Petitions, Revocations, etc.:
Glufosinate, 7120–7121
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Hawaii; Regional Haze State Implementation Plan for the Second Implementation Period, 7204–7222

Federal Aviation Administration
RULES
Airworthiness Directives:
Bombardier Inc. Airplanes, 7113–7115
PROPOSED RULES
Airspace Designations and Reporting Points:
Wilmington, DE, 7186–7188
Airworthiness Directives:
Airbus SAS Airplanes, 7183–7186
The Boeing Company Airplanes, 7180–7183
NOTICES
Airport Property:
Southwest Florida International Airport, Fort Myers, FL, 7365
Intent to Designate as Abandoned New Systems Supplemental Type Certificates, 7364–7365

Federal Communications Commission
RULES
Implementation of the Final Acts of the World Radiocommunication Conference (Geneva, 2015) (WRC–15), Other Allocation Issues, and Related Rule Updates; Correction, 7148–7153
Numbering Policies for Modern Communications, 7153–7159
Television Broadcasting Services:
Hutchinson, KS, 7159–7160
PROPOSED RULES
Petition for Reconsideration of Action in Proceeding; Correction, 7222

NOTICES
Meetings; Sunshine Act, 7282–7283
Privacy Act; Matching Program, 7283–7284

Federal Deposit Insurance Corporation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7284–7287

Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7269–7272, 7274–7277, 7280–7281
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Electric Quarterly Report, 7278–7280
Combined Filings, 7272–7274, 7281
Extension of Time:
Brown Bear II Hydro, Inc., 7282
Filing:
Savoy, Brian D., 7270
Request under Blanket Authorization:
Transwestern Pipeline Co., LLC, 7277–7278

Federal Maritime Commission
NOTICES
Complaint and Assignment:
Gator Fabrication Technology, LLC, Complainant v. Flador Global Logistics a/k/a Flador Global Uluslararasi Tasimacilik Loj.Distic Ltd.Sti and NTG Air and Ocean, LLC, Respondents, 7287

Federal Procurement Policy Office
PROPOSED RULES
Federal Acquisition Regulation:
Prohibition on Certain Semiconductor Products and Services, 7223–7242

Foreign-Trade Zones Board
NOTICES
Proposed Production Activity:
AFC Specialty Coatings Group, LLC, Foreign-Trade Zone 22, Lake in the Hills, IL, 7247

General Services Administration
PROPOSED RULES
Federal Acquisition Regulation:
Prohibition on Certain Semiconductor Products and Services, 7223–7242

Health and Human Services Department
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Privacy Act; Systems of Records, 7291–7294

Health Resources and Services Administration
NOTICES
Request for Information:
340B Rebate Model Pilot Program, 7287–7291

Homeland Security Department
See Coast Guard
See Transportation Security Administration
NOTICES
Determination Pursuant to the Illegal Immigration Reform and Immigrant Responsibility Act, 7297–7298

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Public Housing Flat Rent Exception Request Market Analysis, 7299
Revitalization Area Designation and Management, 7299–7300

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Active Anode Material from the People's Republic of China, 7261–7263
Citric Acid and Certain Citrate Salts from Canada and India, 7257–7261
Common Alloy Aluminum Sheet from the Kingdom of Bahrain, 7250–7252
Sales at Less Than Fair Value; Determinations, Investigations, etc.:
Active Anode Material from the People's Republic of China, 7247–7250
Citric Acid and Certain Citrate Salts from Canada and India, 7252–7256

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Power Converters, Circuit Board Assemblies, and Computing Systems Containing the Same, 7300–7301
Crystalline Silicon Photovoltaic Products (Solar Panels) from China and Taiwan, 7302–7303
Fatty Acids from Indonesia and Malaysia, 7301–7302
Hard Empty Capsules from Brazil, China, India, and Vietnam, 7302

Management and Budget Office
See Federal Procurement Policy Office

National Aeronautics and Space Administration
PROPOSED RULES
Federal Acquisition Regulation:
Prohibition on Certain Semiconductor Products and Services, 7223–7242
NOTICES
Licenses; Exemptions, Applications, Amendments, etc.:
Exclusive, Co-Exclusive or Partially Exclusive Patent License, 7303

National Highway Traffic Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Motorcycle Helmets (Labeling), 7365–7366

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
The National Institute of Mental Health Data Archive Data Access Closeout Report, 7296
Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 7294–7297
National Institute on Minority Health and Health Disparities, 7295

National Oceanic and Atmospheric Administration
NOTICES
Hearings, Meetings, Proceedings, etc.:
Pacific Fishery Management Council, 7263–7264

National Science Foundation
NOTICES
Meetings; Sunshine Act, 7303–7304

Navy Department
NOTICES
Certificate of Alternate Compliance:
PCU John F. Kennedy (CVN 79), 7267–7268

Nuclear Regulatory Commission
NOTICES
Environmental Assessments; Availability, etc.:
Constellation Energy Generation LLC, Dresden Nuclear Power Station, Units 2 and 3, 7304–7306
Facility Operating and Combined Licenses:
Applications and Amendments Involving Proposed No Significant Hazards Considerations, etc., 7306–7314

Pipeline and Hazardous Materials Safety Administration
NOTICES
Permits; Applications, Issuances, etc.:
Hazardous Materials, 7366–7368

Presidential Documents
EXECUTIVE ORDERS
Coal Power Generation Fleet; Efforts To Strengthen U.S. National Defense (EO 14386), 7391–7394

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Regulation S—Rules Governing Offers and Sales Made Outside the United States without Registration under the Securities Act, 7317
Meetings; Sunshine Act, 7328–7329
Self-Regulatory Organizations; Proposed Rule Changes:
Miami International Securities Exchange, LLC, 7322–7327
MIAX Emerald, LLC, 7346–7350
MIAX PEARL, LLC, 7317–7322, 7327–7328
MIAX Sapphire, LLC, 7341–7346
Nasdaq ISE, LLC, 7338–7341
Nasdaq PHLX LLC, 7314–7317
New York Stock Exchange LLC, 7332–7336
NYSE Texas, Inc., 7329–7332
The Nasdaq Stock Market LLC, 7336–7338

Small Business Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7351
Disaster Declaration:
Louisiana; Economic Injury, 7350
Hearings, Meetings, Proceedings, etc.:
Interagency Task Force on Veterans Small Business Development, 7350–7351

State Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certificate of Eligibility for Exchange Visitor (J1) Status, 7362–7363
Employee Self-Certification and Ability to Perform in Emergencies Posts, Pre-Deployment Physical Exam Acknowledgement Form, 7363–7364
Bureau of Political-Military Affairs:
Directorate of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses, 7351–7362

Transportation Department
See Federal Aviation Administration
See National Highway Traffic Safety Administration
See Pipeline and Hazardous Materials Safety Administration

Transportation Security Administration
RULES
Restoration of Statutory Terms in Transportation Security Administration Regulations:
Use of Alien; Technical Amendments, 7160–7161

Treasury Department
See Comptroller of the Currency
NOTICES
Privacy Act; Systems of Records, 7369–7386

Veterans Affairs Department
RULES
Evaluative Rating:
Impact of Medication, 7118–7120
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
VA Loan Electronic Reporting Interface System and Title Requirements for Conveyance of Real Property to the Secretary, 7386–7387
Cost of Living Adjustments:
Service-Connected Benefits, 7386
Veterans and Survivors Pension and Parents' Dependency and Indemnity Compensation, 7387–7389
Hearings, Meetings, Proceedings, etc.:
National Research Advisory Council, 7387

Separate Parts In This Issue

Part II
Presidential Documents, 7391–7394

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription. ERROR line 358 The document has non-white-space text after the close of the root element. Content is not allowed in trailing section.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Executive Orders:

14386.....7393

9 CFR

Proposed Rules:

3.....7162

12 CFR

Proposed Rules:

4.....7163

14 CFR

39.....7113

Proposed Rules:

39 (2 documents) 7180, 7183

71.....7186

15 CFR

4.....7115

33 CFR

Proposed Rules:

165.....7188

166.....7190

34 CFR

Proposed Rules:

602.....7199

38 CFR

4.....7118

40 CFR

180.....7120

Proposed Rules:

52.....7204

46 CFR

401.....7121

403.....7121

404.....7121

47 CFR

2.....7148

52.....7153

73.....7159

Proposed Rules:

2.....7222

48 CFR

Proposed Rules:

1.....7223

2.....7223

9.....7223

12.....7223

13.....7223

39.....7223

40.....7223

52.....7223

49 CFR

1500.....7160

1552.....7160

1570.....7160

Rules and Regulations

Federal Register
Vol. 91, No. 31
Tuesday, February 17, 2026

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–1327; Project Identifier MCAI–2025–00042–T; Amendment 39–23263; AD 2025–14–51]

RIN 2120–AA64

Airworthiness Directives; Bombardier Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier Inc. Model BD–700–1A10 and BD–700–1A11 airplanes. The FAA previously sent this AD to all known U.S. owners and operators of these airplanes. This AD was prompted by discrepancies in the locking features on certain network interfaces. This AD requires installing locking features on certain network interfaces to prevent unapproved access to these network interfaces. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 4, 2026. AD 2025–14–51, issued on July 10, 2025, which contains the requirements of this amendment, was effective upon receipt.

The FAA must receive comments on this AD by April 3, 2026.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–1327; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–1327.

FOR FURTHER INFORMATION CONTACT: William Reisenauer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7301; email: *william.e.reisenauer@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–1327; Project Identifier MCAI–2025–00042–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to William Reisenauer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7301; email: *william.e.reisenauer@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2025–14–51, dated July 25, 2025 (AD 2025–14–51), to address an unsafe condition on certain Bombardier Inc. Model BD–700–1A10 and BD–700–1A11 airplanes. The FAA sent AD 2025–14–51 to all known U.S. owners and operators of these airplanes. AD 2025–14–51 requires installing locking features on the applicable network interfaces.

AD 2025–14–51 was prompted by Transport Canada AD CF–2025–03, dated January 15, 2025 (Transport Canada AD CF–2025–03) (also referred to as the MCAI), issued by Transport Canada, which is the aviation authority for Canada, to correct an unsafe condition on certain serial-numbered Bombardier Inc. Model BD–700–1A10 and BD–700–1A11 airplanes. The MCAI specifies installing locking features on certain network interfaces to prevent unapproved access to these network interfaces.

This AD was prompted by discrepancies in the locking features on certain network interfaces. The FAA is issuing this AD to address these discrepancies, which could result in unapproved access to these network interfaces.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–1327.

FAA's Determination

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

AD Requirements

This AD requires installing locking features on the applicable network interfaces.

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that required the immediate adoption of AD 2025–14–51, issued on July 10, 2025, to all known U.S. owners and operators of these airplanes. The FAA found that the risk to the flying public justified forgoing notice and comment prior to adoption of this rule because the subject of this AD concerns unauthorized access to network interfaces of the aircraft. Providing an opportunity to comment before operators have complied with this action would be detrimental to transportation security. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to 14 CFR 39.13 to make it effective to all persons. Given the significance of the risk presented by this unsafe condition, it must be immediately addressed. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 1,313 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS OF REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$802	$887	$1,164,631

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–14–51 Bombardier Inc.: Amendment 39–23263; Docket No. FAA–2026–1327; Project Identifier MCAI–2025–00042–T.

(a) Effective Date

The FAA issued Airworthiness Directive (AD) 2025–14–51 on July 10, 2025, directly to affected owners and operators. As a result of such actual notice, AD 2025–14–51 was effective for those owners and operators on the date it was received. This AD contains the same requirements as AD 2025–14–51 and, for those who did not receive actual notice, is effective on March 4, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Bombardier Inc. airplanes, certificated in any category, listed in paragraphs (c)(1) and (2) of this AD.

(1) Model BD–700–1A10 airplanes, serial numbers 9381, 9432 through 9861 inclusive, 9863 through 9878 inclusive, and 60001 through 61999 inclusive.

(2) Model BD–700–1A11 airplanes, serial numbers 9386, 9401, 9445 through 9862 inclusive, 9868 through 9879 inclusive, and 60007 through 61999 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 31, Indicating/Recording System.

(e) Unsafe Condition

This AD was prompted by discrepancies in the locking features on certain network interfaces. The FAA is issuing this AD to address these discrepancies, which could result in unapproved access to these network interfaces.

(f) Compliance

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

(g) Required Action

Within 6 months after the effective date of this AD, install locking features on the applicable network interfaces using a method approved by the Manager, International Validation Branch, FAA.

(h) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 700–46–5008, dated July 20, 2022; Bombardier Service Bulletin 700–46–6008, dated July 20, 2022; Bombardier Service Bulletin 700–46–5504, dated July 20, 2022; Bombardier Service Bulletin 700–46–5504, Revision 01, dated August 22, 2024; Bombardier Service Bulletin 700–46–6504, dated July 20, 2022; or Bombardier Service Bulletin 700–46–6504, Revision 01, dated August 22, 2024.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or Bombardier Inc.'s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

(1) For more information about this AD, contact William Reisenauer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7301; email: *william.e.reisenauer@faa.gov*.

(2) For Bombardier Inc. material identified in this AD that is not incorporated by reference, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email *ac.yul@aero.bombardier.com;* website *bombardier.com*.

(k) Material Incorporated by Reference

None.

Issued on February 12, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–03055 Filed 2–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

15 CFR Part 4

[Docket No. 260107–0008]

RIN 0605–AA84

Updating and Streamlining the Department of Commerce's Privacy Act Regulations

AGENCY: Office of the Secretary, Department of Commerce.

ACTION: Final rule.

SUMMARY: By this rule, the Department of Commerce (''Department'') amends its regulations implementing the Privacy Act of 1974. Specifically, this rule amends those regulations by updating the position title of an agency official, removing unnecessary language related to judicial review, eliminating a provision that merely cross-references and restates statutory criminal penalty provisions, updating the name and number of an existing Privacy Act system of records, and updating the list of denying officials set forth in an appendix to the regulations. This action is necessary to ensure that the Department's regulations are up-to-date, to reduce regulatory complexity and clutter, and to minimize the potential for confusion among the public. This action is intended to promote regulatory accuracy, clarity, and efficiency without diminishing any substantive right or obligation established by the Privacy Act.

DATES: The rule is effective February 17, 2026.

FOR FURTHER INFORMATION CONTACT: Daniel Sweeney, Senior Counsel, Office of the General Counsel, at (202) 482–1395.

SUPPLEMENTARY INFORMATION: This action amends the Department's regulations at 15 CFR part 4, subpart B, which are the Department's regulations implementing the Privacy Act of 1974, as amended (5 U.S.C. 552a). By this rule, the Department is amending its Privacy Act regulations in five ways.

First, the Department is updating all references to the ''Assistant General Counsel for Litigation, Employment, and Oversight'' to use the current title for the referenced position: ''Assistant General Counsel for Employment, Litigation, and Information.'' *See* 15 CFR 4.23(d)(2), 4.25(a)(2), 4.25(g)(3)(ii), 4.28(a)(1)(ii), 4.28(a)(2)(ii)(D), 4.29(b)(1), 4.29(c), 4.29(e), 4.29(g)(1), 4.29(h), 4.29(i); Appendix B to Part 4.

Second, the Department is removing from the regulations outlining the administrative review process certain language discussing finality for purposes of judicial review. Specifically, this rule removes the following statement where it appears in three sections: ''No failure of a Privacy Act Officer to send an acknowledgment shall confer administrative finality for purposes of judicial review.'' *See* 15 CFR 4.23(d)(2), 4.25(a)(2), 4.28(a)(1)(ii). No statutory provision requires the promulgation of this statement in the Department's regulations; nor is it necessary for the operation of the administrative review processes established by the Privacy Act or these regulations. Deletion of this statement is intended to avoid creating confusion regarding judicial review, which is ordinarily a matter left for the courts to decide based on the particular laws and facts at issue.

Third, the Department is removing an unnecessary section in the regulations that merely cross-references and restates statutory criminal penalty provisions, which sufficiently speak for themselves. *See* 15 CFR 4.32, referencing 5 U.S.C. 552a(i)(3), 18 U.S.C. 494, 495, 1001. It is the Department's policy to eliminate regulations like § 4.32 to reduce redundancy, to streamline the Code of Federal Regulations, to promote efficiency in connection with any statutory amendments, and to facilitate the direct review and consultation of statutory provisions without introducing any potential inconsistencies or source of confusion.

Fourth, the Department is updating all references to the name and number of a system of records, ''Investigative and Inspection Records, COMMERCE/DEPT–12,'' to use the system's current name and number, ''OIG Investigative Records, COMMERCE/OIG–1,'' as well as all references to the current number alone when referenced without the name (updating ''COMMERCE/DEPT–12'' to ''COMMERCE/OIG–1''). *See* 15

CFR 4.33(b)(3), 4.34(a)(1), 4.34(b)(1), 4.34(b)(2)(i)(D), 4.34(b)(4)(i)(H).

Fifth, the Department is updating the list of officials within the Office of the Secretary who are authorized to deny requests under part 4 by adding the Deputy General Counsel for Administration.

These amendments are meant to promote regulatory accuracy, clarity, and efficiency without diminishing any substantive rights or obligations under the Privacy Act.

Regulatory Classifications

A. Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b)(B), the Department finds good cause to waive the prior notice and opportunity for public participation requirements of the Administrative Procedure Act for this final rule. The Department considers this rule to be uncontroversial, and has determined that prior notice and opportunity for public participation is unnecessary, because this rule only updates some outdated language and removes some other language that is insignificant and clearly not required by statute; public participation would not justify the continued inclusion of any of the relevant language, as is, in 15 CFR part 4 under the Department's regulatory policy. For the same reasons, the Department has determined that delaying the effectiveness of these amendments would be contrary to the public interest. All of the language being replaced or removed by this rule contributes to regulatory complexity and poses some risk of inconsistency or confusion; the amendments described herein will immediately benefit the public at little to no cost. The Department therefore finds good cause to waive the public notice and comment period under 553(b)(B) and to waive the 30-day delay in effectiveness under 553(d).

B. Executive Orders 12866, 14192, and 13132

The Office of Management and Budget has determined this rule is not significant pursuant to Executive Order (E.O.) 12866. This rule is an E.O. 14192 deregulatory action. This rule does not contain policies having federalism implications as the term is defined in E.O. 13132.

C. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public participation are not required to be given for this rule by 5 U.S.C. 553(b)(B), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

D. Paperwork Reduction Act

This rule will not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

List of Subjects in 15 CFR Part 4

Administrative practice and procedure, Archives and records, Freedom of information, Penalties, Privacy.

Dated: January 13, 2026.

Paul Dabbar,

Deputy Secretary of Commerce.

Accordingly, for the reasons set forth above part 4 of title 15 of the Code of Federal Regulations is amended as follows:

PART 4—DISCLOSURE OF GOVERNMENT INFORMATION

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

Authority: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 5 U.S.C. 553; 31 U.S.C. 3717; 44 U.S.C. 3101; Reorganization Plan No. 5 of 1950.

Subpart B—Privacy Act

■ 2. Amend § 4.23 by revising paragraph (d)(2) to read as follows:

§ 4.23 Procedures for making inquiries.

* * * * *

(d) * * *

(2) If the Privacy Act Officer fails to send an acknowledgment within ten working days, as provided in paragraph (d)(1) of this section, the requester may ask the Assistant General Counsel for Employment, Litigation and Information to take corrective action.

* * * * *

■ 3. Amend § 4.25 by revising paragraphs (a)(2) and (g)(3)(ii) to read as follows:

§ 4.25 Disclosure of requested records to individuals.

(a) * * *

(2) If the Privacy Act Officer fails to send an acknowledgment within ten working days, as provided in paragraph (a)(1) of this section, the requester may ask the Assistant General Counsel for Employment, Litigation and Information to take corrective action.

* * * * *

(g) * * *

(3) * * *

(ii) As to denial under paragraphs (g)(1)(ii) of this section, (g)(1)(iv) of this section or (to the limited extent provided in paragraph (g)(3)(i)(A) of this section) paragraph (g)(1)(i) of this section, the individual may file for review with the Assistant General Counsel for Employment, Litigation and Information, as indicated in the Privacy Act Officer's initial denial notification. The individual and the Department shall follow the procedures in § 4.28 to the maximum extent practicable.

* * * * *

■ 4. Amend § 4.28 by revising paragraphs (a)(1)(ii) and (a)(2)(ii)(D) to read as follows:

§ 4.28 Agency review of requests for correction or amendment.

(a)

(1) * * *

(ii) If the Privacy Act Officer fails to send the acknowledgment within ten working days, as provided in paragraph (a)(1)(i) of this section, the requester may ask the Assistant General Counsel for Employment, Litigation and Information, or in the case of a request to the Office of the Inspector General, the Counsel to the Inspector General, to take corrective action.

(2) * * *

(ii) * * *

(D) The procedures for appeal of the denial as set forth in § 4.29, including the address of the Assistant General Counsel for Employment, Litigation and Information, or in the case of a request to the Office of the Inspector General, the address of the Counsel to the Inspector General.

* * * * *

■ 5. Amend § 4.29 by revising paragraphs (b)(1), (c), (e), (g) introductory text, (g)(1) to read as follows:

§ 4.29 Appeal of initial adverse agency determination on correction or amendment.

* * * * *

(b) * * *

(1) An appeal from a request to a component other than the Office of the Inspector General should be addressed to the Assistant General Counsel for Employment, Litigation and Information, U.S. Department of Commerce, Room 5896, 14th and Constitution Avenue NW, Washington, DC 20230. An appeal should include the words ''Privacy Act Appeal'' at the top of the letter and on the face of the envelope. An appeal not addressed and marked as provided herein will be so marked by Department personnel when it is so identified, and will be forwarded immediately to the Assistant General Counsel for Employment, Litigation and Information. An appeal which is not

properly addressed by the individual will not be deemed to have been ''received'' for purposes of measuring the time periods in this section until actual receipt by the Assistant General Counsel for Employment, Litigation and Information. In each instance when an appeal so forwarded is received, the Assistant General Counsel for Employment, Litigation and Information shall notify the individual that his or her appeal was improperly addressed and the date on which the appeal was received at the proper address.

* * * * *

(c) The individual's appeal shall be signed by the individual, and shall include a statement of the reasons for why the initial denial is believed to be in error, and the Department's control number assigned to the request. The Privacy Act Officer who issued the initial denial shall furnish to the Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, to the Counsel to the Inspector General, the record(s) the individual requests to be corrected or amended, and all correspondence between the Privacy Act Officer and the requester. Although the foregoing normally will comprise the entire record on appeal, the Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, may seek any additional information necessary to ensure that the final determination is fair and equitable and, in such instances, disclose the additional information to the individual to the greatest extent possible, and provide an opportunity for comment thereon.

* * * * *

(e) The Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, shall act upon the appeal and issue a final determination in writing not later than thirty working days (*i.e.,* excluding Saturdays, Sundays and legal public holidays) from the date on which the appeal is received, except that the Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, may extend the thirty days upon deciding that a fair and equitable review cannot be made within that period, but only if the individual is advised in writing of the reason for the extension and the estimated date by which a final determination will be issued. The estimated date should not be later than the sixtieth day after receipt of the appeal unless unusual circumstances, as described in § 4.25(a), are met.

* * * * *

(g) If the appeal is denied, the final determination shall be transmitted promptly to the individual and state the reasons for the denial. The notice of final determination shall inform the individual that:

(1) The individual has a right under the Act to file with the Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, a concise statement of reasons for disagreeing with the final determination. The statement ordinarily should not exceed one page, and the Department reserves the right to reject an excessively lengthy statement. It should provide the Department control number assigned to the request, indicate the date of the final determination and be signed by the individual. The Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, shall acknowledge receipt of such statement and inform the individual of the date on which it was received;

* * * * *

(h) In making the final determination, the Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, shall employ the criteria set forth in § 4.28(c) and shall deny an appeal only on grounds set forth in § 4.28(e).

(i) If an appeal is partially granted and partially denied, the Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

* * * * *

§ 4.32 [Removed and Reserved]

■ 6. Remove and reserve § 4.32.

■ 7. Amend § 4.33 by revising the heading of paragraph (b)(3) to read as follows:

§ 4.33 General exemptions.

* * * * *

(b) * * *

(3) *OIG Investigative Records—COMMERCE/OIG–1.* * * *

* * * * *

■ 8. Amend § 4.34 by revising paragraphs (a)(1), (b)(1), (b)(2)(i)(D), and (b)(4)(i)(H) to read as follows:

§ 4.34 Specific exemptions.

(a)(1) Certain systems of records under the Act that are maintained by the Department may occasionally contain material subject to 5 U.S.C. 552a(k)(1), relating to national defense and foreign policy materials. The systems of records published in the **Federal Register** by the Department that are within this exemption are: COMMERCE/BIS–1, COMMERCE/ITA–2, COMMERCE/ITA–3, COMMERCE/NOAA–11, COMMERCE/PAT–TM–4, COMMERCE/OIG–1, COMMERCE/DEPT–13, COMMERCE/DEPT–14, COMMERCE/DEPT–25, and COMMERCE/DEPT–27.

* * * * *

(b) * * *

(1) Exempt under 5 U.S.C. 552a(k)(1). The systems of records exempt are COMMERCE/BIS–1, COMMERCE/ITA–2, COMMERCE/ITA–3, COMMERCE/NOAA–11, COMMERCE/PAT–TM–4, COMMERCE/OIG–1, COMMERCE/DEPT–13, COMMERCE/DEPT–14, COMMERCE/DEPT–25, and COMMERCE/DEPT–27. The claims for exemption of COMMERCE/OIG–1, COMMERCE/BIS–1, COMMERCE/NOAA–5, COMMERCE/DEPT–25, and COMMERCE/DEPT–27 under this paragraph (b)(1) are subject to the condition that the general exemption claimed in § 4.33(b) is held to be invalid.

(2) * * *

(i) * * *

(D) OIG Investigative Records—COMMERCE/OIG–1, but only on condition that the general exemption claimed in § 4.33(b)(2) is held to be invalid.

* * * * *

(4) * * *

(i) * * *

(H) OIG Investigative Records—COMMERCE/OIG–1, but only on condition that the general exemption claimed in § 4.33(b)(3) is held to be invalid.

* * * * *

■ 9. In appendix B to part 4 revise the entry for ''Office of the General Counsel'' under the heading ''Office of the Secretary'' to read as follows:

Appendix B to Part 4—Officials Authorized To Deny Requests for Records Under the Freedom of Information Act, and Requests for Records and Requests for Correction or Amendment Under the Privacy Act

* * * * *

OFFICE OF THE SECRETARY

* * * * *

Office of the General Counsel: Deputy General Counsel; Deputy General Counsel for Administration; Assistant General Counsel for Employment, Litigation and Information

* * * * *

[FR Doc. 2026–03080 Filed 2–13–26; 8:45 am]

BILLING CODE 3510–17–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900–AS49

Evaluative Rating: Impact of Medication

AGENCY: Department of Veterans Affairs.

ACTION: Interim final rule.

SUMMARY: The Department of Veterans Affairs (VA) amends 38 CFR 4.10 within the VA Schedule for Rating Disabilities (VASRD). This amendment clarifies VA's longstanding interpretation of § 4.10 and, in doing so, amends the text to correct judicial interpretations that VA has concluded misconstrue the role of medication and treatment in evaluating functional impairment. Specifically, this amendment clarifies that veterans should be compensated for the actual level of functional impairment they experience and, therefore, that the ameliorative effects of medication should not be estimated or discounted when evaluating the severity of a veteran's disability at the time of the disability examination. This regulation is needed immediately to minimize the negative impact of an erroneous line of cases culminating in the recent decision of *Ingram* v. *Collins,* 38 Vet. App. 130 (2025), which could be applied broadly to over 500 separate diagnostic codes, requiring re-adjudications of over 350,000 currently pending claims. This in turn would overburden VA's claims adjudicatory capacity. In addition, *Ingram* requires VA to retrain all of its medical examiners and adjudicators to make assessments and decisions based not on the evidence before them but instead based on what they hypothesize the evidence would show if a veteran's disability were left untreated. For these and other reasons explained below, this regulation is critical to the integrity of the VA disability claims system.

DATES: This interim final rule is effective February 17, 2026.

Comments must be received on or before April 20, 2026.

ADDRESSES: You may submit comments through *www.regulations.gov* under RIN 2900–AS49. That website includes a plain-language summary of this rulemaking. Instructions for accessing agency documents, submitting comments, and viewing the rulemaking docket are available on *www.regulations.gov* under ''FAQ.''

FOR FURTHER INFORMATION CONTACT: Ethan Kalett, Executive Director, Office of Regulatory Oversight and Management, (202) 461–9700.

SUPPLEMENTARY INFORMATION: This amendment clarifies VA's longstanding interpretation of § 4.10 and, in doing so, amends the text to correct judicial interpretations that VA has concluded misconstrue the role of medication and treatment in evaluating functional impairment. This interim final rule thus reaffirms the proper understanding of VA policy related to the evaluation and compensation of a veteran's disability. Congress directed that veterans be compensated for ''disability'' that results when service causes or aggravates an injury or disease. 38 U.S.C. 1110. To capture the effects of disability, the rating schedule is ''based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations.'' 38 U.S.C. 1155. This means that VA must determine how the disability impacts the veteran's ability to earn wages.

In effectuating these statutes, VA regulations have long focused on the actual level of disability experienced by a veteran. The VASRD, which is located in 38 CFR part 4, contains criteria for specific disabilities and general rules governing the assignment of ratings. Under 38 CFR 4.1, disability ratings are intended to ''represent as far as can practicably be determined the average impairment in earning capacity resulting from'' a service-connected disability based on ''accurate and fully descriptive medical examinations'' that emphasize ''limitation of activity imposed by the disabling condition.'' Section 4.1 requires that the rating assigned be based on the disability presented to the examiner and recognizes that future reevaluations may be required based on changes to the veteran's condition. The need for the examiner to make findings based on the actual condition of the veteran is re-emphasized in § 4.10, which ''imposes upon the medical examiner the responsibility of furnishing, in addition to the etiological, anatomical, pathological, laboratory and prognostic data required for ordinary medical classification, full description of the effects of disability upon the person's ordinary activity.'' Section 4.10 further directs attention to the body's ability ''to function under the ordinary conditions of daily life.'' Similarly, § 4.2 instructs claim processors to present ''a consistent picture so that the current rating may accurately reflect the elements of disability present . . . . considered from the point of view of the veteran working or seeking work.'' Consistent with these authorities, the U.S. Court of Appeals for the Federal Circuit has observed that the VASRD is designed to compensate for ''the *actual* level of the earning impairment on the veteran.'' *Nat'l Org. of Veterans' Advocs., Inc.* v. *Sec'y of Veterans Affs.,* 927 F.3d 1263, 1264 (Fed. Cir. 2019) (emphasis added).

None of these authorities are phrased in the hypothetical, or contemplate that rating a disability should require supposition. Rather, they consistently direct VA personnel to evaluate the disability as it actually exists, in the conditions of the veteran's daily life. This simple, straightforward conclusion is required on the face of longstanding regulatory authorities and consonant with the phrasing of 38 U.S.C. 1155 itself. The *Ingram* court erred by converting large portions of the VA disability rating system into an exercise in prognostication. This error must be corrected as quickly as possible to ensure the continued proper functioning of the disability rating system. Despite these legal and practical imperatives to base evaluations on the evidence of actual functional impairment, on March 12, 2025, the U.S. Court of Appeals for Veterans Claims (CAVC) determined in *Ingram* that, for the purposes of evaluating musculoskeletal conditions, examiners should not consider the evidence of disability before them. *Ingram,* 38 Vet. App. at 138. Rather, the court held that VA must estimate what level of functional impairment a disability might present if the veteran were not taking medication that ameliorated the effects of a service-connected disability. *Id.* at 135–38. *Ingram* further held that, if the record does not disclose a disability's ''baseline severity''—in which the effects of medication in lessening functional impairment are discounted—adjudicators must return the claim for VA to obtain that contrafactual information. *Id.* at 137–39.

The *Ingram* decision is the latest and most disruptive in a line of CAVC cases that have ignored the purpose of disability ratings and VA's longstanding historical practices and policies in assigning such ratings. In *Jones* v. *Shinseki,* 26 Vet. App. 56 (2012), the CAVC held that, when the rating criteria of a specific diagnostic code does not contemplate the effects of medication on a veteran's disability, the Board of Veterans' Appeals (Board) errs by denying a higher rating on the basis of the ameliorative effects of medication. *Id.* at 63. The CAVC reasoned that, by not excluding the effects of medication, the Board was effectively treating responsiveness to medication as a rating criterion that could have been, but was not, specified in the relevant diagnostic code. *Id.* at 61–62. The CAVC deemed this a deliberate policy decision by VA, since some diagnostic codes explicitly contemplate the effects of medication as a relevant rating criterion, though most diagnostic codes do not. *Id.* at 62. The CAVC rejected VA's argument that rating principles grounded in regulatory text clearly contemplate compensating veterans for their actual level of disability, whether or not that level is lessened by medication. *Id.* at 62–63.

The CAVC took another step in *McCarroll* v. *McDonald,* 28 Vet. App. 267 (2016) (*en banc*). There, the CAVC concluded that the *Jones* rule did not apply in the case because the specific diagnostic code at issue contemplated the effects of medication when assigning a rating. *Id.* at 273. However, in the course of concluding that the *Jones* rule was inapplicable, the CAVC in *McCarroll* for the first time stated that the rule required the Board ''to discount the ameliorative effects of medication'' when assigning a rating. *Id.* at 271. *Jones* itself did not use the word ''discount'' in the rating context.

In *Ingram,* the Board denied ratings for a veteran's service-connected musculoskeletal disabilities under diagnostic codes based on limitation of motion. 38 Vet. App. at 132–35. On appeal, the CAVC rejected VA's arguments to distinguish or limit *Jones* and concluded that the Board erred when it did not ''discuss and discount[ ] the beneficial effects of medication used to treat the veteran's disabilities.'' *Id.* at 139.

But as noted above, 38 CFR 4.10 codifies VA's policy for evaluating functional impairment and states, in part, that the basis of an evaluation is the veteran's ability to function under the ordinary conditions of daily life, and the medical examiner should provide a description of the effects of the disability upon the veteran's ordinary activity. VA's governing regulations thus already focus on functional impairment and a veteran's actual level of disability as it presently manifests in everyday life—which necessarily requires the examiner to consider the disability severity level without estimating or discounting the effect of current medication on the disability. If medication or other treatment lessens the functional impairment a disability causes and thereby improves a veteran's earning capacity, that is the proper disability level for which the veteran should be compensated. Moreover, contrary to the imperative to assign ratings based on available evidence, the CAVC's caselaw ''invites medical speculation in trying to guess what a veteran's symptoms might be without the medication.'' *McCarroll,* 28 Vet. App. at 279 (Kasold, J., concurring in part). Thus, the *Jones* rule, as interpreted and extended by *Ingram,* contravenes central principles of the VASRD's rating scheme.

In addition to contravening governing rating principles, this line of CAVC cases is based on a mistaken premise of regulatory interpretation. In *Jones,* the CAVC concluded that, because (on its reading) some diagnostic codes explicitly contemplate the ameliorative effects of medication as a relevant rating criterion while most diagnostic codes do not, assigning a rating based on ameliorative effects under a diagnostic code that does not contemplate that criterion would be inserting language into the diagnostic code that VA deliberately chose to omit. *Id.* at 62. But the CAVC misunderstood the role that medication plays as a rating criterion in the VASRD. ''[A]lthough some diagnostic codes mention the fact of medication usage as a rating criterion, *none* require the affirmative use of information about the 'ameliorative effects' of the medication in evaluations.'' *McCarroll,* 28 Vet. App. at 278 (Kasold, J., concurring in part) (emphasis added). ''Otherwise stated, nothing in the rating schedule warrants subtracting whatever positive influences medication has on'' a veteran's disability. *Id.* at 277.

As a general rule, an agency ''remains free to amend or clarify those regulations'' it believes have been misconstrued by a court. *Nat'l Org. of Veterans' Advocs., Inc.* v. *Sec'y of Veterans Affs.,* 260 F.3d 1365, 1374 n.9 (Fed. Cir. 2001). Consistent with this precept, the CAVC has emphasized that, because the *Jones* rule is based on the CAVC's interpretation of the VASRD, VA can abrogate that interpretation through corrective rulemaking. *Jones,* 26 Vet. App. at 63; *Ingram* v. *Collins,* No. 23–1798, 2025 WL 1442991, at *2 (Vet. App. May 20, 2025) (Falvey, J., concurring in the denial of en banc review). Immediate correction is now crucial because, following *Ingram,* it is clear that ''*Jones*'s rule that the Board can't insert new criteria into the diagnostic code when it decides a case has been twisted to now require that the Board affirmatively discount medication for diagnostic codes that don't say anything about medication.'' *Ingram,* 2025 WL 1442991, at *1.

Therefore, VA will add the following two sentences to 38 CFR 4.10: ''To ensure that disability evaluations are based on the actual level of functional impairment under the ordinary conditions of daily life, the medical examiner will not estimate or discount improvements to the disability due to the effects of medication or treatment, whether or not medication or treatment is included within specific rating criteria. If medication or treatment lowers the level of disability, the rating will be based on that lowered disability level.''

While VA believes this is already the correct construction of current regulations, this change will make more explicit in regulation VA's longstanding policy and practice to include, among other factors, the ameliorative effects of medication when conducting disability evaluations. Without this change, VA could be required to specifically ascertain and then discount the ameliorative effects of medication on certain disabilities and then assign a disability rating based on the level of disability a veteran *would* suffer if not for that medication. This is an unquantifiable, hypothetical, and unwarranted standard that would compensate veterans for a level of disability they are not actually experiencing. By explicitly stating in regulation that disability evaluations consider the ameliorative effects of medication, VA will ensure that its historic principles for rating disabilities remain intact, thereby leading to consistent results for veterans in accordance with statutory and regulatory schemes and preventing systemic disruptions.

Administrative Procedure Act

The Secretary of Veterans Affairs finds that there is good cause under 5 U.S.C. 553(b)(B) to publish this interim final rule because providing advance notice and prior opportunity for public comment is impracticable and contrary to the public interest. This rulemaking simply makes explicit longstanding VA policy and practice in rating and adjudicating disability benefits. It is

impracticable because *Ingram* creates the immediate risk of significant disruption systemwide and delays in the adjudication and award of benefits. Specifically, if VA does not issue this interim final rule, the erroneous interpretation announced by *Ingram* will (1) generate considerable administrative costs, (2) create systemic delays in the adjudication system, (3) burden VA adjudicators and examiners, and (4) cause an overall increase in compensation expenditures based on a disability level that veterans are not actually experiencing. Issuing this interim final rule without delay is in the public interest because it will prevent a significant negative impact on veterans awaiting claim decisions from VA.

For these same reasons, the Secretary finds that there is also good cause under 5 U.S.C. 553(d)(3) to make this rule effective upon the date of publication.

Thus, VA is issuing this rule as an interim final rule with immediate effect. However, VA will consider and address comments that are received within 60 days of the date this interim final rule is published in the **Federal Register**.

Congressional Review Act

The Office of Information and Regulatory Affairs has determined that this regulatory action is a major rule under the Congressional Review Act (5 U.S.C. 804(2)) because it is likely to result in an annual effect on the economy of $100 million or more. Although this regulatory action is a major rule under 5 U.S.C. 804(2), the Secretary of Veterans Affairs finds that good cause exists under the provisions of 5 U.S.C. 808(2) to forgo the 60-day delayed effective date under 5 U.S.C. 801 and make this rule effective immediately and prior to end of the full Congressional review period. If this rule is not made effective upon publication, there is potential for significant disruption and delay to the award of benefits, as detailed above. Because of these burdens, further notice and public procedure would be impracticable and contrary to the public interest. 5 U.S.C. 808(2). Accordingly, the Secretary finds that there is good cause to publish this final rule with an operative and effective date of February 17, 2026. In accordance with 5 U.S.C. 801(a)(1), VA will submit to the Comptroller General and to Congress a copy of the regulation and impact analysis.

Executive Orders 12866, 13563, and 14192

VA examined the impact of this rulemaking as required by Executive Order 12866 (Sept. 30, 1993) and Executive Order 13563 (Jan. 18, 2011), which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. The Office of Information and Regulatory Affairs has determined that this rulemaking is an economically significant regulatory action under section 3(f)(1) of Executive Order 12866. VA also examined the impact of this rulemaking as required by Executive Order 14192 (Jan. 30, 2025), which directs agencies to ensure that the cost of planned regulations is responsibly managed and controlled through a rigorous regulatory budgeting process. The Office of Information and Regulatory Affairs has determined that this interim final rule is a deregulatory action under Executive Order 14192. The regulatory impact analysis associated with this rulemaking can be found as a supporting document at *www.regulations.gov*.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612) is not applicable to this rulemaking because notice of proposed rulemaking is not required. 5 U.S.C. 601(2), 603(a), 604(a).

Unfunded Mandates

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

Paperwork Reduction Act

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

List of Subjects in 38 CFR Part 4

Disability benefits, Pensions, Veterans.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on February 11, 2026 and authorized the undersigned to sign and submit to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Nicole R. Cherry,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 4 as set forth below:

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

Authority: 38 U.S.C. 1155, unless otherwise noted.

PART 4—SCHEDULE FOR RATING DISABILITIES

Subpart A—General Policy in Rating

■ 2. Revise § 4.10 to read as follows:

§ 4.10 Functional impairment.

The basis of disability evaluations is the ability of the body as a whole, or of the psyche, or of a system or organ of the body to function under the ordinary conditions of daily life including employment. To ensure that disability evaluations are based on the actual level of functional impairment under the ordinary conditions of daily life, the medical examiner will not estimate or discount improvements to the disability due to the effects of medication or treatment, whether or not medication or treatment is included within specific rating criteria. If medication or other treatment lowers the level of disability, the rating will be based on that lowered disability level. Whether the upper or lower extremities, the back or abdominal wall, the eyes or ears, or the cardiovascular, digestive, or other system, or psyche are affected, evaluations are based upon lack of usefulness, of these parts or systems, especially in self-support. This imposes upon the medical examiner the responsibility of furnishing, in addition to the etiological, anatomical, pathological, laboratory and prognostic data required for ordinary medical classification, full description of the effects of disability upon the person's ordinary activity. In this connection, it will be remembered that a person may be too disabled to engage in employment although he or she is up and about and fairly comfortable at home or upon limited activity.

[FR Doc. 2026–03068 Filed 2–13–26; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0789; FRL–12976–01]

Glufosinate; Pesticide Tolerances

Correction

In rule document 2025–20399, appearing on page 52252 in the issue of Thursday, November 20, 2025, make the following correction:

§ 180.473 Glufosinate; tolerances for residues [Corrected].

■ 1. On page 52256, in the third column, in ''Table 1 to Paragraph (a)(1)'', the text in footnote two that reads ''May 20, 2025'' is corrected to read ''May 20, 2026.''

[FR Doc. C1–2025–20399 Filed 2–13–26; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 401, 403, and 404

[Docket No. USCG–2025–0252]

RIN 1625–AD03

Great Lakes Pilotage Rates—2026 Annual Review and Revisions to Methodology

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Final rule.

SUMMARY: The Coast Guard is issuing new base Great Lakes pilotage rates for the 2026 shipping season. The Coast Guard estimates that this final rule will result in an approximately 6-percent decrease in operating costs compared to the 2025 season, while facilitating commerce and supply chains. The Coast Guard is also making one change to the ratemaking methodology: the removal of Step 5 regarding the working capital fund. We conducted a full ratemaking for the 2026 ratemaking and considered comments on the Great Lakes pilotage ratemaking methodology.

DATES: This final rule is effective March 19, 2026.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *www.regulations.gov,* type USCG–2025–0252 in the search box, and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Mr. Brian Rogers, Commandant, Office of Waterways and Ocean Policy—Great Lakes Pilotage Division (CG–WWM–2), Coast Guard; telephone 571–608–8418 or email *Brian.Rogers@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Abbreviations
II. Basis and Purpose, and Regulatory History
III. Discussion of Methodological Changes
IV. Discussion of Comments
V. Discussion of Rate Adjustments
A. Step 1: Recognize Previous Operating Expenses
B. Step 2: Project Operating Expenses, Adjusting for Inflation or Deflation
C. Step 3: Estimate Number of Registered Pilots and Apprentice Pilots
D. Step 4: Determine Target Pilot Compensation Benchmark and Apprentice Pilot Wage Benchmark
E. Redesignated Step 5: Project Needed Revenue (Previously Step 6)
F. Redesignated Step 6: Calculate Initial Base Rates (Previously Step 7)
G. Redesignated Step 7: Calculate Average Weighting Factors by Area (Previously Step 8)
H. Redesignated Step 8: Calculate Revised Base Rates (Previously Step 9)
I. Redesignated Step 9: Review and Finalize Rates (Previously Step 10)
VI. Tables Showing Calculations by District
VII. Regulatory Analyses
A. Regulatory Planning and Review
B. Small Entities
C. Assistance for Small Entities
D. Collection of Information
E. Federalism
F. Unfunded Mandates
G. Taking of Private Property
H. Civil Justice Reform
I. Protection of Children
J. Indian Tribal Governments
K. Energy Effects
L. Technical Standards
M. Environment

I. Abbreviations

2023 final rule Great Lakes Pilotage Rates—2023 Annual Ratemaking and Review of Methodology
2025 final rule Great Lakes Pilotage Rates—2025 Annual Review
2026 Ratemaking NPRM Great Lakes Pilotage Rates—2026 Annual Review and Revisions to Methodology
APA American Pilots' Association
Apprentice Pilot United States Registered Apprentice Pilot
BLS Bureau of Labor Statistics
CFR Code of Federal Regulations
CPI Consumer Price Index
DHS Department of Homeland Security
Director U.S. Coast Guard's Director of the Great Lakes Pilotage
ECI Employment Cost Index
FOMC Federal Open Market Committee
FR Federal Register
GLPAC Great Lakes Pilotage Advisory Committee
LPA Lakes Pilots Association
NAICS North American Industry Classification System
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
PCE Personal Consumption Expenditures
Pilot United States Registered Pilot
§ Section
SBA Small Business Administration
SLSPA Saint Lawrence Seaway Pilots Association
U.S.C. United States Code
WGLPA Western Great Lakes Pilots Association

II. Basis and Purpose, and Regulatory History

The legal basis of this rulemaking is 46 U.S.C. Chapter 93,[1] which requires foreign merchant vessels and United States vessels operating ''on register'' (meaning United States vessels engaged in foreign trade) to use United States or Canadian Registered Pilots while transiting the United States waters of the St. Lawrence Seaway and the Great Lakes system.[2] For United States Registered Pilots (Pilots), the statute requires the Secretary to ''prescribe by regulation rates and charges for pilotage services, giving consideration to the public interest and the costs of providing the services.'' [3] The statute requires that rates be established or reviewed and adjusted each year, not later than March 1.[4] The statute also requires that base rates be established by a full ratemaking at least once every 5 years, and, in years when base rates are not established, they must be reviewed and, if necessary, adjusted.[5] The Secretary's duties and authority under 46 U.S.C. Chapter 93 have generally been delegated to the Coast Guard.[6]

The purpose of this rulemaking is to conduct a full ratemaking and issue new pilotage rates for the 2026 shipping season. The full ratemaking includes soliciting feedback regarding the methodology and the staffing model. The new rates and changes to the methodology continue to promote our goal, as outlined in 46 CFR 404.1, to promote safe, efficient, and reliable pilotage service on the Great Lakes by generating for each pilotage association sufficient revenue to reimburse its necessary and reasonable operating expenses and fairly compensate trained and rested Pilots. This ratemaking continues to meet the other § 404.1 goal of providing sufficient revenue to use for improvements, as explained later in this preamble.

Rates are the foundation for safe, efficient, and reliable pilotage service to facilitate maritime commerce, protect the marine environment, and comply with National Transportation Safety Board recommendations regarding staffing and pilot fatigue. The pilotage rates for the 2026 season range from $382 to $978 per pilot hour, depending on which of the six areas pilotage service is provided. The rates are paid by shippers to the pilotage associations.

[1] 46 U.S.C. 9301–9308.
[2] 46 U.S.C. 9302(a)(1).
[3] 46 U.S.C. 9303(f).
[4] *Id.*
[5] *Id.*
[6] Department of Homeland Security Delegation 00170.1, Revision No. 01.4, paragraph (II)(92)(f).

TABLE 1—2025 AND 2026 PILOTAGE RATES ON THE GREAT LAKES

Area	Name	Final 2025 pilotage rate	Final 2026 pilotage rate
District One: Designated	St. Lawrence River	$986	$978
District One: Undesignated	Lake Ontario	643	623
District Two: Designated	Navigable waters from Southeast Shoal to Port Huron, MI	753	681
District Two: Undesignated	Lake Erie	576	555
District Three: Designated	St. Marys River	825	868
District Three: Undesignated	Lakes Huron, Michigan, and Superior	440	382

There are three American pilotage districts on the Great Lakes, each represented by a pilotage association.[7] Each pilotage district is further divided into ''designated'' and ''undesignated'' areas. Designated areas, classified as such by Presidential Proclamation, are waters in which Pilots must direct the navigation of vessels at all times.[8] Undesignated areas are open bodies of water where Pilots must only ''be on board and available to direct the navigation of the vessel'' at the discretion of the vessel Master.[9]

The three pilotage associations, which are the exclusive source of Pilots on the Great Lakes, use the revenue from the shippers to cover operating expenses, maintain infrastructure, compensate Pilots and United States Registered Apprentice Pilots (Apprentice Pilots), acquire and implement technological advances, train new personnel, and provide for continuing professional development. Each pilotage association is an independent business and is the sole provider of pilotage services in its district of operation. Each pilotage association is responsible for funding its own operating expenses, infrastructure maintenance, and compensation for Pilots and Apprentice Pilots.[10]

The actual demand for service dictates the compensation amount for Pilots. We divide that amount by the historic 10-year average for pilotage demand. We recognize that, in years where demand for pilotage services exceeds the 10-year average, pilotage associations will accrue more revenue than projected, while, in years where demand is below average, they will take in less. Over the long term, however, this scheme ensures that infrastructure will be maintained, and that Pilots will receive adequate compensation and work a reasonable number of hours, with adequate rest between assignments, to ensure retention of highly trained personnel. Using a 10-year average also results in less rate volatility.

In this final rule, we conducted a full ratemaking under 46 CFR 404.100(a) to establish base pilotage rates for 2026. We conducted a full ratemaking because the Coast Guard made changes to the methodology. Specifically, we removed Step 5, which calculates a working capital fund for each pilotage association.

We published a notice of proposed rulemaking (NPRM) titled Great Lakes Pilotage Rates-2026 Annual Review and Revisions to Methodology (hereafter ''the 2026 Ratemaking NPRM'') on September 5, 2025 (90 FR 42899). The comment period ended on October 8, 2025, and we received seven comment submissions.

III. Discussion of Methodological Changes

The Coast Guard makes one change to the ratemaking methodology: to remove Step 5 for calculating a working capital fund.

According to 46 U.S.C. 9303(f), and restated in 46 CFR 404.100(a), the Coast Guard must establish base rates by a full ratemaking at least once every 5 years. We have determined that the current base rate and existing methodology in Steps 1 through 4 and 6 through 10 still adhere to the Coast Guard's goals of safety through rate stability, while promoting recruitment and retention of qualified Pilots. Therefore, we are not making any methodological changes to Steps 1 through 4. For Steps 6 through 10, the only change we made is to redesignate them as Steps 5 through 9, and any references to previous steps be renumbered as required.

A. Removal of § 404.105—Ratemaking Step 5: Project Working Capital Fund

We removed Step 5 and retained the other nine steps of the ratemaking methodology. We made this change in response to public comments and upon review of the three pilotage associations' assets and expenses. As noted later in this preamble, we did not receive any opposition to the proposed removal of the working capital fund, and the commenters who discussed it supported the change. The 2026 Ratemaking NPRM, at 90 FR 42901, contains a detailed explanation of why we proposed the change.

The working capital fund was put in place so that the three districts could have sufficient proof of funds to receive loans and lines of credit from financial institutions for large projects. The U.S. Coast Guard's Director of the Great Lakes Pilotage (Director) has reviewed and monitored the working capital fund accounts each year and has determined that the pilotage associations now have the funds needed and the ability to plan for infrastructure maintenance, non-recurring expenses, and credit worthiness. We will continue to monitor the pilot associations and ensure they have sufficient revenue to cover most maintenance projects by early planning and setting funds aside.

If a necessary and reasonable expense presents itself as outside the financial means of the organization, the Director may approve the use of a surcharge, as we have done in the past. A surcharge provides transparency in both the amount and the association's purpose for collecting the funds. If a surcharge is authorized in the future, the amount collected will be included in the revenue reports for the Coast Guard's review. Any surplus in revenue from the surcharge will be deducted from Step 1 expenses, as necessary.

[7] The Saint Lawrence Seaway Pilots Association (SLSPA) provides pilotage services in District One, which includes all U.S. waters of the St. Lawrence River and Lake Ontario. The Lakes Pilots Association (LPA) provides pilotage services in District Two, which includes all U.S. waters of Lake Erie, the Detroit River, Lake St. Clair, and the St. Clair River. Finally, the Western Great Lakes Pilots Association (WGLPA) provides pilotage services in District Three, which includes all U.S. waters of the St. Marys River; Sault Ste. Marie Locks; and Lakes Huron, Michigan, and Superior.

[8] Presidential Proclamation 3385, *Designation of restricted waters under the Great Lakes Pilotage Act of 1960,* December 22, 1960, *https://www.archives.gov/federal-register/codification/proclamations/03385.html;* accessed 08/08/25.

[9] 46 U.S.C. 9302(a)(1)(B).

[10] Apprentice Pilots and Applicant Pilots are compensated by the pilotage association they are training with, which is funded through the pilotage rates. The ratemaking methodology accounts for an Apprentice Pilot wage benchmark in Step 4 per 46 CFR 404.104(d). The Applicant Pilot salaries are included in the pilotage associations' operating expenses used in Step 1 per 46 CFR 404.101.

B. Summary of Changes From Proposed Rule to Final Rule

Table 2 summarizes the changes between the 2026 Ratemaking NPRM and this final rule. The table includes changes to Apprentice Pilot numbers in response to public comments, and updated inflation data becoming available since the publication of the proposed rule. We also updated a couple cross references to reflect the removal of the working capital fund calculations in previous Step 5.

TABLE 2—CHANGES BETWEEN THE NPRM AND FINAL RULE

Change	Reasoning
Updates 2024 Employment Cost Index (ECI) inflation from 4.2%, listed in the NPRM, to 3.6%.	More recent figures were published since the Coast Guard conducted the analysis for the NPRM.
Updates 2025 Personal Consumption Expenditures (PCE) inflation from 2.5%, listed in the NPRM, to 3.1%.	
Updates 2026 PCE inflation from 2.2%, listed in the NPRM, to 2.4%.	
Updates District One Apprentice Pilots from one to two	Requested in public comments.
Updates District Three Apprentice Pilots from four to five.	
Removes a sentence from § 403.110(b) that required each pilot association to deposit into the working capital fund an amount at least equal to the amount calculated in deleted Step 5, § 404.105.	This requirement is no longer applicable because the minimum amount calculation itself (formerly in § 404.105, Step 5) has been eliminated from the ratemaking methodology. Since the regulation no longer determines a required deposit amount, the corresponding mandate to deposit that amount it is also removed.
In § 404.100, this rule updates the CFR citation for the final ratemaking step to be § 404.109, instead of § 404.110.	This is a conforming amendment to reflect the new citations for the 9-step methodology. This rule removes Step 5, so we redesignate previous Step 10 in § 404.110 as Step 9 in revised § 404.109.

C. Rates and Pilot Staffing

The rates shown in table 1 are based on the new 9-step ratemaking model.

This final rule affects 57 Pilots, 7 Apprentice Pilots, 3 pilotage associations, and the owners and operators of an average of 258 oceangoing vessels that transit the Great Lakes annually. This final rule is not economically significant under Executive Order 12866 and does not affect the Coast Guard's budget or increase Federal spending because foreign shippers, foreign cruise ships, and vessels requesting voluntary pilotage pay these rates directly to the respective pilotage association.

The estimated overall annual regulatory economic impact of this rate change is a net decrease of $2,708,485 in estimated payments made by the foreign shippers, foreign cruise ships, and vessels requesting voluntary pilotage service, an approximately 6-percent decrease from operating costs in the 2025 shipping season. This represents a decrease in revenue needed for total target Pilot compensation, an increase in revenue needed for the total target Apprentice Pilot wage benchmark, a decrease in the revenue needed for adjusted operating expenses, and a decrease in the revenue needed for the working capital fund because of the removal of Step 5 from the ratemaking.

D. Individual Target Pilot Compensation Benchmark

This final rule establishes the 2026 yearly base compensation for Pilots on the Great Lakes at $481,642 per Pilot (a $17,325 increase, or 3.73 percent, over their 2025 compensation). Because the Coast Guard must review, and, if necessary, adjust rates each year, we analyze these as single-year costs and do not annualize them over 10 years. Section VII., Regulatory Analyses, of this preamble provides the regulatory impact analyses of this final rule.

The Coast Guard sets the target Pilot compensation benchmark at the target compensation for the ratemaking year 2025, adjusted for inflation. This is the same method we used for setting the target compensation benchmark in the previous full ratemaking in 2023. This method resembles the interim ratemaking year requirements in § 404.104(b), where the base target Pilot compensation is adjusted annually for inflation. For a detailed history of how we arrived at the target benchmark in previous years, please see the Great Lakes Pilotage Rates—2023 Annual Ratemaking and Review of Methodology (hereafter ''the 2023 final rule'') (88 FR 12226). For the reasons discussed in the 2023 final rule, the base compensation as adjusted annually has provided an appropriate level of compensation for Pilots.

Based on the information we have exchanged with the Pilots and industry over the past two ratemakings (2024–2025), the Director concludes that the level of target Pilot compensation for those years continued to provide an appropriate level of compensation for Pilots. According to § 404.104(a), the Director may make necessary and reasonable adjustments to the benchmark based on current information. However, current circumstances do not indicate that an adjustment, other than for inflation, is necessary. The Director bases this decision on the fact that there is no data that Pilots are resigning due to their compensation, or that this compensation benchmark is causing shortfalls in achieving reliable pilotage service. The Coast Guard finds that the Pilot compensation benchmark is appropriate relative to the expertise required to perform the necessary job functions. The compensation will continue to be adjusted annually, in accordance with published inflation rates, which will ensure the compensation remains competitive and current for upcoming years.

Therefore, at this time, the Coast Guard simply adjusts the amount of target Pilot compensation for inflation as our target compensation benchmark for 2025, as shown in Step 4. This target compensation benchmark approach has advanced and will continue to advance the Coast Guard's goals through rate and compensation stability while also promoting recruitment and retention of qualified Pilots.

IV. Discussion of Comments

The Coast Guard received seven comment submissions on the NPRM for this final rule. We summarize the relevant concerns and our responses next.

Working Capital Fund and Surcharge

Nealy half of all commenters expressed support for eliminating the working capital fund. The Coast Guard received no comments opposing the removal of Step 5, the working capital fund. This final rule removes step 5, the

working capital fund, from the methodology. Pilotage associations will continue to plan and reserve a portion of their existing revenues to cover routine capital requirements.

Two commenters requested that the Coast Guard provide an explanation of the processes for sustaining solvency of the fund and of the use of surcharges for increased clarity and transparency (Comments USCG–2025–0252–0012 and USCG–2025–0252–0011).

Response: The Coast Guard's first priority in this rulemaking is safety through rate stability and predictability of future revenues, while promoting recruitment and retention of qualified Pilots. The Coast Guard will continue to track the working capital fund and ensure the districts' overall financial health, stability, and long-term viability, ensuring they have enough assets to cover their liabilities and continue operations. We will ensure the remaining funds are used for necessary and reasonable expenses and adjust the operating expenses in future rulemakings as needed. These funds will not be used for compensation. The pilot associations will continue to issue Working Capital Fund Reports annually. In the event of necessary extraordinary capital investments, as approved by the Coast Guard, we may authorize a transparent, time-limited surcharge.

Number of Apprentice Pilots

Three commenters, one from each district, requested an increase in the number of Apprentice Pilots funded for their respective districts. The Coast Guard allotted one Apprentice Pilot to District One, zero Apprentice Pilots to District Two, and four Apprentice Pilots to District Three in the NPRM.

District One requests an increase to two Apprentice Pilots because they currently have two working Apprentice Pilots: one started in April 2025 and the other in July 2025 (Comment USCG–2025–0252–0014).

Response: We concur and conclude that two Apprentice Pilots are sufficient for District One in the 2026 shipping year, an increase of one from the NPRM.

District Two requests an increase to one Apprentice Pilot (Comment USCG–2025–0252–0013). District Two's comment proposes hiring an Apprentice Pilot for the 2026 shipping season to prepare for potential Pilot retirement in the future and to give the Apprentice Pilot adequate time in the training program.

Response: We disagree that an additional Apprentice Pilot is necessary for District Two. Upon further review, this pilotage district does not have a potential retirement in the next 2 years. We invite this pilotage association to discuss staffing issues during the next Great Lakes Pilotage Advisory Committee (GLPAC) Meeting and in future rulemaking comment solicitations.

District Three requests an increase to six Apprentice Pilots. They currently claim five Apprentice Pilots and are expecting to add a sixth in 2026 (Comment USCG–2025–0252–0010).

Response: We disagree that District Three needs six Apprentice Pilots. After reviewing staffing levels and potential retirements, we conclude that five Apprentice Pilots will be sufficient for District Three in the 2026 shipping year, an increase of one from the NPRM. We invite this pilotage association to discuss staffing issues during the next GLPAC Meeting and in future rulemaking comment solicitations.

2023 Arbitration Expenses

The Western Great Lakes Pilots Association (WGLPA) commented that it does not intend to pursue an upward adjustment related to a 2023 arbitration (Comment USCG–2025–0252–0010).

Response: Accordingly, we have not added any additional expenses to the 2023 expenses for District 3. We do not plan to address this issue in future rulemakings.

Pilot Compensation and Targeted Individual Compensation

The Coast Guard received two comments raising concerns about Pilot compensation. One commenter's concern was that although the pilotage rates decreased, ''the targeted compensation continues to rise'' (USCG–2025–0252–0012). The commenter reminded the Coast Guard about a previous request to use the Federal Open Market Committee (FOMC) measure instead of the Consumer Price Index (CPI). The commenter acknowledges the Coast Guard's response that it does not average rates but claims that the CPI ''includes average of all measures, high and low . . . most of which are high.'' The commenter argues for the FOMC, stating:

> The FOMC metric eliminates high and lows in arriving at a measurement and is a means to constrain unwieldy increases of high net income compensation. Not willing to provide transparency of an actual and knowable compensation the CG might consider the appl the inflation measure against the first $250,000 of compensation addressing the uses of inflation of expenses most consumers experience.

Response: We disagree and are not changing how inflation is applied to target compensation during this rulemaking. We may add this topic to a future GLPAC meeting so we can discuss other alternatives with stakeholders. The FOMC projection of PCE inflation is not a substitute for the CPI measure because they are fundamentally estimating different timeframes. The PCE projection is looking forward, while the CPI measure is backward-looking. Further, the commenter's description of the FOMC measure removing highs and lows applies only to the central tendency measures, whereas the Coast Guard employs the median estimates. The Coast Guard makes no alteration to any inflation measure before implementing the ratemaking methodology and will continue to apply inflation equally to the entire compensation figure. This process can be found in 46 CFR 404.102, and we describe our process in detail in the NPRM at 90 FR 42901–42902. Our goal in applying inflation figures is to be as objective as possible to make the estimates an accurate reflection of trends in inflation rather than weighting the outcome in favor of a trend up or down.

Another commenter with the same concern about transparency recommended releasing an annual, anonymized accounting of compensation distribution to individual Pilots. This commenter recommended ''an independent review and analysis be undertaken with a view to establishing a methodology which users can support'' (USCG–2025–0252–0011).

Response: As part of our oversight responsibilities, we conduct annual reviews which include ratemaking and other information unrelated to ratemakings. If we note any significant differences in pilot compensation, we take independent corrective action. We do not retain the supporting records due to Privacy Act concerns. We have historically declined to provide specific accounting of compensation for individual Pilots and maintain the same reasoning given in previous ratemaking final rule preambles. The Coast Guard does not use the actual individual Pilot earnings or average earnings; instead, we use target pilot compensation (described in Step 4 of the existing methodology), which the Coast Guard has determined to be reasonable and necessary. Because actual salary values are not used in the ratemaking, the Coast Guard believes that a requirement to report Pilot compensation is not in the public interest or necessary to provide for the costs of services. Progress toward pilot retention can be reviewed through pilot turnover and the association's ability to promptly fill Pilot vacancies for fully registered Pilots

and Apprentice Pilots. We take input from all public comments and representatives at the GLPAC meetings to help shape the methodology. We also provide reoccurring opportunity to provide feedback on the entire methodology during the full ratemaking process. During this full ratemaking comment period, we did not receive any requests to change the methodology steps (other than concurring with our proposal to remove the working capital fund step) or feedback that the methodology is no longer supportive to the Pilots or industry needs. We received one request to change the inflation source we use for the Pilot compensation, as discussed earlier in this section. The opportunities to provide feedback on the methodology are available to all users through the annual ratemakings and full ratemakings. The Government Accountability Office reviewed the methodology in 2019 and found it reasonable. We are not currently planning to do another independent review of the methodology.

Restructuring Dispatch

The Coast Guard received two comments related to restructuring the dispatch process. One commenter encouraged the Coast Guard to build on its September 2024 presentation at the GLPAC meeting examining each pilotage association's dispatching and transportation services (Comment USCG–2025–0252–0015). The commenter also encouraged exploring the possibility of combining dispatching services across the three districts. The commenter notes that, given advances in communication technology, a single entity could provide dispatching services across the three districts, providing industry efficiencies and cost savings without compromising safety. Another commenter echoed these ideas, adding that identifying opportunities for operational efficiencies, improved service reliability, and cost savings could result in ''. . . at minimum, greater integration between existing district systems'' (USCG–2025–0252–0011).

Response: We agree. We initiated a pilot program when the Seaway Locks opened in the spring of 2025 at the request of the shippers (Fed Nav, Canfornav, Wagenborg, and Polsteam). All orders for Pilots and Canadian Registered Pilots in District 3 go through the dispatch center located in Massena, NY. The dispatch process is outside the scope of this rulemaking, so we are not implementing any changes in this rule. However, the Director will continue to monitor, address, and discuss the dispatch process with the stakeholders involved. Our goal is to maintain maritime safety and achieve efficiencies without creating a single point of failure. We will provide an update at the next GLPAC Meeting and continue to seek input from stakeholders before finalizing our decision.

Updating the GLP Memorandum of Understanding (MOU) With Canada

The Coast Guard received two comments related to updating the MOU between the United States Coast Guard and the Canadian Great Lakes Pilotage Authority, which provides for the coordination of services across the Great Lakes. Both commenters noted that the MOU was last updated in 2013. One commenter commended the Coast Guard for its leadership in initiating talks, especially related to ensuring Pilot availability. The same commenter ''recognizes the progress the Director has made to address this issue on the U.S. side'' (USCG–2025–0252–0015). Another commenter noted that there is value in reviewing and updating the MOU and encouraged initiating discussions in the ''most expeditious way possible'' (USCG–2025–0252–0011).

Response: We also received this request as a recommendation from the GLPAC meeting on July 23, 2025 (meeting transcript is in the docket). This MOU update is outside the scope of the ratemaking methodology rulemaking, and we are reviewing it separately.

Coordinating With GLPAC

The Coast Guard received two comments related to better coordination with GLPAC, specifically requesting that the NPRM publish in time for GLPAC to review it at the annual July meeting. One commenter noted ''the timing of the Meeting and the release of the NPRM should be such that the GLPAC members have sufficient time to evaluate, discuss, and comment in a public forum on the NPRM'' (USCG–2025–0252–0012). Another commenter also requested better coordination between NPRM publication and GLPAC meetings whenever possible (USCG–2025–0252–0011).

Response: We cannot guarantee alignment with GLPAC meetings and future rulemakings. Several factors impact the publication timing of an NPRM, which makes timing it with a GLPAC meeting every year an unattainable goal. In addition, we also hold ourselves to giving at least 15 calendar days of notice between **Federal Register** announcements of advisory committee meetings and the date of the meeting. Therefore, planning and timing these two events to overlap is not attainable every year. We continue to use the GLPAC meeting recommendations and discussions to help develop our ratemaking proposed rules and final rules each year, regardless of the timing.

Necessary and Reasonable Expenses

The Coast Guard received one comment regarding the designation of necessary and reasonable expenses. The commenter pointed out that the Coast Guard's response to a previous year's question related to necessary and reasonable expenses was that the third-party auditor makes that designation. They explained that the Coast Guard responded that GLPAC unanimously approved the third-party auditor to make the necessary and reasonable designations. The commenter pointed out that ''the transcript does not support the conclusion offered by the Coast Guard; the vote was about continuing the use of the third party auditor in question and contained one abstention'' (USCG–2025–0252–0012).

Response: The commenter is correct in that the GLPAC meeting recommendation was to continue using the same auditor, not a recommendation whether to use an auditor or not. The Director makes all final necessary and reasonable determinations for operating expenses. We have provided the auditors with some guidance on how to make preliminary determinations that they consider alongside their independent judgement and expertise.

Necessity for Undesignated Waters

The Coast Guard received one comment requesting an examination of ''the requirement for pilots to be assigned within undesignated waters under the necessary and reasonable standard'' (USCG–2025–0252–0012). The commenter suggested that, depending on the review findings, a legislative change proposal could be made that would modernize the system of assigning and dispatching Pilots. The commenter noted that GLPAC would be available to review the Coast Guard's work on the requirement review and possible legislative change proposal.

Response: We disagree, and this comment is outside the scope of what we have statutory authority to change in regulation. We will continue to follow and enforce the statutory requirements for pilotage in undesignated waters.

This commentor made similar statements during the 2025 GLPAC Meeting in Port Huron. Neither the GLPAC nor the annual rulemaking are the appropriate venues for this topic.

We encourage this commenter to coordinate with his elected officials if he desires a change to the Great Lakes Pilotage Act of 1960, as amended.

2023 Apprentice Pilot Compensation and Reimbursement

The Coast Guard received one comment that seeks to correct a misunderstanding related to 2023 Apprentice Pilot compensation in District One. In the NPRM, the Coast Guard explained that the auditors mislabeled $466,144 as ''applicant salaries,'' and stated that the Coast Guard believed it to be a redundant counting of Apprentice Pilot salaries, which are already accounted for in Step 4 of the ratemaking methodology. *See* 90 FR 42899, 42915–42916. Accordingly, the Coast Guard excluded $466,144 from Step 1.

The commenter from District One explained that this rationale is incorrect. In 2023, District One had two Apprentice Pilots funded in the rate but employed a total of four Apprentice Pilots over the course of the year. The $466,144 reflects the total amount for four Apprentice Pilot salaries. The commenter maintains that the additional two Apprentice Pilots should be accounted for in the expenses. To arrive at the correct number for expenses, the commenter suggested splitting the number in two parts. The salaries for the two funded Apprentice Pilots should be subtracted from the $466,144. Two Apprentice Pilots at $152,783 each comes to $305,566. When $305,566 is subtracted from $466,144, the difference is $160,758. One Apprentice Pilot was employed from the beginning of the year through November and the other from October to the end of the year. The commenter stated that $160,758 should have remained an expense for the two unfunded Apprentice Pilots.

Response: Based on the current administrative record, the Coast Guard cannot verify (1) the total number of Apprentice Pilots employed in District One during 2023, (2) which Apprentice Pilots were included in Step 4 funding for that year, or (3) whether the proposed $160,758 represents necessary and reasonable costs that are not already reflected elsewhere in the ratemaking calculations. Because the requested adjustment would affect a prior expense year and requires verification of underlying payroll records and funding assumptions, the Coast Guard cannot resolve this issue within the timeframe for this final rule. Accordingly, the Coast Guard does not include the requested adjustment in this final rule.

The Coast Guard will evaluate this request in a future ratemaking if the commenter provides supporting documentation, including payroll records identifying the dates and amounts paid to each Apprentice Pilot in 2023 and an explanation of how the proposed adjustment was derived, including whether the amounts include wages only or wages plus benefits and related costs. If supported, the Coast Guard will include any necessary and reasonable, non-duplicative Apprentice Pilot compensation in a subsequent ratemaking.

GLPAC Recommendations

The Coast Guard received one comment concerning the implementation of GLPAC recommendations to the Great Lakes pilotage ratemaking process. The comment articulates that GLPAC met on July 23, 2025 and adopted five recommendations, all of which directly or indirectly relate to the Great Lakes pilotage ratemaking process. The commenter encouraged the Coast Guard ''to act in accordance with these five recommendations as swiftly as possible'' (USCG–2025–0252–0016).

Response: The Coast Guard acknowledges the role of GLPAC in providing advisory input on pilotage matters and is considering those recommendations separately. This rulemaking is limited to the annual rate review and targeted methodological revisions described in the NPRM and does not discuss broader ratemaking reforms. The Coast Guard intends to evaluate the GLPAC recommendations in the context of future ratemaking or policy development, as appropriate. Accordingly, this final rule does not adopt additional changes based on those recommendations.

V. Discussion of Rate Adjustments

The ratemaking methodology, as revised by this rule in 46 CFR 404.101 through 404.109, consists of nine steps designed to account for the revenues needed and total traffic expected in each district. Please see the NPRM starting at 90 FR 42903 for a detailed summary of the nine steps.

In this final rule, based on the methodology changes described in the previous sections, we set new pilotage rates for 2026. We conducted the 2026 ratemaking as a full ratemaking, as we last did in 2023 (88 FR 12226). Thus, the Coast Guard sets the target Pilot compensation benchmark at the target compensation for the ratemaking year 2025, adjusted for inflation. This method resembles the interim ratemaking year requirements in § 404.104(b), where the base target Pilot compensation is adjusted annually for inflation.

This section discusses the rate changes using the ratemaking steps provided in 46 CFR part 404. The following sections demonstrate how we arrived at the rates for each pilotage district and includes omitting Step 5, the working capital fund calculation.

A. Step 1: Recognize Previous Operating Expenses

Step 1 in the ratemaking methodology requires that the Coast Guard review and recognize the operating expenses for the last full year for which figures are available (§ 404.101). To do so, we begin by reviewing the independent accountant's financial reports for each association's 2023 expenses and revenues.[11] For accounting purposes, the financial reports divide expenses into designated and undesignated areas. For costs accrued by the pilotage associations generally, such as employee benefits, for example, the cost is divided between the designated and undesignated areas on a pro rata basis.

Adjustments have been made by the auditors and are explained in the auditors' reports, which are available in the docket for this rulemaking. As noted in the response to comments, the Coast Guard excluded a District One expense for $466,144 in ''applicant salaries,'' but may reconsider this in the 2027 ratemaking if we receive further information.

The recognized operating expenses for Districts One, Two, and Three are shown in tables 3, 14, and 25, respectively.

B. Step 2: Project Operating Expenses, Adjusting for Inflation or Deflation

In accordance with § 404.102, having identified the recognized 2023 operating expenses in Step 1, the next step is to project the current year's operating expenses by adjusting those expenses for inflation over the 3-year period. We calculate inflation using the Bureau of Labor Statistics (BLS) data from the CPI for the Midwest Region of the United States for the 2024 inflation rate.[12] Because the BLS does not provide forecasted inflation data, we use economic projections from the Federal Reserve for the 2025 and 2026 inflation

[11] These reports are available in the docket for this rulemaking.

[12] The CPI is defined as ''All Urban Consumers (CPI–U), All Items, 1982–4=100.'' Series CUUR0200SA0. Available at *https://www.bls.gov/cpi/data.htm.,* All Urban Consumers (Current Series), multiscreen data, not seasonally adjusted, 0200 Midwest, Current, All Items, Monthly, 12-month Percent Change and Annual Data; accessed 01/28/2025.

modification.[13] Based on that information, the calculations for Step 2 are shown in tables 4, 15, and 26 for Districts One, Two, and Three, respectively.

C. Step 3: Estimate Number of Registered Pilots and Apprentice Pilots

In accordance with § 404.103, we estimate the number of fully registered Pilots in each district. As established by the ''Great Lakes Pilotage Rates—2021 Annual Review and Revisions to Methodology'' final rule (86 FR 14184), the minimum number of Pilots for District One is 18, for District Two is 16, and for District Three is 22. The Great Lakes Pilotage Rates—2025 Annual Review (hereafter ''the 2025 final rule'') established the maximum number as 21 Pilots for District One, 19 for District Two, and 25 for District Three. We project the number of fully registered Pilots based on data provided by the SLSPA, LPA, and WGLPA. We determine the number of Apprentice Pilots based on input from the districts on anticipated retirements and staffing needs. Currently, as shown in table 5, District One has 20 Pilots. Table 16 shows that District Two has 17 Pilots, and table 27 shows that District Three has 20 Pilots.

D. Step 4: Determine Target Pilot Compensation Benchmark and Apprentice Pilot Wage Benchmark

In this step, we determine the total Pilot compensation for each area. Because we conducted a full ratemaking this year, we follow the procedure outlined in paragraph (a) of § 404.104, which requires us to develop a benchmark after considering the most relevant currently available non-proprietary information. In accordance with the discussion in *Section III.D, Individual Target Pilot Compensation Benchmark,* of this preamble, the compensation benchmark for 2026 uses the 2025 compensation of $464,317 per Pilot as a base, then adjusts for inflation following the procedure outlined in paragraph (b) of § 404.104. First, we adjust the 2025 target compensation benchmark of $464,317 by 1.3 percent, for a value of $470,353. This accounts for the difference in actual second quarter 2025 ECI inflation, which is 3.6 percent, and the 2025 PCE estimate of 2.3 percent.[14] [15]

The second step accounts for projected inflation from 2025 to 2026, which is 2.4 percent.[16] Based on the projected 2026 inflation estimate, the target compensation benchmark for 2026 is $481,642 per Pilot. In accordance with § 404.104(d), the Apprentice Pilot wage benchmark is 36 percent of the target Pilot compensation, or $173,391 ($481,642 × 0.36).

In accordance with § 404.104(c), we use the revised target individual compensation level to derive the total Pilot compensation by multiplying the individual target compensation by the estimated number of Pilots for Districts One, Two, and Three, as shown in tables 6, 17, and 28, respectively. We estimate that the number of Apprentice Pilots needed will be two for District One, zero for District Two, and five for District Three in the 2026 season. For Districts One and Two, the total target wages for Apprentice Pilots are allocated with 60 percent for the designated area and 40 percent for the undesignated area, and for District Three, the total target wages for Apprentice Pilots are allocated with 22 percent for the designated area and 78 percent (53 percent + 25 percent) for the undesignated areas, in accordance with the allocation for operating expenses.

E. Redesignated Step 5: Project Needed Revenue (Previously Step 6)

In this step, we calculate the projected revenue needed for each area. These expenses include the projected operating expenses (from Step 2), the total target Pilot compensation (from Step 4), and total target Apprentice Pilot wage (also from Step 4). We show these calculations for Districts One, Two, and Three in tables 7, 18, and 29, respectively.

F. Redesignated Step 6: Calculate Initial Base Rates (Previously Step 7)

Having determined the revenue needed for each area in the previous five steps, we develop an hourly rate by dividing that number by the expected number of hours of traffic. Step 6 is a two-part process. In the first part, we calculate the 10-year average of traffic in Districts One, Two, and Three, using the total time on task or pilot bridge hours. Because we calculate separate figures for designated and undesignated waters, there are two parts for each calculation. We show these values for Districts One, Two, and Three in tables 8, 19, and 30, respectively.

Next, we derive the initial hourly rate by dividing the revenue needed by the average number of hours for each area. This produces an initial rate, which is necessary to produce the revenue needed for each area, assuming the amount of traffic is as expected. We present the calculations for Districts One, Two, and Three in tables 9, 20, and 31, respectively.

G. Redesignated Step 7: Calculate Average Weighting Factors by Area (Previously Step 8)

In this step, we calculate the average weighting factor for each designated and undesignated area. We collect the weighting factors, set forth in 46 CFR 401.400, for each vessel trip. Using the weighting factor reports from SeaPro, we calculate the average weighting factor for each area using the data from each vessel transit in Districts One, Two, and Three from 2015 to 2024, as shown in tables 10 and 11; 21 and 22; and 32 and 33, respectively.

H. Redesignated Step 8: Calculate Revised Base Rates (Previously Step 9)

After considering the impact of the weighting factors, we revise the base rates in this step so that the total costs of pilotage will be equal to the revenue needed. To do this, we divide the initial base rates calculated in redesignated Step 6 by the average weighting factors calculated in redesignated Step 7, as shown for Districts One, Two, and Three in tables 12, 23, and 34, respectively.

I. Redesignated Step 9: Review and Finalize Rates (Previously Step 10)

In this step, the Director reviews the rates set forth by the staffing model and ensures that they meet the goal of ensuring safe, efficient, and reliable pilotage. To establish this, the Director considers whether the rates incorporate appropriate compensation for Pilots to handle heavy traffic periods and whether there is a sufficient number of Pilots to handle those heavy traffic periods. The Director also considers whether the rates cover operating expenses and infrastructure costs, including average traffic and weighting factors. Based on these considerations, the Director makes no alterations to the rates in this step. In this final rule, we modify § 401.405(a)(1) through (6) to reflect the final rates for Districts One,

[13] The 2025 and 2026 inflation rates are available at *https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20250917.pdf. We used the Core PCE June Projection value found in table 1; accessed* 11/14/2025.

[14] Employment Cost Index, Total Compensation for Private Industry workers in Transportation and Material Moving, Annual Average (June 2025), Series ID: CIU2010000520000A. *https://www.bls.gov/news.release/eci.t05.htm;* accessed 11/14/2025.

[15] 2.3 percent was the latest figure available for the 2025 final rule. Table 1, Summary of Economic Projections, Median Core PCE Inflation June Projection. *https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20240918.pdf;* accessed 10/02/2024.

[16] Table 1, Summary of Economic Projections, Median Core PCE Inflation June Projection. *https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20250917.pdf*; accessed 11/14/2025.

Two, and Three, as shown in tables 13, 24, and 35, respectively.

VI. Tables Showing Calculations by District

District 1

TABLE 3—STEP 1: 2023 RECOGNIZED EXPENSES FOR DISTRICT ONE

Reported operating expenses for 2023	District One		
	Designated	Undesignated	Total
	St. Lawrence River	Lake Ontario	
Applicant Pilot Compensation:			
Travel	$11,548	$7,699	$19,247
License Insurance	2,872	1,915	4,787
Other Expenses	1,246	830	2,076
Employee Benefits	16,409	10,940	27,349
Total Applicant Pilot Compensation	32,075	21,384	53,459
Operating Expenses:			
Hotel/Lodging	54,912	36,608	91,520
Payroll Taxes	208,891	139,261	348,152
Pilot Subsistence	146,031	97,340	243,351
Travel	654,922	436,614	1,091,536
License Insurance	51,302	34,202	85,504
Total Other Pilotage Costs	1,116,038	744,025	1,860,063
Pilot Boat and Dispatch Costs:			
Dispatch Cost	207,397	138,265	345,662
Employee Benefits	57,739	38,492	96,231
Pilot Boat Cost	19,798	13,198	32,996
Travel	2,732	1,821	4,553
Salaries	243,523	162,348	405,871
Total Pilot and Dispatch Costs	531,189	354,124	885,313
Administrative Expenses:			
Accounting/Professional fees	12,300	8,200	20,500
American Pilots' Association (APA) Dues	29,374	19,583	48,957
Depreciation/Auto Leasing/Other	173,910	115,940	289,850
Depreciation/Auto Leasing/Other—D1–23–03	−68,486	−45,657	−114,143
Dues and subscriptions	5,055	3,370	8,425
Employee benefits	3,685	2,456	6,141
Insurance	48,133	32,089	80,222
Interest	32,274	21,516	53,790
Interest—D1–23–04	−17,344	−11,562	−28,906
Legal—Shared Counsel (K&L Gates)	52,858	35,239	88,097
Legal—Shared Counsel (K&L Gates)—D1–23–05	−3,494	−2,329	−5,824
Legal	6,871	4,581	11,452
Other Expenses	174,482	116,321	290,803
Other Expenses—D1–23–02	8,642	5,761	14,403
Other Taxes	91,261	60,841	152,102
Payroll Taxes	56,253	37,502	93,755
Pilot Training	50,734	33,823	84,557
Real Estate taxes	23,053	15,369	38,422
Salaries	92,117	61,411	153,528
Travel	7,875	5,250	13,125
Travel—D1–23–01	−3,168	−2,112	−5,280
Utilities	29,952	19,968	49,920
Total Administrative Expenses	806,337	537,560	1,343,896
Total Expenses (OpEx + Applicant + Pilot Boats + Admin + Capital)	2,485,639	1,657,093	*4,142,731

*Where the total column for a line from the expense report did not match manual addition, the Coast Guard manually matched to the line total for that expense and continued to sum down the column. As a result, the ending total for each column (designated, undesignated, and total) may not sum across.

TABLE 4—STEP 2: ADJUSTED OPERATING EXPENSES FOR DISTRICT ONE

	District One		
	Designated	Undesignated	Total
Total Operating Expenses (Step 1)	$2,485,639	$1,657,093	$4,142,731
2024 Inflation Modification (@2.7%)	67,112	44,742	111,854
2025 Inflation Modification (@3.1%)	79,135	52,757	131,892

TABLE 4—STEP 2: ADJUSTED OPERATING EXPENSES FOR DISTRICT ONE—Continued

	District One		
	Designated	Undesignated	Total
2026 Inflation Modification (@2.4%)	63,165	42,110	105,275
Adjusted 2026 Operating Expenses	2,695,051	1,796,702	4,491,752

* As a result of rounding in Step 1, the total for each column may not sum across.

TABLE 5—STEP 3: AUTHORIZED PILOTS FOR DISTRICT ONE

Item	District One
2026 Authorized Pilots (total)	20
Pilots Assigned to Designated Areas	11
Pilots Assigned to Undesignated Areas	9
2026 Apprentice Pilots	2

TABLE 6—STEP 4: TARGET COMPENSATION FOR DISTRICT ONE

	District One		
	Designated	Undesignated	Total
Target Pilot Compensation	$481,642	$481,642	$481,642
Number of Pilots	11	9	20
Total Target Pilot Compensation	$5,298,062	$4,334,778	$9,632,840
Target Apprentice Pilot Compensation	$173,391	$173,391	$173,391
Number of Apprentice Pilots	.....	.....	2
Total Target Apprentice Pilot Compensation	$208,069	$138,713	$346,782

TABLE 7—STEP 5: REVENUE NEEDED FOR DISTRICT ONE

	District One		
	Designated	Undesignated	Total
Adjusted Operating Expenses (Step 2)	$2,695,051	$1,796,702	$4,491,752
Total Target Pilot Compensation (Step 4)	5,298,062	4,334,778	9,632,840
Total Target Apprentice Pilot Compensation (Step 4)	208,069	138,713	346,782
Total Revenue Needed	8,201,182	6,270,193	14,471,374

* As a result of rounding in Step 1, the total for each column may not sum across.

TABLE 8—STEP 6: TIME ON TASK FOR DISTRICT ONE

[Hours]

Year	District One	
	Designated	Undesignated
2024	6,232	8,075
2023	5,810	7,650
2022	6,577	8,356
2021	6,166	7,893
2020	6,265	7,560
2019	8,232	8,405
2018	6,943	8,445
2017	7,605	8,679
2016	5,434	6,217
2015	5,743	6,667
Average	6,501	7,795

TABLE 9—STEP 6: INITIAL RATE CALCULATIONS FOR DISTRICT ONE

	Designated	Undesignated
Revenue needed (Step 5)	$8,201,182	$6,270,193
Average time on task (hours)	6,501	7,795
Initial rate	$1,262	$804

TABLE 10—STEP 7: AVERAGE WEIGHTING FACTOR FOR DISTRICT ONE, DESIGNATED AREAS

Vessel class/year	Number of transits	Weighting factor	Weighted transits *
Class 1 (2015)	41	1	41
Class 1 (2016)	31	1	31
Class 1 (2017)	28	1	28
Class 1 (2018)	54	1	54
Class 1 (2019)	72	1	72
Class 1 (2020)	8	1	8
Class 1 (2021)	10	1	10
Class 1 (2022)	39	1	39
Class 1 (2023)	19	1	19
Class 1 (2024)	26	1	26
Class 2 (2015)	295	1.15	339
Class 2 (2016)	185	1.15	213
Class 2 (2017)	352	1.15	405
Class 2 (2018)	559	1.15	643
Class 2 (2019)	378	1.15	435
Class 2 (2020)	560	1.15	644
Class 2 (2021)	315	1.15	362
Class 2 (2022)	462	1.15	531
Class 2 (2023)	481	1.15	553
Class 2 (2024)	467	1.15	537
Class 3 (2015)	28	1.3	36
Class 3 (2016)	50	1.3	65
Class 3 (2017)	67	1.3	87
Class 3 (2018)	86	1.3	112
Class 3 (2019)	122	1.3	159
Class 3 (2020)	67	1.3	87
Class 3 (2021)	52	1.3	68
Class 3 (2022)	103	1.3	134
Class 3 (2023)	34	1.3	44
Class 3 (2024)	69	1.3	90
Class 4 (2015)	251	1.45	364
Class 4 (2016)	214	1.45	310
Class 4 (2017)	285	1.45	413
Class 4 (2018)	393	1.45	570
Class 4 (2019)	730	1.45	1,059
Class 4 (2020)	427	1.45	619
Class 4 (2021)	407	1.45	590
Class 4 (2022)	446	1.45	647
Class 4 (2023)	420	1.45	609
Class 4 (2024)	471	1.45	683
Total	9,104	.....	11,735
Average weighting factor (weighted transits ÷ number of transits)	.....	1.29	.....

* Weighted transits are rounded to the nearest whole number for presentation, but the Total calculation uses unrounded figures.

TABLE 11—STEP 7: AVERAGE WEIGHTING FACTOR FOR DISTRICT ONE, UNDESIGNATED AREAS

Vessel class/year	Number of transits	Weighting factor	Weighted transits *
Class 1 (2015)	28	1	28
Class 1 (2016)	18	1	18
Class 1 (2017)	19	1	19
Class 1 (2018)	22	1	22
Class 1 (2019)	30	1	30
Class 1 (2020)	3	1	3
Class 1 (2021)	19	1	19
Class 1 (2022)	27	1	27
Class 1 (2023)	31	1	31
Class 1 (2024)	10	1	10

TABLE 11—STEP 7: AVERAGE WEIGHTING FACTOR FOR DISTRICT ONE, UNDESIGNATED AREAS—Continued

Vessel class/year	Number of transits	Weighting factor	Weighted transits *
Class 2 (2015)	263	1.15	302
Class 2 (2016)	169	1.15	194
Class 2 (2017)	290	1.15	334
Class 2 (2018)	352	1.15	405
Class 2 (2019)	366	1.15	421
Class 2 (2020)	358	1.15	412
Class 2 (2021)	463	1.15	532
Class 2 (2022)	349	1.15	401
Class 2 (2023)	346	1.15	398
Class 2 (2024)	334	1.15	384
Class 3 (2015)	42	1.3	55
Class 3 (2016)	28	1.3	36
Class 3 (2017)	45	1.3	59
Class 3 (2018)	63	1.3	82
Class 3 (2019)	58	1.3	75
Class 3 (2020)	35	1.3	46
Class 3 (2021)	71	1.3	92
Class 3 (2022)	65	1.3	85
Class 3 (2023)	44	1.3	57
Class 3 (2024)	44	1.3	57
Class 4 (2015)	269	1.45	390
Class 4 (2016)	222	1.45	322
Class 4 (2017)	285	1.45	413
Class 4 (2018)	382	1.45	554
Class 4 (2019)	326	1.45	473
Class 4 (2020)	334	1.45	484
Class 4 (2021)	466	1.45	676
Class 4 (2022)	386	1.45	560
Class 4 (2023)	328	1.45	476
Class 4 (2024)	421	1.45	610
Total	7,411	.....	9,592
Average weighting factor (weighted transits ÷ number of transits)	.....	1.29	.....

* Weighted transits are rounded to the nearest whole number for presentation, but the Total calculation uses unrounded figures.

TABLE 12—STEP 8: REVISED BASE RATES FOR DISTRICT ONE

Area	Initial rate (Step 6)	Average weighting factor (Step 7)	Revised rate (initial rate ÷ average weighting factor)
District One: Designated	$1,262	1.29	$978
District One: Undesignated	804	1.29	623

TABLE 13—STEP 9: FINAL RATES FOR DISTRICT ONE

Area	Name	Final 2025 pilotage rate	Final 2026 pilotage rate
District One: Designated	St. Lawrence River	$986	$978
District One: Undesignated	Lake Ontario	643	623

District 2

TABLE 14—STEP 1: 2023 RECOGNIZED EXPENSES FOR DISTRICT TWO

Reported operating expenses for 2023	District Two		
	Undesignated	Designated	Total
	Lake Erie	Southeast Shoal to Port Huron	
Applicant Pilot Employee Benefits	$80	$120	$200
Total Other Applicant Cost	80	120	200
Other Pilotage Cost:			

TABLE 14—STEP 1: 2023 RECOGNIZED EXPENSES FOR DISTRICT TWO—Continued

Reported operating expenses for 2023	District Two		
	Undesignated	Designated	Total
	Lake Erie	Southeast Shoal to Port Huron	
Pilot Subsistence	93,840	140,760	234,600
Travel	37,469	56,204	93,673
License renewal	931	1,396	2,327
License Insurance	7,656	11,485	19,141
Total Other Pilotage Costs	139,896	209,845	349,741
Pilot Boat and Dispatch Costs:			
Pilot boat costs	76,785	115,177	191,962
Employee Benefits	88,722	133,084	221,806
Insurance	11,550	17,324	28,874
Salaries	192,299	288,448	480,747
Total Pilot and Dispatch Costs	369,356	554,033	923,389
Administrative Expenses:			
Legal—general counsel	3,947	5,921	9,868
Legal—shared counsel (K&L Gates)	4,955	7,432	12,386
Legal—shared counsel (K&L Gates)—D2–23–02	−2,071	−3,106	− 5,177
Office Rent	29,508	44,262	73,770
Insurance	14,083	21,124	35,207
Employee benefits	28,614	42,922	71,536
Payroll Taxes	149,889	224,833	374,722
Other taxes	103,752	155,628	259,380
Other taxes—D2–23–01	−45,722	−68,583	−114,305
Real Estate taxes	8,193	12,289	20,482
Travel	20,430	30,646	51,076
Depreciation	23,140	34,710	57,850
APA Dues	16,428	24,641	41,069
Dues and subscriptions	2,634	3,950	6,584
Utilities	4,956	7,434	12,390
Salaries	65,850	98,776	164,626
Accounting/Professional fees	15,997	23,996	39,993
Pilot Training	17,644	26,465	44,109
Other	124,233	186,349	310,582
Other—D2–23–01	−70,962	−106,442	−177,404
Total Administrative Expenses	515,498	773,247	1,288,744
Total Expenses (OPEX + Applicant + Pilot Boats + Admin + Capital)	1,024,830	1,537,245	*2,562,074

*Where the total column for a line from the expense report did not match manual addition, Coast Guard manually matched to the line total for that expense and continued to sum down the column. As a result, the ending total for each column (designated, undesignated, and total) may not sum across.

TABLE 15—STEP 2: ADJUSTED OPERATING EXPENSES FOR DISTRICT TWO

	District Two		
	Undesignated	Designated	Total
Total Operating Expenses (Step 1)	$1,024,830	$1,537,245	$2,562,074
2024 Inflation Modification (@2.7%)	27,670	41,506	69,176
2025 Inflation Modification (@3.1%)	32,628	48,941	81,569
2026 Inflation Modification (@2.4%)	26,043	39,065	65,108
Adjusted 2026 Operating Expenses	1,111,171	1,666,757	2,777,927

*As a result of rounding in Step 1, the total for each column may not sum across.

TABLE 16—STEP 3: AUTHORIZED PILOTS FOR DISTRICT TWO

Item	District Two
2026 Authorized Pilots (total)	17
Pilots Assigned to Designated Areas	10
Pilots Assigned to Undesignated Areas	7
2026 Apprentice Pilots	0

TABLE 17—STEP 4: TARGET COMPENSATION FOR DISTRICT TWO

	District Two		
	Undesignated	Designated	Total
Target Pilot Compensation	$481,642	$481,642	$481,642
Number of Pilots	7	10	17
Total Target Pilots Compensation	$3,371,494	$4,816,420	$8,187,914
Target Apprentice Pilot Compensation	$173,391	$173,391	$173,391
Number of Apprentice Pilots	.....	.....	0
Total Target Apprentice Pilot Compensation	$0	$0	$0

TABLE 18—STEP 5: REVENUE NEEDED FOR DISTRICT TWO

	District Two		
	Undesignated	Designated	Total
Adjusted Operating Expenses (Step 2)	$1,111,171	$1,666,757	$2,777,927
Total Target Pilot Compensation (Step 4)	3,371,494	4,816,420	8,187,914
Total Target Apprentice Pilot Compensation (Step 4)	0	0	0
Total Revenue Needed	4,482,665	6,483,177	10,965,841

*As a result of rounding in Step 1, the total for each column may not sum across.

TABLE 19—STEP 6: TIME ON TASK FOR DISTRICT TWO

[Hours]

Year	District Two	
	Undesignated	Designated
2024	5,809	8,308
2023	6,424	8,181
2022	7,695	9,044
2021	5,290	6,762
2020	6,232	8,401
2019	6,512	7,715
2018	6,150	6,655
2017	5,139	6,074
2016	6,425	5,615
2015	6,535	5,967
Average	6,221	7,272

TABLE 20—STEP 6: INITIAL RATE CALCULATIONS FOR DISTRICT TWO

	Undesignated	Designated
Revenue needed (Step 5)	$4,482,665	$6,483,177
Average time on task (hours)	6,221	7,272
Initial rate	$721	$892

TABLE 21—STEP 7: AVERAGE WEIGHTING FACTOR FOR DISTRICT TWO, UNDESIGNATED AREAS

Vessel class/year	Number of transits	Weighting factor	Weighted transits*
Class 1 (2015)	35	1	35
Class 1 (2016)	32	1	32
Class 1 (2017)	21	1	21
Class 1 (2018)	37	1	37
Class 1 (2019)	54	1	54
Class 1 (2020)	1	1	1
Class 1 (2021)	7	1	7
Class 1 (2022)	57	1	57
Class 1 (2023)	54	1	54
Class 1 (2024)	19	1	19
Class 2 (2015)	354	1.15	407
Class 2 (2016)	380	1.15	437
Class 2 (2017)	222	1.15	255

TABLE 21—STEP 7: AVERAGE WEIGHTING FACTOR FOR DISTRICT TWO, UNDESIGNATED AREAS—Continued

Vessel class/year	Number of transits	Weighting factor	Weighted transits *
Class 2 (2018)	123	1.15	141
Class 2 (2019)	127	1.15	146
Class 2 (2020)	165	1.15	190
Class 2 (2021)	206	1.15	237
Class 2 (2022)	202	1.15	232
Class 2 (2023)	152	1.15	175
Class 2 (2024)	125	1.15	144
Class 3 (2015)	0	1.3	0
Class 3 (2016)	9	1.3	12
Class 3 (2017)	12	1.3	16
Class 3 (2018)	3	1.3	4
Class 3 (2019)	1	1.3	1
Class 3 (2020)	1	1.3	1
Class 3 (2021)	5	1.3	7
Class 3 (2022)	2	1.3	3
Class 3 (2023)	2	1.3	3
Class 3 (2024)	5	1.3	7
Class 4 (2015)	560	1.45	812
Class 4 (2016)	468	1.45	679
Class 4 (2017)	319	1.45	463
Class 4 (2018)	196	1.45	284
Class 4 (2019)	210	1.45	305
Class 4 (2020)	201	1.45	291
Class 4 (2021)	227	1.45	329
Class 4 (2022)	208	1.45	302
Class 4 (2023)	169	1.45	245
Class 4 (2024)	205	1.45	297
Total	5,176	.....	6,740
Average weighting factor (weighted transits ÷ number of transits)	.....	1.30	.....

* Weighted transits are rounded to the nearest whole number for presentation, but the Total calculation uses unrounded figures.

TABLE 22—STEP 7: AVERAGE WEIGHTING FACTOR FOR DISTRICT TWO, DESIGNATED AREAS

Vessel class/year	Number of transits	Weighting factor	Weighted transits *
Class 1 (2015)	15	1	15
Class 1 (2016)	28	1	28
Class 1 (2017)	15	1	15
Class 1 (2018)	42	1	42
Class 1 (2019)	48	1	48
Class 1 (2020)	7	1	7
Class 1 (2021)	12	1	12
Class 1 (2022)	53	1	53
Class 1 (2023)	56	1	56
Class 1 (2024)	24	1	24
Class 2 (2015)	217	1.15	250
Class 2 (2016)	224	1.15	258
Class 2 (2017)	127	1.15	146
Class 2 (2018)	153	1.15	176
Class 2 (2019)	281	1.15	323
Class 2 (2020)	342	1.15	393
Class 2 (2021)	240	1.15	276
Class 2 (2022)	327	1.15	376
Class 2 (2023)	318	1.15	366
Class 2 (2024)	318	1.15	366
Class 3 (2015)	8	1.3	10
Class 3 (2016)	4	1.3	5
Class 3 (2017)	4	1.3	5
Class 3 (2018)	14	1.3	18
Class 3 (2019)	1	1.3	1
Class 3 (2020)	5	1.3	7
Class 3 (2021)	2	1.3	3
Class 3 (2022)	4	1.3	5
Class 3 (2023)	5	1.3	7
Class 3 (2024)	11	1.3	14
Class 4 (2015)	340	1.45	493
Class 4 (2016)	281	1.45	407

TABLE 22—STEP 7: AVERAGE WEIGHTING FACTOR FOR DISTRICT TWO, DESIGNATED AREAS—Continued

Vessel class/year	Number of transits	Weighting factor	Weighted transits *
Class 4 (2017)	185	1.45	268
Class 4 (2018)	379	1.45	550
Class 4 (2019)	403	1.45	584
Class 4 (2020)	405	1.45	587
Class 4 (2021)	268	1.45	389
Class 4 (2022)	391	1.45	567
Class 4 (2023)	349	1.45	506
Class 4 (2024)	474	1.45	687
Total	6,380		8,343
Average weighting factor (weighted transits ÷ number of transits)		1.31	

* Weighted transits are rounded to the nearest whole number for presentation, but the Total calculation uses unrounded figures.

TABLE 23—STEP 8: REVISED BASE RATES FOR DISTRICT TWO

Area	Initial rate (Step 6)	Average weighting factor (Step 7)	Revised rate (initial rate ÷ average weighting factor)
District Two: Designated	$892	1.31	$681
District Two: Undesignated	721	1.30	555

TABLE 24—STEP 9: FINAL RATES FOR DISTRICT TWO

Area	Name	Final 2025 pilotage rate	Final 2026 pilotage rate
District Two: Designated	Navigable waters from Southeast Shoal to Port Huron, MI.	$753	$681
District Two: Undesignated	Lake Erie	576	555

District 3

TABLE 25—STEP 1: 2023 RECOGNIZED EXPENSES FOR DISTRICT THREE

Reported operating expenses for 2023	District three			
	Undesignated	Designated	Undesignated	Total
	Lakes Huron and Michigan	St. Marys River	Lake Superior	
Other Pilotage Costs:				
Applicant Benefits	$56,123	$23,720	$26,741	$106,584
Pilot subsistence	163,861	69,254	78,076	311,190
Hotel/Lodging Cost	142,665	60,295	67,977	270,937
Hotel/Lodging Cost—D3–23–05	−3,454	−1,460	−1,646	−6,560
Travel	235,214	99,410	112,074	446,698
License Renewal	536	227	255	1,018
Payroll taxes	211,362	89,329	100,709	401,400
Payroll taxes—D3–23–04	−5,075	−2,145	−2,418	−9,637
License Insurance	16,953	7,165	8,078	32,196
Total Other Pilotage Costs	818,185	345,795	389,846	1,553,826
Pilot Boat and Dispatch Costs:				
Pilot boat costs	613,308	259,207	292,227	1,164,742
Dispatch costs	149,831	63,324	71,391	284,546
Dispatch costs—D3–23–07	23,851	10,080	11,365	45,296
Insurance	33,584	14,194	16,002	63,779
Total Pilot boat and dispatch costs	820,574	346,805	390,985	1,558,363
Administrative Cost:				
Legal—general counsel	26,809	11,331	12,774	50,914
Legal—general counsel—D3–23–01	−2,098	−887	−999	−3,984
Legal—shared counsel (K&L Gates)	9,608	4,061	4,578	18,247

TABLE 25—STEP 1: 2023 RECOGNIZED EXPENSES FOR DISTRICT THREE—Continued

Reported operating expenses for 2023	District three			
	Undesignated	Designated	Undesignated	Total
	Lakes Huron and Michigan	St. Marys River	Lake Superior	
Legal—shared counsel (K&L Gates)—D3–23–01	−1,007	−426	−480	−1,913
Office Rent	6,719	2,840	3,201	12,760
Insurance	30,104	12,723	14,344	57,171
Employee benefits	116,979	49,440	55,738	222,156
Payroll Tax	57,428	24,271	27,363	109,062
Other taxes	2,708	1,145	1,290	5,143
Real Estate Taxes	1,609	680	766	3,055
Depreciation/Auto leasing/Other	88,577	37,436	42,205	168,218
Interest	13,424	5,673	6,396	25,493
APA Dues	30,519	12,899	14,542	57,960
APA Dues (D3–23–02)	−2,373	−1,003	−1,131	−4,507
Dues and subscriptions	5,792	2,448	2,760	10,999
Utilities	9,568	4,044	4,559	18,171
Salaries	60,558	25,594	28,855	115,007
Accounting/Professional fees	37,984	16,053	18,099	72,136
Pilot Training	13,645	5,767	6,501	25,913
Other expenses	84,033	35,516	40,040	159,589
Other expenses (D3–23–06)	−13,191	−5,575	−6,285	−25,051
Total Administrative Expenses	577,395	244,030	275,116	1,096,539
Total Operating Expenses (Other Costs + Applicant Cost + Pilot Boats + Admin)	2,216,154	936,630	1,055,947	*4,208,728
Directors Adjustments—Applicant Surcharge Collected	−23,851	−10,080	−11,365	−45,296
Total Directors Adjustment	−23,851	−10,080	−11,365	−45,296
Total Operating Expenses (OpEx + Adjustments)	2,192,303	926,550	1,044,582	4,163,432

*Where the total column for a line from the expense report did not match manual addition, Coast Guard manually matched to the line total for that expense and continued to sum down the column. As a result, the ending total for each column (designated, undesignated, and total) may not sum across.

TABLE 26—STEP 2: ADJUSTED OPERATING EXPENSES FOR DISTRICT THREE

	District Three		
	Undesignated	Designated	Total
Total Operating Expenses (Step 1)	$3,236,885	$926,550	$4,163,432
2024 Inflation Modification (@2.7%)	87,396	25,017	112,413
2025 Inflation Modification (@3.1%)	103,053	29,499	132,552
2026 Inflation Modification (@2.4%)	82,256	23,546	105,802
Adjusted 2026 Operating Expenses	3,509,590	1,004,612	4,514,199

*As a result of rounding in Step 1, the total for each column may not sum across.

TABLE 27—STEP 3: AUTHORIZED PILOTS FOR DISTRICT THREE

Item	District Three
2026 Authorized Pilots (total)	20
Pilots Assigned to Designated Areas	5
Pilots Assigned to Undesignated Areas	15
2026 Apprentice Pilots	5

TABLE 28—STEP 4: TARGET COMPENSATION FOR DISTRICT THREE

	District Three		
	Undesignated	Designated	Total
Target Pilots Compensation	$481,642	$481,642	$481,642
Number of Pilots	15	5	20
Total Target Pilot Compensation	$7,224,630	$2,408,210	$9,632,840

TABLE 28—STEP 4: TARGET COMPENSATION FOR DISTRICT THREE—Continued

	District Three		
	Undesignated	Designated	Total
Target Apprentice Pilot Compensation	$173,391	$173,391	$173,391
Number of Apprentice Pilots			5
Total Target Apprentice Pilot Compensation	$676,225	$190,730	$866,955

TABLE 29—STEP 5: REVENUE NEEDED FOR DISTRICT THREE

	District Three		
	Undesignated	Designated	Total
Adjusted Operating Expenses (Step 2).	$3,509,590	$1,004,612	$4,514,199
Total Target Pilot Compensation (Step 4).	7,224,630	2,408,210	9,632,840
Total Target Apprentice Pilot Compensation (Step 4).	676,225	190,730	866,955
Total Revenue Needed	11,410,445	3,603,552	15,013,994

* As a result of rounding in Step 1, the total for each column may not sum across.

TABLE 30—STEP 6: TIME ON TASK FOR DISTRICT THREE

[Hours]

Year	District Three	
	Undesignated	Designated
2024	26,359	3,437
2023	25,690	3,501
2022	24,148	3,426
2021	18,149	2,484
2020	23,678	3,520
2019	24,851	3,395
2018	19,967	3,455
2017	20,955	2,997
2016	23,421	2,769
2015	22,824	2,696
Average	23,004	3,168

TABLE 31—STEP 6: INITIAL RATE CALCULATIONS FOR DISTRICT THREE

	Undesignated	Designated
Revenue needed (Step 5)	$11,410,445	$3,603,552
Average time on task (hours)	23,004	3,168
Initial rate	$496	$1,137

TABLE 32—STEP 7: AVERAGE WEIGHTING FACTOR FOR DISTRICT THREE, UNDESIGNATED AREAS

Vessel class/year	Number of transits	Weighting factor	Weighted transits *
Area 6			
Class 1 (2015)	56	1	56
Class 1 (2016)	136	1	136
Class 1 (2017)	148	1	148
Class 1 (2018)	103	1	103
Class 1 (2019)	173	1	173
Class 1 (2020)	4	1	4
Class 1 (2021)	8	1	8
Class 1 (2022)	116	1	116
Class 1 (2023)	155	1	155
Class 1 (2024)	52	1	52
Class 2 (2015)	207	1.15	238

TABLE 32—STEP 7: AVERAGE WEIGHTING FACTOR FOR DISTRICT THREE, UNDESIGNATED AREAS—Continued

Vessel class/year	Number of transits	Weighting factor	Weighted transits *
Class 2 (2016)	236	1.15	271
Class 2 (2017)	264	1.15	304
Class 2 (2018)	169	1.15	194
Class 2 (2019)	279	1.15	321
Class 2 (2020)	332	1.15	382
Class 2 (2021)	273	1.15	314
Class 2 (2022)	276	1.15	317
Class 2 (2023)	295	1.15	339
Class 2 (2024)	287	1.15	330
Class 3 (2015)	8	1.3	10
Class 3 (2016)	10	1.3	13
Class 3 (2017)	19	1.3	25
Class 3 (2018)	9	1.3	12
Class 3 (2019)	9	1.3	12
Class 3 (2020)	4	1.3	5
Class 3 (2021)	5	1.3	7
Class 3 (2022)	3	1.3	4
Class 3 (2023)	5	1.3	7
Class 3 (2024)	9	1.3	12
Class 4 (2015)	375	1.45	544
Class 4 (2016)	332	1.45	481
Class 4 (2017)	367	1.45	532
Class 4 (2018)	337	1.45	489
Class 4 (2019)	334	1.45	484
Class 4 (2020)	339	1.45	492
Class 4 (2021)	356	1.45	516
Class 4 (2022)	363	1.45	526
Class 4 (2023)	356	1.45	516
Class 4 (2024)	433	1.45	628
Total for Area 6	7,242	.....	9,275
Area 8			
Class 1 (2015)	0	1	0
Class 1 (2016)	4	1	4
Class 1 (2017)	4	1	4
Class 1 (2018)	0	1	0
Class 1 (2019)	0	1	0
Class 1 (2020)	1	1	1
Class 1 (2021)	5	1	5
Class 1 (2022)	10	1	10
Class 1 (2023)	5	1	5
Class 1 (2024)	6	1	6
Class 2 (2015)	169	1.15	194
Class 2 (2016)	174	1.15	200
Class 2 (2017)	151	1.15	174
Class 2 (2018)	102	1.15	117
Class 2 (2019)	120	1.15	138
Class 2 (2020)	180	1.15	207
Class 2 (2021)	124	1.15	143
Class 2 (2022)	89	1.15	102
Class 2 (2023)	118	1.15	136
Class 2 (2024)	122	1.15	140
Class 3 (2015)	0	1.3	0
Class 3 (2016)	7	1.3	9
Class 3 (2017)	18	1.3	23
Class 3 (2018)	7	1.3	9
Class 3 (2019)	6	1.3	8
Class 3 (2020)	1	1.3	1
Class 3 (2021)	1	1.3	1
Class 3 (2022)	6	1.3	8
Class 3 (2023)	0	1.3	0
Class 3 (2024)	4	1.3	5
Class 4 (2015)	253	1.45	367
Class 4 (2016)	204	1.45	296
Class 4 (2017)	269	1.45	390
Class 4 (2018)	188	1.45	273
Class 4 (2019)	254	1.45	368
Class 4 (2020)	265	1.45	384
Class 4 (2021)	319	1.45	463

TABLE 32—STEP 7: AVERAGE WEIGHTING FACTOR FOR DISTRICT THREE, UNDESIGNATED AREAS—Continued

Vessel class/year	Number of transits	Weighting factor	Weighted transits *
Class 4 (2022)	243	1.45	352
Class 4 (2023)	268	1.45	389
Class 4 (2024)	345	1.45	500
Total for Area 8	4,042		5,433
Combined total	11,284		14,708
Average weighting factor (weighted transits ÷ number of transits)		1.30	

* Weighted transits are rounded to the nearest whole number for presentation, but the Total calculation uses unrounded figures.

TABLE 33—STEP 7: AVERAGE WEIGHTING FACTOR FOR DISTRICT THREE, DESIGNATED AREAS

Vessel class/year	Number of transits	Weighting factor	Weighted transits *
Class 1 (2015)	23	1	23
Class 1 (2016)	55	1	55
Class 1 (2017)	62	1	62
Class 1 (2018)	47	1	47
Class 1 (2019)	45	1	45
Class 1 (2020)	15	1	15
Class 1 (2021)	15	1	15
Class 1 (2022)	74	1	74
Class 1 (2023)	68	1	68
Class 1 (2024)	24	1	24
Class 2 (2015)	145	1.15	167
Class 2 (2016)	174	1.15	200
Class 2 (2017)	170	1.15	196
Class 2 (2018)	126	1.15	145
Class 2 (2019)	162	1.15	186
Class 2 (2020)	218	1.15	251
Class 2 (2021)	131	1.15	151
Class 2 (2022)	162	1.15	186
Class 2 (2023)	142	1.15	163
Class 2 (2024)	132	1.15	152
Class 3 (2015)	0	1.3	0
Class 3 (2016)	6	1.3	8
Class 3 (2017)	14	1.3	18
Class 3 (2018)	6	1.3	8
Class 3 (2019)	3	1.3	4
Class 3 (2020)	1	1.3	1
Class 3 (2021)	2	1.3	3
Class 3 (2022)	5	1.3	7
Class 3 (2023)	0	1.3	0
Class 3 (2024)	4	1.3	5
Class 4 (2015)	245	1.45	355
Class 4 (2016)	191	1.45	277
Class 4 (2017)	234	1.45	339
Class 4 (2018)	225	1.45	326
Class 4 (2019)	308	1.45	447
Class 4 (2020)	336	1.45	487
Class 4 (2021)	258	1.45	374
Class 4 (2022)	249	1.45	361
Class 4 (2023)	300	1.45	435
Class 4 (2024)	345	1.45	500
Total	4,722		6,180
Average weighting factor (weighted transits ÷ number of transits)		1.31	

* Weighted transits are rounded to the nearest whole number for presentation, but the Total calculation uses unrounded figures.

TABLE 34—STEP 8: REVISED BASE RATES FOR DISTRICT THREE

Area	Initial rate (Step 6)	Average weighting factor (Step 7)	Revised rate (initial rate ÷ average weighting factor)
District Three: Undesignated	$496	1.30	$382

TABLE 34—STEP 8: REVISED BASE RATES FOR DISTRICT THREE—Continued

Area	Initial rate (Step 6)	Average weighting factor (Step 7)	Revised rate (initial rate ÷ average weighting factor)
District Three: Designated	$1,137	1.31	$868

TABLE 35—STEP 9: FINAL RATES FOR DISTRICT THREE

Area	Name	Final 2025 pilotage rate	Final 2026 pilotage rate
District Three: Designated	St. Marys River	$825	$868
District Three: Undesignated	Lakes Huron, Michigan, and Superior	440	382

VII. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below, we summarize our analyses based on these statutes or Executive orders.

A. Regulatory Planning and Review

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

Two additional Executive orders promote the goals of Executive Order 13563: Executive Order 13609 (Promoting International Regulatory Cooperation) and Executive Order 13610 (Identifying and Reducing Regulatory Burdens). Executive Order 13609 targets international regulatory cooperation to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. Executive Order 13610 aims to modernize the regulatory systems and reduce unjustified regulatory burdens and costs on the public.

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

This rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866. This final rule is considered an Executive Order 14192 deregulatory action. See OMB Memorandum M–25–20, ''Guidance Implementing Section 3 of Executive Order 14192, titled 'Unleashing Prosperity Through Deregulation' '' (March 26, 2025).

A regulatory analysis (RA) follows.

The purpose of this final rule is to establish new base pilotage rates, as 46 U.S.C. 9303(f) requires that rates be established or reviewed and adjusted each year. The statute also requires that base rates be established by a full ratemaking at least once every 5 years, and, in years when base rates are not established, they must be reviewed and, if necessary, adjusted. For this ratemaking, the Coast Guard estimates a decrease in cost of approximately $2.71 million to industry. This is approximately a 6-percent decrease because of the change in revenue needed in 2026 compared to the revenue needed in 2025, as shown in table 36.

TABLE 36—ECONOMIC IMPACTS DUE TO CHANGES

Change	Description	Affected population	Costs	Benefits
Rate changes	In accordance with 46 U.S.C. Chapter 93, the Coast Guard is required to review and adjust base pilotage rates annually.	Owners and operators of 258 vessels transiting the Great Lakes system annually, 57 Pilots, 7 Apprentice Pilots, and 3 pilotage associations.	Decrease of $2,708,485 due to change in revenue needed for 2026 ($40,451,209) from revenue needed for 2025 ($43,159,694) as shown in table 37.	New rates cover an association's necessary and reasonable operating expenses. Promotes safe, efficient, and reliable pilotage service on the Great Lakes. Provides fair compensation, adequate training, and sufficient rest periods for Pilots.
Removal of Working Capital Fund.	Following GLPAC recommendation, the Coast Guard removed Step 5 of the ratemaking.	The 3 pilotage associations	A decrease of $1,980,709 in revenue needed for the Working Capital Fund for 2026 compared to 2025. This is equal to the revenue needed for the working capital fund approved in the 2025 ratemaking.	The associations would need less in revenue for 2026 than if the Working Capital Fund had been included.

The Coast Guard is required to review and adjust pilotage rates on the Great Lakes annually. See Section II., Basis and Purpose, and Regulatory History of this preamble for detailed discussions of the legal basis and purpose for this rulemaking. Based on our annual review for this rulemaking, we are adjusting the pilotage rates for the 2026 shipping season to generate sufficient revenues for each district to reimburse its necessary and reasonable operating

expenses and fairly compensate trained and rested Pilots. The result is a decrease in rates for all areas in District One and District Two. In District Three, the rate will increase for the designated area and decrease for the undesignated area. These changes also lead to a net decrease in the cost of service to shippers. The change in per unit cost to each individual shipper is dependent on their area of operation.

A detailed discussion of our economic impact analysis follows.

Affected Population

This final rule affects Pilots and Apprentice Pilots, the 3 pilotage associations, and the owners and operators of 258 oceangoing vessels that transit the Great Lakes annually, on average, from 2022 to 2024. We estimate that there will be 57 Pilots and 7 Apprentice Pilots during the 2026 shipping season. The shippers affected by these rate changes are those owners and operators of domestic vessels operating ''on register'' (engaged in foreign trade) and owners and operators of non-Canadian foreign vessels on routes within the Great Lakes system. These owners and operators must have Pilots or pilotage service as required by 46 U.S.C. 9302. There is no minimum tonnage limit or exemption for these vessels. The statute applies only to commercial vessels and not to recreational vessels. U.S.-flagged vessels not operating on register, and Canadian ''lakers,'' which account for most commercial shipping on the Great Lakes, are not required by 46 U.S.C. 9302 to have Pilots. However, these United States and Canadian-flagged lakers may voluntarily choose to engage a Pilot. Vessels that are U.S.-flagged may opt to have a Pilot for varying reasons, such as unfamiliarity with designated waters and ports, or for insurance purposes.

The Coast Guard used billing information from the years 2022 through 2024 from SeaPro to estimate the average annual number of vessels affected by the rate adjustment. SeaPro tracks data related to managing and coordinating the dispatch of Pilots on the Great Lakes and billing in accordance with the services. As described in the ratemaking methodology, we use a 10-year average to estimate the traffic. We used 3 years of the most recent billing data to estimate the affected population. When we reviewed 10 years of the most recent billing data, we found the data included vessels that have not used pilotage services in recent years. Using 3 years of billing data is a better representation of the vessel population currently using pilotage services and that are impacted by this final rule. We found that 425 unique vessels used pilotage services during the years 2022 through 2024. That is, these vessels had a Pilot dispatched to the vessel and billing information was recorded in SeaPro. Of these vessels, 403 were foreign-flagged vessels and 22 were U.S.-flagged vessels. Again, U.S.-flagged vessels not operating on register are not required to have a Pilot per 46 U.S.C. 9302, but they can voluntarily choose to have one. Any such vessels that voluntarily choose to have a Pilot are accounted for in the methodology.

Numerous factors affect vessel traffic, which varies from year to year. Therefore, rather than using the total number of vessels over the time period, the Coast Guard took an average of the unique vessels using pilotage services from the years 2022 through 2024 as the best representation of vessels estimated to be affected by the rates in this final rule. From 2022 through 2024, an average of 258 unique vessels used pilotage services annually. On average, 249 of these vessels were foreign-flagged and 9 were U.S.-flagged vessels that voluntarily opted into the pilotage service (these figures are rounded averages).

Total Cost to Shippers

The rate changes resulting from this adjustment to the rates results in a net decrease in the cost of service to shippers. However, the change in per unit cost to each individual shipper is dependent on their area of operation.

The Coast Guard estimates the effect of the rate changes on shippers by comparing the total projected revenues needed to cover costs in 2025 with the total projected revenues to cover costs in 2026. We set pilotage rates, so pilotage associations receive enough revenue to cover their necessary and reasonable expenses. Shippers pay these rates when they engage a Pilot, as required by 46 U.S.C. 9302. Therefore, the aggregate payments of shippers to pilotage associations are equal to the projected necessary revenues for pilotage associations. The revenues each year represent the total costs that shippers must pay for pilotage services. The change in revenue from the previous year is the additional cost to shippers discussed in this final rule.

The impacts of the rate changes on shippers are estimated from the district pilotage projected revenues (shown in tables 7, 18, and 29 of this preamble). The Coast Guard estimates that, for the 2026 shipping season, the projected revenue needed for all three districts is $40,451,209.

To estimate the change in cost to shippers from this final rule, the Coast Guard compared the 2026 total projected revenues to the 2025 projected revenues. Because we review and prescribe rates for Great Lakes pilotage annually, the effects are estimated as a single-year cost rather than annualized over a 10-year period. In the 2025 final rule, we estimated the total projected revenue needed for 2025 as $43,159,694.[17] This is the best approximation of 2025 revenues because, at the time of publication of this final rule, the Coast Guard does not have enough audited data available for the 2025 shipping season to revise these projections. Table 37 shows the revenue projections for 2025 and 2026. The cost changes to shippers are detailed by area and district as a result of the rate changes on traffic in Districts One, Two, and Three.

TABLE 37—EFFECT OF THE FINAL RULE BY AREA AND DISTRICT

[$U.S.; non-discounted]

Area	Revenue needed in 2025	Revenue needed in 2026	Additional costs of this rule
Total, District One	$14,713,084	$14,471,374	−$241,710
Total, District Two	11,883,331	10,965,841	−917,490
Total, District Three	16,563,279	15,013,994	−1,549,285

[17] 89 FR 100810, see table 40. *https://www.govinfo.gov/content/pkg/FR-2024-12-13/pdf/2024-29128.pdf;* accessed 03/25/2025.

TABLE 37—EFFECT OF THE FINAL RULE BY AREA AND DISTRICT—Continued

[$U.S.; non-discounted]

Area	Revenue needed in 2025	Revenue needed in 2026	Additional costs of this rule
System Total	43,159,694	40,451,209	−2,708,485

* All figures are rounded to the nearest dollar and may not sum.

The resulting difference between the projected revenue in 2025 and the projected revenue in 2026 is the annual change in payments from shippers to Pilots as a result of this final rule's rate changes. The effect of the rate changes to shippers varies by area and district. The rate changes lead to affected shippers operating in District One experiencing a decrease in payments of $241,710 over 2025. District Two and District Three will experience a decrease in payments of $917,490 and $1,549,285, respectively, when compared with 2025. The overall adjustment in payments is a decrease in payments by shippers of $2,708,485 across all three districts (a 6-percent decrease when compared with 2025). Again, because the Coast Guard reviews and sets rates for Great Lakes pilotage annually, we estimate the impacts as single-year costs rather than annualizing them over a 10-year period.

Table 38 shows the difference in revenue by revenue-component from 2025 to 2026 and presents each revenue-component as a percentage of the total revenue needed. In both 2025 and 2026, the largest revenue-component was pilotage compensation (66 percent of total revenue needed in 2025, and 68 percent of total revenue needed in 2026), followed by operating expenses (29 percent of total revenue needed in 2025, and 29 percent of total revenue needed in 2026).

TABLE 38—DIFFERENCE IN REVENUE BY REVENUE-COMPONENT

Revenue-component	Revenue needed in 2025	Percentage of total revenue needed in 2025	Revenue needed in 2026	Percentage of total revenue needed in 2026	Difference (2026 revenue − 2025 revenue)	Percentage change from previous year
Adjusted Operating Expenses	$12,354,186	29	$11,783,878	29	−$570,308	−5
Total Target Pilot Compensation	28,323,337	66	27,453,594	68	−$869,743	−3
Total Target Apprentice Pilot Compensation	501,462	1	1,213,737	3	712,275	142
Working Capital Fund	1,980,709	5	0	0	−$1,980,709	−100
Total Revenue Needed	43,159,694	100	40,451,209	100	−$2,708,485	−6.28

* All figures are rounded to the nearest dollar and may not sum.

As stated above, we estimate that there will be a total decrease in revenue needed by the pilotage associations of $2,708,485. This represents a decrease in revenue needed for total target Pilot compensation of $869,743, an increase in revenue needed for total target Apprentice Pilot wage benchmark of $712,275, a decrease in the revenue needed for adjusted operating expenses of $570,308, and a decrease in the revenue needed for the working capital fund of $1,980,709.

The change in revenue needed for Pilot compensation, $869,743, is due to three factors: (1) The changes to adjust 2025 pilotage compensation to account for the difference between actual ECI inflation [18] (3.6 percent) and predicted PCE inflation [19] (2.3 percent) for 2025; (2) projected inflation of pilotage compensation in Step 2 of the methodology, using predicted inflation [20] (2.4 percent) through 2026; and (3) a decrease of four Pilots in District Three compared to 2025.

The target compensation is $481,642 per Pilot in 2026, compared to $464,317 in 2025. The changes to modify the 2025 Pilot compensation to account for the difference between predicted and actual inflation increases the 2026 target compensation value by 1.3 percent. As shown in table 39, this inflation adjustment increases total compensation by $6,036 per Pilot, and the total revenue needed by $344,059 when accounting for all 57 Pilots.

TABLE 39—CHANGE IN REVENUE RESULTING FROM THE CHANGE TO INFLATION OF PILOT COMPENSATION CALCULATION IN STEP 4

2025 Target Pilot Compensation	$464,317
Adjusted 2025 Compensation ($464,317 × 1.013)	470,353
Difference between Adjusted Target 2025 Compensation and Target 2025 Compensation ($470,353 − $464,317)	6,036

[18] Employment Cost Index, Total Compensation for Private Industry workers in Transportation and Material Moving, Annual Average (June 2025), Series ID: CIU2010000520000A. *https://www.bls.gov/news.release/eci.t05.htm;* accessed 11/14/2025.

[19] 2.3 percent was the latest figure available for the 2025 final rule. Table 1, Summary of Economic Projections, Median Core PCE Inflation June Projection. *https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20240918.pdf;* accessed 10/02/2024.

[20] Table 1, Summary of Economic Projections, Median Core PCE Inflation June Projection. *https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20250917.pdf;* accessed 11/14/2025.

TABLE 39—CHANGE IN REVENUE RESULTING FROM THE CHANGE TO INFLATION OF PILOT COMPENSATION CALCULATION IN STEP 4—Continued

Change in total Revenue for 57 Pilots ($6,036 × 57)	344,059

* All figures are rounded to the nearest dollar and may not sum.

Similarly, table 40 shows the impact of the difference between predicted and actual inflation on the target Apprentice Pilot compensation benchmark. The inflation adjustment increases the compensation benchmark by $2,173 per Apprentice Pilot, and the total revenue needed by $15,211 when accounting for all seven Apprentice Pilots.

TABLE 40—CHANGE IN REVENUE RESULTING FROM THE CHANGE TO INFLATION OF APPRENTICE PILOT COMPENSATION CALCULATION IN STEP 4

2025 Target Apprentice Pilot Compensation	$167,154
Adjusted 2025 Compensation ($167,154 × 1.013)	169,327
Difference between Adjusted Target 2025 Compensation and Target Compensation ($169,327 − $167,154)	2,173
Change in total Revenue for Seven Apprentices ($2,173 × 7)	15,211

* All figures are rounded to the nearest dollar and may not sum.

Another increase, $688,622, is the result of increasing compensation for the 61 Pilots predicted for the 2025 season to account for future inflation of 2.4 percent in 2026. This increases total compensation by $11,289 per Pilot when accounting for all 61 Pilots in the 2025 final rule, as shown in table 41.

TABLE 41—CHANGE IN REVENUE RESULTING FROM INFLATING 2025 COMPENSATION TO 2026

Adjusted 2025 Compensation	$470,353
2026 Target Compensation ($470,353 × 1.024)	481,642
Difference between Adjusted 2025 Compensation and Target 2026 Compensation ($481,642 − $470,353)	11,289
Change in total Revenue for 61 Pilots ($11,289 × 61)	688,622

* All figures are rounded to the nearest dollar and may not sum.

Similarly, an increase of $12,192 is the result of increasing compensation for the three Apprentice Pilots predicted for the 2025 season to account for future inflation of 2.4 percent in 2026. This increases total compensation by $4,064 per Apprentice Pilot when accounting for the three Apprentice Pilots in the 2025 final rule, as shown in table 42.

TABLE 42—CHANGE IN REVENUE RESULTING FROM INFLATING 2025 APPRENTICE PILOT COMPENSATION TO 2026

Adjusted 2025 Compensation	$169,327
2026 Target Compensation ($481,642 × 36%)	173,391
Difference between Adjusted Compensation and Target Compensation ($173,391 − $169,327)	4,064
Change in total Revenue for 3 Apprentices ($4,064 × 3)	12,192

* All figures are rounded to the nearest dollar and may not sum.

As noted earlier, the Coast Guard predicts that 57 Pilots are needed for the 2026 season. This reflects a decrease of four Pilots compared to the 2025 season, in District Three.

Table 43 shows the decrease of $1,902,424 in revenue needed solely for Pilot compensation. As noted previously, to avoid double counting, this value excludes the change in revenue resulting from the change to adjust 2025 pilotage compensation to account for the difference between actual and predicted inflation.

TABLE 43—CHANGE IN REVENUE RESULTING FROM DECREASE OF FOUR PILOTS

2026 Target Compensation	$481,642
Total Number of New Pilots	−4
Total Cost of New Pilots ($481,642 × −4)	−$1,926,568
Difference between Adjusted Target 2025 Compensation and Target 2025 Compensation ($470,353 − $464,317)	$6,036
Change in total Revenue for −4 Pilots ($6,036 × −4)	−$24,144
Net Change in total Revenue for −4 Pilots (−$1,926,568 − −$24,144)	−$1,902,424

* All figures are rounded to the nearest dollar and may not sum.

Similarly, the Coast Guard predicts that seven Apprentice Pilots are needed for the 2026 season. This is a total increase of four Apprentice Pilots from the 2025 season. The difference reflects an increase of one Apprentice Pilot for District One, a decrease of one Apprentice Pilot for District Two and an increase of four Apprentice Pilots for District Three.

Table 44 shows the increase of $684,872 in revenue needed solely for Apprentice Pilot compensation. As noted previously, to avoid double counting this value excludes the change

in revenue resulting from the change to adjust 2025 Apprentice Pilotage compensation to account for the difference between actual and predicted inflation.

TABLE 44—CHANGE IN REVENUE RESULTING FROM INCREASE OF FOUR APPRENTICES

2026 Apprentice Target Compensation	$173,391
Total Number of New Apprentices	4
Total Cost of new Apprentices ($173,391 × 4)	$693,564
Difference between Adjusted Target 2025 Compensation and Target 2025 Compensation ($169,327 − $167,154)	$2,173
Change in total Revenue for 4 Apprentices ($2,173 × 4)	$8,692
Net Change in total Revenue for 4 Apprentices ($693,564 − $8,692)	$684,872

* All figures are rounded to the nearest dollar and may not sum.

Table 45 presents the percentage change in revenue by area and revenue-component, excluding surcharges, as they are applied at the district level.[21]

BILLING CODE 9110–04–P

[21] The 2025 projected revenues are from the Great Lakes Pilotage Rate-2025 Annual Review final rule (89 FR 100810), tables 8, 20, and 32. The 2026 projected revenues are from tables 7, 18, and 29 of this final rule.

Table 45 —Difference in Revenue by Revenue-Component and Area

	Adjusted Operating Expenses			Total Target Pilot Compensation			Total Target Apprentice Pilot Compensation			Working Capital Fund			Total Revenue Needed		
	2025	2026	Percentage Change	2025	2026	Percentage Change	2025	2026	Percentage Change	2025	2026	Percentage Change	2025	2026	Percentage Change
District One: Designated	$2,750,620	$2,695,051	-2%	$5,107,487	$5,298,062	4%	$100,292	$208,069	107%	$382,799	$0	-100%	$8,341,198	$8,201,182	-2%
District One: Undesignated	$1,833,749	$1,796,702	-2%	$4,178,853	$4,334,778	4%	$66,862	$138,713	107%	$292,422	$0	-100%	$6,371,886	$6,270,193	-2%
District Two: Undesignated	$1,310,973	$1,111,171	-15%	$3,250,219	$3,371,494	4%	$66,862	$0	-100%	$222,609	$0	-100%	$4,850,663	$4,482,665	-8%
District Two: Designated	$1,966,459	$1,666,757	-15%	$4,643,170	$4,816,420	4%	$100,292	$0	-100%	$322,747	$0	-100%	$7,032,668	$6,483,177	-8%
District Three: Undesignated	$3,566,457	$3,509,590	-2%	$8,822,023	$7,224,630	-18%	$132,052	$676,225	412%	$602,238	$0	-100%	$13,122,770	$11,410,445	-13%
District Three: Designated	$925,928	$1,004,612	8%	$2,321,585	$2,408,210	4%	$35,102	$190,730	443%	$157,894	$0	-100%	$3,440,509	$3,603,552	5%

* All figures are rounded to the nearest dollar and may not sum

.

BILLING CODE 9110–04–C

Benefits

This final rule allows the Coast Guard to meet the requirements in 46 U.S.C. 9303 to review the rates for pilotage services on the Great Lakes. The rate changes facilitate commerce and promote safe, efficient, and reliable pilotage service on the Great Lakes by (1) ensuring that rates cover an association's operating expenses, and (2) providing fair Pilot compensation, adequate training, and sufficient rest periods for Pilots. The rate changes also help recruit and retain Pilots, which ensures a sufficient number of Pilots to meet peak shipping demand, helping to reduce delays caused by Pilot shortages.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this rule will have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 people.

For the final rule, the Coast Guard reviewed recent company size and ownership data for the vessels identified in SeaPro, and we reviewed business revenue and size data provided by publicly available sources such as Data Axle Reference Solutions.[22] As described in *Section VII.A., Regulatory Planning and Review,* of this preamble, we found that 425 unique vessels used pilotage services during the years 2022 through 2024. These vessels are owned by 62 entities, of which 48 are foreign entities that operate primarily outside the United States, and the remaining 14 entities are U.S. entities. We compared the revenue and employee data found in the company search to the Small Business Administration's (SBA) small business threshold as defined in the SBA's ''Table of Size Standards'' for small businesses to determine how many of these companies are considered small entities.[23] Table 46 shows the North American Industry Classification System (NAICS) codes of the U.S. entities and the small entity standard size established by the SBA.

TABLE 46—NAICS CODES AND SMALL ENTITIES SIZE STANDARDS

NAICS	Description	Small entity size standard
238910	Site Preparation Contractors	$19,000,000.
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers	175 Employees.
483211	Inland Water Freight Transportation	1,050 Employees.
484230	Specialized Freight (except Used Goods) Trucking, Long-Distance	34,000,000.
488390	Other Support Activities for Water Transportation	47,000,000.
523910	Miscellaneous Intermediation	47,000,000.
541611	Administrative Management and General Management Consulting Services	24,500,000.
561510	Travel Agencies	25,000,000.
561599	All Other Travel Arrangement and Reservation Services	32,500,000.
562910	Remediation Services	25,000,000.
713930	Marinas	11,000,000.
813910	Business Associations	15,500,000.

Of the 14 U.S. entities, five exceed the SBA's small business standards for small entities. To estimate the potential impact on the nine small entities, the Coast Guard used their 2024 invoice data to estimate their pilotage costs in 2026. Of the nine small entities, from 2022 to 2024, seven used pilotage services in 2024. We increased their 2024 costs to account for the changes in pilotage rates resulting from this final rule and the 2025 final rule. We estimated the change in cost to these entities resulting from this final rule by subtracting their estimated 2026 pilotage costs from their estimated 2025 pilotage costs and found the average impact to small firms are approximately −$14,920 with a range of −$411 to −$50,086. We then compared the estimated change in pilotage costs between 2025 and 2026 with each firm's annual revenue. Because the rates in most areas decrease this year, the expected impact on small entities is a cost savings, rather than a net cost. That said, the Regulatory Flexibility Act directs agencies to consider the magnitude of the impact, positive or negative, on small entities. The change in per unit cost to each individual shipper is dependent on their area of operation. This analysis considers the impact of the average −6 percent change on revenues and finds the impact ranges from −0.04 percent to −9.70 percent, with an average of −3.20 percent. Within this range of negative impacts, three entities experience an impact greater than one percent in absolute terms.

In addition to the owners and operators discussed previously, three U.S. entities that receive revenue from pilotage services are affected by this final rule. These are the three pilotage associations that provide and manage pilotage services within the Great Lakes districts. District One's SLSPA uses the NAICS code ''Inland Water Freight Transportation,'' with a small-entity size standard of 1,050 employees. District Two's LPA uses the NAICS code, ''Business Associations,'' with a small-entity size standard of $15,500,000 in revenue. District Three's WGLPA did not have a registered NAICS code through Data Axle Reference Solutions Resources. All three associations are considered small entities by SBA size standards.

Finally, the Coast Guard did not find any small not-for-profit organizations that are independently owned and operated and are not dominant in their fields impacted by this final rule. We also did not find any small governmental jurisdictions with populations of fewer than 50,000 people impacted by this final rule. Based on this analysis, we conclude that this final rule does not have a significant economic impact on a substantial number of small entities.

[22] See *https://referencesolutions.data-axle.com/;* accessed 03/25/2025.

[23] See *https://www.sba.gov/document/support--table-size-standards.* SBA has established a ''Table of Size Standards'' for small businesses that sets small business size standards by NAICS code. A size standard, which is usually stated in number of employees or average annual receipts (''revenues''), represents the largest size that a business (including its subsidiaries and affiliates) may be in order to remain classified as a small business for SBA and Federal contracting programs; accessed March 2024.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offer to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

This rule calls for no new collection of information, nor does it adjust an existing collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

Congress directed the Coast Guard to establish ''rates and charges for pilotage services'' 46 U.S.C. 9303(f). This regulation is issued pursuant to that statute and is preemptive of State law as specified in 46 U.S.C. 9306. Under 46 U.S.C. 9306, a ''State or political subdivision of a State may not regulate or impose any requirement on pilotage on the Great Lakes.'' As a result, States or local governments are expressly prohibited from regulating within this category. Therefore, this final rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

F. Unfunded Mandates

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

G. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

K. Energy Effects

We have analyzed this rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (for example, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. This rule is categorically excluded under paragraph A3 and L54 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. Paragraph A3 pertains to the promulgation of rules of the following nature: (a) those of a strictly administrative or procedural nature; (b) those that implement, without substantive change, statutory or regulatory requirements; (c) those that implement, without substantive change, procedures, manuals, and other guidance documents; (d) those that interpret or amend an existing regulation without changing its environmental effect; (e) those that provide technical guidance on safety and security matters; and (f) those that provide guidance for the preparation of security plans. Paragraph L54 pertains to regulations which are editorial or procedural. This final rule involves

setting or adjusting the pilotage rates for the 2026 shipping season to account for changes in district operating expenses, changes in the number of Pilots, and anticipated inflation. The Coast Guard makes one change to the methodology: the removal of step 5 regarding the working capital fund. All of these changes are consistent with the Coast Guard's maritime safety missions.

List of Subjects

46 CFR Part 401

Administrative practice and procedure, Great Lakes, Navigation (water), Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 403

Great Lakes, Navigation (water), Reporting and recordkeeping requirements, Seamen, Uniform System of Accounts.

46 CFR Part 404

Great Lakes, Navigation (water), Seamen.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR parts 401, 403, and 404 as follows:

PART 401—GREAT LAKES PILOTAGE REGULATIONS

■ 1. The authority citation for part 401 is revised to read as follows:

Authority: 46 U.S.C. 2103, 2104(a), 6101, 7701, 8105, 9303, 9304; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 2. In § 401.405, revise paragraphs (a)(1) through (6) to read as follows:

§ 401.405 Pilotage rates and charges.

(a) * * *

(1) The St. Lawrence River is $978;

(2) Lake Ontario is $623;

(3) Lake Erie is $555;

(4) The navigable waters from Southeast Shoal to Port Huron, MI is $681;

(5) Lakes Huron, Michigan, and Superior is $382; and

(6) The St. Marys River is $868.

* * * * *

PART 403—GREAT LAKES PILOTAGE UNIFORM ACCOUNTING SYSTEM

■ 3. The authority citation for part 403 is revised to read as follows:

Authority: 46 U.S.C. 2103, 2104(a), 9303, 9304; DHS Delegation No. 00170.1, Revision No. 01.4.

§ 403.110 [Amended]

■ 4. In § 403.110, amend paragraph (b) by:

■ a. Removing the second sentence; and

■ b. Removing the text ''this paragraph (403.110(b))'' and adding, in its place, ''this paragraph (b)''.

PART 404—GREAT LAKES PILOTAGE RATEMAKING

■ 5. The authority citation for part 404 is revised to read as follows:

Authority: 46 U.S.C. 2103, 2104(a), 9303, 9304; DHS Delegation No. 00170.1, Revision No. 01.4.

§ 404.100 [Amended]

■ 6. In § 404.100, in paragraphs (a) and (b), remove the text ''404.110'' and add, in its place, the text ''404.109''.

§ 404.105 [Removed]

■ 7. Remove § 404.105

§§ 404.106 through 404.110 [Redesignated]

■ 8. Redesignate §§ 404.106 through 404.110 as follows:

Old section	New section
404.106	404.105
404.107	404.106
404.108	404.107
404.109	404.108
404.110	404.109

■ 9. Revise newly redesignated §§ 404.105 through 404.109 to read as follows:

* * * * *

Sec.

404.105 Ratemaking step 5: Project needed revenue.
404.106 Ratemaking step 6: Calculate initial base rates.
404.107 Ratemaking step 7: Calculate average weighting factors by area.
404.108 Ratemaking step 8: Calculate revised base rates.
404.109 Ratemaking step 9: Review and finalize rates.

* * * * *

§ 404.105 Ratemaking step 5: Project needed revenue.

The Director calculates each pilotage association's base projected needed revenue by adding the projected adjusted operating expenses from § 404.102 (step 2) and the total target pilot compensation from § 404.104 (step 4).

§ 404.106 Ratemaking step 6: Calculate initial base rates.

The Director calculates initial base hourly rates by dividing the projected needed revenue from § 404.105 (step 5) by averages of past hours worked in each district's designated and undesignated waters, using available and reliable data for a multi-year period set in accordance with § 401.220(a) of this chapter.

§ 404.107 Ratemaking step 7: Calculate average weighting factors by area.

The Director calculates the average weighting factor for each area by computing the 10-year rolling average of weighting factors applied in that area, beginning with the year 2014. If less than 10 years of data are available, the Director calculates the average weighting factor using data from each year beginning with 2014.

§ 404.108 Ratemaking step 8: Calculate revised base rates.

The Director calculates revised base rates for each area by dividing the initial base rate from § 404.106 (step 6) by the average weighting factor from § 404.107 (step 7) to produce a revised base rate for each area.

§ 404.109 Ratemaking step 9: Review and finalize rates.

The Director reviews the base pilotage rates calculated in § 404.108 (step 8) to ensure they meet the goal set in § 404.1(a), and either finalizes them or first makes necessary and reasonable adjustments to them based on requirements of Great Lakes pilotage agreements between the United States and Canada, or other supportable circumstances.

Dated: February 11, 2026.

Robert C. Compher,

Captain, U.S. Coast Guard, Acting Assistant Commandant for Prevention Policy.

[FR Doc. 2026–03054 Filed 2–13–26; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 23–120; RM–11785; FCC 25–60; FR ID 323350]

Implementation of the Final Acts of the World Radiocommunication Conference (Geneva, 2015) (WRC–15), Other Allocation Issues, and Related Rule Updates; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission (the FCC or Commission) is correcting a final rule that appeared in the **Federal Register** on January 14, 2026. The document issued a final rule regarding ''Implementation of the Final Acts of the World Radiocommunication Conference (Geneva, 2015) (WRC–15),

Other Allocation Issues, and Related Rule Updates''.

DATES: Effective February 13, 2026.

FOR FURTHER INFORMATION CONTACT: Sebastian Garcia of the Office of Engineering and Technology, at *Sebastian.Garcia@fcc.gov* or 202–418–2932.

SUPPLEMENTARY INFORMATION:

Correction

In FR Doc. 2026–00587 appearing on page 1405 in the **Federal Register** of Wednesday, January 14, 2026, the following corrections are made:

■ 1. On pages 1418, 1421, and 1425, in § 2.106, paragraph (a), pages 26, 30, and 52 of the Table of Frequency Allocations are corrected to read as follows:

§ 2.106 Table of Frequency Allocations.

(a) * * *

BILLING CODE 6712–FR–P

235-267 FIXED MOBILE 5.111 5.252 5.254 5.256 5.256A	235-267 FIXED MOBILE 5.111 5.256 G27 G100	235-267 5.111 5.256	
267-272 FIXED MOBILE Space operation (space-to-Earth) 5.254 5.257	267-322 FIXED MOBILE	267-322	
272-273 SPACE OPERATION (space-to-Earth) FIXED MOBILE 5.254			
273-312 FIXED MOBILE 5.254			
312-315 FIXED MOBILE Mobile-satellite (Earth-to-space) 5.254 5.255			
315-322 FIXED MOBILE 5.254	G27 G100		
322-328.6 FIXED MOBILE RADIO ASTRONOMY 5.149	322-328.6 FIXED MOBILE US342 G27	322-328.6 US342	
328.6-335.4 AERONAUTICAL RADIONAVIGATION 5.258 5.259	328.6-335.4 AERONAUTICAL RADIONAVIGATION 5.258		Aviation (87)
335.4-387 FIXED MOBILE 5.254	335.4-399.9 FIXED MOBILE	335.4-399.9	
387-390 FIXED MOBILE Mobile-satellite (space-to-Earth) 5.208A 5.208B 5.254 5.255			
390-399.9 FIXED MOBILE 5.254	G27 G100		
399.9-400.05 MOBILE-SATELLITE (Earth-to-space) 5.209 5.220 5.260A 5.260B	399.9-400.05 MOBILE-SATELLITE (Earth-to-space) US320		Satellite Communications (25)

* * * * *

5.149 5.291A 5.294 5.296 5.300 5.304 5.306 5.312 694-790 MOBILE except aeronautical mobile 5.312A 5.317A BROADCASTING	614-698 BROADCASTING Fixed Mobile 5.293 5.308 5.308A 5.309	614-890	614-698 FIXED MOBILE Mobile-satellite NG33A NG5 NG14 NG33 NG115 NG149 698-758 FIXED MOBILE Mobile-satellite NG33A NG159 758-775 FIXED MOBILE Mobile-satellite NG33A NG34 NG159 775-788 FIXED MOBILE Mobile-satellite NG33A NG159 788-805 FIXED MOBILE Mobile-satellite NG33A NG34 NG159 805-806 FIXED MOBILE Mobile-satellite NG33A NG159 806-809 LAND MOBILE 809-849 FIXED LAND MOBILE Mobile-satellite NG33A 849-851 AERONAUTICAL MOBILE 851-854 LAND MOBILE 854-894 FIXED LAND MOBILE Mobile-satellite NG33A US116 US268	RF Devices (15) Satellite Communications (25) Wireless Communications (27) LPTV, TV Translator/Booster (74G Low Power Auxiliary (74H) Satellite Communications (25) Wireless Communications (27) LPTV and TV Translator (74G) Satellite Communications (25) Public Safety Land Mobile (90R) Satellite Communications (25) Wireless Communications (27) LPTV and TV Translator (74G) Satellite Communications (25) Public Safety Land Mobile (90R) Satellite Communications (25) Wireless Communications (27) LPTV and TV Translator (74G) Public Safety Land Mobile (90S) Public Mobile (22) Satellite Communications (25) Private Land Mobile (90) Public Mobile (22) Public Safety Land Mobile (90S) Public Mobile (22) Satellite Communications (25) Private Land Mobile (90)
5.300 5.312 790-862 FIXED MOBILE except aeronautical mobile 5.316B 5.317A BROADCASTING	5.293 5.309 806-890 FIXED MOBILE 5.317A BROADCASTING		
5.312 5.319 862-890 FIXED MOBILE except aeronautical mobile 5.317A BROADCASTING 5.322 5.319 5.323	5.317 5.318	5.149 5.305 5.306 5.307 5.320	Page 30

* * * * *

* * * * *

15.63-15.7 RADIOLOCATION 5.511E 5.511F AERONAUTICAL RADIONAVIGATION			15.63-15.7 RADIOLOCATION 5.511E 5.511F US511E AERONAUTICAL RADIONAVIGATION US260 US211	15.63-15.7 AERONAUTICAL RADIONAVIGATION US260 US211 US511E	Aviation (87)
15.7-16.6 RADIOLOCATION 5.512 5.513			15.7-16.6 RADIOLOCATION G59	15.7-17.2 Radiolocation	Private Land Mobile (90)
16.6-17.1 RADIOLOCATION Space research (deep space) (Earth-to-space) 5.512 5.513			16.6-17.1 RADIOLOCATION G59 Space research (deep space) (Earth-to-space)		
17.1-17.2 RADIOLOCATION 5.512 5.513			17.1-17.2 RADIOLOCATION G59		
17.2-17.3 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION SPACE RESEARCH (active) 5.512 5.513 5.513A			17.2-17.3 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION G59 SPACE RESEARCH (active)	17.2-17.3 Earth exploration-satellite (active) Radiolocation Space research (active)	
17.3-17.7 FIXED-SATELLITE (Earth-to-space) 5.516 (space-to-Earth) 5.516A 5.516B Radiolocation 5.514	17.3-17.7 FIXED-SATELLITE (Earth-to-space) 5.516 BROADCASTING-SATELLITE Radiolocation 5.514 5.515	17.3-17.7 FIXED-SATELLITE (Earth-to-space) 5.516 Radiolocation 5.514	17.3-17.7 Radiolocation US259 G59 US402 G117	17.3-17.7 FIXED-SATELLITE (Earth-to-space) (space-to-Earth) NG527A BROADCASTING-SATELLITE US259 US402 NG58	Satellite Communications (25)
17.7-18.1 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.517A (Earth-to-space) 5.516 MOBILE	17.7-17.8 FIXED FIXED-SATELLITE (space-to-Earth) 5.517 5.517A (Earth-to-space) 5.516 BROADCASTING-SATELLITE Mobile 5.515	17.7-18.1 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.517A (Earth-to-space) 5.516 MOBILE	17.7-17.8 US334 G117	17.7-17.8 FIXED FIXED-SATELLITE (Earth-to-space) (space-to-Earth) NG527A US334 NG58	Satellite Communications (25) TV Broadcast Auxiliary (74F) Cable TV Relay (78) Fixed Microwave (101)
	17.8-18.1 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.517A (Earth-to-space) 5.516 MOBILE 5.519		17.8-18.6 FIXED-SATELLITE (space-to-Earth) US334 G117	17.8-18.142 FIXED Fixed-satellite (space-to-Earth) NG527A US334 US519	
				18.142-18.3 FIXED FIXED-SATELLITE (space-to-Earth) NG527A US334 US519	
18.1-18.4 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.516B 5.517A (Earth-to-space) 5.520 MOBILE 5.519 5.521				18.3-18.6 FIXED-SATELLITE (space-to-Earth) NG527A	Satellite Communications (25)
18.4-18.6 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.516B 5.517A MOBILE			US139 US519	US139 US334	

Dated: February 11, 2026.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–03069 Filed 2–13–26; 8:45 am]

BILLING CODE 6712–01–C

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[WC Docket Nos. 13–97, 07–243, 20–67; FCC 25–86; FR ID 331199]

Numbering Policies for Modern Communications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) adopts rules regarding direct access to numbers by providers of interconnected Voice over internet Protocol (VoIP) services. The Commission takes this action in furtherance of Congress' directive in the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act to examine ways to reduce access to telephone numbers by potential perpetrators of illegal robocalls. These actions continue to safeguard U.S. numbering resources and consumers, protect national security interests, promote public safety, and ensure compliance with other important Commission rules.

DATES:

Effective date: March 19, 2026.

Compliance date: Compliance will not be required for § 52.15(g)(3)(x)(E) until a document is published in the **Federal Register** announcing a compliance date and revising or removing § 52.15(g)(3)(x)(F).

FOR FURTHER INFORMATION CONTACT: Jordan Reth, Attorney Advisor, Competition Policy Division, Wireline Competition Bureau at *Jordan.Reth@fcc.gov* or (202) 418–1418. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Nicole Ongele at (202) 418–2991, or send an email to *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Third Report and Order* in WC Docket Nos. 13–97, 07–243, 20–67, FCC 25–86, adopted on December 18, 2025, and released on December 19, 2025. The complete text of this document is available for download at *https://docs.fcc.gov/public/attachments/FCC-25-86A1.pdf.* Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Government Affairs Bureau at (202) 418–0503.

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA) requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in the *Third Report and Order* on small entities. The FRFA is set forth in Appendix B, *https://www.fcc.gov/document/wcb-updates-numbering-requirements-providers.*

Paperwork Reduction Act. This document contains new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, will invite the general public to comment on the information collection requirements contained in this R&O as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

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

OPEN Government Data Act. The OPEN Government Data Act, requires agencies to make ''public data assets'' available under an open license and as ''open Government data assets,'' *i.e.,* in machine-readable, open format, unencumbered by use restrictions other than intellectual property rights, and based on an open standard that is maintained by a standards organization. This requirement is to be implemented ''in accordance with guidance by the Director'' of OMB. The term ''public data asset'' means ''a data asset, or part thereof, maintained by the Federal Government that has been, or may be, released to the public, including any data asset, or part thereof, subject to disclose under [the Freedom of Information Act (FOIA)].'' A ''data asset'' is ''a collection of data elements or data sets that may be grouped together,'' and ''data'' is ''recorded information, regardless of form or the media on which the data is recorded.'' We delegate authority to the Wireline Competition Bureau (WCB), in consultation with the agency's Chief Data and Analytics Officer and after seeking public comment to the extent it deems appropriate, to determine whether any data assets maintained or created by the Commission pursuant to the rules adopted in the *Third Report and Order* are ''public data assets'' and if so, to determine when and to what extent such information should be published as ''open Government data assets.'' In doing so, WCB shall take into account the extent to which such data asserts should be made publicly available because they are not subject to disclosure under the FOIA. *See, e.g.,* 5 U.S.C. 552(B)(4), (6)–(7) (exemptions concerning confidential commercial information, personal privacy, and information compiled for law enforcement purposes, respectively).

Synopsis

Introduction

After nearly a decade, protections built into the VoIP numbering authorization remain a critical defense in mitigating the risks associated with bad actors accessing numbering resources. As we continue to examine the nexus between interconnected VoIP providers, robocalls, and direct access to numbers, we have identified further actions we can take to strengthen these protections. Although our current rules contain updated protections targeting illegal robocalling, spoofing, and fraud, they are only applicable to applicants seeking authorizations after the effective date of the rules appended by the 2023 *Second Report and Order.* The rule changes we adopt today make certain that *all* direct access authorization holders will be subject to the same set of rules, expanding the scope of our robocall-related, national security, and public safety protections. The Wireline Competition Bureau will release a best practices Public Notice outlining the required filings and process for existing authorization holders. Additionally, the *Second Further Notice* sought comment

on a proposal to require direct access applicants to disclose a list of states in which they intend to provide initial service, and on a proposal to minimize harms that may arise from bad actors that access numbering resources indirectly by holding their direct access authorization holder ''partners'' accountable for their actions. These matters raised in the *Second Further Notice* are not addressed in this *Third Report and Order.*

Ensuring That All Direct Access Authorizations Serve the Public Interest

We revise § 52.15(g)(3) of the Commission's rules to include a new requirement for all authorization holders whose authorizations were issued prior to August 8, 2024, (that is, prior to the effective date of the updated certification and information disclosure requirements adopted in the *Second Report and Order*), to file the updated required certifications and information disclosures. We also adopt a 30-day deadline for these existing authorization holders to comply with the updated filing requirements, *i.e.,* existing authorization holders must file the updated certifications and other information disclosures within 30 days of the effective date of the rule changes adopted herein. The certifications require that an officer or responsible official of the company attests under penalty of perjury, pursuant to § 1.16 of the Commission's rules, that all statements in the application are true and accurate. We also note that, by statute, any person that knowingly and willfully makes a false statement shall be fined or imprisoned or both.

Furthermore, if the new information submitted by the existing authorization holder warrants further review, or the grantee is non-compliant with filing the required information, the authorization may be suspended, terminated, or revoked. At this time, we will not require an interconnected VoIP provider to return its existing numbers if the Bureau revokes its VoIP numbering authorization. This creates a uniform framework for all authorization holders.

We require all authorization holders filing the updated requirements or any authorization holder filing corrected information to file in the Electronic Comment Filing System (ECFS) through the newly established Direct Access Authorization Holder Post-Grant Communications intake docket (Inbox 52.15 (X)) and via email to *DAA@fcc.gov,* unless the Bureau specifies another method. We note that the Bureau may request additional documentation as necessary.

Certifying Compliance With Robocall-Related Rules

More than just a nuisance, illegal robocalls continue to expose millions of American consumers to harmful risks. The Commission has estimated that $10.5 billion is lost annually by consumers due to illegal robocalls, not accounting for the non-quantifiable losses suffered by consumers and the erosion of confidence in the nation's telephone network. The Commission has also found that the potential benefits resulting from eliminating the wasted time and nuisances caused by illegal scam robocalls would exceed $3 billion annually. The Commission receives more complaints about such illegal calls than about anything else—approximately 120,000 last year alone. The Commission received approximately 193,000 such complaints in 2019, 157,000 in 2020, 164,000 in 2021, and 119,000 in 2022 and in 2023. We remain committed to protecting consumers and our communication networks from bad actors who would seek to exploit numbering resources for such purposes.

Robocall-related certifications. We revise § 52.15(g)(3) of the Commission's rules to require existing VoIP numbering authorization holders—those that obtained direct access numbering authorizations prior to August 8, 2024—to certify that:

- the authorization holder will not use the numbers obtained pursuant to an interconnected VoIP provider numbering authorization to knowingly transmit, encourage, assist, or facilitate illegal robocalls, illegal spoofing, or fraud, in violation of robocall, spoofing, and deceptive telemarketing obligations under 47 CFR 64.1200, 64.1604, 64.6300 *et seq.,* and 16 CFR 310.3(b);
- the authorization holder has fully complied with all applicable STIR/SHAKEN caller ID authentication and robocall mitigation program requirements and filed a certification in the Robocall Mitigation Database as required by 47 CFR 64.6301–64.6305; and
- neither the authorization holder nor any of its key personnel identified in the application are or have been subject to a Commission, law enforcement, or any regulatory agency investigation for failure to comply with any law, rule, or order, including the Commission's rules applicable to unlawful robocalls or unlawful spoofing.

As voice service providers, interconnected VoIP providers must comply with all regulations that target illegal robocalls that are generally applicable to all voice service providers. Additionally, interconnected VoIP providers acting as terminating, originating, intermediate, and/or gateway providers must accordingly also comply with the specific regulations targeting illegal robocalls that are applicable to each type of provider.

As with the *Second Report and Order,* we received broad support from governmental entities and other organizations for adding robocall-specific certifications for existing authorization holders.

One commenter observed that our proposal ''would create a uniform understanding of the information reviewed by the Commission prior to approval and would prevent inadvertent competitive advantages for providers that were potentially subject to lower standards of review.'' We agree. While other commenters opposed the robocall-related certifications, we did not receive new opposition based on extending the requirements to existing authorization holders, but a reiteration of the same grounds in the *Second Report and Order, e.g.,* that they are burdensome, ineffective, etc. We disagree. We are not placing new obligations on all direct access authorization holders, but instead are now creating parity with all authorization holders by requiring the former (pre-August 2024) VoIP numbering authorization holders to certify that they will comply, or have complied, with certain requirements. Importantly, as some of the authorizations date from 2016, it is important to ensure that all authorization holders are equally compliant with our requirements and fully aware of important robocall related obligations enacted since they first obtained their VoIP numbering authorizations. Additionally, since the adoption of these requirements for new applications in 2023, the Bureau has processed 17 applications containing these certification requirements, indicating that these applicants did not find the certifications overly burdensome, and that the requirements have not had an anticompetitive effect. Additionally, if these requirements have discouraged any applicants that could not meet the certification requirements from applying in the first place, that indicates the process is working as intended as the Commission could not reasonably grant authorizations to parties that could not meet such basic and necessary certifications.

Enhanced Disclosure and Review of Ownership and Control of Applicants

The Commission long has recognized that ''[i]llegal robocalling often

originates from sources outside the United States,'' and that ''illegal robocalls that originate abroad are a significant part of that robocall problem.'' Particularly, ''international gateway traffic is a significant source of fraudulent traffic.'' In the *Second Report and Order,* we adopted rules requiring the disclosure of ownership and control of applicants for the VoIP numbering authorization, enabling greater transparency into who is seeking access to numbering resources and if foreign ownership is involved. We now extend those same requirements to all existing authorization holders, to provide a comprehensive view of the VoIP numbering authorization program and thwart foreign bad actors seeking to circumvent our rules. Extending these critical reporting and disclosure requirements to all VoIP numbering authorization holders will provide vital transparency into our oversight of international gateway traffic.

Ownership and control information disclosures. We revise § 52.15(g)(3) of the Commission's rules to require existing VoIP numbering authorization holders to update their filings by providing the same information, disclosures, and certifications required by 47 CFR 63.18(h) and (i). If the authorization holder does not have information required to be provided under § 63.18(h) and (i), the authorization holder must include a certified statement to that effect. If the updated ownership information submitted by an existing authorization holder indicates a material change or discloses new information such that additional investigation is necessary to confirm that the authorization still serves the public interest, the Bureau has delegated authority to direct the Numbering Administrator, pursuant to its applicable procedures, to suspend all pending and future requests for numbers while an investigation or referral for Executive Branch agencies' review is warranted. We reiterate that at this time, we will not require an interconnected VoIP provider to return its existing numbers if the Bureau revokes its VoIP numbering authorization. This creates a uniform framework for all authorization holders.

Duty to update ownership information. In the *Second Report and Order,* we adopted changes to our rules requiring interconnected VoIP providers that obtain direct access authorization under the revised rules to submit an update to the Commission and each applicable state within 30 days of any change to the reportable ownership information. An applicable state is each state where the provider has acquired or applied to receive numbers from the state at the time of the ownership change. This includes an ongoing duty to update information when there are changes in ownership or control of the authorization holder, as required under our rules. The Commission may use the updated contact information, certifications, or ownership or affiliation information to determine whether a change in authorization status is warranted.

Similar to the record for robocall-related certifications, many commenters support equal application of ownership and control disclosure requirements among all applicants and authorization holders. Some commenters maintain their general opposition to additional requirements, but do not distinguish a specific burden for existing authorization holders as opposed to applicants. We maintain that the public interest benefit of a requirement to keep all ownership data up to date across all VoIP numbering authorizations outweighs the minimal burden on existing grantees. We also continue to cross-reference the ownership and control information reporting requirements to ensure consistency with other Commission licensing applications (*e.g.,* international section 214 applications), and to minimize confusion and administrative burden on filers. Strengthening our rules and empowering Commission staff with the necessary information to appropriately evaluate all VoIP numbering authorizations on an ongoing basis is critical to our mission and the ongoing fight against illegal calls.

Certifying Compliance With Other Commission Rules

In the *Second Report and Order,* we adopted additional certifications for applicants of the VoIP numbering authorization that were designed to illustrate the applicant's compliance with other important Commission rules enhancing public safety, preventing access stimulation and intercarrier compensation abuse, and ensuring that the Commission's broadband maps are accurate. By extending these additional certifications to existing authorization holders, we not only ensure grantees are aware of and complying with other important applicable Commission requirements but also increase our enforcement capabilities should authorization holders fall short of their obligations.

Consistent with the Commission's proposal in the *Second VoIP Direct Access Further Notice* to require existing interconnected VoIP direct access authorization holders to provide the same certification, acknowledgments, and disclosures as new applicants, we also require existing authorization holders to file an acknowledgement pursuant to 47 CFR 52.15(g)(3)(ii)(B) ''that the authorization granted under this paragraph (g)(3) is subject to compliance with the applicable Commission numbering rules in this part; numbering authority delegated to the states, and the state laws, regulations, and registration requirements applicable to businesses operating in each state where the applicant seeks numbering resources; and industry guidelines and practices regarding numbering as applicable to telecommunications carriers[.]'' Some commenters originally opposed requiring this acknowledgement in 2023, but have not raised new arguments about uniformly extending its applicability to existing authorization holders, and have instead reiterated the same arguments the Commission already rejected in the *Second Report and Order.* As the Commission noted in the *Second Report and Order,* ''[b]y clarifying that all VoIP direct access authorization holders must comply with other applicable state laws, such as registration requirements, the new requirement will make it more difficult for interconnected VoIP providers to evade measures that enable states to generally address other consumer-protection issues, including unlawful robocalling.''

We revise § 52.15(g)(3) of the Commission's rules to require existing VoIP numbering authorization holders to update their filings with the following:

- a certification with accompanying evidence that the authorization holder complies with its 911 obligations under Part 9 of the Commission's rules—which include Next Generation 911 requirements—and that it complies with the provisions of the Communications Assistance with Law Enforcement Act, 47 U.S.C. 1001 *et seq.;*
- a certification that the authorization holder complies with the Access Stimulation rules under 47 CFR 51.914;
- proof that the authorization holder has filed FCC Forms 477 and 499, or a statement explaining why each such form is not yet applicable.

Regarding CALEA, we remind VoIP providers of their existing obligation to electronically file CALEA System Security and Integrity plans with the FCC before commencing service consistent with 47 CFR part 1, subpart Z. The FCC Form 477 filing system is no longer being used to collect new FCC Form 477 submissions and remains open only for filers to make corrections

to existing FCC Form 477 filings for data as of June 30, 2022, and earlier.

We reiterate here that holders of all Commission authorizations, including the VoIP numbering authorization, have a clear and demonstrable duty to operate in the public interest. Where the Commission grants a right or privilege, it unquestionably has the right to revoke or deny that right or privilege in appropriate circumstances. In the *Second Report and Order,* we adopted rules concerning the grounds for revocation and/or termination of a VoIP numbering authorization. We also delegated authority to the Wireline and Enforcement Bureaus to direct the Numbering Administrator to suspend the authorization holder's access to new numbering resources in certain circumstances and following required procedures. Those same enforcement mechanisms apply to all VoIP numbering applicants and authorization holders, including the existing authorization holders submitting the updated requirements as adopted today. If, upon review, Commission staff determine that an existing authorization holder is non-compliant with submitting the updated requirements, or if the information submitted is deemed insufficient, or raises questions as to whether the authorization still serves the public interest, then the authorization status may be reviewed, leading to possible suspension, termination, and/or revocation, as necessary.

One commenter supported the denial of new numbering requests, but only in instances of material risk to national security or if it is likely to perpetuate the origination of illegal robocalling. We disagree and reaffirm that the Wireline and Enforcement Bureaus have delegated authority to suspend an authorization holder's access to new numbering resources in certain circumstances pending an investigation and following required procedures. While in the course of considering suspension, we should take into account specific concerns about national security or unlawful robocalling, but willful violations of Commission rules or other concerns to public health, interest or safety will also be evaluated and may warrant a suspension of VoIP numbering authorization.

Costs and Benefits

The rules we adopt in this *Third Report and Order* generally reflect a mandate from the TRACED Act to reduce access to numbers by potential perpetrators of illegal robocalls. We conclude that the expected benefits will exceed the costs, which are minimal. The Commission found in the *Caller ID Authentication First Report and Order* that widespread deployment of the STIR/SHAKEN framework will increase its effectiveness for both voice service providers and their subscribers, producing a potential annual benefit floor of $13.5 billion due to the reduction in nuisance calls and fraud. In addition, the Commission identified many non-quantifiable benefits, such as restoring confidence in incoming calls and ensuring reliable access to emergency and healthcare communications. Consistent with the TRACED Act, the rules we adopt in this *Third Report and Order* are intended to help unlock those benefits. As the Commission has noted, an overall reduction in illegal robocalls will greatly lower network costs by eliminating both the unwanted traffic and the labor costs of handling numerous customer complaints. The certifications and disclosures we adopt should place minimal burdens on interconnected VoIP providers, and our formalization of the application review process should impose small costs on Commission staff. We therefore conclude that the rules we adopt in this *Third Report and Order* will impose only a minimal cost on direct access applicants while having the overall effect of materially lowering network costs and raising consumer benefits.

Legal Authority

As established in the *Second Report and Order,* section 251(e) of the Act provides sufficient authority for the requirements adopted in this *Third Report and Order,* and section 6(a) of the TRACED Act provides both supplemental and independent authority for those requirements specifically related to fighting illegal robocalls. The *First VoIP Direct Access Further Notice* proposed concluding that our authority for adopting the new or revised direct access to numbers application requirements for interconnected VoIP providers arises from section 251(e) of the Act and section 6(a) of the TRACED Act.

Section 251(e)(1) of the Act grants the Commission ''exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States.'' Based on this grant, in the *VoIP Direct Access Order,* the Commission concluded that section 251(e)(1) provided it with authority ''to extend to interconnected VoIP providers both the rights and obligations associated with using telephone numbers.'' The Commission also has relied on section 251(e)(1) to require interconnected and one-way VoIP providers to implement the STIR/SHAKEN caller ID authentication framework and allow customers to reach the National Suicide Prevention Lifeline by dialing 988. Consistent with the Commission's well-established reliance on section 251(e) numbering authority with respect to interconnected VoIP providers, we conclude that section 251(e)(1) allows us to further refine our processes and requirements governing direct access to numbers by interconnected VoIP providers.

We further conclude that section 6(a) of the TRACED Act provides us with separate, additional authority to adopt our proposals related to fighting illegal robocalls. Section 6(a)(1) gives the Commission authority ''to determine how Commission policies regarding access to number resources, including number resources for toll free and non-toll free telephone numbers, could be modified, including by establishing registration and compliance obligations,'' and to ''take sufficient steps to know the identity of the customers of such providers [of voice services], to help reduce access to numbers by potential perpetrators of violations of section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)).''

The Commission commenced the required proceeding pursuant to the TRACED Act in March 2020 and expanded on those inquiries in the *VoIP Direct Access Further Notice.* Section 6(a)(2) of the TRACED Act states that ''[i]f the Commission determines under paragraph (1) that modifying the policies described in that paragraph could help achieve the goal described in that paragraph, the Commission shall prescribe regulations to implement those policy modifications.'' We conclude that section 6(a) of the TRACED Act, in directing us to prescribe regulations implementing policy changes to reduce access to numbers by potential perpetrators of illegal robocalls, provides an independent basis to adopt certain of the rule changes we are making to the direct access process with respect to fighting unlawful robocalls.

Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) incorporated an Initial Regulatory Flexibility Analysis (IRFA) in the *Numbering Policies for Modern Communications, et al., Second Further Notice of Proposed Rulemaking* (*Second VoIP Direct Access Further Notice*) released in September 2023. The Commission sought written

public comment on the proposals in the *Second VoIP Direct Access Further Notice,* including comment on the IFRA. No comments were filed addressing the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA and it (or summaries thereof) will be published in the **Federal Register**.

Need for, and Objectives of, the Rules

The *Third Report and Order* takes important steps aimed at stemming the tide of illegal robocalls perpetrated by interconnected Voice over internet Protocol (VoIP) providers and protecting the nation's numbering resources from abuse by foreign bad actors by strategically updating the Commission's rules regarding how such providers obtain nationwide authorization for direct access to our nation's limited numbering resources.

The *Third Report and Order* requires existing interconnected VoIP providers with numbering authorizations that predate the rule change adopted in the *Second Report and Order* to make the updated robocall-related, public safety and national security certifications and information disclosures as adopted in the *Second Report and Order.* Specifically, the *Third Report and Order* will amend 47 CFR 52.15(g)(3)(x), which outlines conditions applicable to all interconnected VoIP providers with numbering authorizations to include a new subsection that requires the updated certifications and information disclosures. Similar in process to the new applications, filers submitting the required updates will be required to respond to requests for additional information regarding their updated filings.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

No comments were filed addressing the impact of the proposed rules on small entities.

Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy, and also provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the adopted rules. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act (SBA). A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.

Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, ''small organizations'' are not-for-profit enterprises that are independently owned and operated and are not dominant in their field. While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, ''small governmental jurisdictions'' are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

The rules adopted in the *Third Report and Order* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS) codes and corresponding SBA size standard. Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that the adopted rules will impact a substantial number of small entities. Where available, we also provide additional information regarding the number of potentially affected entities in the identified industries below.

TABLE 1—2022 U.S. CENSUS BUREAU DATA BY NAICS CODE

Regulated industry (footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS code	SBA size standard	Total firms	Total small firms	% Small firms
Wired Telecommunications Carriers	517111	1,500 employees	3,403	3,027	88.95
Wireless Telecommunications Carriers (except Satellite)	517112	1,500 employees	1,184	1,081	91.30
Telecommunications Resellers	517121	1,500 employees	955	847	88.69
Satellite Telecommunications	517410	$44 million	332	195	58.73
All Other Telecommunications	517810	$40 million	1,673	1,007	60.19

TABLE 2—TELECOMMUNICATIONS SERVICE PROVIDER DATA

2024 Universal service monitoring report telecommunications service provider data (data as of December 2023)	SBA size standard (1500 employees)		
Affected entity	Total # FCC Form 499A filers	Small firms	% Small entities
Cable/Coax CLEC	67	62	92.54
Competitive Local Exchange Carriers (CLECs)	3,729	3,576	95.90
Incumbent Local Exchange Carriers (Incumbent LECs)	1,175	917	78.04
Interexchange Carriers (IXCs)	113	95	84.07
Local Exchange Carriers (LECs)	4,904	4,493	91.62
Local Resellers	222	217	97.75
Other Toll Carriers	74	71	95.95
Prepaid Card Providers	47	47	100.00
Toll Resellers	411	398	96.84
Wired Telecommunications Carriers	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite)	585	498	85.13

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The RFA directs agencies to describe the economic impact of adopted rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

In the *Third Report and Order,* the Commission adopts new certification and disclosure requirements for interconnected VoIP providers that have obtain a direct access numbering authorization from the Commission. Specifically, we require existing direct access authorization holders whose authorizations predate the updated requirements adopted in the *Second Report and Order* to file the updated requirements within 30 days of the rules we adopt today becoming effective. All existing authorization holders will be required to file the updated robocall-related certifications; file ownership and control disclosure information, reporting foreign ownership as outlined in the rules; and file the updated certifications related to their ongoing compliance with other important Commission rules designed to strengthen public safety, prevent fraud, and enhance transparency for consumers. By establishing this equal framework for all authorization holders, we ensure that our ongoing actions targeting illegal robocalling and spoofing, as well as safeguards for national security and public safety have a greater impact. The Commission anticipates the approaches it has taken to implement the requirements will have minimal or de minimis cost implications because many of these obligations are required to comply with existing Commission regulations.

After reviewing the record, we received no concerns about unique burdens from small businesses that would be impacted by the new certifications adopted in the *Third Report and Order.* As such, the Commission does not have sufficient information on the record to determine whether small entities will be required to hire professionals to comply with its decisions or to quantify the cost of compliance for small entities. Additional resources or personnel, however, should not be required to file these requirements because interconnected VoIP providers should already be familiar with how to make these certifications and disclosures as they are required to comply with existing Commission regulations.

Discussion of Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to provide, ''a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.''

The *Third Report and Order* considered alternatives that may reduce the impact of these rule changes on small entities. Some proposals were not adopted because the requirements already exist under other parts of the Commission's rules. New obligations regarding STIR/SHAKEN caller ID authentication or robocall mitigation specifically for interconnected VoIP providers were not adopted; instead applicants are required to certify compliance with preexisting rule sections. This reduces confusion and maintains accuracy should the Commission decide to revise the robocall-related dockets.

While some commenters believe these new requirements are burdensome and anticompetitive, as discussed above, the new certification requirements in the *Third Report and Order* require providers to certify that they are compliant with preexisting Commission rules, and are therefore minimally burdensome. Our public safety and CALEA documentation submission requirement formalizes existing Bureau practice of requesting such information from existing direct access numbering authorization holders. Our new ownership disclosure requirement tracks requirements already imposed on providers in the section 214 context. For these reasons, we believe that small and other interconnected VoIP providers will not face significantly increased compliance burdens when including these new certifications and disclosures in their direct access authorization applications.

Report to Congress

The Commission will send a copy of the *Third Report and Order,* including this Final Regulatory Flexibility Analysis, in a report to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Third Report and Order,* including this Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the SBA and will publish a copy of the *Third Report and Order* and this Final Regulatory Flexibility Analysis (or summaries thereof) in the **Federal Register**.

Ordering Clauses

Accordingly, *it is ordered* that pursuant to sections 1, 3, 4, 201–205, 251, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 153, 154, 201–205, 251, 303(r), and section 6(a) of the TRACED Act, Public Law 116–105, section 6(a)(1)–(2), 133 Stat. 3274, 3277 (2019), 47 U.S.C. 227b–1, the *Third Report and Order and Third Further Notice of Proposed Rulemaking* hereby *is adopted* and part 52 of the Commission's rules, 47 CFR part 52, *is amended* as set forth in Appendix A of the *Third Report and Order*. Pursuant to Executive Order 14215, 90 FR 10447 (Feb. 20, 2025), this regulatory action has been determined to be not significant under Executive Order 12866, 58 FR 68708 (Dec. 28, 1993). The *Third Report and Order* shall become effective 30 days after publication in the **Federal Register**. The changes to § 52.15(g)(3)(x) adopted herein may contain new or modified information collection requirements subject to OMB review under the Paperwork Reduction Act. The Commission directs the Wireline Competition Bureau to announce the compliance date for those requirements in a document published in the **Federal Register** after the completion of OMB review and to cause § 52.15(g)(3)(x) to be revised accordingly.

It is further ordered that the Commission's Office of the Secretary, SHALL SEND a copy of this *Third Report and Order and Third Further Notice of Proposed Rulemaking,* including the Final and Initial Regulatory Flexibility Analyses, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.

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

List of Subjects in 47 CFR Part 52

Communications common carriers, Interconnected VoIP providers, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 52 as follows:

PART 52—NUMBERING

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

Authority: 47 U.S.C. 151, 152, 153, 154, 155, 201–205, 207–209, 218, 225–227, 227b–1, 251–252, 271, 303, 332, unless otherwise noted.

■ 2. Amend § 52.15 by:
■ a. Removing the word ''and'' at the end of paragraph (g)(3)(x)(C);
■ b. Revising paragraph (g)(3)(x)(D); and
■ c. Adding paragraphs (g)(3)(x)(E) and (F).

The additions read as follows:

§ 52.15 Central office code administration.

* * * * *

(g) * * *
(3) * * *
(x) * * *

(D) Provide accurate regulatory and numbering contact information to each state commission when requesting numbers in that state; and

(E) File updated certifications and ownership and control disclosures under paragraphs (g)(3)(ii)(B) through (F), (I), (K), (L), and (N) of this section if the authorization obtained under this section was granted before August 8, 2024.

(F) Paragraph (g)(3)(x)(E) of this section contains a new information-collection requirement. Compliance with paragraph (g)(3)(x)(E) will not be required until this paragraph (g)(3)(x)(F) is removed or contains a compliance date.

* * * * *

[FR Doc. 2026–03066 Filed 2–13–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 25–287; RM–12010; DA 26–120; FR ID 330714]

Television Broadcasting Services Hutchinson, Kansas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Table of TV Allotments (table) of the Federal Communications Commission's (Commission) rules by substituting channel *33 for channel *8 at Hutchinson, Kansas in response to a Petition for Rulemaking filed by Kansas Public Telecommunications Service, Inc. (Kansas Public or Petitioner), the licensee of noncommercial educational PBS member television station KPTS(TV) (KPTS or Station), Hutchinson, Kansas. In support of its channel substitution request, the Petitioner asserts that allowing the Station to move from a VHF to a UHF channel would serve the public interest by improving signal reception for viewers. The staff engineering analysis finds that the proposal is in compliance with the Commission's principal community coverage and technical requirements. The substitution of channel *33 for channel *8 in the Table will allow the Station to improve its over-the-air reception within its coverage area and is not predicted to result in viewer loss.

DATES: Effective March 19, 2026.

FOR FURTHER INFORMATION CONTACT: Devin Loveland, Video Division, Media Bureau at *Devin.Loveland@fcc.gov,* (202) 418–1618; Emily Harrison, Media Bureau, at *Emily.Harrison@fcc.gov,* (202) 418–1665; or Mark Colombo, Media Bureau, at *Mark.Colombo@fcc.gov,* (202) 418–7611.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 25–287; RM–12010; DA 26–120, adopted February 5, 2026, and released February 5, 2026. The proposed rule was published at 90 FR 45367 on September 22, 2025. The full text of this document is available online at *https://www.fcc.gov/edocs.*

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622, in the table in paragraph (j), under Kansas, revise the entry for ''Hutchinson'' to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(j) * * *

Community	Channel No.
* * * * *	
Kansas	
* * * * *	
Hutchinson	19, * 33, 35
* * * * *	

* * * * *

[FR Doc. 2026–03015 Filed 2–13–26; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

49 CFR Parts 1500, 1552, and 1570

Restoration of Statutory Terms in TSA Regulations: Use of Alien; Technical Amendments

AGENCY: Transportation Security Administration, DHS.

ACTION: Final rule; technical amendments.

SUMMARY: This document makes nomenclature changes to sections of the Code of Federal Regulations (CFR) administered by the Transportation Security Administration (TSA). This action is necessary to conform TSA regulations with statutory terminology used in the Immigration and Nationality Act.

DATES: This rule is effective as of February 17, 2026.

FOR FURTHER INFORMATION CONTACT: Sabria Moseley, Enrollment Services and Vetting Programs, TSA; telephone (800) 253–8571, option 7; email to *FTSP.Policy@tsa.dhs.gov*.

SUPPLEMENTARY INFORMATION: You can find an electronic copy of this rule using the internet by accessing the Government Publishing Office's web page at *https://www.govinfo.gov/app/collection/FR* to view the daily published **Federal Register** edition or by accessing the Office of the Federal Register's web page at *https://www.federalregister.gov*. Copies are also available by contacting the individual identified in the **FOR FURTHER INFORMATION CONTACT** section.

Discussion of the Rule

This final rule makes technical amendments to certain sections of the CFR to align TSA's regulatory language with statutory terms and definitions in the Immigration and Nationality Act, such as ''alien'' rather than ''non-citizen''. In general, the technical amendments are limited to replacing the term ''non-U.S. citizen'' with the term ''alien'' wherever the term appears in TSA regulations. In one instance, TSA is removing a definition that includes the word ''non-U.S. citizen'' because the definition is no longer needed in the regulation. The following table identifies the context for each change in 49 CFR chapter XII.

Revisions to 49 CFR chapter XII

Section	Description of Regulatory Requirement	Specific Terminology Changes
1500.3	General Definitions	Removing definition of "non-U.S. citizen" and adding a definition of "alien" that cross-references the statutory definition.
1552.1(c)	Scope of the Flight Training Security Program	Changing the single use of the word "Non-citizens" to "Aliens".
1552.3	Definitions specific to the Flight Training Security Program	Revising definitions of "candidate" and "DOD endorsee" to replace "non-U.S. citizen" with "alien".
1570.3	Definitions applicable to subchapter D	Removing definition of "Alien registration number" because the regulatory definition of this term is not needed for program implementation.

The Administrative Procedure Act (APA) (5 U.S.C. 553(B)(3)(b)) provides that when an agency, for good cause, finds that the notice and public procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. TSA has determined that there is good cause for making this technical amendment final without prior proposal and opportunity for comment because the revisions are not substantive and will not affect the regulatory requirements in the affected parts. TSA has determined that public comment on such administrative changes is unnecessary and that there is good cause under the APA for proceeding with a final rule.

TSA has also determined that this rule is exempt from the notice and comment requirement under the APA because it is a rule of agency organization, procedure, or practice. *See* 5 U.S.C. 553(b)(A). Because the rule is simply an administrative change that replaces terminology without altering the rights or interests of parties, it has no substantive effect on the regulatory requirements and places no stamp of approval or disapproval on any type of behavior. Accordingly, TSA is issuing this rule in its final form as a procedural rule.

Further, because a notice of proposed rulemaking and opportunity for public comment are not required for this rule under the APA or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, this rule is issued in final form.

Before a rule can take effect, the Congressional Review Act (CRA), as codified at 5 U.S.C. 801, requires Federal agencies to submit the rule and a report to Congress and the Comptroller General indicating whether it is a major rule. Under 5 U.S.C. 804(3)(C), rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency

parties are not considered to be a rule for the purposes of the CRA. This technical amendment is a rule of agency organization, procedure, or practice that will not substantially affect the rights or obligations of non-agency parties. Thus, TSA is not required to submit the rule for review under the CRA.

List of Subjects

49 CFR Part 1500

Air carriers, Air transportation, Aircraft, Airports, Buses, Hazardous materials transportation, Law enforcement officers, Maritime carriers, Mass transportation, Railroad safety, Railroads, Reporting and recordkeeping requirements, Security measures, Transportation, Vessels.

49 CFR Part 1552

Aircraft, Aliens, Aviation safety, Citizenship and naturalization, Educational facilities, Fees, Reporting and recordkeeping requirements, Security measures.

49 CFR Part 1570

Buildings and facilities, Buses, Common carriers, Crime, Fraud, Hazardous materials transportation, Highway safety, Mass transportation, Motor Carriers, Railroad safety, Railroads, Reporting and recordkeeping requirements, Security measures, Transportation.

The Amendments

For the reasons stated in the preamble, the Transportation Security Administration amends parts 1500, 1552, and 1570 of title 49, Code of Federal Regulations, as follows:

PART 1500—APPLICABILITY, TERMS, AND ABBREVIATIONS

■ 1. The authority citation for part 1500 continues to read as follows:

Authority: 49 U.S.C. 114, 5103, 40113, 44901–44907, 44913–44914, 44916–44918, 44935–44936, 44939, 44942, 46105; Pub. L. 110–53 (121 Stat. 266, Aug. 3, 2007) secs. 1408 (6 U.S.C. 1137), 1501 (6 U.S.C. 1151), 1517 (6 U.S.C. 1167), and 1534 (6 U.S.C. 1184).

■ 2. Amend § 1500.3 by removing the definition for ''Non-U.S. citizen'' and adding in alphabetical order the definition for ''Alien'' to read as follows:

§ 1500.3 Terms and abbreviations used in this chapter.

* * * * *

Alien means ''alien'' as defined in 8 U.S.C. 1101(a)(3).

* * * * *

PART 1552—FLIGHT TRAINING SECURITY PROGRAM

■ 3. The authority citation for part 1552 continues to read as follows:

Authority: 49 U.S.C. 114, 44939, and 6 U.S.C. 469.

§ 1552.1 [Amended]

■ 4. In § 1552.1, amend paragraph (c) by removing the words ''Non-U.S. citizens'' and adding, in their place, ''Aliens''.

§ 1552.3 [Amended]

■ 5. Amend § 1552.3 by removing the words ''non-U.S. citizen'' wherever they appear and adding, in their place, ''alien''.

PART 1570—GENERAL RULES

■ 6. The authority citation for part 1570 continues to read as follows:

Authority: 18 U.S.C. 842, 845; 46 U.S.C. 70105; 49 U.S.C. 114, 5103a, 40113, and 46105; Pub. L. 108–90 (117 Stat. 1156, Oct. 1, 2003), sec. 520 (6 U.S.C. 469), as amended by Pub. L. 110–329 (122 Stat. 3689, Sept. 30, 2008) sec. 543 (6 U.S.C. 469); Pub. L. 110–53 (121 Stat. 266, Aug. 3, 2007) secs. 1402 (6 U.S.C. 1131), 1405 (6 U.S.C. 1134), 1408 (6 U.S.C. 1137), 1413 (6 U.S.C. 1142), 1414 (6 U.S.C. 1143), 1501 (6 U.S.C. 1151), 1512 (6 U.S.C. 1162), 1517 (6 U.S.C. 1167), 1522 (6 U.S.C. 1170), 1531 (6 U.S.C. 1181), and 1534 (6 U.S.C. 1184).

§ 1570.3 [Amended]

■ 7. Amend § 1570.3 by removing the definition for ''Alien registration number''.

Kristi Noem,

Secretary of Homeland Security.

[FR Doc. 2026–03028 Filed 2–13–26; 8:45 am]

BILLING CODE 9110–05–P

Proposed Rules

Federal Register
Vol. 91, No. 31
Tuesday, February 17, 2026

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

[Docket No. APHIS–2025–1000]

Standards for the Care of Breeding Female Dogs and Exercise and Socialization of Dogs

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Request for information (RFI).

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture is soliciting comments regarding appropriate standards for the care of breeding female dogs at dog breeding facilities and exercise and socialization of dogs subject to the Animal Welfare Act. Information obtained from public comments will help identify outdated standards, new science, and stakeholder interest.

DATES: We will consider all comments that we receive on or before March 19, 2026.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Enter APHIS–2025–1000 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Please send one copy of your comment to Docket No. APHIS–2025–1000, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., #AP760, Beltsville, MD 20705.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov* or in our reading room, which is in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: 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

The Animal Welfare Act (7 U.S.C. 2131–2159, hereafter the AWA) authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, carriers, and other regulated entities. Among other things, section 2143(a) provides that the aforementioned standards must include minimum requirements for the exercise of dogs as determined by attending veterinarians in accordance with general standards promulgated by the Secretary.

The Secretary has delegated the authority for enforcing the AWA to the Administrator of the Animal and Plant Health Inspection Service (APHIS). Regulations established under the AWA are contained in 9 CFR parts 1, 2, and 3.

The regulations governing the humane handling, care, treatment, and transportation of dogs are contained in 9 CFR part 3, subpart A. Within that subpart, animal husbandry standards for dogs are found in §§ 3.7 through 3.13. Section 3.7 of the subpart contains compatible grouping standards for dogs; § 3.8 contains exercise standards; §§ 3.9 and 3.10 contain feeding and watering standards respectively; § 3.11 contains cleaning, sanitation, housekeeping, and pest control standards; and § 3.13 contains standards for veterinary care for dogs. (Section 3.12 does not contain standards for dogs and is focused on employees involved in husbandry practices and care.)

Sections 3.1 through 3.11 were last substantially revised in a final rule published in the **Federal Register** on February 15, 1991 (56 FR 6426–6505; Docket No. 90–218, referred to below as the February 1991 final rule); the standards for veterinary care for dogs found in § 3.13 were added to the regulations in a final rule published in the **Federal Register** on May 30, 2020 (85 FR 28772–28799, Docket No. APHIS–2017–0062, referred to below as the May 2020 final rule).

We are aware that advances continue to be made, new information developed, and new concepts implemented with regard to the handling and care of dogs. For example, APHIS is aware of advancements in and special considerations provided by State laws regarding the care of breeding females at dog breeding facilities, including ''adequate rest'' between breeding cycles, minimum and maximum breeding ages, and pre-breeding examinations and caps on the maximum number of litters female breeding dogs may have over the course of their lifetime. In addition, the Croney Research group at Purdue University's College of Veterinary Medicine (*https://www.purdue.edu/vet/discovery/croney/*) has advanced science-based standards for breeding dogs through their applied research and outreach education programs which inform their voluntary breeding canine welfare certification program, a program that addresses behavioral needs of dogs and informs limits for breeding ages and litter numbers, health requirements, and retirement and rehoming plans.

We are also aware of enhanced exercise requirements for dogs in several States that include minimum daily exercise unless contraindicated and/or otherwise directed by a veterinarian, as well as socialization requirements, such as positive physical contact with humans and compatible animals. The American Kennel Club, a canine welfare and advocacy organization, has also advanced kennel improvements to enhance dog welfare, including additional space, enhanced exercise and environmental enrichment, and outdoor access.

In light of these developments, we consider it appropriate to review and seek data and scientific information on care considerations for breeding females at dog breeding facilities and the exercise and socialization needs of dogs, and are soliciting public comment on the issues outlined below. We invite the submission of data and reviewed scientific information, and where possible, request citations for any referenced studies and scientific evidence to support your comments.

Care Considerations for Breeding Females

- Do breeding female dogs require additional veterinary or other care considerations over those for non-breeding dogs? What are the most common health issues documented in female breeding dogs?
- Are there studies regarding the specific nutrition requirements during pregnancy and lactation for breeding females?
- What scientific evidence is there regarding the impact of breeding age on the health of breeding females?
- What, if any, impact does the number and frequency of litters have on the health of female dogs? Are there studies evaluating the impact of breed size on the health and breeding of female dogs?
- What scientific evidence is there regarding the impact of heritable defects on the health of breeding females? What are the costs and benefits of genetic testing in breeding females for dog breeding facilities?

Socialization and Exercise of Dogs

- Are there studies assessing the socialization needs of dogs, including interactions with humans and compatible dogs?
- Are there studies assessing the health and wellbeing of singly housed dogs?
- What scientific information is available regarding the exercise needs of dogs, including considerations of the animal's age, breed, and health, the type of exercise, and exercise frequency and duration?
- Are there studies evaluating the effects of human interaction on the health and welfare of dogs in breeding facilities?

Authority: 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.7.

Done in Washington, DC, this 12th day of February 2026.

Jeremy Witte,

Deputy Undersecretary for Marketing and Regulatory Programs, USDA.

[FR Doc. 2026–03077 Filed 2–13–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 4

[Docket ID OCC–2026–0001]

RIN 1557–AF48

Bank Appeals Process

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is issuing a notice of proposed rulemaking to establish revised procedures and policies for appeals of material supervisory determinations by OCC supervised entities. The proposed changes would reflect the OCC's experience administering the bank appeals process and are intended to enhance the independence and efficiency of the appeals function.

DATES: Comments must be received on or before April 20, 2026.

ADDRESSES: Comments should be directed to the agency as follows:

Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title ''Bank Appeals Process'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—Regulations.gov:* Go to *https://regulations.gov/.* Enter Docket ID ''OCC–2026–0001'' in the Search Box and click ''Search.'' Public comments can be submitted via the ''Comment'' box below the displayed document information or by clicking on the document title and then clicking the ''Comment'' box on the top-left side of the screen. For help with submitting effective comments, please click on ''Commenter's Checklist.'' For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday-Friday, 9 a.m.-5 p.m. EST, or email *regulationshelpdesk@gsa.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 1E–216, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 1E–216, Washington, DC 20219.

Instructions: You must include ''OCC'' as the agency name and Docket ID ''OCC–2026–0001'' in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website without change, including any business or personal information provided such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this action by the following method:

- *Viewing Comments Electronically—Regulations.gov:* Go to *https://regulations.gov/.* Enter Docket ID ''OCC–2026–0001'' in the Search Box and click ''Search.'' Click on the ''Documents'' tab and then the document's title. After clicking the document's title, click the ''Document Comments'' tab. Comments can be viewed and filtered by clicking on the ''Sort By'' drop-down on the right side of the screen or the ''Refine Results'' options on the left side of the screen. Supporting materials can be viewed by clicking on the ''Documents'' tab. Click on the ''Sort By'' drop-down on the right side of the screen or the ''Refine Documents Results'' options on the left side of the screen checking the ''Supporting & Related Material'' checkbox. For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday-Friday, 9 a.m.–5 p.m. EST, or email *regulationshelpdesk@gsa.gov.*

The docket may be viewed after the close of the comment period in the same manner as during the comment period.

FOR FURTHER INFORMATION CONTACT: Joanne Phillips, Counsel, or Daniel Prieve, Counsel, Chief Counsel's Office, (202) 649–5490, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background and Policy Objectives

A. History of the OCC Appeals Process for Material Supervisory Determinations

The OCC first created a process for the appeal of material supervisory determinations in 1993 under Comptroller Eugene Ludwig.[1] In 1994, Congress passed the Riegle Community Development and Regulatory

[1] OCC Banking Circular 272, ''National Bank Appeals Process'' (June 11, 1993).

Improvement Act of 1994 [2] (the Riegle Community Act or the Act) which codified the requirement for the OCC, the Federal Deposit Insurance Corporation (FDIC), the Federal Reserve Board of Governors (Board), and the National Credit Union Administration to have internal appeals processes for appeals of material supervisory determinations.[3] The Riegle Community Act based its requirements on the OCC's 1993 process for appeals, and thus the OCC only needed to make minor changes to conform its process to the new requirements.[4] The OCC issued proposed guidance for public comment in 1994 and adopted its final guidance in 1996.[5] The OCC has amended its appeals process three times since then,[6] but these amendments did not make significant structural changes to the process.

B. Statutory Requirements for Appeals Process

The Riegle Community Act requires that the OCC establish an independent intra-agency appellate process to review material supervisory determinations made with respect to insured depository institutions that the agency supervises.[7] It further requires that in establishing this independent appellate process, the OCC must ensure that ''any appeal of a material supervisory determination by an insured depository institution or insured credit union is heard and decided expeditiously'' and that ''appropriate safeguards exist for protecting the appellant from retaliation by agency examiners.'' [8] The Act clarifies that independent appellate process means ''a review by an agency official who does not directly or indirectly report to the agency official who made the material supervisory determination under review.'' [9] Finally, the Act requires that the OCC appoint an ombudsman to act as a liaison between the OCC and any affected person with respect to any problem such party may have in dealing with the agency resulting from regulatory activities and to assure that safeguards exist to encourage complainants to come forward and preserve confidentiality.[10]

C. Current Process

The OCC's current appeals process for supervisory decisions and actions is articulated in OCC Bulletin 2013–15, ''Bank Appeals Process: Guidance for Bankers'' (2013 Guidance). It provides that the Ombudsman operates independently from the bank supervision process and reports directly to the Comptroller of the Currency. The Ombudsman may report weaknesses in OCC policy to the Comptroller and make recommendations regarding changes in OCC policy. The 2013 Guidance emphasizes that the OCC's ''core policy'' for dispute resolution is to resolve disputed items in an informal, amicable manner outside of the formal appeals process. However, the 2013 Guidance further notes that if a bank cannot resolve a dispute through these means, the bank is encouraged to seek a further review of the OCC decision in dispute through the formal appeals process as described in the 2013 Guidance.

Under the 2013 Guidance, banks can appeal any agency supervisory decision or action to the Ombudsman, with several specific exceptions. Appealable matters include, but are not limited to:

- Examination ratings.
- Adequacy of the allowance for credit losses methodology.
- Individual loan ratings.
- Violations of law.
- Shared National Credit (SNC) decisions.
- Fair-lending-related decisions, including referrals to the U.S. Department of Justice or U.S. Department of Housing and Urban Development.
- Licensing decisions.
- Material supervisory determinations such as matters requiring attention, compliance with enforcement actions, or other conclusions in a report of examination (ROE).

The 2013 Guidance also provides specific exceptions from matters that are appealable. Most of these matters have other appeals processes for them (*e.g.,* enforcement-related actions), are not final conclusions, or are time sensitive and cannot be easily undone once they are completed (*e.g.,* the appointment of receivers or conservators). These specific exemptions are:

- Appointments of receivers and conservators.
- Preliminary examination conclusions communicated to the bank before a final ROE or before other written communication from the OCC is issued.
- Any formal enforcement-related actions, including, but not limited to, decisions to (a) seek the issuance of a formal agreement or a cease-and-desist order, or the assessment of a civil money penalty pursuant to section 8 of the Federal Deposit Insurance Act, Public Law 81–797 (FDIA) (12 U.S.C. 1818); (b) take prompt corrective action pursuant to section 38 of the FDIA (12 U.S.C. 1831(o)); (c) issue a safety and soundness order pursuant to section 39 of the FDIA (12 U.S.C. 1831p–1); or (d) commence formal investigations pursuant to 12 U.S.C. 481, 1464(d), 1818(n), and 1820(c).
- Formal and informal rulemakings pursuant to the Administrative Procedure Act, Public Law 79–404 (APA) (5 U.S.C. 500 *et seq.*).
- Decisions or recommended decisions following formal and informal adjudications conducted pursuant to the APA (5 U.S.C. 701 *et seq.*).
- Requests for agency records or information under the Freedom of Information Act covered by 5 U.S.C. 552 or 12 CFR part 4 and submission of information to the OCC that is governed by this statute and this regulation.[11]
- Decisions to disapprove directors and senior executive officers pursuant to section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law 101–73 (12 U.S.C. 1831i).[12]
- Any other agency decisions that are subject to judicial review other than those described in the appealable matters listed above.

Under the 2013 Guidance, while banks may not appeal a decision by the supervisory office to pursue a formal enforcement-related action, banks may appeal any conclusion in an ROE. However, in such circumstances, the appeal is limited to a consideration of whether the examiners appropriately applied agency policies and standards. If a bank disagrees with the agency decision to pursue a formal enforcement action, the bank can contest the action through the administrative process. Once a bank has entered into a formal enforcement action, conclusions regarding the bank's level of compliance with the formal enforcement action are an appealable matter. However, if the OCC determines that the lack of compliance with an existing enforcement action requires an

[2] Public Law 103–325, section 309, 108 Stat. 2160, 2218.

[3] 12 U.S.C. 4806.

[4] OCC, ''Independent Regulatory Appeals Process,'' 59 FR 66067 (December 22, 1994).

[5] OCC, ''Independent Regulatory Appeals Process,'' 59 FR 66067 (December 22, 1994); OCC, ''Independent Regulatory Appeals Process,'' 61 FR 7042 (1996).

[6] OCC Bulletin 2002–9, ''National Bank Appeals Process'' (February 25, 2002); OCC Bulletin 2011–44, ''Bank Appeals Process'' (November 1, 2011); OCC Bulletin 2013–15, ''Bank Appeals Process: Guidance for Bankers'' (June 7, 2013).

[7] 12 U.S.C. 4806(a).

[8] 12 U.S.C. 4806(b).

[9] 12 U.S.C. 4806(f)(2).

[10] 12 U.S.C. 4806(d).

[11] These issues already have separate appeals processes. *See* 12 CFR 4.15(d).

[12] The appeals process for such decisions is provided by 12 CFR 5.51(f).

additional enforcement action, the proposed new enforcement action is not appealable, as the bank can contest the action through administrative adjudication.

Banks may seek review of appealable matters by filing a formal appeal with either the appropriate Deputy Comptroller or the Ombudsman. Banks requesting an appeal must file their appeal within 60 days of receipt of the written agency decision in dispute. A formal appeal to the Deputy Comptroller must be filed with the Deputy Comptroller responsible for the division that issued the decision or action in dispute.

Banks filing an appeal with the appropriate Deputy Comptroller must submit information in writing fully describing the matter in dispute and the basis for the bank's disagreement. The appeal must include the supervisory standards that the bank deems were inappropriately applied by OCC officials. To ensure that a bank's board of directors supports the appeal, the bank's president or chief executive officer must submit the appeal and include in the submission the board's approval of the decision to appeal.

Upon receiving the appeal, the Deputy Comptroller is required to contact the bank to discuss the appeals process and to ensure that the Deputy Comptroller has all the information needed. Within seven days of receiving a formal appeal, the Deputy Comptroller shall notify the bank in writing whether the appeal has been accepted. If the Deputy Comptroller directly or indirectly participated in making the decision under review or directly or indirectly reports to the agency official who made the decision under review, the Deputy Comptroller must transfer the appeal to the Ombudsman after advising the appellant. If the Deputy Comptroller accepts an appeal, that official contacts the OCC management official(s) involved in the dispute to submit a written response to the appeal. In the absence of any extenuating circumstances, the Deputy Comptroller will issue an appeals decision letter within 45 days. If a bank disagrees with the response from the Deputy Comptroller, the bank may further appeal the matter to the Ombudsman within 15 days of receiving the decision letter from the Deputy Comptroller.

The Ombudsman can hear matters filed directly with the Ombudsman's office, appealed from a decision of a Deputy Comptroller, or appealed through an alternative decision making process such as the SNC process or the fair lending referral process. Similar to an appeal filed with a Deputy Comptroller, an appeal filed directly with the Ombudsman must include information in writing fully describing the matter in dispute and the basis for the bank's disagreement and the bank's president or chief executive officer must submit the appeal and include in the submission the bank board's approval of the action. The appeal must include the supervisory standards that the bank deems were inappropriately applied. Upon receiving the appeal, the Ombudsman will contact the bank to discuss the appeals process and supervisory standards related to the issue in dispute and to ensure that the Ombudsman has all relevant materials. Within seven days of receiving a formal appeal, the Ombudsman will notify the bank whether the appeal has been accepted. If the Ombudsman accepts an appeal, he or she will contact the OCC management officials involved in the dispute to submit a written response to the appeal. In the absence of any extenuating circumstances, the Ombudsman will issue a written response to the appeal within 45 days.

For SNC decisions, banks may appeal to the Deputy Comptroller for Large and Global Financial Institutions. The appeal must be filed within 14 days of notification of the decision. Senior bank management must explain why it disagrees with the SNC decision. The SNC appeals letter must identify the credit, the commitment amount, the disposition, the basis for the bank's disagreement, and any documentation that supports management's position on the matters in dispute. The Deputy Comptroller for Large and Global Financial Institutions will forward a copy of the SNC appeal to the examiner in charge of the agent bank, who must provide his or her formal comments and opinions to the appropriate Deputy Comptroller for Large and Global Financial Institutions within 10 days of receipt of the appeal. An interagency panel consisting of senior credit examiners that are independent of the original voting team will evaluate the appeal and recommend a decision to senior management. Large and Global Financial Institutions normally concludes the entire SNC appeals process within 30 days of receipt. If a bank disagrees with the decision rendered through the SNC appeals process, it may further appeal the matter to the Ombudsman within 30 days of receiving the decision letter.

For matters related to fair lending, when the OCC has made a determination that there is reason to believe an instance or pattern or practice of discrimination exists that will result in either a referral to the U.S. Department of Justice or notification to the U.S. Department of Housing and Urban Development, the relevant Senior Deputy Comptroller will provide written notice to the bank of this finding. Banks may file an appeal to the Ombudsman for reconsideration of this decision within 15 days of the date of this notice.

Currently, as a general matter, decisions and actions in dispute are not stayed during the pursuit of an appeal. In appropriate circumstances, with the prior consent of the Comptroller, the Ombudsman or the appropriate OCC official, upon written request of a bank, may relieve the bank of the obligation to comply with a supervisory decision or action while the supervisory appeal is pending.

After the appropriate OCC official renders a decision on a formal appeal, the Ombudsman will contact the bank to ask whether the bank believes OCC examiners have taken actions against the bank in retaliation for its appeal. The Ombudsman will contact bank management both 60 days after the date of the decision letter and 60 days after completion of the first examination of the appellant bank following its appeal. A bank may also contact the Ombudsman any time during or after the appeal. The Ombudsman will investigate any complaints of retaliation, and, in the absence of extenuating circumstances, the Ombudsman will complete the investigation within 30 days. To prevent future retaliation, the Ombudsman may recommend to the Comptroller that the next examination of the bank exclude personnel involved in the ruling appealed by the bank.

D. Criticism of Current Process

Though the OCC's appeals process was an innovative step toward fair treatment of regulated institutions at the time of its adoption, over the subsequent 30 years several potential shortcomings have been identified in the process. First, few formal appeals are being brought. Though this fact could indicate that the OCC's focus on informal negotiation of grievances is resolving most issues, the OCC is concerned that this low rate of appeals could be attributable to a sense on the part of OCC supervised entities that the appeals process is not structured to guarantee fair consideration of the matters appealed or a fear that a formal appeal could damage the bank's relationship with its regulator. Indeed, in 2024, the OCC supervised 1,040 institutions and only 11 appeals were filed with the Ombudsman, suggesting that only approximately one percent of

OCC supervised institutions availed themselves of the OCC appeals process. Of those appeals, 10 were upheld by the Ombudsman and one was a split decision between the supervisory office and the bank.

An underlying reason for this perception could be that the OCC has not clearly articulated a de novo standard of review for appeals. While other Federal banking agencies such as the FDIC and the Board have clearly articulated standards of review that provide for more even deliberation,[13] the OCC's guidance has remained silent on whether the Ombudsman and Deputy Comptroller will apply a de novo standard of review or whether it will defer to the judgment of the supervisory office and only overruling findings where there is clear error. This lack of a clear standard, coupled with the fact that the OCC appeals process finds in favor of the supervisory office the majority of the time, has led to a perception that filing a formal appeal is not worth the resources and risk of retaliation because there is a low chance of success. This is especially true in regard to certain types of challenges, such as those regarding referrals to the Department of Housing and Urban Development and the Department of Justice of potential fair lending violations. For instance, between 2017 and 2024, the OCC received 12 appeals of such fair lending referrals, and it upheld the supervisory office's decision in every appeal under the current silent standard of review. The silent standard of review also appears to have influenced the outcomes of appeals of shared national credit decisions. At the first appeal level for SNCs, which consists of an interagency panel of three senior credit examiners, between 2021 and 2024 there were 30 appeals of SNC decisions. Of these appeals, approximately 80 percent were upheld by the interagency panel of three senior credit examiners.

While it is difficult to create a clear statistic for appeals that combine multiple questions of law and policy into one appeal because the Ombudsman often issues split decisions on such appeals, finding partially in favor of the bank and partially in favor of the OCC, there has been a public perception regarding these appeals as well that the OCC wins the majority of the time because the standard of review does not give appellants a fair chance to challenge the OCC's original supervisory decision.

Thus, there is evidence that the current appeals process's lack of a clearly articulated standard of review and the consequently high percentage of appeals that are found in favor of the OCC is creating a perception among OCC supervised entities that challenging material supervisory determinations, especially in certain areas, will not be fruitful. This perception may be discouraging supervised entities from bringing formal appeals.

II. Description of the Proposed Rule and Changes

A. Objectives of Rulemaking and Changes

The purpose of the proposed rulemaking is to ensure that the OCC's process for appeals of material supervisory determinations provides a meaningful opportunity for supervised entities to challenge OCC decisions and actions. These proposed changes are designed to enhance the independence of the appeals process and the transparency of the OCC's decision-making standards with the goal of increasing regulated entities' confidence in the appeals process and their protections against retaliation for using the process while affording the public an opportunity to provide comments on changes to the process.

B. Proposed Appeals Process

In general, the appeals process is an informal process that is not subject to the adjudicative provisions of the APA (5 U.S.C. 554, 556–557). Even if the OCC adopts the proposed rule, the OCC would still retain its current policy concerning dispute resolution, which is to resolve disputed issues in an informal, amicable manner. However, if supervised entities cannot resolve disagreements through discussion, they are encouraged to seek a further review of disputed OCC decisions through the OCC's formal appeals process. The appeals process in the proposed rule is detailed below.

C. Definitions

The proposed rule would provide definitions for the key terms used. First, the OCC is proposing to define ''Appeals Board'' to mean a panel consisting of the chief national bank examiner and two term appointees. However, the OCC invites comments on how the Appeals Board could be composed. For instance, the Appeals Board could also include the Ombudsman or the Chief Counsel. The term appointees, if that option is selected, would be individuals with relevant supervisory experience gained either from working with a financial regulator or from working for a financial institution, law firm, consulting firm, trade group, or other similar organization.[14] Under the proposal, current OCC employees would not be eligible to serve as term appointees to the Appeals Board, though the OCC is also considering alternatives whereby OCC employees from reporting lines separate from the one that rendered the supervisory determination may serve on the Appeals Board. The OCC invites comment on all of these options and suggestions for other ways to compose the Appeals Board.

The OCC is proposing to define ''de novo standard of review'' to mean a standard of review that is not deferential to either party and that does not defer to the determinations of either party. De novo standard of review means that the review does not defer to the previous decision but freely considers the matter anew, as if no decision had been rendered below, on the materials in the review record.[15] This standard would be designed to bolster confidence in the fairness and independence of the appeals process. The OCC anticipates that both the appellant and the supervisory office involved in the initial decision will still submit arguments in support of their position to the Appeals Board, similar to the current process, but the arguments submitted by both parties will be weighed evenly.

The OCC is proposing to define ''substantively involved'' to mean someone that directly approved, advised on, or recommended the decision being appealed or a determination underlying the decision being appealed.

The OCC is proposing to define ''supervised entity'' to mean an entity for which the OCC makes material supervisory determinations. This includes national banks, Federal savings associations, U.S. agencies or branches of a foreign bank, and permitted payment stablecoin issuers and foreign payment stablecoin issuers subject to the OCC's regulatory authority. An

[13] FDIC, ''Guidelines for Appeals of Material Supervisory Determinations,'' 90 FR 33944 (July 18, 2025), stating that ''The FDIC has previously noted that this may be considered a de novo standard of review.'' Federal Reserve System, ''Internal Appeals Process for Material Supervisory Determinations and Policy Statement Regarding the Ombudsman for the Federal Reserve System,'' 85 FR 15177 (March 17, 2020), explaining that the first appeals panel would apply a de novo standard of review and the final review panel will consider whether the decision of the initial review panel is reasonable, though it will not apply a de novo standard of review.

[14] A person will be considered to have such required expertise if the person has significant executive, professional, educational, or regulatory experience in banking supervision.

[15] *See Dawson* v. *Marshall,* 561 F.3d 930, 933 (9th Cir. 2009).

institution-affiliated party of such an entity that is directly affected by an informal enforcement action may also appeal the informal enforcement action. This definition is intentionally broader than the mandate in the Reigle Community Act, which only covers insured depository institutions and insured credit unions. The OCC is proposing this broad definition because it believes that uninsured institutions, including uninsured national trust banks, should also have a meaningful opportunity to appeal OCC determinations, and the OCC seeks to enhance the accessibility of its appeals process to those affected by OCC material supervisory determinations.

D. Commencement of Appeal

Under the proposal, any supervised entity, as defined above, that is affected by an OCC material supervisory determination may file an appeal for review of the determination. An institution-affiliated party of such an entity that is directly affected by an informal enforcement action taken against the individual may also appeal the informal enforcement action, though not other OCC decisions. Outside of this limited right for institution-affiliated parties, only the supervised entity who is the direct subject of a material supervisory determination may appeal the determination. Members of the general public cannot file an appeal of an OCC material supervisory determination, and a financial institution cannot file an appeal of a material supervisory determination directed at another financial institution, with the exception of the procedure for appeals of SNC determinations.

The proposed regulation would define material supervisory determination to mean any final agency or supervisory decision or action, including, but not limited to, the following:

i. Examination ratings;

ii. Adequacy of the allowance for credit losses methodology;

iii. Individual loan ratings;

iv. Violations of law;

v. SNC decisions;

vi. Fair-lending-related decisions, including referrals to the U.S. Department of Justice or U.S. Department of Housing and Urban Development;

vii. Licensing decisions; and

viii. Material supervisory determinations such as matters requiring attention, compliance with enforcement actions, or other conclusions in the report of examination (ROE).

This list is not meant to be an exclusive list of matters that supervised entities may appeal. The regulation would further provide that a supervised entity may not appeal:

i. Appointments of receivers and conservators;

ii. Decisions related to bidder status or submitted bids on an institution to which the Corporation provides assistance under 12 U.S.C. 1823;

iii. Preliminary examination conclusions communicated to the bank before a final ROE or other written communication from the OCC is issued;

iv. Any formal enforcement-related actions, including, but not limited to, decisions to:

(A) Seek the issuance of a formal agreement or a cease-and-desist order, or the assessment of a civil money penalty pursuant to 12 U.S.C. 1818;

(B) Take prompt corrective action pursuant to 12 U.S.C. 1831(o);

(C) Issue a safety and soundness order pursuant to 12 U.S.C. 1831p-1; or

(D) Commence formal investigations pursuant to 12 U.S.C. 481, 1464(d) 1818(n), and 1820(c).

v. Formal and informal rulemakings pursuant to 5 U.S.C. 500 *et seq.;*

vi. Decisions or recommended decisions following formal and informal adjudications conducted pursuant to 5 U.S.C. 701 *et seq.;*

vii. Requests for agency records or information under the Freedom of Information Act covered by 5 U.S.C. 552 or 12 CFR part 4 and submission of information to the OCC that is governed by this statute and this regulation;

viii. Decisions to disapprove directors and senior executive officers pursuant to 12 U.S.C. 1831i;

ix. Any other agency decisions that are subject to judicial review other than those described as appealable above;

x. Any decision by the agency that is non-final, other than those described as appealable above;

xi. Supervisory observations;

xii. Conclusions in OCC interpretive letters; or

xiii. Agency decisions that are administrative and do not substantially affect the rights of the supervised entity.

Certain agency decisions that are insignificant or non-final would also not be appealable in the interest of conserving agency resources. Such matters would include issues such as the scheduling for examinations or additional information requests.

The proposed rule adopts both the list of appealable and non-appealable matters from the 2013 Guidance with certain additions and clarifications. Certain items on the lists are mandated by the Riegle Community Act. The Riegle Community Act specifies that material supervisory determination must include examination ratings, the adequacy of loan loss reserve provisions, and loan classifications on loans that are significant to an institution.[16] The Act further explicitly excludes from the appeals process a determination to appoint a conservator or receiver or a decision to take action pursuant to 12 U.S.C. 1831o, which provides authority for regulators to take prompt corrective action to resolve problems that could impose losses on the deposit insurance fund.[17] The current lists of appealable and non-appealable matters have worked well based on the OCC's supervisory experience and have not faced significant criticism. Thus, the OCC is proposing to generally maintain these lists with certain changes, but the agency invites comment on whether they should be amended to the extent statutorily permissible.

The proposed rule also continues to largely adopt the procedures in the 2013 Guidance concerning appeals when formal enforcement proceedings are pending. That is, under the proposed rule, while supervised entities may not appeal a decision by the supervisory office to pursue a formal enforcement-related action, they may appeal conclusions in the ROE before the commencement of a formal enforcement-related action. This includes determinations and the underlying facts and circumstances that may form the basis of a subsequent formal enforcement action. Once the OCC informs an institution that a formal enforcement-related action has been approved, a supervised entity may not pursue an appeal, except for the limited purpose of challenging whether examiners appropriately followed agency policies and standards in preparing the ROE. Also, once a supervised entity has entered into a formal enforcement action, conclusions regarding the supervised entity's level of compliance with the formal enforcement action are an appealable matter. However, if the OCC determines that the lack of compliance with an existing enforcement action requires an additional enforcement action, the proposed new enforcement action is not appealable. Remarks in an ROE and other communications about a potential formal enforcement action made prior to a final decision are preliminary and therefore may not be appealed. Individual minimum capital ratios under 12 CFR 3.403 and notices of

[16] 12 U.S.C. 4806(f)(1).

[17] 12 U.S.C. 4806(f)(1)(B).

deficiency under 12 CFR part 30 may be appealed.[18]

The proposed appeals process is not intended to allow appeals that seek to change or modify OCC policies, rules, or legal interpretations. If an appeal would raise a legal question of first impression, the matter would be referred to the Chief Counsel's Office for decision rather than the Appeals Board, as that is the correct forum for legal determinations.

The proposed rule provides that the appeal may be filed with the Deputy Comptroller responsible for the unit that issued the determination in dispute or directly with the Appeals Board. It is at the supervised entity's discretion where to file the initial appeal, though the OCC retains the discretion to escalate an appeal directly to the Appeals Board if there is a risk that delay can harm remediation of a material financial risk or result in costs to the Deposit Insurance Fund. This option is preserved from the existing guidance. The OCC invites comment on whether this option should be maintained. The proposed rule further adopts from the 2013 Guidance the requirement that if the Deputy Comptroller was substantively involved in making the decision under review, he or she must transfer the appeal to the Appeals Board after informing the appellant.

The proposed rule maintains the deadlines from the existing guidance for the filing of the appeal, which mandate that the appeal must be filed within 60 days of receipt of the determination in dispute, except for decisions relating to fair lending referrals to the U.S. Department of Justice or notifications to the U.S. Department of Housing and Urban Development, which must be filed within 15 days. The OCC's supervisory experience has shown that this time period is sufficient for banks to prepare and submit appeals. In keeping with the OCC's policy of encouraging informal resolution of disagreements between supervised entities and the OCC, the OCC would still maintain its existing practice of waiving this deadline if an institution is engaged in good faith dialogue with the supervisory office in an attempt to informally resolve the dispute. Also adopted from the 2013 Guidance is the requirement that the appeal must include the supervisory standards that the bank asserts were inappropriately applied by OCC officials. Supervisory standards means statutes, regulations, or articulations of OCC policy in guidance such as the Comptroller's Handbook, bulletins, or interpretive letters. This requirement is not meant to prevent appeals where the specific standard applied is unknown to the bank.

If the appeal is by a financial institution, the president or chief executive officer must submit the appeal and include in the submission the board of the institution's approval of the action. This requirement is adopted from the current guidance and is designed to ensure that the bank's leadership supports the appeal. The OCC is soliciting comment on whether this requirement is necessary.

E. Consideration of Appeal by Deputy Comptroller

Under the proposed process, the appellant has the choice whether to file the appeal directly with the Appeals Board or to first file it with the Deputy Comptroller of the division that rendered the decision at issue. The Deputy Comptroller would be required to transfer the appeal directly to the Appeals Board if the Deputy Comptroller substantively involved in making the decision under review. If the Deputy Comptroller determines that such a transfer is necessary, the appellant would be informed.

Under the proposal, the Deputy Comptroller has 45 days from the receipt of the appeal to render his or her decision unless there are extenuating circumstances requiring additional time. This is the same timeframe contained in the 2013 Guidance. If the Deputy Comptroller determines that the filed appeal is incomplete or requires more information from the appellant, the 45 days would not start until the Deputy Comptroller receives a complete appeal. Consistent with the current process, the proposed rule would require that once a complete appeal is received, the Deputy Comptroller would solicit the views of the supervisory office involved in issuing the material supervisory determination. The OCC is soliciting comments on whether this initial appeal to the Deputy Comptroller is a meaningful opportunity for redress that should be maintained as part of the appeals process.

Under the proposal, when considering the matters being appealed, the Deputy Comptroller would apply a de novo standard of review. The OCC is soliciting comments on whether this is the right standard of review to be applied. Though the Deputy Comptroller may use workpapers and materials prepared by the supervisory office, he or she would reach his own conclusions about each issue in dispute and would not give deference to either party. If necessary to render a decision, the Deputy Comptroller may, in his or her discretion, request that the record be supplemented, including through further fact-finding or sending staff to visit the appellant on site and gather further information.

The proposed rule would require the Deputy Comptroller to issue a decision in writing. If the appellant disagrees with the determination of the Deputy Comptroller, the appellant would have the option of further appealing the matter to the Appeals Board. This approach generally follows the process specified in the 2013 Guidance. The appellant would be required to file its appeal to the Appeals Board within 15 days of receiving the written decision from the Deputy Comptroller.

F. Consideration by the Appeals Board

The proposed rule would replace the role currently played by the Ombudsman with an Appeals Board consisting of the Chief National Bank Examiner and two term appointees. This change is being proposed to increase confidence in the independence of the decision making on appeals. Under the proposal, the term appointees would not be eligible to have their terms renewed in order to prevent the appointees from being pressured to find in the OCC's favor to secure reappointment. The OCC is also considering other options for how to compose the Appeals Board. For instance, the Board could also include the Ombudsman or the Chief Counsel. It could also be composed of one term appointee and two OCC officials. The term appointees, if that option is selected, would be individuals with relevant banking, regulatory, legal, or supervisory experience gained either from working with a financial regulator, for a financial institution, or in the financial services sector. Under the proposal, current OCC employees would not be eligible to serve as term appointees to the Appeals Board, though the OCC is also considering alternatives whereby OCC employees from reporting lines separate from the one that rendered the supervisory determination may serve on the Appeals Board. The agency is further considering maintaining the current structure with the Ombudsman as the decision maker. The OCC welcomes comments on what structure would provide the most fairness, independence, and expertise.

Under the proposal, the Appeals Board would be able to consider issues either directly appealed to it or appealed to it after a determination by a Deputy Comptroller. It would also consider appeals referred to it by a Deputy Comptroller who was substantively involved in the material

[18] Only the final order or notice may be appealed, not preliminary determinations or findings.

supervisory determination. It would further consider appeals of SNCs, fair lending determinations, and licensing decisions. Regardless of the way the matter comes before the Appeals Board, the Appeals Board would apply a de novo standard of review. As explained above, this means that no deference would be shown to either party. The OCC is soliciting comments on whether this is the correct standard of review for the Appeals Board to apply. On the one hand, this standard of review would provide the most opportunity for appellants to be able to show the merits of their arguments. On the other hand, the supervisory staff who made the initial determination often have more technical expertise regarding the matter than the members of the Appeals Board, so it could introduce more risk of error into the process for the Appeals Board to overturn the supervisory staff without a finding of clear error. The OCC does anticipate continuing to allow the supervisory office that made the original determination to submit arguments and explanation in support of its determination to the Appeals Board, which will weigh the supervisory office's arguments equally with the appellant's arguments.

The Appeals Board would solicit the views of the supervisory office involved in issuing the material supervisory determination and would include in its deliberations their response to the appellant's arguments. It is envisioned that the Appeals Board would be assisted by its own independent staff who could help review disputed facts and standards. The Appeals Board could also supplement the review record by soliciting the views of other OCC staff, staff of other supervisory agencies, or other sources. When necessary, the Appeals Board would consult subject matter experts from across the OCC. When such consultations occur, the Appeals Board would attempt to use experts who were not substantively involved in the initial decision. If necessary, the Appeals Board or its staff could engage in gathering additional facts or information to verify factual conclusions in the supervisory record. All decisions by the Appeals Board would be reviewed by an OCC attorney for conformance with law and OCC policy. The attorney rendering this opinion would be someone who was not substantively involved in the initial decision.

The Appeals Board's review will generally be limited to the facts and circumstances as they existed prior to, or at the time the material supervisory determination was made. However, the Appeals Board may gather additional evidence as described above. As well, the Appeals Board may permit in its discretion supplementation of the record by either party in the interest of fairness provided the request is timely received by the Appeals Board. Though the OCC recognizes that this introduces the possibility of the Appeals Board overturning the supervisory office's decision based on evidence that the supervisory office did not have available to consider, in some circumstances it is important for the OCC to reach the right conclusion for the bank from a safety and soundness perspective regardless of whether that requires new materials be considered.

If any member of the Appeals Board had been substantively involved in one or more of the determinations being appealed, the member would be required to observe a recusal. If a member of the Appeals Board is recused and the two remaining members cannot reach a decision, the Comptroller would decide the matter.

Under the proposal, the Appeals Board would issue a written decision within 45 days of receiving the appeal unless there are extenuating circumstances requiring additional time. This is the same timeframe referenced in the 2013 Guidance. Similar to the current process, the written decision would state the reasons for the Appeals Board's conclusion and the evidence it relied upon to reach that conclusion. If the Appeals Board relied on confidential supervisory information from other institutions, that information would be subject to all applicable limits on its disclosure.

The proposal would require a redacted version of the Appeals Board's decision to be published. The OCC envisions that this publication would occur on the OCC's website, as is the current practice. As is the current practice, the decision would be redacted to remove all identifying information about the bank involved but, to the greatest extent possible while still maintaining confidentiality, allow the reader to understand the issues in contention and how the OCC considered those issues. As well, if any member of the Appeals Board chooses to write a dissent, this would also be published in redacted form. These publication requirements would provide transparency into the OCC's decision making process and accountability to regulated entities and the public for the outcomes of appeals. This transparency is important for ensuring that supervisory standards are applied consistently and fairly.

G. Appeals of Shared National Credit Determinations

The proposed rule would also codify the appeals process for SNCs. It would generally maintain the current process as contained in the 2013 Guidance, but make revisions as needed to conform to changes such as the establishment of an Appeals Board as the final decision maker.

Under the proposed rule, an agent bank may submit a SNC appeal directly or on behalf of any participant bank. If the agent bank refuses, for whatever reason, to file the appeal on behalf of the bank group, the OCC would accept an appeal from any participating bank. The proposal would require a bank to file a SNC appeal with the regulator that supervises the agent bank. When no agent bank is named, the appeal would need to be filed with the regulator that supervises the bank at which the SNC was reviewed. The proposal would require the agent bank to file the appeal within 14 days of notification by the OCC of the preliminary disposition of the credit. Any participant bank would be allowed to appeal either through the agent bank or on its own within 14 days of receiving the preliminary SNC results from the agent bank. If the agent bank does not provide preliminary results to the participant banks, participant banks would be permitted to file an appeal within 14 days of receiving the official SNC results from the primary regulator. These are the same deadlines for appeal as under the 2013 Guidance. They are designed to provide flexibility for banks to be able to appeal regardless of the communication processes between the agent bank and the participant banks.

The proposed rule would require a SNC appeal to identify the credit, the commitment amount, the disposition, the basis for the bank's disagreement, and any documentation that supports the institution's position on the matters in dispute. This is the same information that is called for by the current guidelines. As under the 2013 Guidance, an interagency panel consisting of senior credit examiners that are independent of the original voting team would evaluate the appeal and recommend a decision to OCC senior management. Absent extenuating circumstances this independent review team would issue its decision on a SNC appeal within 30 days of receipt of a complete appeal. If a bank disagrees with the independent review team's decision, the rule would permit it to appeal the matter to the Appeals Board within 30 days of receiving the decision letter from the OCC. These are the same timeframes for rendering a decision and

for appealing the decision as under the 2013 Guidance, and the OCC's supervisory experience has found them to be largely appropriate for SNC appeals. The Appeals Board would hear SNC appeals under the same procedures, standard of review, and timeframe as it hears all other appeals. It would also apply the same independence requirements for Appeals Board members and for supporting staff.

H. Alternative Procedures

Under the proposed rule, with a finding of good cause, the Appeals Board would retain the discretion to extend any time limit, either on behalf of the OCC or on behalf of an appellant, or waive any other procedural requirement under the proposed rule. The OCC is proposing this provision to maintain flexibility for the appeals process in recognition of the fact that the proposed procedures might not be appropriate for all situations. For instance, an appeal raising particularly complex issues might require more than 45 days for the Appeals Board to consider. Likewise, it might take an appellant more than 60 days to complete an appeal submission if the applicant needs to consult outside experts on issues under contention. As well, issues outside of the OCC or the appellant's control, such as natural disasters, could affect the party's ability to meet the proposed regulation's deadlines.

Under the proposal, if the Appeals Board cannot reach a conclusion on a matter due to a member being recused, then the Comptroller would decide the matter. The OCC is soliciting comments on this approach and on whether an official other than the Comptroller should serve as the decision maker in such situations, for instance, the Chief Counsel or the Ombudsman. Under the current proposal, if all members of the Appeals Board are recused, the Comptroller would decide the matter. However, the OCC is also considering having the Comptroller appoint one or more replacement members of the Appeals Board in these matters. The OCC invites comments on these alternative approaches.

I. Staffing of the Appeals Board

Under the proposed rule, the Appeals Board will consist of the Chief National Bank Examiner and two term appointees. The term appointees would be individuals not currently employed by the OCC and who have never before served as a term appointee on the Appeals Board. The requirement that the term appointee never before has served as a term appointee on the Appeals Board is to prevent the term appointees from feeling pressured to decide in the OCC's favor in order to be reappointed. These individuals would be required to have relevant experience and expertise, either in government or in the industry. They would be appointed for a one-year term that is not eligible for renewal and would be appointed directly by the Comptroller. The OCC is soliciting comment on whether the term should be longer, such as two-years, three-years, or four-years, and whether if the term is longer, the terms should be staggered so that the term appointees are not all replaced at the same time. The Appeals Board would report directly to the Comptroller to maintain its independence from the lines of business issuing the supervisory determinations. The OCC is also considering having the term appointees be part-time positions and allowing them to hold outside employment while serving on the Appeals Board. The OCC is also soliciting comments about whether such an arrangement would raise ethical or independence concerns. The OCC is considering and soliciting feedback on what types of external employment should be permitted, if it decides to adopt that option. For instance, it is considering allowing term appointees to work for another government agency or for a consulting firm.

The OCC envisions that the Appeals Board would have OCC staff appointed as necessary to assist with the investigation and analysis of the appeals before it. Such staff would be required to be recused from an appeal if they were substantively involved in the determination being appealed, the same as for members of the Appeals Board itself.

J. Stay of Determinations

The current guidelines provide that determinations generally will not be stayed during an appeal, though in the appropriate circumstances, the Ombudsman may stay a decision with the prior consent of the Comptroller. The proposed rule would provide more clarity on when a stay will be granted. Specifically, the proposed rule would provide that an appealed material supervisory determination will be stayed if the bank requests a stay and the appropriate Deputy Comptroller or the Appeals Board concludes that:

i. Delaying the implementation of the material supervisory determination would not result in a risk of immediate financial harm to an OCC supervised institution;

ii. The material supervisory determination would impose costs on the appellant within the timeframe for the OCC to decide the appeal; and

iii. The public interest would not be harmed by delaying the implementation of the material supervisory determination.

For instance, if the OCC determination requires an appellant to immediately adopt costly compliance measures, the OCC could consider granting a stay if delaying the implementation of corrective actions during the pendency of the appeal would not result in the risk of immediate financial harm to the institution or the public. This is because once an institution has expended the resources on implementing costly systems and processes, it cannot undo those costs if it wins the appeal. This reality can discourage appeals. However, the OCC is cognizant that, depending on the type of potential deficiency, a stay may not be appropriate.

In weighing whether to grant a stay, the OCC would consider the size of the institution and the burden that immediately implementing the appealed determination will have on the appellant's resources. The OCC would require a lower showing of burden from community banks than from larger institutions, with a presumption that stays of decision should mostly be issued for institutions with more limited resources.

The OCC is soliciting feedback on whether these are the right factors for the OCC to consider when determining whether to grant a stay of a decision pending the outcome of the appeal. The OCC is also soliciting feedback on whether to allow the Ombudsman to grant a stay in addition to the Appeals Board.

K. Expedited Appeals

The proposed rule would provide that when a material supervisory determination relates to or causes an institution to become critically undercapitalized, as defined by 12 U.S.C. 1831o, the review of any appeal of that supervisory determination would be processed on an expedited basis. For appeals processed on an expedited basis, the appropriate Deputy Comptroller or the Appeals Board would issue its decision in no more than 30 days and would issue the decision in less if the situation demands. The OCC is also considering implementing a shorter timeline than 30 days and is contemplating timelines between 10 and 30 days. The OCC invites comment on the appropriate timeline for expedited appeals.

The expedited appeals process is a change from the 2013 Guidance, which does not adopt expedited treatment for any issue. However, the OCC recognizes that, given the severe outcome of becoming critically undercapitalized, it is important for such issues to be resolved as rapidly as practicable. Notwithstanding the proposal's timeline, situations may arise that would prevent an appeal from being completed before the prompt corrective action framework requires a receivership to be imposed. In these situations, the existence of an outstanding appeal would not prevent the OCC from meeting its statutorily mandated obligation under the prompt corrective action framework to appoint a receiver, in which case an appeal would become moot.

The OCC is soliciting feedback on whether there are other types of decisions that should also be subject to expedited proceedings.

L. Role of the Ombudsman

The OCC is proposing to change the role of the Ombudsman in the appeals process. Currently, the Ombudsman acts as the decision maker in appeals. As explained above, the proposed rule would replace the Ombudsman with the Appeals Board as the final decision maker for appeals. The Ombudsman's role would shift to acting as an impartial liaison between the appellant and the Deputy Comptroller or the Appeals Board. This change would allow the Ombudsman to better assist the appellant as the appellant will be more likely to consult the Ombudsman with questions if the Ombudsman is not also the final decision maker. The change would further make the Ombudsman a neutral party in the appeals process and thus allow him to better focus on assisting appellants. It would also dovetail with the Ombudsman's new responsibility under the proposed rule to conduct outreach to supervised institutions after exams to determine their satisfaction with the experience and any issues they may wish to discuss. Institutions are more likely to be open and honest with the Ombudsman during such outreach if the Ombudsman is not the decision maker in any appeal they are considering filing. Under the proposed rule, the Ombudsman's office would be responsible for issuing an annual report to the Comptroller detailing trends and issues it observed through its outreach to institutions after their examinations, assisting banks with navigating the appeals process, and investigating complaints from supervised entities of OCC misconduct. Examples of misconduct that may be investigated by the Ombudsman include: failure to follow OCC procedures for conducting an exam, OCC employees making statements to discourage a bank from exercising its right to appeal, or an OCC examiner soliciting a bribe. If the Ombudsman investigates an allegation that the OCC or its employees engaged in misconduct and failed to follow the law, the Chief Counsel's Office will coordinate with the Ombudsman and will render a final decision on all questions of law.

In this new role, the Ombudsman would be in a unique position to identify and report patterns of issues arising from complaints related to OCC regulatory activities. The Ombudsman could track inquiries and complaints based on relevant characteristics, such as geographic location, scope, policy implications, and final disposition, to help identify any such trends, including trends that implicate differently sized institutions disproportionately. This tracking will be conducted in a manner designed to preserve confidentiality of the complainant to the maximum extent possible. In its required annual report, the Ombudsman will report findings of patterns of issues to the Comptroller. The Ombudsman will also report any issue stemming from a complaint that is likely to have a significant impact on the OCC's mission or activities. The Ombudsman will compose an annual report, which will be published by the OCC, that will provide information including the number of appeals for the year, the topics of appeals, the average length of time it took to resolve the appeals decided that year, and a summary of the OCC's decisions for the year.

Under the proposed rule, similar to under the 2013 Guidance, the Ombudsman is responsible for preventing the OCC or any of its employees from retaliating against the bank for its appeal. This requirement for the Ombudsman is derived from the Riegle Community Act.[19] To fulfill this mission, the proposed rule would require that after the appropriate OCC official renders a decision on a formal appeal, the Ombudsman will contact the bank to ask whether the bank believes OCC examiners have taken actions against the bank in retaliation for its appeal. The Ombudsman would then contact bank management again 60 days after the date of the decision letter and then 60 days after completion of the first examination of the appellant bank following its appeal. This process is similar to the process under the 2013 Guidance.

Similar to under the current process, the proposed rule also provides that a bank may also contact the Ombudsman at any time during or after the appeal if the bank believes that retaliation has occurred. Under the proposed rule, the Ombudsman's role would be extended to receiving any bank complaints of misconduct by the OCC or its staff beyond just claims of retaliation. The Ombudsman would field complaints not just about OCC employees, but also about the term appointees on the Appeals Board and about contractors and other third-parties interacting with supervised entities on the OCC's behalf. The Ombudsman would assist institutions with issues and questions related to OCC regulatory activities. In doing so, the Ombudsman would operate independently of the supervisory process to ensure that appropriate safeguards exist to encourage complainants to come forward and preserve confidentiality. The Ombudsman may initiate a factual inquiry into complaints of alleged retaliation or complaints of other misconduct or mistakes at any time. In the absence of extenuating circumstances, the Ombudsman will complete the investigation within 30 days.

Similar to the OCC's current structure, the Ombudsman would continue to report directly to the Comptroller in order to preserve his independence.

In cases involving allegations of retaliation, if the Ombudsman finds that retaliation has occurred, the Ombudsman will forward the complaint directly to the Inspector General. Appropriate action, including disciplinary action consistent with OCC policies, will be taken as warranted, and the Ombudsman may recommend to the Comptroller that the next examination of the bank exclude personnel involved in the ruling appealed by the bank. The Comptroller will make the final decision on any such exclusion.

M. Retaliation and Dissuasion Forbidden

The proposed rule would provide that neither the OCC nor any employee of the OCC may retaliate against an institution or person for filing an appeal. Retaliation would be defined as any action or decision by the OCC or by OCC employees that causes a supervised entity to be treated differently or more harshly than other similarly situated entities because the supervised entity attempted to resolve a complaint by filing an appeal of a material supervisory determination or utilized

[19] 12 U.S.C. 4806(d).

any other OCC mechanisms for resolving complaints, including informal discussions with OCC supervisory staff.

The proposed rule further provides that neither the OCC nor any of its employees may discourage a supervised entity from filing an appeal or from otherwise communicating concerns and objections to the OCC through the appeals process, through the Ombudsman's office, or through other channels such as reaching out directly to the Comptroller. The OCC values honest communication and feedback from supervised entities, and any attempt by examiners or others to discourage banks from such communication or to retaliate against banks for such communication is prohibited.

The proposed rule further provides that if the Appeals Board finds in favor of a supervised entity on an appeal, the OCC may not impose a substantially similar decision based on the same underlying facts in future material supervisory determinations. This is to prevent examiners from retaliating against a supervised entity for filing an appeal and to reaffirm the importance of the appeals process. Supervised entities may be discouraged from filing appeals if the OCC does not make it clear that the decision of the Appeals Board will be respected by the supervisory staff and others across the OCC.

III. Request for Comments

The OCC seeks comment on all aspects of the proposed rule, including the following:

1. Is the definition of supervised entity correct? Is it too broad or too narrow? Are there other groups not included in the definition who should have an opportunity to challenge the OCC's supervisory determinations?

2. Is the composition of the Appeals Board, consisting of the Chief National Bank Examiner and two term appointees, a preferable approach to a single OCC decisionmaker or a board with a different composition? Would a different composition better ensure independence or better promote the confidence of supervised entities in the process's independence and fairness? For instance, the Appeals Board could also be composed of one term appointee and two OCC officials. It could also be composed of three term appointees and no OCC officials.

3. Would removing the Ombudsman's role as the decisionmaker on appeals increase the independence and fairness of the appeals process and the perception of independence and fairness? Would the Appeals Board consisting of the Chief National Bank Examiner and two term appointees, or some other composition, be better positioned to render an impartial decision than the Ombudsman?

4. Does restricting the Appeals Board's term appointees to only serving one term better position them to render fair and impartial decisions than permitting reappointments, which could cause the appointees to feel pressured to find in the OCC's favor to secure reappointment? Are there other provisions that could be placed in appointees' terms or conditions of service that would be effective in positioning them to render fair and impartial decisions and to prevent the term appointees from being pressured to find in the agency's favor? Are there alternatives other than term appointees that the OCC should consider in determining the composition of the Appeals Board that would be more likely to promote impartial decision-making?

5. What should be the criteria for those selected to serve on the Appeals Board as term appointees in terms of experience and independence? Should the rule further clarify what constitutes relevant experience for serving on the Appeals Board? Should there be a restriction on the Appeals Board being constituted exclusively of ex-OCC employees? Should there be a requirement that the Appeals Board include someone with community banking experience?

6. Are there other changes that would increase the independence of the Appeals Board and prevent the Appeals Board from being predisposed to find in favor of the supervisory office?

7. Should the OCC implement a de novo standard of review as contemplated, or would it be a better use of agency resources to implement a standard of review more deferential to the work already done by the supervisory office? Should the OCC clarify the standard for the burden of proof, and, if so, what should that standard be?

8. Should the OCC maintain the current structure whereby supervised entities have the option to appeal to the appropriate Deputy Comptroller before appealing to the final decision maker (either the Appeals Board or the Ombudsman, depending on the structure ultimately chosen)?

9. Is the list of examples of OCC actions or decisions that can be appealed as material supervisory determinations sufficient, or are there further types of decisions that the OCC should explicitly note can be appealed?

10. Is the list of decisions that are excluded from the appeals process sufficient, or are there further types of OCC actions or determinations that should be excluded?

11. If one or more members of the Appeals Board is recused from deciding a matter due to conflicts of interest or having participated in the initial decision, and the remaining two members cannot come to a joint decision, how should the OCC decide the matter? Should the Comptroller decide the matter himself? Or should the Comptroller appoint someone else as the replacement such as the Ombudsman, the Chief Counsel, or another term appointee?

12. When discussing the relevant experience required for members of the Appeals Board, the proposed regulation would provide that ''a person will be considered to have such required expertise if the person has significant executive, professional, educational, or regulatory experience in banking supervision.'' Does this standard need further clarification or refinement? Should the OCC have a more detailed standard, or a more flexible standard? Is there a different standard that would be more appropriate?

13. Are the deadlines proposed for an appellant filing an appeal and the OCC rendering a decision reasonable? Have the current deadlines and timeframes contained in the 2013 Guidance been appropriate?

14. If the OCC does adopt the proposal to replace the Ombudsman with an Appeals Board, is the proposed one-year term the appropriate term length for the term appointees? Or would it work better for the term appointees to have two-year, three-year, or four-year terms? If the OCC does select a term longer than one year, should it stagger the terms so that term appointees do not all change at the same time? Would the frequent staffing changes that such a short term would dictate cause delays in the processing of matters? Given the high level of expertise required of the members of the Appeals Board, would it be difficult for the OCC to hire the necessary experts for such short durations?

15. Are the expedited procedures for determinations that cause an institution to become critically undercapitalized appropriate? Should the timelines for such matters be longer or shorter? The OCC is considering implementing a shorter timeline and is contemplating timelines between 10 and 30 days. Are there other types of determinations that should also be subject to expedited procedures such as a potential program violation of the Bank Secrecy Act that

involves a risk of money laundering or Office of Foreign Asset Controls sanctions violations?

16. Would the proposed rule have any costs, benefits, or other effects that the OCC has not identified? If so, please describe any such costs, benefits, or other effects.

17. Is the proposed definition of ''substantively involved'' appropriate? Will this definition help ensure independence of the process? Would a different definition be more appropriate?

18. The OCC is considering making the term appointees part-time positions. While the OCC would observe all applicable ethics laws for the term appointees, the agency is considering allowing the term appointees to hold outside employment while serving on the Appeals Board. Would there be a conflict of interest if the term appointees are employed outside of the OCC while serving on the Appeals Board? If the OCC does choose to make the term appointee positions part-time, what restrictions should the OCC place on outside employment? For instance, would a bank be comfortable having its appeal heard by someone who is employed by a competitor? Should the term appointees be permitted to work for another government agency or for a consulting firm?

19. Currently, the proposed rule provides that the Appeals Board can issue a stay of a decision while an appeal of that decision is pending. Should the OCC also give the Ombudsman the ability to issue a stay of a decision pending an appeal?

20. Should appeals of decisions related to licensing applications that cause a delay in the licensing application being decision be considered on an expedited basis?

IV. Expected Effects

As previously discussed, the OCC believes the proposed rulemaking is necessary to ensure that the OCC's process for appeals of material supervisory determinations provides a meaningful opportunity for supervised entities to challenge OCC decisions and actions. Currently, the standard of review for an appeal is not clear. For example, the OCC's guidance remains silent on whether the Ombudsman and Deputy Comptroller will apply a de novo standard of review or whether they will defer to the judgment of the supervisory office and only overruling findings where there is clear error. The proposed changes are designed to enhance the independence of the appeals process and the transparency of the OCC's decision-making standards with the goal of increasing regulated entities' confidence in the appeals process and their protections against retaliation for using the process while affording the public an opportunity to provide comments on changes to the process.

The proposed rule would move the Ombudsman from the role of decision maker on appeals to the role of a neutral liaison between the OCC and its supervised institutions who are seeking redress. The role of decision maker for appeals would be assigned to a newly created Appeals Board. The proposed rule is soliciting public feedback on how the Appeals Board should be composed, but it is proposing that it be composed of two term appointees selected by the Comptroller who are not current OCC employees and one OCC employee, possibly the Chief National Bank Examiner.

Another major change in the proposed rulemaking would be the adoption of a formal de novo standard of review. As previously stated, the current guidance is silent on the standard of review.

The proposed rule adopts the list of what is appealable and not appealable from the current guidance with certain additions and clarifications. It maintains the current prohibition on appeals of formal enforcement orders, a determination to appoint a conservator or receiver, or a decision to take action pursuant to 12 U.S.C. 1831, which provides authority for regulators to take prompt corrective action to resolve problems that could impose losses on the deposit insurance fund.

The proposed rule would maintain the current deadlines for submission of the appeal and related materials and the OCC's review of the appeal. The proposal would establish standards for independence for those involved in reviewing the appeal. It would provide for the publication of the final decision and any dissent in writing.

The proposed rule would also expand the role and responsibilities of the Ombudsman. Rather than being the decision maker in the appeals, the Ombudsman would act as a neutral liaison for supervised entities considering filing an appeal or another grievance against the OCC. The Ombudsman would also have the new duty of issuing an annual report to the Comptroller detailing trends and issues it has observed. The Ombudsman would continue to have the duty of reaching out to institutions after they have appealed to determine their satisfaction with the process and whether they believe they have suffered any retaliation for filing the appeal. In addition to this duty, the proposal would have the Ombudsman reach out to institutions after each examination to determine whether they have grievances or concerns stemming from the examination.

The proposed rule would establish standards for when a stay of a decision would be granted pending an appeal, would clarify the record on review, and would clarify the authority of the Comptroller. In addition, the proposed rule would clarify that neither the OCC nor any of its employees can discourage a supervised entity from filing an appeal or from otherwise communicating concerns or objections to the OCC through the appeals process, through the Ombudsman's office, or through any other channel. As well, the proposed rule further provides that if the Appeals Board finds in favor of a supervised entity on an appeal, the OCC may not impose a substantially similar material supervisory determination based on the same underlying facts in future material supervisory determinations.

Affected Parties

OCC-Supervised Institutions

The OCC currently supervises approximately 998 national banks and Federal savings associations (banks). Because the proposed rule revises the appeals process for all OCC-regulated banks, the proposed rule would affect all 998 OCC-regulated banks.

In addition, the OCC notes that the proposed rule would cover the appeals of permitted payment stablecoin issuers that will probably fall under OCC supervision in the near future. Because the OCC does not have experience supervising this novel industry, the agency does not believe that it can accurately predict how many stablecoin issuers the OCC will supervise.

Legal and Regulatory Baseline

The baseline for the proposed rule includes the pre-existing review process which is described in the 2013 Guidance. The 2013 Guidance provides a process for appeals for OCC institutions whereby these institutions may appeal to the Ombudsman for a reconsideration of material supervisory determinations. The proposed rule would replace this guidance.

When the OCC evaluates the costs and benefits of the mandates and effects of the proposed rule, the agency evaluates the costs and benefits of the mandates that impose costs beyond those already incurred in the existing process.

The Agency also notes that its evaluation of the proposed rule only evaluates the impact of the differences between the proposed rule and the

baseline. That is, the agency does not incorporate possible changes stemming from other OCC guidance or rules when evaluating the impact of this proposed rule. The agency assumes that all other factors, such as the number of possible appeals and the types remain the same.

Costs and Benefits

Appeal Rate Estimate

The agency expects that both the OCC and OCC-regulated institutions would be affected by the proposed rule. The agency expects that the OCC would incur costs in setting up the new appeals process and processing new appeals. The agency also expects OCC-regulated institutions would incur costs in making more appeals that they may not have made under the 2013 Guidance, but also may benefit from having a greater number of appeals potentially approved and stays granted due to the proposed rule.

To calculate the costs and benefits of the proposed rule, the agency first estimates the number of new appeals, the expected percentage increase in accepted appeals, and the percentage of stays granted from appeals due to the proposed rule. The agency expects that the proposed rule would increase the number of appeals that OCC-regulated institutions make because of the proposal's de novo standard of review, the possibility of receiving a temporary stay from filing an appeal, the possibility of receiving expedited review, and the assistance that appellants would receive in making appeals from the newly independent Ombudsman. The agency believes that the increased clarity in the appeals process articulated as well as other changes (*e.g.,* stays) would significantly increase the number of appeals relative to the appeals that would continue to take place under the baseline.

To estimate the number of new appeals, the OCC used information from a survey of regulated financial institutions exploring their desires to make appeals cited in a study by Hill (2015).[20] Hill cited survey data that the OCC believes suggests that OCC-regulated institutions would appeal supervisory determinations at a significantly higher rate than they have historically. The study stated that:

> [T]he Alliance of Bankers Associations, in connection with the American Bankers Association, conducted a nation-wide survey questioning banks about their most recent examination. The survey, which received more than 1000 responses, asked banks to rate satisfaction with the most recent examination and results on a 1 to 5 scale with 1 being very satisfied and 5 being very unsatisfied. More than 30% of responding banks were unsatisfied or very unsatisfied. Respondents were also asked to evaluate agreement with the assigned CAMELS rating on the same 1 to 5 scale. That question yielded an average response of 3.38, evidencing some disagreement with examination ratings. Moreover, surveys of credit unions produced similar results. In 2010, the Credit Union National Association conducted a survey in which ''27% of respondents reported dissatisfaction with their most recent exam.'' Moreover, ''one-in-five (21%) [of the responding credit unions] indicated that they wanted to appeal but did not.'' ''Two-thirds of the credit unions that wanted to appeal indicated they did not appeal for fear of retaliation by examination staff. Nearly the same number indicated they did not appeal because they did not believe it would make a difference in outcome.'' [21]

Although Hill cited data on credit unions, the OCC believes that OCC and credit union regulations and supervision are similar enough to justify extrapolating conclusions from credit union survey responses to OCC-regulated institutions. And coupled with Hill's citing of banks' general dissatisfaction with examinations and CAMELS ratings, the OCC believes that her study provides a sufficient basis for the agency to expect the revised appeal process in the proposed rule would increase the number of appeals made by OCC-regulated institutions.

The article also stated that the survey responses were voluntary and that responses could be biased toward respondents with grievances that are more likely to complain. Therefore, this analysis expects that the claim that 21 percent of credit unions would appeal could overstate the number of institutions that would like to appeal supervisory actions. However, since these percentages of credit unions seeking to appeal are much higher than past appeal rates that the OCC has observed amount OCC-supervised institutions, the OCC takes these statements as reasonable support for believing that the number of appeals could significantly increase due to the proposed rule.

Based on this information, the OCC concludes that it expects the new appeals process would significantly increase the number of appeals. The agency notes that in the past five years, the OCC received only five appeals per year on average. Based on the above articles and subject matter expert (SME) input that also suggests appeals could significantly increase, the agency estimates that appeals could increase by 50 appeals per year if five percent of OCC regulated banks make an appeal each year under the new process. This represents a much smaller percentage of institutions predicted to appeal than the 21 percent number from the article by Hill (2015) and still represents a large, predicted increase in appeals relative to recent appeal rates.

Appeal Success Rates

The OCC assumes that the average appeal would have an equal likelihood of success or failure under then proposed rule because the new appeals system would not defer to supervisory determinations and because the new appeal system would not treat any party preferentially. Therefore, the OCC predicts that 50 percent of appeals would be successful and therefore, there would be 25 successful new appeals per year due to the proposed rule.

The agency notes that this implies that it predicts that the proposed rule would increase the acceptance rate for appeals, as the pre-existing appeals system resulted in appeals that favored supervisors more on average. This would imply that the agency would expect the percentage of appeals decided in favor of banks would rise from under 50 percent to 50 percent under the proposed rule.

Possibility That Supervisory Determinations Likely To Be Successful in Appeal Would Decrease in Frequency in Response to the New Appeals Process

The OCC also wanted to address the possibility that supervisory staff could anticipate which appeals would most likely succeed and cease making supervisory determinations that would be likely to be successfully appealed. In the extreme, the agency could expect that supervision could potentially anticipate nearly all supervisory determinations that would be successfully appealed under the proposed rule and that there could be very few successful appeals following the enactment of the proposed rule.

If the agency expected this to be the most likely scenario to result from the proposed rule, it would revise our numbers to predict 25 appeals without any successful appeals. However, it would then revise the analysis to state that the deterrence of the 25 appeals that would have been approved would have been an effect of the proposed rule. And it would state that even though no appeals were successful in this case, the rule would result in a cost savings to the banks by reducing the number of

[20] Hill, Julie Andersen (2015): *When Bank Examiners Get It Wrong: Financial Institution Appeals of Material Supervisory Determinations,* Washington University Law Review, pages 1101–1185, volume 92, issue 5.

[21] *Id.* at 1165–1166.

supervisory determinations that may likely be overturned on appeal.

Therefore, if the proposed rule would result in a decrease in supervisory determinations because examiners anticipate and refrain from making determinations that would be ruled in favor of the bank, the overall conclusion remains the same. In fact, there may be even more cost savings because neither the banks nor the OCC would have to incur costs associated with the appeal process for cases that would likely have been overturned from the new appeals process.

However, the agency would assume for its analysis of expected effects that supervisors would not change the way in which they make supervisory determinations in response to the proposed rule, and the agency believes that its estimate of 50 appeals is more realistic.

For the purpose of the remainder of the analysis, the agency assumes that examiners would not change their decisions as to whether or not they make supervisory determinations in response to the proposed rule. However, the agency notes that our overall cost estimate for the proposed rule would be decreased for each determination that would not be made in response to the proposed rule.

Rate of Granted Stays

Finally, to estimate the benefits of stays that would be granted under the proposed rule, the agency assumes that as an upper bound, all appeals would be granted a temporary stay of supervisory actions. Therefore, the OCC predicts that there would be 50 stays granted per year due to the proposed rule. A stay suggests that if the appeal is not overturned, the cost associated with addressing the supervisory determination would be shifted in the future, while for those that are eventually overturned, there would be cost savings associated with not having to start addressing the supervisory determination during the appeals process. On net, the OCC believes the stays would result in a cost savings to the bank.

Effect on the OCC

Because the proposed rule states that the OCC would incur the costs of hiring two new full time appeals board members, the OCC estimates that this mandate would cause the OCC to incur an expense for these staff of $730,800 per year ($730,800 = 2 × $365,400 salaries and benefits for appeals board members).

The agency also expects that the OCC could incur some costs under the proposal to gather new information on certain appeals and obtain additional staff as needed to investigate appeals. Additional resources for appeals would be needed because of the enhanced standard of independent review under the de novo standard of appeal. This is because the de novo standard which requires reviewers to freely consider the matter anew, as if no decision had been rendered below, on the materials in the review record, without deferring to any prior determinations.

To estimate these costs, the agency assumes that the deputy comptroller and Appeals Board would have one staff member allocated to an appeal. The OCC assumes that support staff would separately spend at most 2 full days supporting the appeal to both the deputy comptroller and the appeals board. The analysis assumes that the hourly wage for OCC support staff for appeals would be $173.75 per hour. Given this wage, the OCC would incur a cost for support staff of $556,000 ($556,000 = 4 days × 2 staff × 8 hours × $173.75 × 50 appeals).

Therefore, the OCC calculates that in total the OCC would incur total costs from the proposed rule of $1,286,800.00 ($1,286,800.00 = $556,000 + $730,800).

Effect on OCC-Regulated Banking Entities

Benefits to OCC-Regulated Banking Entities

Savings From Successful Appeals

The OCC expects that OCC regulated entities would result in cost savings due to the increased number of successful appeals. In discussions with internal SMEs with regard to the cost of supervisory actions, the SMEs have suggested that the upward bound of consulting costs to remediate a matter requiring attention (MRA) could range upwards of several million dollars, depending on the size and complexity of the institution as well as the complexity and the severity of the MRA.

Because supervisory determinations cover a broad range of actions, some of which would be less costly than MRAs for institutions to resolve, the OCC estimates that OCC-regulated entities would save $1,000,000 in expenditures from resolving a supervisory determination for each successful appeal. The OCC expects that $1,000,000 would be a conservative estimate that reflects the lower end of the SME range of cost savings for supervisory determinations terminated under appeal.

Therefore, since this analysis stated earlier that the OCC expects entities to obtain 25 successful appeals per year, the OCC estimates that total cost savings from the rule would be $25 million per year ($25 million = 25 × $1,000,000).

Savings From Delayed Expenditures Due to Granted Stays

The OCC also expects that OCC-regulated entities would benefit from the discounted-time-value of delaying expenditures to comply with supervisory determinations for appeals that are not found in favor of the appellant. The benefit from delaying expenditures would be the difference between $1,000,000 expenditure that institutions would incur to immediately resolve a supervisory determination and the value of a $1,000,000 expenditure that would be made following the failure of an appeal.

Since the appeals board and the deputy comptroller each have 45 days to decide on appeals, the OCC assumes that the expenditures would be delayed by roughly 90 days. Therefore, the OCC would like to calculate the value of a $1,000,000 expenditure 90 days in the future. As stated earlier, the OCC estimates that 25 out of 50 appeals would receive a stay and be unsuccessful, and therefore, 25 appeals would benefit from delaying expenditures under a stay. If the analysis assumes a discount rate of 7 percent as suggested by OMB, the discounted value of the $1,000,000 expenditure over the 90 day stay period to regulated entities would be $24.57 million [$24.57 million = 25 × $1,000,000/(1 + (.07 × (90/360)))]. Therefore, the total savings to regulated institutions from delaying expenditures would be $429,975 ($429,975 = $25 million − $24.57 million).

Costs to OCC-Regulated Banking Entities

Because the OCC expects the proposed rule to induce OCC-regulated entities to increase the number of appeals entities would make relative to the regulatory baseline, the OCC predicts that, due to the proposed rule, these entities would incur costs in making these additional appeals.

The OCC estimates that entities would incur an average cost of $100,000 to make an appeal. This would include the costs of internal staff and resources and the hiring of legal representation and any other outside services to make the appeal. Therefore, the OCC expects banks would incur costs of $5 million ($5 million = 50 × $100,000) to make new appeals under the proposed rule.

Total Impact

The OCC estimates that the proposed rule would result in an ongoing total

yearly net benefit of $19,143,200. This net benefit reflects the total gross savings to OCC regulated entities of $25,430,000 due to overturned and delayed supervisory determinations less $5 million in costs cost incurred from OCC regulated entities appealing 50 supervisory determinations. The OCC would incur total costs of $1,286,800 from implementing the process articulated in the proposed rule.

V. Regulatory Analysis

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 [22] (PRA) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC has reviewed this proposed rule and determined that it does not create any new or revise any existing collection of information pursuant to the PRA. Accordingly, no PRA submissions to OMB will be made with respect to this proposed rule.

Regulatory Flexibility Act

As part of our analysis, the OCC considers whether the proposed rule would have a significant economic impact on a substantial number of small entities, pursuant to the Regulatory Flexibility Act. The OCC currently supervises approximately 609 small entities, all of which may be impacted by the proposed rule.[23]

In general, the OCC classifies the economic impact on an individual small entity as significant if the total estimated impact in one year is greater than 5 percent of the small entity's total annual salaries and benefits or greater than 2.5 percent of the small entity's total non-interest expense. Furthermore, the OCC considers 5 percent or more of OCC-supervised small entities to be a substantial number. Thus, at present, 30 OCC-supervised small entities would constitute a substantial number.

While our analysis concludes that all small OCC-regulated entities would be subject to the proposed rule, the OCC does not believe 30 OCC-supervised small entities would increase their number of appeals nor would any small entity spend over 5 percent of their total annual salaries and benefits or greater than 2.5 percent of the small entity's total non-interest expense to appeal in one year. Accordingly, the proposed rule would not have a significant economic impact on a substantial number of OCC-supervised small entities.

Unfunded Mandates Reform Act

The OCC has analyzed the proposed rule under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA).[24] Under this analysis, the OCC considered whether the proposed rule includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year ($187 million as adjusted annually for inflation). Pursuant to section 202 of the UMRA,[25] if a proposed rule meets this UMRA threshold the OCC would need to prepare a written statement that includes, among other things, a cost-benefit analysis of the proposal.

The OCC's estimated UMRA cost is a net benefit of $20,430,000. This net benefit reflects the total gross savings to OCC regulated entities of $25,430,000 due to overturned and delayed supervisory determinations less $5 million in costs cost incurred from OCC regulated entities appealing 50 supervisory determinations. Therefore, the OCC finds that the proposed rule does not trigger the UMRA cost threshold. Accordingly, the OCC has not prepared the written statement described in section 202 of the UMRA.

Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994,[26] in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, the OCC must consider, consistent with principles of safety and soundness and the public interest (1) any administrative burdens that the final rule would place on depository institutions, including small depository institutions and customers of depository institutions and (2) the benefits of the final rule. This rulemaking would not impose any reporting, disclosure, or other requirements on insured depository institutions. Therefore, section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 does not apply to this rulemaking.

Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 [27] requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website *www.regulations.gov*.

The Office of the Comptroller of the Currency (OCC) is issuing a notice of proposed rulemaking to establish revised procedures and policies for appeals of material supervisory determinations by OCC supervised entities. The proposed changes would reflect the OCC's experience administering the bank appeals process and are intended to enhance the independence and efficiency of the appeals function. The proposed changes would include changing the role of the Ombudsman, establishing an Appeals Board to decide appeals, and clarifying a de novo standard of review.

The proposal and the required summary can be found for the OCC at *https://www.regulations.gov* by searching for Docket ID OCC–2026–0001 and *https://occ.gov/topics/laws-and-regulations/occ-regulations/proposed-issuances/index-proposed-issuances.html*.

Executive Order 12866 (as Amended)

Executive Order 12866, titled ''Regulatory Planning and Review,'' as amended, requires the Office of Information and Regulatory Affairs (OIRA), OMB, to determine whether a proposed rule is a ''significant regulatory action'' prior to the disclosure of the proposed rule to the public. If OIRA finds the proposed rule to be a ''significant regulatory action,'' Executive Order 12866 requires the OCC to conduct a cost-benefit analysis of the proposed rule and for OIRA to conduct a review of the proposed rule prior to publication in the **Federal Register**. Executive Order 12866 defines a ''significant regulatory action'' to mean a regulatory action that is likely to (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a

[22] 44 U.S.C. 3501–3521.

[23] The OCC bases its estimate of the number of small entities on the Small Business Administration's size thresholds for commercial banks and savings institutions, and trust companies, which are $850 million and $47 million, respectively. Consistent with the General Principles of Affiliation 13 CFR 121.103(a), the OCC counts the assets of affiliated financial institutions when determining if the OCC should classify an OCC-supervised institution as a small entity. The OCC uses December 31, 2024, to determine size because a ''financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' See footnote 8 of the U.S. Small Business Administration's *Table of Size Standards.*

[24] 2 U.S.C. 1531 *et seq.*

[25] 2 U.S.C. 1532.

[26] 12 U.S.C. 4802(a).

[27] 5 U.S.C. 553(b)(4).

sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

OIRA has determined that this proposed rule is not a significant regulatory action under section 3(f)(1) of Executive Order 12866 and, therefore, is subject to review under Executive Order 12866. The OCC's analysis conducted in connection with Executive Order 12866 is included above under the ''Expected Impacts'' section of this document.

Executive Order 14192

Executive Order 14192, titled ''Unleashing Prosperity Through Deregulation,'' was issued on January 31, 2025. Section 3(a) of Executive Order 14192 requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation. In furtherance of this standard, section 3(c) of Executive Order 14192 requires that the new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations.

Under E.O. 14192, although the OCC predicts that the OCC and OCC-regulated institutions would incur new expenditures due to the proposed rule, the agency concludes that the proposed rule is deregulatory because it would provide standards for institutions appealing OCC material supervisory determinations to receive a stay during the pendency of the appeal. Since more institutions would be able to receive a stay during their appeal and thus avoid expending resources to comply with OCC determinations that may ultimately be overturned, it would have a minor net cost savings for OCC institutions.

List of Subjects in 12 CFR Part 4

Administrative practice and procedure, Freedom of information, Individuals with disabilities, Minority businesses, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Women.

Authority and Issuance

For the reasons set forth in the preamble, the OCC proposes to amend chapter I of title 12 of the Code of Federal Regulations as follows:

PART 4—ORGANIZATION AND FUNCTIONS, AVAILABILITY AND RELEASE OF INFORMATION, CONTRACTING OUTREACH PROGRAM, POST-EMPLOYMENT RESTRICTIONS FOR SENIOR EXAMINERS

■ 1. The authority citation for part 4 is revised to read as follows:

Authority: 5 U.S.C. 301, 552; 12 U.S.C. 1, 93a, 161, 481, 482, 484(a), 1442, 1462a, 1463, 1464 1817(a), 1818, 1820, 1821, 1831m, 1831p-1, 1831o, 1833e, 1867, 1951 *et seq.,* 2601 *et seq.,* 2801 *et seq.,* 2901 *et seq.,* 3101 *et seq.,* 3401 *et seq.,* 4806, 5321, 5412, 5414; 15 U.S.C. 77uu(b), 78q(c)(3); 18 U.S.C. 641, 1905, 1906; 29 U.S.C. 1204; 31 U.S.C. 5318(g)(2), 9701; 42 U.S.C. 3601; 44 U.S.C. 3506, 3510; E.O. 12600 (3 CFR, 1987 Comp., p. 235).

■ 2. Subpart I is added to part 4 to read as follows:

Subpart I—Bank Appeals Process

Sec.

4.101 Purpose and Scope.
4.102 Definitions
4.103 Commencement of Appeal
4.104 Consideration by Deputy Comptroller
4.105 Consideration by Appeals Board
4.106 Appeals of Shared National Credit Determinations
4.107 Comptroller Authority
4.108 Staffing of Appeals Board
4.109 Stay of Determinations
4.110 Expedited Appeals
4.111 Role of Ombudsman
4.112 Prohibition on Retaliation
4.113 Construction of Time Limits
4.114 Retention of Authority

§ 4.101 Purpose and Scope.

Pursuant to the Riegle Community Development and Regulatory Improvement Act of 1994, Public Law 103–325, 108 Stat. 2160 (12 U.S.C. 4806), this subpart establishes the process by which the OCC will consider and resolve appeals of material supervisory determinations.

This subpart applies to all appeals of material supervisory determinations by OCC regulated entities, except as provided in this subpart.

§ 4.102 Definitions.

For purposes of this subpart:

Appeals Board means a panel consisting of the chief national bank examiner and two term appointees, as defined in § 4.108.

Appellant means the party initiating the appeal of an OCC material supervisory determination.

De novo standard of review means a standard of review that is not deferential to either party and that does not defer to the determinations of either party. This standard of review does not defer to the previous decision but freely considers the matter anew, as if no decision had been rendered below, on the materials in the review record.

Review Record means the record the Appeals Board will use in conducting its review, which shall consist of the material filed by the appellant, the material developed by the OCC in reaching its initial determination, any additional arguments submitted by the supervisory office in responding to the supervised entities appeal, and any materials adduced from supplementation discussed in § 4.105(b) or otherwise permitted or directed by the Appeals Board.

Shared National Credit means any loan(s) and/or formal loan commitment(s) extended to a borrower by a supervised institution or any of its subsidiaries and affiliates which aggregates $20 million or more and:

(1) Is shared by two or more institutions under a formal lending agreement; or

(2) A portion of which is sold to one or more institution(s), with the purchasing institution(s) assuming its pro rata share of the credit risk.

Substantively involved means directly approved, advised on, or recommended the decision being appealed or a determination underlying the decision being appealed.

Supervised entity means an entity for which the OCC makes material supervisory determinations. This includes national banks, Federal savings associations, U.S. agencies or branches of a foreign bank, permitted payment stablecoin issuers and foreign payment stablecoin issuers subject to the OCC's regulatory authority, and an institution-affiliated party, as defined by 12 U.S.C. 1813(u) or 12 U.S.C. 5901(13), of any of the above listed organizations directly affected by an informal enforcement action.

Supervisory standard means a statute, law, or statement of OCC policy. Statements of OCC policy include, but are not limited to, standards articulated in the Comptroller's Handbook, the OCC Licensing Manual, OCC issued bulletins, and interpretive letters.

§ 4.103 Commencement of Appeal.

(a) A supervised entity affected by an OCC material supervisory determination may file an appeal for review of the determination.

(b) Except as provided in paragraph (b)(2) of this section, any material

supervisory determination may be appealed.

(1) A ''material supervisory determination'' for purposes of this subpart means any agency or supervisory decision or action, including, but not limited to, the following:

(i) Examination ratings;

(ii) Adequacy of the allowance for credit losses methodology;

(iii) Individual loan ratings;

(iv) Violations of law;

(v) Shared National Credit decisions;

(vi) Fair-lending-related decisions, including referrals to the U.S. Department of Justice or U.S. Department of Housing and Urban Development;

(vii) Licensing decisions; and

(viii) Material supervisory determinations such as matters requiring attention, compliance with enforcement actions, or other conclusions in the report of examination.

(2) A supervised entity may not appeal:

(i) Appointments of receivers and conservators;

(ii) Decisions related to bidder status or submitted bids on an institution to which the Corporation provides assistance under 12 U.S.C. 1823;

(iii) Preliminary examination conclusions communicated to the bank before a final report of examination or other written communication from the OCC is issued;

(iv) Any formal enforcement-related actions, including, but not limited to, decisions to:

(A) Seek the issuance of a formal agreement or a cease-and-desist order, or the assessment of a civil money penalty pursuant to 12 U.S.C. 1818;

(B) Take prompt corrective action pursuant to 12 U.S.C. 1831(o);

(C) Issue a safety and soundness order pursuant to 12 U.S.C. 1831p-1; or

(D) Commence formal investigations pursuant to 12 U.S.C. 481, 1464(d) 1818(n), and 1820(c);

(v) Formal and informal rulemakings pursuant to 5 U.S.C. 500 *et seq.;*

(vi) Decisions or recommended decisions following formal and informal adjudications conducted pursuant to 5 U.S.C. 701 *et seq.;*

(vii) Requests for agency records or information under the Freedom of Information Act covered by 5 U.S.C. 552 or 12 CFR part 4 and submission of information to the OCC that is governed by this statute and this regulation;

(viii) Decisions to disapprove directors and senior executive officers pursuant to 12 U.S.C. 1831i;

(ix) Any other agency decisions that are subject to judicial review other than those described in paragraph (b)(1), of this section;

(x) Any decision by the agency that is non-final, other than those described in paragraph (b)(1), of this section;

(xi) Supervisory observations;

(xii) Conclusions in OCC interpretive letters; or

(xiii) Agency decisions that are administrative and do not substantially affect the rights of the supervised entity.

(c) The appeal may be filed with the Deputy Comptroller responsible for the division that issued the determination in dispute or directly with the Appeals Board. However, if the Deputy Comptroller was substantively involved in the material supervisory determination, he or she must transfer the appeal to the Appeals Board after informing the appellant. An individual will be considered to have been substantively involved in a material supervisory determination if the individual was personally consulted regarding the issue being determined and provided guidance regarding how it should be resolved. If there is a risk that a delay could harm remediation of material financial risk or impose loses on the Deposit Insurance Fund, the OCC maintains the discretion to elevate the appeal directly to the Appeals Board.

(d) The appeal must be filed within 60 days of receipt of the determination in dispute, except for an appeal of a determination by the OCC that there is reason to believe an instance or pattern or practice of discrimination exists requiring either a referral to the U.S. Department of Justice or notification to the U.S. Department of Housing and Urban Development or as provided in § 4.106 for Shared National Credits.

(f) A supervised entity may not file an appeal of a material supervisory determination once the OCC informs the supervised entity that it has approved a formal enforcement-related action arising from the determination, except for the limited purpose of challenging whether the OCC appropriately followed agency policies and standards in reaching the determination.

(g) The appeal must include the supervisory standards that the bank asserts were inappropriately applied by OCC officials.

(h) If the appeal is by a financial institution, the institution's president or chief executive officer must submit the appeal and include in the submission the board of the institution's approval of the action.

(i) An institution-affiliated party of a supervised entity, as defined in 12 U.S.C. 1813(u) or 12 U.S.C. 5901(13), may file an appeal of an informal enforcement action that directly affects the institution-affiliated party.

(j) Within seven days of receiving the appeal, the OCC will notify the appellant in writing whether the appeal has been accepted based on the criteria in this subpart.

§ 4.104 Consideration of Appeal by the Deputy Comptroller.

(a) If the appeal is filed with the appropriate Deputy Comptroller and the Deputy Comptroller determines that he or she does not need to transfer the appeal to the Appeals Board under § 4.103(c), the Deputy Comptroller will render his or her decision on the appeal within 45 days of the receipt of the appeal unless there are extenuating circumstances requiring additional time.

(b) The Deputy Comptroller will solicit the views of the supervisory office involved in issuing the material supervisory determination.

(c) The Deputy Comptroller will apply a de novo standard of review using the review record when considering the matters being appealed.

(d) The Deputy Comptroller will issue his or her decision in writing.

(e) If the appellant disagrees with the determination of the Deputy Comptroller, it may further appeal to the Appeals Board. This appeal must be filed within 15 days of receiving the written decision from the Deputy Comptroller.

§ 4.105 Consideration by the Appeals Board.

(a) The Appeals Board may consider issues either directly appealed to it, appealed to it after a determination by a Deputy Comptroller under § 4.104, or appealed to it after a determination by the Shared National Credit program under § 4.106. It may also consider appeals referred to it by a Deputy Comptroller who was substantively involved in making the decision under review.

(b) The Appeals Board will solicit the views of the supervisory office involved in issuing the material supervisory determination. The Appeals Board may also supplement the review record by soliciting the views of other OCC staff, staff of other supervisory agencies, or other sources.

(c) The Appeals Board will apply a de novo standard of review to all matters before it.

(d) If any member of the Appeals Board has been substantively involved in one or more of the determinations being appealed, the member must recuse itself from the matter.

(e) All decisions by the Appeals Board will be reviewed by an OCC attorney for

conformance with law and OCC policy. This attorney must be independent from the original determination. The Appeals Board may not reconsider or change OCC interpretations of law or policy.

(f) The Appeals Board will issue a written decision within 45 days of receiving the appeal unless there are extenuating circumstances requiring additional time.

(1) The written decision will state the reasons for the Appeals Board's conclusion and the evidence it relied upon to reach that conclusion. However, if the Appeals Board relied on confidential supervisory information from another institution, that information is subject to all relevant limits on its disclosure.

(2) A redacted version of the Appeals Board's decision will be published.

(3) A redacted version of any dissent from the majority opinion by a member of the Appeals Board will be published.

(g) If any member of the Appeals Board was substantively involved in the supervisory determination at issue, they must recuse themselves from the deliberations. An individual will be considered to have been substantively involved in a material supervisory determination if the individual was personally consulted regarding the issue being determined and provided guidance regarding how it should be resolved.

§ 4.106 Appeals of Shared National Credit Determinations.

(a) An agent bank may submit a Shared National Credit appeal directly or on behalf of any participant bank. If the agent bank refuses, for whatever reason, to file the appeal on behalf of the bank group, the OCC will accept an appeal from any participating bank.

(b) A bank must file a Shared National Credit appeal with the regulator that supervises the agent bank. When no agent bank is named, the appeal shall be filed with the appropriate Federal banking agency, as defined in 12 U.S.C. 1813(q), for the bank at which the Shared National Credit was reviewed.

(c) The agent bank shall file a Shared National Credit appeal within 14 days of notification by the OCC of the preliminary disposition of the credit.

(1) Any participant bank can appeal either through the agent bank or on its own within 14 days of receiving the preliminary Shared National Credit results from the agent bank.

(2) If the agent bank does not provide preliminary results, a participant bank may file an appeal within 14 days of receiving the official Shared National Credit results from its from its appropriate Federal banking agency, as defined in 12 U.S.C. 1813(q).

(d) The appeal must identify the credit, the commitment amount, the disposition, the basis for the bank's disagreement, and any documentation that supports the institution's position on the matter(s) in dispute.

(e) An interagency panel consisting of senior credit examiners that are independent of the original voting team will evaluate the appeal and recommend a decision to senior management.

(f) Absent extenuating circumstances, the OCC will issue its decision on a Shared National Credit appeal within 30 days of receipt of a complete appeal.

(g) If a bank disagrees with the OCC's decision, it may appeal the matter to the Appeals Board within 30 days of receiving the decision letter from the OCC.

§ 4.107 Alternative Procedures.

(a) With a finding of good cause, the Appeals Board may:

(1) Extend any time limit in this subpart, either on behalf of the OCC or on behalf of an appellant; and

(2) Waive any other procedural requirement in this subpart.

(b) If the Appeals Board cannot reach a conclusion on a matter due to a member being recused, then the Comptroller will decide the matter.

(c) If all members of the Appeals Board are recused, the Comptroller will decide the matter.

(d) The Comptroller may overturn any decision by the Appeals Board.

§ 4.108 Staffing of the Appeals Board.

(a) The Appeals Board will consist of the Chief National Bank Examiner and two term appointees. The term appointees will be:

(1) Individuals not currently employed by the OCC and who have never before served as a term appointee on the Appeals Board;

(2) Individuals with relevant experience and expertise, either in government or in the private sector;

(3) Appointed for a one-year term that is not eligible for renewal; and

(4) Appointed directly by the Comptroller.

(b) The Appeals Board will report directly to the Comptroller.

(c) The Appeals Board may have staff appointed as necessary to assist with the investigation and analysis of the appeals before it. Such staff must be recused from a matter if they were substantively involved in the determination being appealed.

(d) The term appointees will be disclosed to the public.

(e) The appellant will be informed which term appointees or other officials are deciding the matter.

§ 4.109 Stay of determinations.

(a) Appealed material supervisory determinations will be stayed if the appellant requests a stay and the appropriate Deputy Comptroller or the Appeals Board conclude that:

(1) Delaying the implementation of the material supervisory determination will not result in a risk of immediate financial harm to an OCC supervised institution;

(2) The material supervisory determination would impose costs on the appellant within the timeframe for the OCC to decide the appeal; and

(3) The public interest would not be harmed by delaying the implementation of the material supervisory determination.

(b) In weighing the above considerations, the OCC will take into consideration the size of the institution and the resources necessary to implement the determination, with a lower showing of burden necessary for smaller institutions.

§ 4.110 Expedited Appeals.

(a) When a material supervisory determination relates to or causes an institution to become critically undercapitalized, as defined by 12 U.S.C. 1831o, the review of any appeal of that supervisory determination will be processed on an expedited basis.

(b) The Comptroller, at his or her discretion, may determine that any appeal must be processed on an expedited basis.

(c) For appeals processed on an expedited basis, the appropriate Deputy Comptroller or the Appeals Board will issue its decision in 30 days.

§ 4.111 Role of the Ombudsman.

(a) The Ombudsman shall act as an impartial liaison between the appellant and the Deputy Comptroller or the Appeals Board.

(b) The Ombudsman is responsible for preventing retaliation against a bank for its appeal. (1) After the appropriate OCC official renders a decision on a formal appeal, the Ombudsman will contact the bank to ask whether the bank believes OCC examiners have taken actions against the bank in retaliation for its appeal.

(2) The Ombudsman will contact bank management again 60 days after the date of the decision letter and then 60 days after completion of the first examination of the appellant bank following its appeal.

(3) A bank may also contact the Ombudsman any time during or after

the appeal if the bank believes that retaliation has occurred.

(4) The Ombudsman may initiate a factual inquiry into alleged retaliation at any time.

(c) If a bank claims that retaliatory actions have taken place, the Ombudsman will investigate the complaint. In the absence of extenuating circumstances, the Ombudsman will complete the investigation within 30 days.

(d) If the Ombudsman finds that retaliation has occurred:

(1) The Ombudsman will forward the complaint directly to the Department of the Treasury's Office of Inspector General;

(2) Appropriate action, including disciplinary action consistent with OCC policies, will be taken as warranted; and

(3) The Ombudsman may recommend to the Comptroller that the next examination of the bank exclude personnel involved in the ruling appealed by the bank or involved in any retaliation. The Comptroller will make the final decision on any such exclusion.

(e) Thirty days after the conclusion of each examination of a financial institution or service provider, the Ombudsman will reach out to the examined entity for feedback about any issues encountered during the process.

(f) The Ombudsman will be responsible for receiving and investigating complaints from supervised entities alleging misconduct by the OCC staff or a failure of the OCC to follow laws and policy. The Chief Counsel's Office will coordinate with the Ombudsman and will render a final decision on all questions of law. Supervised entities may contact the Ombudsman at any time to informally discuss concerns about OCC misconduct or to file a formal complaint of misconduct.

(g) The Ombudsman will prepare an annual report for the Comptroller detailing trends it observed in appeals, received complaints, and post-examination outreach.

(h) The Ombudsman will publish an annual report that publicly discloses:

(1) The number of appeals the OCC received for the prior calendar year;

(2) The number of appeals decided;

(3) The average length of time each appeal took to be decided;

(4) The topics of the appeals received for the year; and

(5) The redacted decision for each decided appeal, including any published dissent.

(i) The Ombudsman will report directly to the Comptroller of the Currency.

§ 4.112 Retaliation and Dissuasion Forbidden.

(a) Neither the OCC nor any employee of the OCC may retaliate against an institution or person for filing an appeal under this subpart.

(b) For purposes of this subpart, ''retaliation'' or ''retaliate'' is defined as any action or decision by the OCC or OCC employees that causes a supervised entity to be treated differently or more harshly than other similarly situated supervised entities because the supervised entity attempted to resolve a complaint by filing an appeal of a material supervisory determination or utilized any other OCC mechanisms for resolving complaints, including informal discussions with OCC supervisory staff.

(c) Neither the OCC nor any of its employees may discourage a supervised entity from filing an appeal or from otherwise communicating concerns and objections to the OCC through the appeals process, through the Ombudsman's Office, or through other channels.

(d) If the Appeals Board finds in favor of a supervised entity on an appeal and overrules an OCC supervisory determination, the OCC may not impose a substantially similar supervisory determination based on the same underlying facts in future material supervisory determinations.

§ 4.113 Construction of Time Limits.

In computing any period of time prescribed by this subpart, the date of the act or event that commences the designated period of time is not included. The last day so computed is included unless it is a Saturday, Sunday, or Federal holiday. When the last day is a Saturday, Sunday, or Federal holiday, the period runs until the end of the next day that is not a Saturday, Sunday, or Federal holiday. Intermediate Saturdays, Sundays, and Federal holidays are included in the computation of time.

§ 4.114 Retention of Authority.

(a) The OCC retains the discretion to waive any provision of this subpart for cause at the discretion of the Comptroller of the Currency.

(b) Nothing in this subpart should be construed to interfere with the OCC's authority to bring an enforcement action against an institution.

(c) Any application or request for approval made to the OCC by an institution that has appealed a material supervisory determination that relates to, or could affect the approval of, the application or request will not be considered until a final decision concerning the appeal is made unless otherwise requested by the institution or unless the OCC determines there is good cause not to stay the consideration of the request for approval pending the decision of the appeal.

(d) Nothing in this subpart subjects (or is intended to subject) any material supervisory determination or any other substantive decision of the OCC to judicial review except as provided in another source of law.

Jonathan V. Gould,

Comptroller of the Currency.

[FR Doc. 2026–03086 Filed 2–13–26; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–1329; Project Identifier AD–2025–01626–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 767–300F series airplanes. This proposed AD was prompted by a report of a supplier notice of escapement documenting that some titanium cargo track crown fittings had suspect material certifications. This proposed AD would require an X-ray fluorescence (XRF) spectrometer inspection to identify the material composition of the cargo track crown fittings or replacement of all cargo track crown fittings with new cargo track crown fittings, and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 3, 2026.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room

W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

• *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–1329; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–1329.

FOR FURTHER INFORMATION CONTACT: Taylor Stanley, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 407–852–7677; email: *taylor.stanley@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–1329; Project Identifier AD–2025–01626–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Taylor Stanley, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 407–852–7677; email: *taylor.stanley@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report of a supplier notice of escapement documenting that some titanium cargo track crown fittings had suspect material certifications. The supplier did not have correct material records to make sure that type design specified material was used. The FAA is issuing this AD to address suspect material certifications on the titanium track crown fittings. The unsafe condition, if not addressed, could result in cargo track failure and could lead to uncommanded movement of the cargo pallet and subsequent damage to critical systems located in the sidewall or ceiling area of the main cargo compartment, along with inability of a principle structural element to sustain limit loads, which could significantly affect controllability of the airplane.

FAA's Determination

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 767–53A0337 RB, dated October 17, 2025. This material specifies procedures for an XRF spectrometer inspection to identify the material composition of the cargo track crown fittings and applicable on-condition actions. On-condition actions include replacing each affected cargo track crown fitting with a new cargo track crown fitting having Ti–6Al–4V alloy material. This material also specifies, as an option, procedures for replacement of all cargo track crown fittings with new cargo track crown fittings having Ti–6AI–4V alloy material.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2026–1329.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 43 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace all Cargo Track Crown Fittings with new Cargo Track Crown Fittings.	156 work-hours × $85 per hour = $13,260	$63,540	$76,800	Up to $3,302,400.
XRF Spectrometer Inspection	92 work-hours × $85 per hour = $7,820	0	$7,820	Up to $336,260.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of Cargo Track Crown Fittings	Up to 156 work-hours × $85 per hour = $13,260	Up to $63,540	Up to $76,800.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2026–1329; Project Identifier AD–2025–01626–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 3, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 767–300F series airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 767–53A0337 RB, dated October 17, 2025.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a report of a supplier notice of escapement documenting that some titanium cargo track crown fittings had suspect material certifications. The FAA is issuing this AD to address suspect material certifications on the titanium track crown fittings. The unsafe condition, if not addressed, could result in cargo track failure and could lead to uncommanded movement of the cargo pallet and subsequent damage to critical systems located in the sidewall or ceiling area of the main cargo compartment, along with inability of a principle structural element to sustain limit loads, which could significantly affect controllability of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 767–53A0337 RB, dated October 17, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 767–53A0337 RB, dated October 17, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 767–53A0337, dated October 17, 2025, which is referred to in Boeing Alert Requirements Bulletin 767–53A0337 RB, dated October 17, 2025.

(h) Exceptions to Requirements Bulletin Specifications

Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 767–53A0337 RB, dated October 17, 2025, refer to the original issue date of Requirements Bulletin 767–53A0337 RB, this AD requires using the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Additional Information

(1) For more information about this AD, contact Taylor Stanley, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 407–852–7677; email: *taylor.stanley@faa.gov*.

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

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 767–53A0337 RB, dated October 17, 2025.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on February 11, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–03036 Filed 2–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–1328; Project Identifier MCAI–2025–00462–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2021–03–08, which applies to certain Airbus SAS Model A350–941 and –1041 airplanes. AD 2021–03–08 requires repetitive inspections for migration of the bushings of the horizontal tail plane (HTP) lateral load fittings (LLF) on the left- and right-hand sides and terminating repair or modification of any affected bushing. Since the FAA issued AD 2021–03–08, new occurrences of bushing migration on HTP LLF were reported, and a determination was made that certain repairs can no longer be considered terminating action to the repetitive inspections. This proposed AD would continue to require the actions in AD 2021–03–08, remove a certain terminating action, and expand the applicability. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 3, 2026.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–1328; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2026–1328.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Andrew Younglove, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3644; email: *andrew.e.younglove@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–1328; Project Identifier MCAI–2025–00462–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Andrew Younglove, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3644; email: *andrew.e.younglove@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2021–03–08, Amendment 39–21411 (86 FR 16038, March 26, 2021) (AD 2021–03–08), for certain Airbus SAS Model A350–941 and –1041 airplanes. AD 2021–03–08

was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2020–0139R1, dated July 3, 2020 (EASA AD 2020–0139R1), to correct an unsafe condition.

AD 2021–03–08 requires repetitive inspections for migration of the bushings of the HTP LLF on the left- and right-hand sides and terminating repair or modification of any affected bushing. The FAA issued AD 2021–03–08 to address combined corrosion and fatigue damage of the primary structure, possibly resulting in failure of the HTP LLF and damage to adjacent structure, which could result in reduced controllability of the airplane.

Actions Since AD 2021–03–08 Was Issued

Since the FAA issued AD 2021–03–08, EASA superseded EASA AD 2020–0139R1 and issued EASA AD 2025–0073, dated April 3, 2025 (EASA AD 2025–0073) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A350–941 and –1041 airplanes. The MCAI states that new occurrences of bushing migration on HTP LLF have been reported on airplanes with modification 110669, which were not in the applicability of EASA AD 2020–0139R1. Additionally, it has been determined that the repair instructions provided by Airbus Service Bulletin A350–55–P013at any revision can no longer be considered terminating action for the repetitive inspections.

The FAA is proposing this AD to address combined corrosion and fatigue damage of the primary structure, possibly resulting in failure of the HTP LLF and damage to adjacent structure, which could result in reduced controllability of the airplane. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–1328.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2021–03–08, this proposed AD would retain certain requirements of AD 2021–03–08. Those requirements are referenced in EASA AD 2025–0073, which, in turn, is referenced in paragraph (g) of this proposed AD.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0073, which specifies procedures for repetitive detailed inspections (DET) for discrepancies (*e.g.,* broken sealant and migration) of the bushings of the HTP LLF on the left- and right-hand sides, and repair or modification of any affected bushing. EASA AD 2025–0073 specifies that modification of affected bushings terminates the repetitive inspections. EASA AD 2025–0073 also requires reporting inspection results to Airbus. EASA AD 2025–0073 also provides, for certain airplanes, an optional method of compliance for doing the initial inspections. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0073 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0073 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0073 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0073 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0073. Material required by EASA AD 2025–0073 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–1328 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 36 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2021–03–08	10 work-hours × $85 per hour = $850	$0	$850	$30,600

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
56 work-hours × $85 per hour = $4,760	$23,000	$27,760

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 93 work-hours × $85 per hour = $7,905	Up to $4,480 (four bushings) ..	Up to $12,385 (four bushings).

The FAA has received no definitive data on which to base the cost estimates for the on-condition actions specified in this proposed AD.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2021–03–08, Amendment 39–21411 (86 FR 16038, March 26, 2021) and

■ b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2026–1328; Project Identifier MCAI–2025–00462–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 3, 2026.

(b) Affected ADs

This AD replaces AD 2021–03–08, Amendment 39–21411 (86 FR 16038, March 26, 2021) (AD 2021–03–08).

(c) Applicability

This AD applies to Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0073, dated April 3, 2025 (EASA AD 2025–0073).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of migration of the bushings of the horizontal tail plane (HTP) lateral load fittings (LLF) on the left- and right-hand sides during flight test. The FAA is issuing this AD to address combined corrosion and fatigue damage of the primary structure, possibly resulting in failure of the HTP LLF and damage to adjacent structure. The unsafe condition, if not addressed, could result in reduced controllability of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0073.

(h) Exceptions to EASA AD 2025–0073

(1) Where EASA AD 2025–0073 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraphs (3) and (6) of EASA AD 2025–0073 refer to ''discrepancies'', this AD defines discrepancies as broken sealant and bush migration.

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0073.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational

Safety Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: *AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Andrew Younglove, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3644; email: *andrew.e.younglove@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0073, dated April 3, 2025.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on February 11, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–03037 Filed 2–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–1256; Airspace Docket No. 26–AEA–3]

RIN 2120–AA66

Amendment of Class D and Class E2 Airspace Over Wilmington, DE

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 New Castle Airport, Wilmington, DE. This action would increase the lateral dimensions of the Wilmington, DE Class D and Class E2 airspace, which are overlays, by adding a 2-mile wide, 0.2-mile long extension to the existing 4.2-mile radius, along the 008° bearing from the New Castle Airport, to support instrument flight rules (IFR) operations. This action would also update language in the airspace legal description to comply with current FAA directives.

DATES: Comments must be received on or before April 3, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–1256 and Airspace Docket No. 26–AEA–3 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 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 Wilmington, DE.

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 New Castle Airport, Wilmington, DE. 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 modification to the lateral dimensions. The proposal would add an arrival extension to the north to encompass IFR operations on the RNAV RWY 19 approach to Newcastle Airport. The 1,000 ft. above ground level (AGL) point on the arrival is outside the basic radius of the Class D/E2 (3.72 NM from the arrival runway threshold), so a .2 NM extension is required.

Specifically, this action proposes to increase the lateral dimensions of the Wilmington, DE Class D airspace, serving New Castle Airport, from a 4.2-mile radius of the airport to a 4.2-mile radius of the airport, and within 1 mile each side of the 008° bearing from the airport extending from the 4.2-mile radius to 4.4 miles north of the airport.

This action also proposes to increase the lateral dimensions of the Wilmington, DE Class E2 airspace, serving New Castle Airport, from a 4.2-mile radius of the airport to a 4.2-mile radius of the airport, and within 1 mile each side of the 008° bearing from the airport extending from the 4.2-mile radius to 4.4 miles north of the airport.

This action also proposes to update the language in both the Class D and Class E2 airspace for Wilmington, DE by changing ''Notice to Air Missions'' to ''Notice to Airmen''. This change will bring the airspace legal descriptions into compliance with current FAA directives.

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 DE D Wilmington, DE [Amended]

New Castle Airport, DE
(Lat. 39°40′43″ N, long. 75°36′24″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.2-mile radius of the New Castle Airport, and within 1 mile each side of the 008° bearing from the airport extending from the 4.2-mile radius to 4.4 miles north of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

AEA DE E2 Wilmington, DE [Amended]

New Castle Airport, DE
(Lat. 39°40′43″ N, long. 75°36′24″ W)

That airspace extending upward from the surface within a 4.2-mile radius of the New Castle Airport, and within 1 mile each side of the 008° bearing from the airport extending from the 4.2-mile radius to 4.4 miles north of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to

Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Issued in College Park, Georgia, on February 12, 2026.

Patrick Young,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2026–03088 Filed 2–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0025]

RIN 1625–AA00

Safety Zone; Annual Fireworks Displays Within the Sector Columbia River Captain of the Port Zone

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the regulations establishing safety zones for annual fireworks displays in the Captain of the Port Zone Columbia River. This action would add a safety zone for a fireworks display, remove a safety zone for a fireworks display no longer under the Coast Guard's authority and jurisdiction, edit a fireworks display's name, and add a second date for a fireworks display. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless specifically authorized by the Captain of the Port, Sector Columbia River. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before March 19, 2026.

ADDRESSES: To submit comments and view available documents, go to *https://www.regulations.gov* and search for USCG–2026–0025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, contact LCDR Jesse Wallace, Sector Columbia River Waterways Management Division, U.S. Coast Guard; telephone 503–572–3524, or email *SCRWWM@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background and Authority

The Coast Guard proposes revising its regulation for recurring fireworks displays in the geographic boundaries of the Northwest District Sector Columbia River Captain of the Port (COTP) Zone, 33 CFR 165.1315. This proposed rule would add one (1) safety zone for a new, recurring fireworks display that was previously published as a temporary safety zone. This proposed rule would also remove one (1) previously established safety zone for a fireworks display. This proposed rule would change the name of an existing fireworks display. Finally, this rule would add a second date for an existing fireworks display. The purpose of this revision is to provide the public accurate information regarding safety zones for annual fireworks displays in the Sector Columbia River Captain of the Port Zone.

The Sector Columbia River COTP has determined that fireworks displays create hazardous conditions for the maritime public because of the large number of vessels near the displays, as well as the noise, falling debris, and explosions that occur during the events. Because firework discharge sites pose a potential hazard to the maritime public, these safety zones are necessary to restrict vessel movement and reduce vessel congregation near firework discharge sites. Therefore, the COTP is proposing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone. The regulatory text we are proposing appears at the end of this document.

III. Discussion of the Rule

The Coast Guard proposes establishing a safety zone for one fireworks display event (Irrigon Watermelon Festival) that occurs annually in July. The Irrigon Watermelon Festival safety zone was previously issued as a temporary final rule (Docket Number USCG–2025–0691), and after conferring with the event sponsor, the Coast Guard has learned it will be a recurring fireworks display. The safety zone will cover all navigable waters within 550 feet of the launch site located at approximately 45°54′3.72″ N, 119°29′15.36″ W at Marina Park, located in Irrigon, OR. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or their designated representative.

The Coast Guard also proposes to disestablish a safety zone for one fireworks display event (Westport 4th of July). The Westport 4th of July event has moved inland and thus is no longer subject to the authority and jurisdiction of the Coast Guard.

The Coast Guard proposes to change the name of ''The Mill Casino Independence Day'' fireworks display to ''Ko-Kwel Casino Resort Independence Day Celebration'' to reflect the changed name of the event.

Finally, the Coast Guard proposes to change the date of the ''Portland Rose Festival Fireworks'' from ''one day in May or June'' to ''one day in May and one day in June,'' to reflect an additional day of the Festival's fireworks.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons.

Vessel traffic will be able to safely transit around this regulated area. This regulation will only impact a small area for a few hours. The enforcement period is during a time when vessel traffic is normally low. In addition, the Coast Guard will issue a Broadcast Notice to Marines via VHF FM marine channel 16, which will allow small entities to adjust their transit plans, and the rule allows vessels to request permission to enter the regulated area from the COTP.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity

and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this proposed rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247).

B. Collection of Information

This proposed rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this proposed rule will not result in an annual expenditure of $100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This proposed rule, which establishes a safety zone and disestablishes a different safety zone, is categorically excluded from further review. The establishment of the safety zone is excluded under paragraph L60(a), and the disestablishment is excluded under paragraph L60(b) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting the establishment is available in the docket; however, one is not required for the disestablishment.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at *https://www.regulations.gov*. To do so, go to *https://www.regulations.gov,* type USCG–2026–0025 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in the docket. To view available documents, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. We will post public comments in our online docket. Additional information is on the *https://www.regulations.gov* Frequently Asked Questions web page.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

■ 2. Amend § 165.1315 as follows:

§ 165.1315 Safety Zone; Annual Fireworks Displays within the Sector Columbia River Captain of the Port Zone.

■ a. Revise paragraph (a) as follows:

(a) Safety zones. The following areas are designated safety zones: Waters of the Columbia River and its tributaries, waters of the Siuslaw River, Yaquina River, Umpqua River, Clatskanie River, Tillamook Bay and waters of the Washington and Oregon Coasts, within a 450 yard radius of the launch site at the approximate locations listed in table 1.

* * * * *

■ b. In the table in paragraph (a), add the title to the table as ''Table 1 to § 165.1315.''

* * * * *

■ c. In newly designated ''Table 1 to § 165.1315'' revise the first entry for ''Portland Rose Festival Fireworks'' as follows:

TABLE 1 TO § 165.1315

Portland Rose Festival Fireworks	Portland, OR	One day in May and one day in June.	45°30′58″ N	122°40′12″ W
*	*	*	*	*	*	*

* * * * *

■ d. In ''Table 1 to § 165.1315,'' remove the entry for ''Westport 4th of July''

■ e. In ''Table 1 to § 165.1315,'' add an entry for ''Irrigon Watermelon Festival Fireworks'' above the row beginning ''Astoria Regatta'' to read as follows:

* * * * *

TABLE 1 TO § 165.1315

Irrigon Watermelon Festival Fireworks	Irrigon, OR	One day in July	45°54′4″ N	119°29′15″ W

■ f. In ''Table 1 to § 165.1315,'' revise the entry for ''The Mill Casino Independence Day'' as follows:

* * * * *

TABLE 1 TO § 165.1315

Ko-Kwel Casino Resort Independence Day Celebration.	North Bend, OR	One day in July	43°23′42″ N	124°12′55″ W

* * * * *

Anthony R. Migliorini,

Captain, U.S. Coast Guard, Captain of the Port Columbia River.

[FR Doc. 2026–03043 Filed 2–13–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 166

[Docket No. USCG–2024–0893]

RIN 1625–AC95

Sabine Pass Safety Fairway Anchorages

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish two new fairway anchorages adjacent to the existing safety fairway approaches to Sabine Bank and Sabine Pass, Texas. These two additional fairway anchorages would be in deeper water than the existing anchorages along the Sabine Pass fairway to accommodate vessels, primarily petroleum tankers, with deeper drafts. This rulemaking enhances the efficient transportation of energy resources and advances our national energy dominance. The establishment of these anchorages in deeper waters enhances navigation safety and the flow of commerce, contributing to economic growth and national energy security.

DATES: Comments and related material must be received by the Coast Guard on or before May 18, 2026.

ADDRESSES: You may submit comments identified by docket number USCG–2024–0893 at *www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. This notice of proposed rulemaking, with its plain-language, 100-word-or-less proposed rule summary, will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Timothy Spence, Coast Guard Office of Navigation Systems; telephone 571–608–1962, email *Timothy.A.Spence@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Public Participation and Request for Comments
II. Abbreviations
III. Basis and Purpose
IV. Background
V. Discussion of Proposed Rule
VI. Regulatory Analyses
A. Regulatory Planning and Review
B. Small Entities
C. Assistance for Small Entities
D. Collection of Information
E. Federalism
F. Unfunded Mandates
G. Taking of Private Property
H. Civil Justice Reform
I. Protection of Children
J. Indian Tribal Governments
K. Energy Effects
L. Technical Standards
M. Environment

I. Public Participation and Request for Comments

The Coast Guard views public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at *www.regulations.gov.* To do so, go to *www.regulations.gov,* type USCG–2024–0893 in the search box and click ''Search.'' Next, look for this document in the Search Results column and click on it. Then click on the Comment option. If you cannot submit your material by using *www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *www.regulations.gov* Frequently Asked Questions (FAQ) web page. That FAQ page also explains how to subscribe for email alerts that will notify you when comments are posted or if a final rule is published. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to *www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Public meeting. We do not plan to hold a public meeting, but we will consider doing so if we determine from public comments that a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

II. Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
MTS Marine Transportation System
OMB Office of Management and Budget
§ Section
SNWW Sabine-Neches Waterway
U.S.C. United States Code
VTS Vessel Traffic Service
WGS84 World Geodetic System 1984

III. Basis and Purpose

The legal basis for this rulemaking is 46 U.S.C. Chapter 700, and specifically 46 U.S.C. 70003 and 70034. Section 70003 authorizes the Secretary to designate necessary fairways and traffic separation schemes for vessels operating in the territorial sea of the United States and in high seas approaches, outside the territorial sea, to provide safe access routes for the movement of vessel traffic proceeding to or from ports or places. Establishing the deeper fairways anchorage locations adjacent to the existing fairways would advance the Sabine Pass Fairway's purpose to provide safe access routes for the movement of vessel traffic proceeding to or from ports. Section 70034 grants the Secretary authority to issue regulations necessary to implement 46 U.S.C. Chapter 700, Subchapters I through IV, which includes Section 70001. The Secretary delegated these authorities to the U.S. Coast Guard in Department of Homeland Security (DHS) Delegation No. 00170.1, Revision No. 01.4, paragraph (II)(70).

The purpose of this rulemaking is to amend 33 CFR 166.200 to establish two new voluntary use fairway anchorages off the Texas and Louisiana coastlines. A chartlet and Geographic Information System data showing the proposed locations for the fairway anchorages are available in the docket for this rulemaking (see the Public Participation and Request for Comments portion of the preamble for directions on accessing the docket). The proposed regulations would provide charted locations for safe anchorage of vessels with drafts too deep to use existing fairway anchorages. Any vessel operator may use the fairway anchorages. The new fairway anchorages would reduce the potential for collisions, allisions, and groundings for vessels arriving, holding, or anchoring. For these reasons, the fairways anchorages would promote the efficient movement of commerce. The proposed deeper anchorage areas would also advance the goals of Executive Order 14154, Unleashing American Energy, by providing the unobstructed and safe flow of energy transportation, primarily petroleum tanker ships, to and from ports in the Sabine-Neches Waterway. Lastly, we propose revising an existing Sabine Bank fairway anchorage name to more accurately describe its location.

IV. Background

On July 22, 2011, the U.S. Army Corps of Engineers recommended deepening the Sabine-Neches Waterway (SNWW) from 40 feet to 48 feet and extending the offshore channel by 11.5 nautical miles to reach deeper water. The deepening project began in 2020 and is on-going at the time of publication of this proposed rule. For more information about how the joint U.S. Army Corps of Engineers and Sabine-Neches Navigation District deepening project will increase energy exports and deeper-draft vessel traffic in the SNWW, see the website *https://navigationdistrict.org/deepening-project.*

There are four existing fairway anchorages adjacent to the Sabine Bank and Sabine Pass fairways described in 33 CFR 166.200(d)(13)(i)–(iv). A fairway anchorage is a specific area, identified on a nautical chart, where vessels may drop anchor and not interfere with other transiting vessels. However, vessels with drafts deeper than 40 feet are unable to use these fairway anchorages because of the insufficient water depth in those fairway anchorage areas. Draft refers to the vertical distance between the waterline and the lowest part of a ship's hull or propellers or other appendages. In existing 33 CFR 166.105(b) we define *Fairway anchorage* as ''an anchorage area contiguous to and associated with a fairway, in which fixed structures may be permitted within certain spacing limitations, as described for specific areas in Subpart B.'' The Coast Guard has historically used fairway anchorages adjacent to shipping safety fairways to promote the statutory goal of promoting safe and efficient transit of vessel traffic to and from our ports. The existing fairway anchorages and their relevant shipping safety fairway are listed in section 166.200.

Currently, three fairway anchorages are available for use outside the existing channel entrance. The relocation of the channel entrance 11.5 nautical miles into deeper waters results in no fairway anchorages available outside the channel entrance. Other facilities and obstructions in the area, such as oil rigs, submerged pipelines, and shoals (bottom features dangerous to navigation), also limit the ability of deeper-draft vessels to anchor safely. Local pilots have requested Coast Guard assistance in establishing these fairway anchorages for vessels with drafts exceeding 40 feet and whose operators are unfamiliar with the area. The new proposed deeper anchorages will be outside of this safe water mark. In addition to deeper-draft vessels, some companies require a pilot when transiting the channel. Therefore, we anticipate that a majority of vessels capable of anchoring in the existing fairway anchorages would, nevertheless, use these proposed new fairway anchorages to reduce risk consistent with safety management systems.

V. Discussion of Proposed Rule

In January 2021, the Sabine Pilots Association (licensed professional mariners charged with the safe navigation of vessels on the SNWW) requested that the Coast Guard create two new fairway anchorages, adjacent to the existing safety fairway, to accommodate deep-draft vessels that are unable to use existing fairway anchorages. In response, we propose putting the fairway anchorages approximately 28 nautical miles south-southeast of Sabine Pass, TX, on the east and west sides of the exiting Sabine Bank approach fairway. We would establish the fairway anchorages in water deep enough for deeper-draft vessels. The combined surface area of the two proposed fairway anchorages would be approximately 37.1 square statute miles. Tables 1 and 2 show the proposed fairway anchorages coordinates (World Geodetic System 1984 (WGS84)). The proposed Sabine Bank Approach (East) Anchorage Area would include the area enclosed by rhumb lines joining points at:

TABLE 1—THE PROPOSED SABINE BANK APPROACH (EAST) ANCHORAGE AREA

Latitude north	Longitude west
29°09′55″	93°38′50″
29°09′55″	93°37′34″
29°08′46″	93°37′34″
29°04′45″	93°33′58″
29°03′53″	93°35′07″
29°08′11″	93°38′50″

The coordinates (WGS84) for the proposed Sabine Bank Approach (West) Anchorage Area would include the area

enclosed by rhumb lines joining points at:

TABLE 2—THE PROPOSED SABINE BANK APPROACH (WEST) ANCHORAGE AREA

Latitude north	Longitude west
29°13′29″	93°42′57″
29°13′29″	93°41′06″
29°07′31″	93°41′06″
29°03′36″	93°37′44″
29°02′09″	93°39′30″
29°06′11″	93°42′57″

Establishing these fairway anchorages would provide unobstructed anchorage areas adjacent to existing shipping safety fairways. The fairway anchorages play a crucial role in advancing the goal of facilitating commerce by enhancing the safety, efficiency, and predictability of maritime operations. By creating defined fairway anchorages, vessels can wait for clearance or better weather conditions without blocking important routes or causing congestion. This enhances the flow of traffic and helps maintain the schedule of cargo delivery, reducing delays in the global supply chain. The time saved by reducing the need for vessels to maneuver around unsuitable anchorage areas or wait in less organized spaces directly supports faster, more predictable commerce.

If adopted, the fairway anchorages would be documented on navigational charts maintained by other agencies. The charts would be the primary way to identify the fairway anchorages' locations. There are currently no plans to place physical markers or buoys around the proposed fairway anchorages. None of the other Gulf of America fairways anchorages are marked with physical aids either, but they are usually marked on nautical charts. Additional fairway anchorages adjacent to the fairways would reduce congestion in the waterway by providing more space for vessel berths, thereby clarifying vessel maneuver protocols in the SNWW. These proposed fairway anchorages, which we propose codifying in 33 CFR 166.200(d)(13)(v) and (vi), would provide adequate anchorage areas for deep-draft vessels that are unable to use the existing, more shallow fairway anchorages. The additional designated areas to anchor would enhance safe vessel movements for arriving and departing vessels because it creates safe areas where vessels should await port entry.

Relatedly, the Coast Guard published a notice on March 1, 2023 to announce a Port Access Route Study titled ''Port Access Route Study: Approaches to Galveston Bay and Sabine Pass, Texas and Calcasieu Pass, Louisiana'' at 88 FR 12966. The notice and related material are in docket USCG–2023–0063 on *regulations.gov*. Before establishing or adjusting fairways or TSSs, the Coast Guard must conduct a Port Access Route Study, a study of potential traffic density and the need for safe access routes for vessels. Through the study process, the Coast Guard coordinated with Federal, State, Tribal, and foreign state agencies and considered the views of maritime community representatives, environmental groups, and other stakeholders. The primary purpose of the coordination was, to the extent practicable, to reconcile the need for safe access routes with other reasonable waterway uses such as anchorages, construction, operation of energy facilities, marine sanctuary operations, commercial and recreational activities, and other uses. While the PARS is not required for establishing the fairways anchorage areas, the PARS is considering the need for anchorage areas. We will post the final report to the docket USCG–2023–0063 when we issue it.

Establishing two new fairway anchorages would limit construction of fixtures and obstructions within the designated areas by way of spacing restrictions. Structures may be placed within an area designated as a fairway anchorage, but they must meet existing spacing regulations in § 166.200(c)(1) for structures within fairway anchorages. Specifically, the center of a structure must be at least 2 nautical miles from the center of any existing structure. However, if a drilling or production complex extends more than 500 yards from the center, a new structure cannot be erected closer than 2 nautical miles from the outer limit of the complex per existing § 166.200(c)(4). There are no existing structures or obstructions in the proposed fairway anchorages at the time of publication of this proposed rule. As the federal government's waterway navigation safety expert, the Coast Guard reviews all offshore construction proposals through the Navigation Safety Risk Assessment process. The assessment ensures permitting agencies are advised of potential impacts to navigational safety and recommendations to mitigate or eliminate hazards to navigation. The Coast Guard works closely with NOAA to ensure charting of structures, obstructions, and hazards to navigation.

In addition, we propose to update the name of an existing Sabine Bank Offshore fairway anchorage, as described in existing 33 CFR 166.200(d)(13)(ii). We propose to change the name from ''Sabine Bank Offshore (North) Anchorage Area'' to ''Sabine Bank Offshore (West) Anchorage Area.'' ''West'' is a more accurate description of its location relative to the fairway. This proposed change to the fairway anchorage area name would not have any impact on the public.

VI. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. A summary of our analyses based on these statutes or Executive orders follows.

A. Regulatory Planning and Review

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

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

This proposed rule, if finalized as proposed, is expected to be an Executive Order 14192 deregulatory action.

Currently, there are four existing fairway anchorages that are not deep enough to be used by vessels with drafts exceeding 40 feet that will transit the SNWW southeast of Sabine Pass, TX. As a result, these vessels may drift, loiter, or anchor in random, unmarked locations. The Coast Guard is proposing to establish two new fairway anchorages in this area, adjacent to the existing safety fairway, to allow vessels with deeper drafts to anchor. The creation of the two new fairway anchorages would benefit vessel owners and operators who transit this area because it would help in the movement of vessels, promote safe anchoring, and alleviate congestion in the waterway. We do not expect this proposed rule to impose any additional

costs, other than minimal regulatory costs, on vessel owners and operators who transit this waterway or on the Federal Government. Table 3 provides a summary of the impacts of this proposed rule.

TABLE 3—SUMMARY OF IMPACTS OF THE PROPOSED RULE

Category	Summary
Applicability	33 CFR 166.200.
Affected Population	Based on the most recent Port Arthur Vessel Traffic Service (VTS) data, the annual number of affected vessels would be approximately: U.S.-flagged deep draft vessels: 10. Foreign-flagged deep draft vessels: 320. Total: 330 unique vessels. In total, from 2021–2023, approximately 990 unique deep-draft vessels with drafts greater than 40 feet and less than 48 feet, transited the SNWW. These vessels would be able to use the two new fairway anchorages with this proposed rule.
Cost Savings	Reduces fuel costs for vessels that anchor as opposed to drifting or loitering. *U.S. cost savings:* Total discounted cost savings: $1.3 million. Annualized cost savings: $180,125. *Foreign cost savings:* Total discounted cost savings: $14.8 million. Annualized cost savings: $2.1 million.
Costs	There would be minimal unquantified costs to industry or the Federal Government associated with documenting and familiarizing chart locations, as well as changing existing anchorage names. Additionally, the use of these two new fairway anchorages by the owners or operators of deep-draft vessels would be optional.
Unquantified Benefits	• Provides locations for anchorage of deep-draft vessels.[1] • Helps transit of deep-draft vessels awaiting entry to a port or facility in the SNWW. • Promotes safe navigation and alleviates congestion in the waterway.[2] • Introduces order and predictability into traffic management. • Reduces transit time for Coast Guard members conducting boardings. Note: The Coast Guard requires vessels to be anchored during boardings.

Table 4 presents the impacts of the proposed changes to 33 CFR part 166.

TABLE 4—REGULATORY CHANGES OF THE PROPOSED RULE

Type of change	Proposed changes	Affected CFR parts	Economic impact
Update the name of an existing Sabine Bank Offshore fairway anchorage.	Replacing the word ''North'' with ''West''. Specifically, changing the name from ''Sabine Bank Offshore (North) Anchorage Area'' to ''Sabine Bank Offshore (West) Anchorage Area''.	33 CFR 166.200(d)(13)(ii)	No impact; editorial.
Sabine Bank Approach (East and West) Anchorage Area.	Designating two new fairway anchorages off the Texas and Louisiana coastline for vessels with deep drafts.	33 CFR 166.200(d)(13)(v)–(vi)	Unquantified benefit of enhancing navigational safety of deep-draft vessels that transit the SNWW.

Affected Population

For this proposed rule, we obtained the affected population of vessels that would benefit from these two new fairway anchorages from the Port Arthur VTS database and subject matter experts in the Coast Guard Office of Navigation Services. The population of vessels that transit the SNWW is comprised of U.S. and foreign-flagged vessels. Table 5 and 6 provide a breakdown of the affected U.S. and foreign population of vessels.

Approximately 94 percent of deep-draft vessels are tank vessels, such as petroleum and chemical tank ships, and gas carriers, which carry liquefied hazardous gas (LHG) and liquefied natural gas (LNG). Based on the most recent information as of April 2024, and using data over a 3-year period from 2021 to 2023, the total number of U.S. affected vessels that transit annually the SNWW on average is approximately 10,

[1] Charts and vessel density maps of the area depicting existing and proposed fairway anchorages are available in the docket and via links in this document.

[2] See the USACE report: Final Feasibility Report for Sabine-Neches Waterway Channel Improvement Project, Southeast Texas and Southwest Louisiana.

making approximately 100 trips (or 10 trips per vessel) annually.[3] See Table 5.

TABLE 5—AFFECTED U.S.-FLAGGED VESSEL POPULATION BY 46 CFR SUBCHAPTER

U.S.-flagged vessels calling on SNWW		
46 CFR inspection subchapter	Vessels	Trips
D—Tank Vessels	11	94
I—Cargo and Miscellaneous Vessels	1	2
O—Certain Bulk Dangerous Cargoes	.....	.....
OD—Combination of O & D	17	204
Unspecified	2	2
Total U.S.-flagged deep draft vessels transiting SNWW over 3-year period	31	302
Average annual U.S.-flagged deep draft vessels transiting SNWW	10	100

Note: During the 3-year data period, we did not identify any other U.S.-flagged vessels from other subchapters in 46 CFR that transited the SNWW.

Using the same dataset over a 3-year period from 2021 to 2023, the total number of foreign-flagged vessels that transit the SNWW on average is approximately 320, making approximately 1,035 trips annually (see Table 6).

TABLE 6—AFFECTED FOREIGN-FLAGGED VESSEL POPULATION BY 46 CFR SUBCHAPTER

Foreign-flagged vessels calling on SNWW		
Inspection subchapter	Foreign-flagged vessels	Trips
D—Tank Vessels	295	829
I—Cargo and Miscellaneous Vessels	30	61
O—Certain Bulk Dangerous Cargoes	189	1,288
OD—Combination of O & D	241	570
Unspecified	204	358
Total	959	3,106
Average annual foreign-flagged deep draft vessels transiting SNWW	320	1,035

Note: During the 3-year data period, we did not identify any other foreign-flagged vessels from other subchapters in 46 CFR that transited the SNWW.

The use of these two proposed new fairway anchorages would be voluntary, and any vessel could anchor in these areas; however, these fairway anchorages would be intended primarily for use by deep-draft vessels. The number of U.S.-flagged vessels with drafts greater than 40 feet that call on the SNWW and would be able to use these two new fairway anchorages is an annual average of approximately 10 (see Table 7).

TABLE 7—AFFECTED U.S.-FLAGGED VESSELS BY DESIGN DRAFT

46 CFR inspection subchapter	Design draft range (feet)	Number of vessels
D—Tank Vessels	[40.05–47.62]	12
I—Cargo and Miscellaneous Vessels	[41.06–42.05]	2
OD—Combination of O & D	[40.08–46.61]	17
Total over 3-year period	.....	31
Average Annual	.....	10

Cost Savings of the Proposed Rule

The cost savings of the proposed rule to owners and operators of U.S.-flagged vessels is based on the quantified fuel that would be saved with the new anchorage areas. We expect this proposed rule to generate cost savings from the reduction of time for U.S.-flagged deep draft vessels that call on the SNWW. Based on the information obtained from the Sabine Pilots[4] in the SNWW, vessel owners and operators would save approximately 30 minutes to 2 hours from maneuvering offshore while waiting to reach the safe water mark before they enter the new anchorage areas in the SNWW. There may be some occurrences during the year where vessels may wait longer outside of the safe water mark, but the estimates provided to us would be the

[3] Based on vessel transit data from the Port Arthur VTS database, there are no small commercial vessels, fishing vessels, or recreational vessels that transit the SNWW.

[4] The Coast Guard held a videoconference with the Sabine Pilots Association on June 12, 2025.

typical waiting times without the new anchorage areas.

The establishment of these anchorages would reduce vessel fuel consumption because vessels would no longer wait or drift offshore using their main engines. As a result, owners and operators of these vessels would save fuel and fuel costs by directly entering the new anchorage areas and not waiting offshore. Once in the anchorage areas, vessels would revert to using generator power as they would do normally. Of the 302 unique U.S.-flagged vessels that called on the SNWW in the past 3 years, 298 of them were Panamax-class vessels.[5] Because Panamax vessels comprise nearly the entire population of U.S.-flagged vessels in this proposed rule, we will need to obtain the fuel type for this vessel class for the purpose of this cost savings analysis.

The average fuel consumption of Panamax class vessels is between approximately 30 to 35 metric tons per day.[6] Using data from U.S. Energy Information Administration (EIA), the cost of ULSFO is $1,029 per metric ton.[7] Using a 24-hour day and an average of 33 metric tons of fuel used in a day, a Panamax class vessel would use approximately 1.4 metric tons of fuel an hour (33 metric tons ÷ 24 hours). Therefore, the fuel cost for a Panamax class vessel that would wait offshore without the benefit of the new anchorage areas would be approximately $1,441($1,029 × 1.4) per hour, rounded. Using a low estimate of 30 minutes of waiting time, the fuel cost for a Panamax class vessel would be approximately $721, rounded. Using a high estimate of 2 hours, the fuel cost for a Panamax class vessel would be approximately $2,884, rounded. For the purpose of this analysis, we will use an average time of 1.25 hours or 75 minutes for our cost savings calculations.

Approximately 10 unique U.S.-flagged vessels call on SNWW every year. Based on Port Arthur VTS data, these 10 vessels make approximately 10 trips, rounded, each to the SNWW, or 100 total trips annually. Therefore, the fuel costs and subsequent fuel cost savings would be a function of the number of trips made by U.S.-flagged vessels. For the low estimate of 30 minutes of waiting time offshore without the new anchorage areas and using approximately 100 trips annually, the total time savings would be approximately 3,000 (30 minutes per trip × 100 trips) minutes or 50 hours annually. Using fuel cost per hour that we derived previously, the total undiscounted fuel cost savings for U.S.-flagged vessels that call on the SNWW would be approximately $72,050 annually (50 hours × $1,441/hour). Similarly, for the high estimate of 2 hours and using the same number of trips, the total time savings for the U.S.-flagged vessels that call on the SNWW would be approximately 12,000 minutes (120 minutes per trip × 100 trips) or approximately 200 hours annually. The total undiscounted fuel cost savings for U.S.-flagged vessels that call on SNWW would be approximately $288,200 annually (200 hours × $1,441/hour). Because we are using the average time estimate of 75 minutes (1.25 hours), the average annual undiscounted cost savings of this proposed rule U.S.-flagged vessel owners and operators would be approximately $180,125. See table 8.

TABLE 8—ANNUAL FUEL COST SAVINGS FROM FUEL FOR AFFECTED U.S.-FLAGGED VESSELS

Time saved (hour) (A)	Trips (B)	Time saved (hours annually) (C) = (A) × (B)	ULSFO cost (per hour) (D)	Total annual ULSFO Cost (E) = (C) × (D)
0.5 (low estimate)	100	50	$1,441	$72,050
2 (high estimate)	100	200	1,441	288,200
1.25 (Average)	100	125	1,441	180,125

Note: Totals may not add due to independent rounding.

Based on our analysis, we expect this proposed rule to generate cost savings for industry, or vessel owners and operators who transit the SNWW area, or shoreside facilities that receive cargo from deeper-draft vessels that would use the two new fairway anchorages. Table 9 presents the total quantified fuel cost savings to U.S.-flagged vessel owners and operators from the adoption of these two new anchorages in the SNWW. We estimate the total present value or discounted fuel cost savings to owners and operators of U.S.-flagged vessels over a 10-year period of analysis to be between $1.3 and $1.5 million, at 7- and 3-percent discount rates, respectively. We estimate the annualized fuel cost savings to owners and operators of U.S.-flagged vessels to be about $180,125 at each discount rate. We estimate that this rule generates $157,328 in net annualized fuel cost savings to owners and operators of U.S.-flagged vessels at a 7-percent discount rate, discounted relative to year 2024, over a perpetual time horizon.

TABLE 9—NET PRESENT VALUE OF FUEL COST SAVINGS FOR OWNERS AND OPERATORS OF U.S.-FLAGGED VESSELS RESULTING FROM NEW ANCHORAGES IN SNWW

Year	Cost savings for industry (undiscounted)	7% Discount rate	3% Discount rate
1	$180,125	$168,341	$174,879
2	180,125	157,328	169,785
3	180,125	147,036	164,840
4	180,125	137,417	160,039

[5] A Panamax vessel is a ship designed to fit within the size restrictions of the original Panama Canal locks. They are typically medium sized vessels with beams that do not exceed 106-feet.

[6] Panamax class vessels calling on the SNWW use ultra-low sulfur fuel oil (ULSFO) *https://www.shipuniverse.com/big-5-breakdown-size-fuel-burn-and-carrying-capacity/*.

[7] Using year 2024 data, the cost per gallon of ultra-low sulfur fuel oil is $3.50. There is approximately 294 gallons per metric ton. Thus, the price of ULSFO per metric ton is approximately $1,029 (294 gallons × $3.50).

TABLE 9—NET PRESENT VALUE OF FUEL COST SAVINGS FOR OWNERS AND OPERATORS OF U.S.-FLAGGED VESSELS RESULTING FROM NEW ANCHORAGES IN SNWW—Continued

Year	Cost savings for industry (undiscounted)	7% Discount rate	3% Discount rate
5	180,125	128,427	155,377
6	180,125	120,025	150,852
7	180,125	112,173	146,458
8	180,125	104,834	142,192
9	180,125	97,976	138,051
10	180,125	91,566	134,030
Total	1,801,250	1,265,123	1,536,503
Annualized	.....	180,125	180,125

Note: Totals may not add due to independent rounding.

This proposed rule would also generate cost savings for owners and operators of foreign-flagged vessels. The quantified fuel cost savings stem from the reduction of time for foreign flagged deep draft vessels that call on the SNWW. Following the same methodology that we used for U.S.-flagged vessels and using the average of time saved (1.25 hours) from the adoption of these anchorages and ULSFO cost of $1,029 per metric ton. For example, a Suezmax class vessel would consume approximately 2.4 metric tons of fuel per hour (58 metric tons ÷ 24 hours). Therefore, the fuel cost for a Suezmax class vessel that would wait offshore without the benefit of the new anchorage areas would be approximately $2,470 per hour (2.4 metric tons × $1,029 ULSFO cost per metric tons). Multiplying this by the time saved of 103 hours (1.25 average hours saved × 82 trips by Suezmax vessels) would generate approximately $254,410 in quantified fuel savings to foreign-flagged Suezmax vessels that transit the SNWW. Therefore, the total annual quantified fuel cost savings (undiscounted) for all 4 classes of foreign-flagged vessels that transit the SNWW is approximately $2.1 million. See Table 10.

TABLE 10—ANNUAL FUEL COST SAVINGS FOR AFFECTED FOREIGN-FLAGGED VESSELS

Vessel class	Fuel consumption per day[8] (metric tons) (A)	Trips (B)	Time saved (hours annually) (C) = 1.25 hours × (B)	ULSFO cost (per hour) (D)	Total annual ULSFO cost (E) = (C) × (D)
Aframax	38	519	649	$1,646	$1,068,254
Handymax	28	16	20	1,235	24,700
Panamax	33	418	523	1,441	753,643
Suezmax	58	82	103	2,470	254,410
Total	.....	1,035	1,295	.....	2,101,007

Note: Totals may not add due to independent rounding.

Table 11 presents the total quantified fuel cost savings to owners and operators of foreign-flagged vessels from the adoption of these two new anchorages in the SNWW. We estimate the total present value or discounted fuel cost savings to owners and operators of foreign-flagged vessels over a 10-year period of analysis to be between $14.8 and $18.0 million, at 7- and 3-percent discount rates, respectively. We estimate the annualized fuel cost savings to owners and operators of foreign-flagged vessels to be approximately $2.1 million at each discount rate.

TABLE 11—NET PRESENT VALUE OF FUEL COST SAVINGS FOR OPERATORS OF FOREIGN FLAGGED VESSEL RESULTING FROM NEW ANCHORAGES IN SNWW

Year	Cost savings for industry (undiscounted)	7% Discount	3% Discount
1	2,101,007	$1,963,558	$2,039,813
2	2,101,007	1,835,101	1,980,401
3	2,101,007	1,715,048	1,922,719
4	2,101,007	1,602,848	1,866,718
5	2,101,007	1,497,989	1,812,347
6	2,101,007	1,399,990	1,759,560
7	2,101,007	1,308,402	1,708,311

[8] *https://safe.menlosecurity.com/doc/docview/viewer/docN7AF4525FF665007fa9e3bae8c4687ef5ec9f143f73e6815ffea6ee8ab15119851c6c380ebd0b; https://safe.menlosecurity.com/doc/docview/viewer/docN7AF4525FF6658d501aae81d1fcb469b498b88f5609708f5a2ad14abd542f1b7b6fa1d2909569; https://mycompassair.com/part-3-vessels/;* accessed 07/23/2025.

TABLE 11—NET PRESENT VALUE OF FUEL COST SAVINGS FOR OPERATORS OF FOREIGN FLAGGED VESSEL RESULTING FROM NEW ANCHORAGES IN SNWW—Continued

Year	Cost savings for industry (undiscounted)	7% Discount	3% Discount
8	2,101,007	1,222,805	1,658,554
9	2,101,007	1,142,809	1,610,247
10	2,101,007	1,068,045	1,563,347
Total	21,010,070	14,756,594	17,922,016
Annualized	.....	2,101,007	2,101,007

Note: Totals may not add due to independent rounding.

We request public comments on this preliminary analysis.

Unquantified Benefits of the Proposed Rule

This proposed rule would designate two new fairway anchorages to accommodate vessels with deep drafts in the Sabine Bank and Sabine Pass fairways. The use of the two proposed new fairway anchorages by U.S.-flagged vessel owners and operators would be voluntary, and any vessel owner or operator may anchor in these new areas. The establishment of these two new fairway anchorages for vessels that transit the SNWW would provide safe access to the adjacent fairways, manage vessel activity, and help in secure anchoring and efficient movement of vessels from the fairway anchorages to the pilot boarding area. Vessels would utilize the fairway anchorages, as opposed to anchoring in unregulated areas with pipelines, or transiting in and around the highly trafficked safety fairways and energy production platforms. Access to charted fairway anchorages would enhance navigational safety by accounting for current and future growth of the marine transportation system (MTS) in this area and alleviate congestion in the SNWW, which may reduce the likelihood of a grounding, allision, or collision incident. It also preserves an efficient flow of commerce.

Additionally, this proposed rule will increase the efficient transportation of energy resources and advance our national energy dominance.

Regulatory Alternatives Considered

Alternative 1: Increase the number of the proposed fairway anchorages.

Under this alternative, the Coast Guard would establish three or more new fairway anchorages. This alternative would not impose any new regulatory costs on vessels owners and operators who transit this area. We rejected this alternative because it would not generate the optimal benefit for the marine industry. We want to designate the smallest area necessary to accomplish the objective. We do not anticipate needing the third fairway anchorage for the number of vessels transiting the area. The Sabine Pilots Association, based on their extensive knowledge of the use of and need for anchorages, determined and requested the establishment of only two new fairway anchorages in the SNWW.

Alternative 2: Reduce the size of one or both proposed fairway anchorages.

The Coast Guard considered a smaller, alternate fairway anchorage B, which would reduce the proposed anchorage areas in size and depth by approximately 25.1 percent. The Sabine Pilots Association provided this size estimate to the Coast Guard based on an increase in the scope of the anchor chain that would be needed as a result of an increase in the depth of the water. We rejected this alternative because it would provide less area for vessels to anchor and could create a marginal increase in the risk of collisions, allisions, and groundings when compared to the preferred alternative. This alternative would not impose any new regulatory costs on vessels owners and operators who transit this area. It would also not provide any additional benefits to vessel owners and operators because this anchorage area would be smaller in size and could increase congestion and the likelihood of incidents in this area, as opposed to the preferred alternative.

Alternative 3: Preferred Alternative.

With this alternative, the Coast Guard would designate two new fairway anchorages for use by vessel owners and operators in the Sabine Bank and Sabine Pass fairways. This is the preferred alternative because it would allow vessels with drafts greater than 40 feet to anchor. These vessels are currently unable to use the existing fairway anchorages because their drafts are deeper than the existing anchorages allow. This alternative provides designated locations for anchorage of deep-draft vessels, which promotes safe navigation for current and future growth of the MTS and alleviates congestion in the SNWW. This alternative would not impose any regulatory costs on vessels owners and operators who transit this area.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

As this rule imposes no regulatory costs on the affected population, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment to the docket at the address listed in the **ADDRESSES** section of this preamble. In your comment, explain why you think it qualifies and how and to what degree this proposed rule would economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this

proposed rule. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

This proposed rule would call for no new or revised collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that Congress gave the Coast Guard the authority to establish vessel movement restrictions in 46 U.S.C. 70001 and 70003. The proposed fairways would be located offshore in waters outside of State and local jurisdiction. The use of the new fairway anchorages would be voluntary for vessel operators. They would be available to use by any vessel transiting the area. Establishing the voluntary fairway anchorages would not interfere with other state requirements that apply to these vessels. Therefore, this proposed rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this proposed rule would have implications for federalism under Executive Order 13132, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

F. Unfunded Mandates

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

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, (Civil Justice Reform), to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this proposed rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

K. Energy Effects

We have analyzed this proposed rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (for example, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this proposed rule under Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, as well as Department of Homeland Security's National Environmental Policy Act (NEPA) Procedures, Management Directive 023–01, Rev. 1, Associated Implementing Instructions, and Environmental Planning Policy, COMDTINST 5090.1 (series), and the Environmental Planning Implementing Procedures for COMDTINST 5090.1 Environmental Planning Policy (Feb. 2025). We have made a preliminary determination that this proposed rule would not significantly harm the environment.

The Coast Guard is conducting an environmental analysis pursuant to Executive Order 12114. NEPA does not apply to extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the jurisdiction of the United States. 42 U.S.C. 4336e(10)(B)(vi).

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 166 as follows:

List of Subjects in 33 CFR Part 166

Anchorage grounds, Marine safety, Navigation (water), Waterways.

PART 166—SHIPPING SAFETY FAIRWAYS

■ 1. The authority citation for part 166 is revised to read as follows:

Authority: 46 U.S.C. 70001, 70003, 70034; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

■ 2. Amend § 166.200 by:

■ a. In the heading to paragraph (d)(13)(ii), removing the text ''(North)'' and adding, in its place, the text ''(West)''; and

■ b. Adding new paragraphs (d)(13)(v) and (vi) to read as follows:

§ 166.200 Shipping safety fairways and anchorages areas, Gulf of America.

* * * * *

(d) * * *

(13) * * *

(v) Sabine Bank Approach (East) Anchorage Area. The area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
29°09′55″	93°38′50″
29°09′55″	93°37′34″
29°08′46″	93°37′34″
29°04′45″	93°33′58″
29°03′53″	93°35′07″
29°08′11″	93°38′50″

(vi) Sabine Bank Approach (West) Anchorage Area. The area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
29°13′29″	93°42′57″
29°13′29″	93°41′06″
29°07′31″	93°41′06″
29°03′36″	93°37′44″
29°02′09″	93°39′30″
29°06′11″	93°42′57″

* * * * *

Dated: February 11, 2026.

Robert C. Compher,

Captain, U.S. Coast Guard, Acting Assistant Commandant for Prevention Policy.

[FR Doc. 2026–03044 Filed 2–13–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 602

[Docket ID: ED–2026–OPE–0067]

Clarification of the Appropriate Use of Terms ''National'' and ''Regional'' by Recognized Accrediting Agencies

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Proposed interpretive rule.

SUMMARY: The U.S. Department of Education (Department) proposes to issue this interpretive rule to revise and clarify its prior interpretation of its position on the use of descriptive terms by Department-recognized accrediting agencies, specifically, the use of ''regional'' and ''national.'' The Department proposes this interpretive rule to interpret Section 496 of the Higher Education Act of 1965, as amended (HEA), and the general duty of accrediting agencies to not make false statements and misrepresentations. Institutions of higher education also are required to ensure that they do not misrepresent their accreditation status to students and the public.

DATES: We must receive your comments by March 19, 2026.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal at *www.regulations.gov.* The Department will not accept comments submitted by fax or email or comments submitted after the comment period closes. To ensure that the Department does not receive duplicate copies, please submit your comment only once. Additionally, please include the Docket ID at the top of your comments.

Information on using *Regulations.gov,* including instructions for submitting comments, is available on the site under ''FAQ''. If you require an accommodation or cannot otherwise submit your comments via *Regulations.gov,* please contact *regulationshelpdesk@gsa.gov* or by phone at 1–866–498–2945. If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

FOR FURTHER INFORMATION CONTACT: Elizabeth Daggett, Director of the Accreditation Group. Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. *Email: elizabeth.daggett@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Department seeks to clarify the appropriate use of the terms ''regional'' and ''national'' by an accrediting agency recognized by the Department when describing an accrediting agency's area of operation or recognition scope. This interpretive rule seeks to update and clarify the Department's position on the use of such nomenclature by accrediting agencies when describing their area of operation or recognition, as well as by higher education institutions, State licensure boards, and other stakeholders, when referencing accrediting agencies, as stated in the Student Assistance General Provisions, The Secretary's Recognition of Accrediting Agencies, and The Secretary's Recognition Procedures for State Agencies Final Rule (''Final Rule'') published on November 1, 2019. 84 FR 58834.

The Final Rule took effect on July 1, 2020, ending the Department's recognition of accrediting agencies as ''regional.'' Nevertheless, many accrediting agencies and institutions of higher education continue to use the term ''regional'' in their standards, marketing materials, and other representative texts.[1] As a result, the Department has a general interest in ensuring that accrediting agencies recognized by the Secretary, and institutions of higher education, do not make false statements and misrepresentations. The Department does not recognize accrediting agencies as ''regional'' accreditors, and the Department believes that these representations mislead the public, institutions of higher education, and students. Continued assertions that an institution is ''regionally'' accredited may send false signals to students and the public that an institution's accreditation is of a higher quality than institutions that are accredited by accrediting agencies that are nationally recognized. Indeed, when institutions properly refer to their accreditation as being from a nationally recognized accredited agency, while other institutions continue to use the ''regional'' nomenclature, it may send false signals to students or the public that the institution lost its accreditation from a ''regional accreditor'' or that it now has a lesser accreditation status.

[1] The Department is concerned about transfer of credit policies maintained by institutions that have maintained the improper use of the term ''regional'' and only accept credit transfer from ''regionally'' accredited institutions to the detriment of their students. *See Transfer Credit Policies,* University of Washington, *https://admit.washington.edu/apply/transfer/policies.* (Last accessed January 25, 2026).

Accrediting agencies decide where to conduct their activities and may decide to conduct activities in a State, a region or group of States, or the United States. But limiting the representation of the scope of their recognition to less than the United States does not mean that the Department recognizes the accrediting agency as a ''regional'' accrediting agency. The Department believes that, under the HEA, the terms ''national,'' ''institutional,'' or ''programmatic'' are the only appropriate terms an accrediting agency should use to describe their scope of recognition under the authorizing statute.

I. Background and Purpose

On November 1, 2019, the Department published a Final Rule on Student Assistance General Provisions, The Secretary's Recognition of Accrediting Agencies, and The Secretary's Recognition Procedures for State Agencies. 84 FR 58834. This Final Rule sought, among other things, to amend the Department's recognition process for accrediting agencies, including providing an accurate recognition of the geographic area within which an agency conducts its activities. The Final Rule also recognized that the term ''regional'' often inaccurately described an accrediting agency's geographic scope and was frequently used to perpetuate the misconception that regionally accredited institutions are of higher academic quality than nationally accredited institutions. In the preamble to the Final Rule, the Department responded to several comments seeking clarification of the use of the terms ''national'' and ''regional'' with respect to accrediting agencies.

In the Notice of Proposed Rulemaking (''Proposed Rule,'') the Department proposed to eliminate the use of ''regional'' in reference to accrediting agencies and instead refer to non-programmatic agencies or associations exclusively as ''institutional'' or ''nationally'' recognized, outlining several reasons to substantiate the Department's belief that this regulatory change was necessary. Secretary's Recognition of Accrediting Agencies, 84 FR 27404 (proposed June 12, 2019). The Department explained, in response to comments, that the clarification was made to correct pervasive and consequential misunderstandings in regard to the quality of education and to attempt to provide students and families accurate information on both the educational quality and integrity of programs that require State licensure. First, the Department stated that the lack of clarity with regard to—and sometimes conflation of—''national'' versus ''regional'' leads to a misguided understanding of the quality of education that an institution recognized by a ''national'' accrediting agency offers in comparison to the education provided by an institution recognized by a ''regional'' accrediting agency.

Specifically, in response to a commenter's objection to the change in nomenclature, the Department stated that ''the change in nomenclature is intended specifically to counter this prevalent misconception.'' 84 FR 58850. The Department noted that although agencies may term themselves differently, a ''national'' or ''regional'' accrediting agency does not, in fact, impact the standards or quality of education at an institution, as accrediting agencies do not evaluate education at an institution differently based on the geographic region in which an institution is located. The Department has not, and does not, hold these accrediting agencies to different recognition criteria standards. *See generally* 34 CFR part 602. The Department stated that, although accrediting agencies have their own standards that vary by type of institution, location, or other factors, ''standards do not differ based on the agency's geographic scope or prior classification as a national or regional accrediting agency.'' 84 FR 58850.

Further, as the Department elaborated, the change laid out in the Final Rule was intended to ''counter a detrimental myth that institutions that are regionally accredited are of higher academic quality than institutions that are nationally accredited.'' 84 FR 58851. The Department indicated that students understood their education to be fundamentally better at a regionally accredited institution versus a nationally accredited institution, which, based on the Department's observations, was in fact, not the case. In the Final Rule, the Department speculated that a borrower could have attended an inferior school based solely on a presumption of quality based on an accrediting agency's representation regarding their geographic scope or through a presumption based on the agency terming itself as ''regional.'' 84 FR 58851.

The Department also expressed concerns, in response to comments, regarding the rise in distance education and how distinctions between ''regional'' and ''national'' accrediting agencies could impact student choice and options. Specifically, the Department stated this change was ''critically important'' based on increases in distance education, leading ''students to attend an institution accredited by an agency whose geographic scope does not include the student's home State.'' 84 FR 58851. The Department made clear that States should ''ensure the laws pertaining to an academic institution's required accreditation to qualify graduates for licensure and the procedures used to implement those laws do not disadvantage students who enroll in and complete programs at institutionally accredited institutions.'' 84 FR 58850.

Further, in response to comments, the Department acknowledged that concerns and confusion regarding accrediting agencies' geographic scope and practices were justified, given that former regional accrediting agencies had expanded their activities beyond the initial geographic region(s) defined in their scope. They acknowledged that ''accrediting agencies previously described as regional are, in fact, conducting business across much of the country.'' 84. FR 58851.

Although the Department sought to eliminate the use of the term ''regional'' as a defining characteristic, it continued to require accrediting agencies to clarify the geographic area in which they perform their work, including all branch campuses and additional locations. However, the Department would no longer consider the accrediting agency's historical geographic footprint to be a part of its scope. 84 FR 58852. Instead, the geographic area (*i.e.,* list of States) in which the accrediting agency performs its work must be reported to the Department and made available to the public. 84 FR 58852.

Although the regulatory text in the Final Rule addressed the use of ''regional'' nomenclature, the preamble did not address whether such references could be contrary to the law. In the Proposed Rule, the Department noted its intent to simplify labeling accrediting agencies to better reflect their focus and combine them under the umbrella term of ''institutional.'' The Department also noted that while the use of the terms ''regionally accredited'' and ''nationally accredited'' were no longer relevant to the recognition process ''agencies would not be prohibited from identifying themselves as they deem appropriate.'' Proposed Rule, at 27445.

Though the Department may have intended to provide an interpretation of the language contained within their proposed regulations, there was no explanation or statement like this in the preamble to the Final Rule. Courts have held that statements made in the preamble to a *final* rule are considered nonbinding interpretative rules. *See Wilgar Land Co.* v. *U.S. Dep't of Lab.,* 85 F.4th 828, 837 (6th Cir. 2023) (holding

that ''[w]hile a preamble's interpretation of regulations may help clarify any ambiguity in them, an agency cannot use preambles to add substantive duties that the regulations themselves do not contain.'') However, the statements made here were in the *proposed* rule and therefore should not have been reasonably relied upon by third-parties as those statements are, at best, proposed interpretive rules.

Accrediting agencies may have, nonetheless, incorrectly relied upon this isolated statement within the proposed rule to inform the means by which they identify themselves. And likewise, institutions may have relied upon the statement to inform how they refer to the status of their accreditation when communicating with students and the public. Therefore, even though formal recission may not be necessary, the Department finds that it is possible that accrediting agencies and institutions may have relied upon those statements in the proposed rule. As such, this proposed interpretative rule would formally rescind the statement in the proposed rule to the preamble that stated that accrediting ''agencies would not be prohibited from identifying themselves as they deem appropriate,'' including as ''regional'' accreditors. *Id.* at 27445.

Accordingly, even though it may not be strictly necessary, out of an abundance of caution, the Department will abide by the change-in-position doctrine factors that dictate how agencies may change their guidance. *Food & Drug Admin.* v. *Wages & White Lion Invs., L.L.C.,* 604 U.S. 542, 568 (2025) (Holding that agencies must ''provide a reasoned explanation for the change, display awareness that they are changing position, and consider serious reliance interests.'')

Furthermore, the Department proposes to reinforce, reemphasize, and strengthen the Final Rule through this interpretative rule to clarify that ''regional'' is no longer a proper definitional term for accrediting agencies and that use of ''national'' or ''institutional'' (for non-programmatic accrediting agencies) are the sole descriptors allowed under the HEA. Accordingly, accrediting agencies have an obligation to ensure that their member institutions do not mischaracterize the scope of a non-programmatic accrediting agency as anything other than ''national'' or ''institutional,'' including with respect to institutional transfer of credit policies.

Formal institutional policies should not rely on the way the Department formerly recognized accrediting agencies. Doing so would also attach legal or policy significance to past Department actions that have no bearing on the recognition of accrediting agencies today. Allowing institutions to base their policies on the former accreditation recognition structure exacerbates the concerns the Department raised as its reason for promulgating the Final Rule, as it perpetuates the false belief that institutions that are ''regionally'' accredited are of a higher quality than those that are ''nationally'' accredited. For example, establishing a criterion for the acceptance of transfer credit that requires the credit to have been earned at an institution that is accredited by an accrediting agency that was formerly recognized as a ''regional'' accrediting agency would contravene how the Department recognizes accrediting agencies.

As the Department explained in the Final Rule, although it lacks authority to compel State action, the Department eliminated from its regulations the distinction between regional and institutional accreditation. States could continue to have policies or laws that attach significance to accreditation from an agency that was formerly recognized as ''regional,'' but any State policy that hinges upon current recognition of an accrediting agency as ''regional'' is obsolete. Indeed, there are no institutions that are or could be accredited by a regional accrediting agency recognized by the Secretary, so it would be impossible for an institution to comply with a State law or policy that requires regional accreditation.

In this proposed interpretive rule, the Department further clarifies that recognized accrediting agencies and associations, and their member institutions, should no longer refer to a recognized accrediting agency as ''regional.'' Accordingly, the Department strongly encourages States, including State licensure boards, to revise their laws or regulations, as necessary, to remove this distinction.

II. Analysis

For the reasons outlined above, in 2019, the Department sought to align its nomenclature more closely with the HEA by referring to all of the accrediting agencies it recognizes as ''nationally recognized,'' consistent with the definition of institution of higher education under Section 101 and Section 102 of the HEA.

To be eligible as an institution for purposes of participation in title IV, HEA programs, institutions must meet the definition of ''institution of higher education.'' Sections 101 and 102 of the HEA. This includes the requirement that an institution of higher education ''is accredited by a *nationally* recognized accrediting agency or association.'' 20 U.S.C. 1001(a)(5) (emphasis added). The definition in Section 101, which covers nonprofit and public institutions, refers to a ''nationally recognized accrediting agency.'' As such, the Final Rule updated 34 CFR 602.11 to conform to this requirement, and all accrediting agencies that are recognized by the Secretary are designated as ''nationally recognized accrediting agencies.''

The HEA also provides for circumstances in which a school may qualify as a ''proprietary institution of higher education'' in order to gain eligibility for the purposes of participation in the title IV programs. Section 102(b)(1)(A) of the HEA creates a special requirement for such institutions, which states that a proprietary institution must provide training programs to prepare students for gainful employment in a recognized occupation unless the institution ''(I) provides a program leading to a baccalaureate degree in liberal arts, and has provided such a program since January 1, 2009, and (II) is accredited by a recognized regional accrediting agency or association, and has continuously held such accreditation since October 1, 2007, or earlier.'' 20 U.S.C. 1002(b)(1)(A). The broader context of this provision makes it clear that Congress was attempting to prohibit proprietary institutions from offering liberal arts programs but sought to grandfather programs that were established prior to a certain date and were recognized by accrediting agencies that the Department recognized, at the time, as being regional accrediting agencies. Although this provision may imply that Congress wanted to, and the Department should, recognize ''regional'' as an appropriate term for institutional accrediting agencies, as discussed further, it represents a specific moment in time for which Congress provided a specific and limited exception related only to gainful employment programs. Had Congress intended for this exception to subvert the broader structure of the HEA in its narrow amendment in 2008, it surely would have amended those parts under Section 101 and Section 496, but it made no such changes to those sections. As such, this provision is best understood as a narrow, time-limited exception that reflected the Department's former practice of categorizing accrediting agencies between national and regional when it was passed, not a reintroduction of a

''regional'' class of accrediting agencies for all time going forward.

Further, in the Final Rule, the Department rejected the need for continued recognition of ''regional'' accrediting agencies and eliminated the previous regulatory distinction between ''regional'' and ''national'' accrediting agencies. Instead, proprietary institutions may continue to offer liberal arts programs so long as they meet the following criteria established in Section 102(b)(1)(A)(ii) of the HEA such as: if the program was offered prior to January 1, 2009, has continuously held accreditation by a recognized regional accrediting agency since October 1, 2007, and that accrediting agency was recognized as a regional accrediting agency by the Department as of October 1, 2007, and is also accredited by a nationally recognized accrediting agency recognized by the Department.

Indeed, whatever tension may exist between Section 101(a) (which provides for recognition by a nationally recognized accrediting agency) and the grandfather provision under Section 102(b)(1)(A) is clarified when viewed through interpretive principles of statutory interpretation.

The Whole-Text Canon provides that, when interpreting statutes, the entire text of a statute ''in view of its structure and of the physical and local relation of its many parts'' must be examined. A. Scalia & B. Garner, Reading Law: The Interpretation of Legal Texts, 167 (2012). The broader statute provides context, which is a primary determinant of meaning as a statute ''typically contains many interrelated parts that make up the whole.'' Scalia & Garner, *supra,* at 167; *see also United Sav. Ass'n of Tex.* v. *Timbers of Inwood Forest Assocs.,* 484 U.S. 365, 371 (1988) (explaining that statutory interpretation is a ''holistic endeavor'' and that ''[a] provision that may seem ambiguous in isolation is often clarified by the remainder of the statutory scheme'' when ''the same terminology is used elsewhere in a context that makes its meaning clear.'')

Here, Congress has created a general rule in Section 101 of the HEA for institutions, requiring all institutions to be accredited by a nationally recognized accrediting agency that is recognized by the Secretary. The exception in the definition in Section 102(b)(1)(A) is narrow in scope and temporally limited. It does not seek to displace or to alter the broader rule that institutions be nationally accredited but instead seeks to incorporate how the Department formerly recognized accrediting agencies. As the Final Rule demonstrates, this narrow grandfather provision does not resurrect the Department's former approach to recognition of accrediting agencies. Because the broader context of the statute requires institutions to be nationally recognized, the more appropriate reading is that Congress did not intend to displace that requirement in the narrow way it grandfathered in certain liberal arts programs in Section 102(b)(1)(A) of the HEA. As such, the Whole-Text Canon provides key contextual support for the finding that the HEA does not require the Department to continue to recognize accrediting agencies as ''regional.'' To the contrary, an institution must be recognized by a nationally recognized accrediting agency to meet the definition of ''institution of higher education'' in the HEA.

Some comments, in response to the Proposed Rule, argued that Section 496(a)(1) of the HEA requires the Department to recognize accrediting agencies as being ''regional.'' 84 FR 2704. Specifically, Section 496(a)(1) provides that ''the accrediting agency or association shall be a State, regional, or *national* agency or association and shall demonstrate the ability and the experience to operate as an accrediting agency or association within the State, region, or nationally, as appropriate.'' 20 U.S.C. 1099b(a)(1) (emphasis added). Latching on to those words, some commenters claimed that the explicit references to ''region'' in this provision meant that Congress intended for accrediting agencies to be recognized in different ways, as ''national'' or ''regional.''

That is incorrect. Section 496(a)(1) means that a ''regional. . . agency'' can be designated as a ''nationally recognized accrediting agency.'' It does not mean—and in the statutory scheme cannot mean—that there is a whole new category of ''regionally recognized accrediting agencies.'' As the Final Rule explains, Section 101(a)(5) of the HEA provides that an institution must be accredited by a ''nationally recognized accrediting agency'' to be an institution of higher education. 20 U.S.C. 1001(a)(5). Furthermore, Section 101(c) requires the Department to publish, for the purposes of Sections 101 and 102 of the HEA, ''a list of *nationally* recognized accrediting agencies or associations that the Secretary determines, pursuant to subpart 2 of part H of subchapter IV, to be reliable authority as to the quality of the education or training offered.'' 20 U.S.C. 1001(c) (emphasis added). Under Section 101(a)(5), accreditation by a ''nationally recognized accrediting agency'' is what matters.

Section 496(a)(1) does not purport to insert an additional category of accrediting agencies into that plain text. The correct understanding of Section 496(a)(1) is that it authorizes the Secretary to recognize accrediting agencies with potentially narrow geographic scopes. But even where the accrediting agency has a narrower scope, it is a ''nationally recognized accrediting agency'' because the HEA requires it to be nationally recognized in order to perform title IV gatekeeping functions under Section 101 and Section 496(m) of the HEA. As such, Section 496(a)(1) is best read to clarify that an accrediting agency is not required to accredit institutions in all 50 States in order to be a ''nationally recognized accrediting agency.'' It does not require the Department to recognize accrediting agencies as ''regional'' or provide license for accrediting agencies and associations (and their member institutions) to continue to refer to themselves as such.

III. Institutional Practice

Based on the Department's interpretation, the Department strongly discourages an accrediting agency—regardless of whether its scope falls within a specific region or spans across the Nation—from referring to itself as ''regional.'' As discussed above, the label ''regional accrediting agency'' has no statutory or regulatory significance and has engendered confusion among students, institutions, and the public. To the extent an accrediting agency merely wants to convey that it operates in a particular region or group of States, there are other, less misleading ways to do so. For instance, it may describe the area where it performs specific accreditation activities as a ''region.'' An example of this as written could state that ''[accrediting agency] is a nationally recognized accrediting agency with the vast majority of the institutions it recognizes located in the Southeast.'' The agency could also explicitly claim that the Department has recognized it as a ''nationally recognized accrediting agency'' coupled with an affirmative statement that makes clear that the Department does not recognize ''regional accrediting agencies.''

The Department is aware that some agencies do not offer accreditation in certain parts of the country or certain groups of States. The Department does not seek to recognize this as a distinguishing factor nor prohibit an accrediting agency from operating in the States it so chooses. The Department wishes to clarify that accrediting agencies should, in conjunction with defining their operating area, note that

they are recognized solely by the Department as a ''nationally recognized accrediting agency.''

The Department's desire to provide this clarification is a result of observed instances in which accrediting agencies and institutions continue to use non-recognized and confusing nomenclature that provide false signals of institutional quality.[2] The Department continues to be concerned that the use of outdated terminology is a false flag that signals that there is a significant difference in quality between institutions accredited by agencies considered to be a regional versus national. This distinction is inaccurate because the Department does not hold institutional accrediting agencies to different (or higher) standards. Indeed, as explained above, continued assertions that an institution is ''regionally'' accredited may send false signals to students and the public that an institution's accreditation is of a higher quality than institutions that are accredited by ''national'' accrediting agencies. Making matters worse, when institutions properly refer to their accreditation from as being from a nationally recognized accredited agency, while other institutions continue to use the ''regional'' nomenclature, it may send confusing signals to students or the public that the institution lost its accreditation from a ''regional'' accreditor or that it now has a lesser accreditation status. This leads to a situation where institutions may feel pressured, due to incorrect use of their nomenclature by peer institutions, to also use the improper nomenclature to avoid a situation where students incorrectly assume the institution is of lesser quality. This result runs counter to the intent and purpose of the Final Rule, which was to increase competition in the accreditation market. As such, the Department believes that this proposed interpretive rule will make the higher education market more competitive because institutions would have clarity that they should not try to gain a competitive advantage by perpetuating false quality distinctions relating to their accreditation in communications and marketing materials.

[2] There may be false signals of quality that result from when councils or associations term their member accrediting agencies as ''regional.'' For example, see the Council for Higher Education Accreditation which references regional accrediting commissions as ''among the oldest accrediting organizations in the country'': *https://www.chea.org/regional-accrediting-organizations-accreditor-type*). The Department does not regulate or oversee the activities of trade associations and nothing in this interpretive rule should be interpreted as the Department claiming jurisdiction over such entities.

The continued reference to a ''region'' may also confuse or mislead students to believe that an institution outside of what they may define as a region—but accredited by a ''regional'' accreditor—is outside the accrediting agency's ''region'' and therefore is not eligible for title IV, HEA programs. This belief would be to the detriment of both students and institutions, limiting the institution from enrolling the student or limiting the scope of the student's decision to enroll at a particular institution. Additionally, educational institutions should have a general duty to not mislead students. If the Secretary determines that an eligible institution has engaged in substantial representation under 668.71(c), she may take a number of actions, including revoking the institution's program participation agreement, or denying participation applications made on behalf of the institution. 34 CFR 668.71(a).

They run the risk of doing just that when they tell current or prospective students that they are accredited by a ''regional'' accrediting agency. For the purposes of eligibility for the title IV programs, institutions must be accredited by an agency recognized by the Secretary as a nationally recognized accrediting agency. When institutions use incorrect nomenclature when describing their accreditation status, such as by a statement that they are ''regionally accredited,'' it may mislead current and prospective students to believe that the Department has recognized the accrediting agency in such manner. To avoid risk of misrepresenting their accreditation status to students, institutions should consider only referring to their accreditation status as being with a ''nationally recognized accrediting agency.''

IV. Reliance

The Department is aware that accrediting agencies, associations, and the institutions and programs they accredit sometimes refer to accrediting agencies as ''regional accrediting agencies.'' The Department acknowledges that this interpretation may cause some institutions, programs, and accrediting agencies to change the way they refer to accreditation, and that such change may take time. Specifically, the Department is aware of some institutional credit transfer policies that improperly rely upon ''regional'' accreditation. But those policies should have been updated following the effective date of the final rule that formally ended such distinctions. The Department also acknowledges that some State laws still refer to ''regional'' accreditation, but as explained earlier, those State laws are obsolete to the degree that they refer to a regional accrediting agency recognized by the Secretary. The Department invites comments from the public specifically on what reliance interests it should consider when determining whether to finalize this interpretative rule.

Although this proposed interpretative rule is nonbinding on the Department and the public, the Department may refer to this interpretive rule when taking enforcement action.

V. Conclusion

This interpretation represents the Department's current position on these issues and may be referenced when reviewing the recognition of accrediting agencies, which may be relevant in reviewing the compliance of accrediting agencies during a period of recognition under 34 CFR 602.33(a). In addition, this interpretation represents the Department's current thinking regarding the application of the misrepresentation regulations under 34 CFR 668.71 to institutions with respect to how such institutions describe their accreditation. Through this notice, the Department advises institutions that it will assess compliance with this interpretation via program reviews, investigations, and other reviews authorized by applicable law.

Accessible Format: On request to the program contact listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit

your search to documents published by the Department.

David Barker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 2026–03074 Filed 2–13–26; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–0152; FRL–12584–01–R9]

Partial Approval and Partial Disapproval of Air Quality Implementation Plans; Hawaii; Regional Haze State Implementation Plan for the Second Implementation Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to partially approve and partially disapprove the regional haze state implementation plan (SIP) revision submitted by Hawaii on August 2, 2024, under the Clean Air Act (CAA) and the EPA's Regional Haze Rule (RHR) for the program's second implementation period. Hawaii's SIP submission is intended to address the requirement that states must periodically revise their long-term strategies for making reasonable progress towards the national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility, including regional haze, in mandatory Class I Federal areas. The SIP submission also addresses other applicable requirements for the second implementation period of the regional haze program. The EPA is proposing to approve the portions of Hawaii's submission relating to calculations of baseline, current, and natural visibility conditions, progress to date, the uniform rate of progress, reasonably attributable visibility impairment, progress report requirements, and monitoring strategy and other implementation plan requirements. The EPA is proposing to disapprove the long-term strategy, including the enforceable shutdown of several electric generating units at facilities on the islands of Hawaii and Maui. Additionally, we are proposing to disapprove the portions of the submission relating to reasonable progress goals and FLM consultation requirements.

DATES: Written comments must be received on or before April 20, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2025–0152 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English, or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Michael Dorantes, Geographic Strategies and Modeling Section (AIR 2–2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA, telephone number: (415) 972–3934, email address: *dorantes.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA.

Table of Contents

I. What action is the EPA proposing?
II. Background and Requirements for Regional Haze Plans
  A. Regional Haze Background
  B. Roles of Agencies in Addressing Regional Haze
III. Requirements for Regional Haze Plans for the Second Implementation Period
  A. Long-Term Strategy for Regional Haze
  B. Reasonable Progress Goals
  C. Monitoring Strategy and Other State Implementation Plan Requirements
  D. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals
  E. Requirements for State and Federal Land Manager Coordination
IV. The EPA's Evaluation of Hawaii's Regional Haze Submission for the Second Implementation Period
  A. Background on the EPA's FIP for Hawaii in the First Implementation Period
  B. Hawaii's Second Implementation Period SIP Submission
  C. Identification of Class I Areas
  D. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the Uniform Rate of Progress
  E. Long-Term Strategy for Regional Haze
  F. Reasonable Progress Goals
  G. Monitoring Strategy and Other Implementation Plan Requirements
  H. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals
  I. Requirements for State and Federal Land Manager Coordination
V. Proposed Action
VI. Statutory and Executive Order Reviews

I. What action is the EPA proposing?

On August 12, 2022, the Hawaii Department of Health (HDOH) submitted a revision to its SIP, titled ''Hawaii State Department of Health Regional Haze State Implementation Plan, Second Planning Period'' to address regional haze for the second implementation period.[1] Then, on August 2, 2024,[2] HDOH withdrew its original SIP submission and simultaneously submitted a revised regional haze SIP submission, titled ''Hawaii State Department of Health Regional Haze State Implementation Plan, Revision 1, Second Planning Period'' (henceforth referred to as the ''2024 Hawaii Regional Haze Plan'' or ''the Plan'') for the second implementation period. HDOH made this SIP submission to satisfy the requirements of the CAA's regional haze program pursuant to CAA sections 169A and 169B and 40 CFR 51.308. For the reasons described in this document, the EPA is proposing to partially approve and partially disapprove the 2024 Hawaii Regional Haze Plan. Specifically, we are proposing to approve the elements of the 2024 Hawaii Regional Haze Plan related to requirements contained in 40 CFR 51.308(f)(1), (f)(4) through (6), and (g)(1) through (5) and to disapprove the elements of the 2024 Hawaii Regional Haze Plan related to requirements contained in 40 CFR 51.308(f)(2), (f)(3),

[1] Letter dated August 11, 2022, from Elizabeth Char, Director of Health, Hawaii Department of Health, to Martha Guzman, Regional Administrator, EPA Region IX (submitted electronically on August 12, 2022).

[2] Letter dated August 2, 2024, from Kenneth Fink, Director of Health, Hawaii Department of Health, to Martha Guzman, Regional Administrator, EPA Region IX (submitted electronically on August 2, 2024).

and (i)(2) through (4). We are proposing to disapprove these elements because Hawaii did not provide necessary assurances that the unconsented closures in the long-term strategy would not violate federal and possibly state law, as required by CAA section 110(a)(2)(E)(i). In particular, the EPA proposes to find that approval by the EPA of unconsented source closures, without just compensation, could violate the Takings Clause of the U.S. Constitution and possibly comparable provisions of state law, and that Hawaii has not provided the necessary assurances that such violations would not occur. The Plan included the enforceable shutdown of a combined six boiler units at the Kanoelehua-Hill and Kahului Generating Stations, on the islands of Hawaii and Maui, respectively, and the option to shut down several diesel engine generators at the Maalaea Generating Station on the island of Maui. However, Hawaiian Electric, the owner of these units no longer consents to their shutdown due to concerns that it would result in potential energy reserve shortfalls which would endanger grid reliability. Thus, the long-term strategy does not meet 110(a)(2)(E)(i) and does not meet 40 CFR 51.308(f)(2). In the absence of an approved long-term strategy, we also cannot approve the associated RPGs under 40 CFR 51.308(f)(3) or the FLM consultation requirements under 51.308(i)(2) through (4).

II. Background and Requirements for Regional Haze Plans

A detailed history and background of the regional haze program is provided in prior EPA proposal actions.[3] For additional background on the 2017 RHR revisions, please refer to Section III. Overview of Visibility Protection Statutory Authority, Regulation, and Implementation of ''Protection of Visibility: Amendments to Requirements for State Plans'' of the 2017 RHR.[4] The following is an abbreviated history and background of the regional haze program and 2017 RHR as it applies to the current action.

A. Regional Haze Background

In the 1977 CAA Amendments, Congress created a program for protecting visibility in the nation's mandatory Class I Federal areas, which include certain national parks and wilderness areas.[5] CAA 169A. The CAA establishes as a national goal the ''prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.'' [6]

Regional haze is visibility impairment that is produced by a multitude of anthropogenic sources and activities which are located across a broad geographic area and that emit pollutants that impair visibility. Visibility impairing pollutants include fine and coarse particulate matter (PM) (*e.g.,* sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (*e.g.,* sulfur dioxide (SO_2), nitrogen oxides (NO_X), and, in some cases, volatile organic compounds (VOC) and ammonia (NH_3)). Fine particle precursors react in the atmosphere to form fine particulate matter ($PM_{2.5}$), which impairs visibility by scattering and absorbing light. Visibility impairment reduces the perception of clarity and color, as well as visible distance.[7]

To address regional haze visibility impairment, the 1999 RHR established an iterative planning process that requires both states in which Class I areas are located and states ''the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility'' in a Class I area to periodically submit SIP revisions to address such impairment.[8]

On January 10, 2017, the EPA promulgated revisions to the RHR, that apply for the second and subsequent implementation periods.[9] The reasonable progress requirements as revised in the 2017 rulemaking (referred to here as the 2017 RHR Revisions) are codified at 40 CFR 51.308(f).

B. Roles of Agencies in Addressing Regional Haze

Because the air pollutants and pollution affecting visibility in Class I areas can be transported over long distances, successful implementation of the regional haze program requires long-term, regional coordination among multiple jurisdictions and agencies that have responsibility for Class I areas and the emissions that impact visibility in those areas. To address regional haze, states need to develop strategies in coordination with one another, considering the effect of emissions from one jurisdiction on the air quality in another. Five regional planning organizations (RPOs),[10] which include representation from state and tribal governments, the EPA, and Federal Land Managers (FLMs), were developed in the lead-up to the first implementation period to address regional haze. RPOs evaluate technical information to better understand how emissions from State and Tribal land impact Class I areas across the country, pursue the development of regional strategies to reduce emissions of particulate matter and other pollutants leading to regional haze, and help states meet the consultation requirements of the RHR.

The Western Regional Air Partnership (WRAP),[11] one of the five RPOs described above, is a collaborative effort of state governments, Tribal governments, and various Federal agencies established to initiate and coordinate activities associated with the management of regional haze, visibility, and other air quality issues in the western corridor of the United States. Member states (listed alphabetically) include: Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The Federal partner members of WRAP are the EPA, U.S. National Parks Service (NPS), U.S. Fish and Wildlife Service (FWS), and U.S. Forest Service (USFS). There are also 468 federally recognized Tribes within the WRAP region.

[3] *See* 90 FR 13516 (March 24, 2025).

[4] *See* 82 FR 3078 (January 10, 2017).

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

[6] CAA 169A(a)(1).

[7] There are several ways to measure the amount of visibility impairment, *i.e.,* haze. One such measurement is the deciview, which is the principal metric used by the RHR. Under many circumstances, a change in one deciview will be perceived by the human eye to be the same on both clear and hazy days. The deciview is unitless. It is proportional to the logarithm of the atmospheric extinction of light, which is the perceived dimming of light due to its being scattered and absorbed as it passes through the atmosphere. Atmospheric light extinction (b^{ext}) is a metric used for expressing visibility and is measured in inverse megameters (Mm^{-1}).

[8] CAA 169A(b)(2). The RHR expresses the statutory requirement for states to submit plans addressing out-of-state class I areas by providing that states must address visibility impairment ''in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State.'' 40 CFR 51.308(d), (f). See also 40 CFR 51.308(b), (f) (establishing submission dates for iterative regional haze SIP revision); 64 FR 35714, 35768.

[9] 82 FR 3078.

[10] RPOs are sometimes also referred to as ''multi-jurisdictional organizations,'' or MJOs. For the purposes of this notice, the terms RPO and MJO are synonymous.

[11] See *https://www.wrapair2.org/.*

III. Requirements for Regional Haze Plans for the Second Implementation Period

Under the CAA and EPA's regulations, all 50 states, the District of Columbia, and the U.S. Virgin Islands are required to submit regional haze SIP revisions satisfying the applicable requirements for the second implementation period of the regional haze program by July 31, 2021. Each state's SIP must contain a long-term strategy for making reasonable progress toward meeting the national goal of remedying any existing and preventing any future anthropogenic visibility impairment in Class I areas.[12] To this end, section 51.308(f) lays out the process by which states determine what constitutes their long-term strategies, with the order of the requirements in section 51.308(f)(1) through (f)(3) generally mirroring the order of the steps in the reasonable progress analysis [13] and (f)(4) through (f)(6) containing additional, related requirements. Broadly speaking, a state first must identify the Class I areas within the state and determine the Class I areas outside the state in which visibility may be affected by emissions from the state. These are the Class I areas that must be addressed in the state's long-term strategy.[14] For each Class I area within its borders, a state must then calculate the baseline (five-year average period of 2000–2004), current, and natural visibility conditions (*i.e.* visibility conditions without anthropogenic visibility impairment) for that area, as well as the visibility improvement made to date and the ''uniform rate of progress'' (URP).[15] The URP is the linear rate of progress needed to attain natural visibility conditions, assuming a starting point of baseline visibility conditions in 2004 and ending with natural conditions in 2064. This linear interpolation is used as a tracking metric to help states assess the amount of progress they are making towards the national visibility goal over time in each Class I area. Each state having a Class I area and/or emissions that may affect visibility in a Class I area must then develop a long-term strategy that includes the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress in such areas. A reasonable progress determination is based on applying the four factors in CAA section 169A(g)(1) to sources of visibility impairing pollutants that the state has selected to assess for controls for the second implementation period. Additionally, as further explained below, the RHR at 40 CFR 51.308(f)(2)(iv) separately provides five ''additional factors'' [16] that states must consider in developing their long-term strategies.[17] A state evaluates potential emission reduction measures for those selected sources and determines which are necessary to make reasonable progress. Those measures are then incorporated into the state's long-term strategy. After a state has developed its long-term strategy, it then establishes RPGs for each Class I area within its borders by modeling the visibility impacts of all reasonable progress controls at the end of the second implementation period, *i.e.,* in 2028, as well as the impacts of other requirements of the CAA. The RPGs include reasonable progress controls not only for sources in the state in which the Class I area is located, but also for sources in other states that contribute to visibility impairment in that area. The RPGs are then compared to the baseline visibility conditions and the URP to ensure that progress is being made towards the statutory goal of preventing any future and remedying any existing anthropogenic visibility impairment in Class I areas.[18] There are additional requirements in the rule, including FLM consultation, that apply to all visibility protection SIPs and SIP revisions.[19]

A. Long-Term Strategy for Regional Haze

While states have discretion to choose any source selection methodology that is reasonable, whatever choices they make should be reasonably explained. To this end, 40 CFR 51.308(f)(2)(i) requires that a state's SIP submission include ''a description of the criteria it used to determine which sources or groups of sources it evaluated.'' The technical basis for source selection, which may include methods for quantifying potential visibility impacts such as emissions divided by distance metrics, trajectory analyses, residence time analyses, and/or photochemical modeling, must also be appropriately documented, as required by 40 CFR 51.308(f)(2)(iii).

Once a state has selected the set of sources, the next step is to determine the emissions reduction measures for those sources that are necessary to make reasonable progress for the second implementation period.[20] This is accomplished by considering the four factors—''the costs of compliance, the time necessary for compliance, and the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements.'' [21] The EPA has explained that the four-factor analysis is an assessment of potential emission reduction measures (*i.e.,* control options) for sources; ''use of the terms 'compliance' and 'subject to such requirements' in section 169A(g)(1) can be read that Congress intended the relevant determination to be the requirements with which sources would have to comply to satisfy the CAA's reasonable progress mandate.'' [22] Thus, for each source it has selected for four-factor analysis,[23] a state must consider a ''meaningful set'' of technically feasible control options for reducing emissions of visibility impairing pollutants.[24]

The EPA has also explained that, in addition to the four statutory factors, states have flexibility under the CAA and RHR to reasonably consider visibility benefits as an additional factor alongside the four statutory factors.[25] Ultimately, while states have discretion to reasonably weigh the factors and to determine what level of control is needed, section 51.308(f)(2)(i) provides that a state ''must include in its

[12] CAA 169A(b)(2)(B).

[13] The EPA explained in the 2017 RHR Revisions that we were adopting new regulatory language in 40 CFR 51.308(f) that, unlike the structure in 51.308(d), ''tracked the actual planning sequence.'' 82 FR 3078, 3091.

[14] 40 CFR 51.308(f), (f)(2).

[15] 40 CFR 51.308(f)(1).

[16] The five ''additional factors'' for consideration in section 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

[17] 40 CFR 51.308(f)(2).

[18] 40 CFR 51.308(f)(2)–(3).

[19] 40 CFR 51.308(i).

[20] The CAA provides that, ''[i]n determining reasonable progress there shall be taken into consideration'' the four statutory factors. CAA 169A(g)(1). However, in addition to four-factor analyses for selected sources, groups of sources, or source categories, a state may also consider additional emission reduction measures for inclusion in its long-term strategy, *e.g.,* from other newly adopted, on-the-books, or on-the-way rules and measures for sources not selected for four-factor analysis for the second planning period.

[21] CAA 169A(g)(1).

[22] 82 FR 3078, 3091.

[23] ''Each source'' or ''particular source'' is used here as shorthand. While a source-specific analysis is one way of applying the four factors, neither the statute nor the RHR requires states to evaluate individual sources. Rather, states have ''the flexibility to conduct four-factor analyses for specific sources, groups of sources or even entire source categories, depending on state policy preferences and the specific circumstances of each state.'' 82 FR 3078, 3088.

[24] 82 FR 3078, 3088.

[25] See, *e.g.,* Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule (81 FR 26942, May 4, 2016), Docket Number EPA–HQ–OAR–2015–0531, U.S. Environmental Protection Agency at 186.

implementation plan a description of how the four factors were taken into consideration in selecting the measure for inclusion in its long-term strategy.''

As explained above, section 51.308(f)(2)(i) requires states to determine the emission reduction measures for sources that are necessary to make reasonable progress by considering the four factors. Pursuant to section 51.308(f)(2), measures that are necessary to make reasonable progress towards the national visibility goal must be included in a state's long-term strategy and in its SIP. If the outcome of a four-factor analysis is that an emissions reduction measure is necessary to make reasonable progress towards remedying existing or preventing future anthropogenic visibility impairment, that measure must be included in the SIP.

The characterization of information on each of the factors is also subject to the documentation requirement in section 51.308(f)(2)(iii). The reasonable progress analysis is a technically complex exercise, and also a flexible one that provides states with bounded discretion to design and implement approaches appropriate to their circumstances. Given this flexibility, section 51.308(f)(2)(iii) plays an important function in requiring a state to document the technical basis for its decision making so that the public and the EPA can comprehend and evaluate the information and analysis the state relied upon to determine what emission reduction measures must be in place to make reasonable progress. The technical documentation must include the modeling, monitoring, cost, engineering, and emissions information on which the state relied to determine the measures necessary to make reasonable progress. Additionally, the RHR at 40 CFR 51.3108(f)(2)(iv) separately provides five ''additional factors'' [26] that states must consider in developing their long-term strategies: (1) Emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment; (2) measures to reduce the impacts of construction activities; (3) source retirement and replacement schedules; (4) basic smoke management practices for prescribed fire used for agricultural and wildland vegetation management purposes and smoke management programs; and (5) the anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the period addressed by the long-term strategy.

Because the air pollution that causes regional haze crosses state boundaries, section 51.308(f)(2)(ii) requires a state to consult with other states that also have emissions that are reasonably anticipated to contribute to visibility impairment in a given Class I area. If a state, pursuant to consultation, agrees that certain measures (*e.g.,* a certain emission limitation) are necessary to make reasonable progress at a Class I area, it must include those measures in its SIP.[27] Additionally, the RHR requires that states that contribute to visibility impairment at the same Class I area consider the emission reduction measures the other contributing states have identified as being necessary to make reasonable progress for their own sources.[28] If a state has been asked to consider or adopt certain emission reduction measures, but ultimately determines those measures are not necessary to make reasonable progress, that state must document in its SIP the actions taken to resolve the disagreement.[29] Under all circumstances, a state must document in its SIP submission all substantive consultations with other contributing states.[30]

B. Reasonable Progress Goals

Reasonable progress goals ''measure the progress that is projected to be achieved by the control measures states have determined are necessary to make reasonable progress based on a four-factor analysis.'' [31]

For the second implementation period, the RPGs are set for 2028. RPGs are not enforceable targets.[32] While states are not legally obligated to achieve the visibility conditions described in their RPGs, section 51.308(f)(3)(i) requires that ''[t]he long-term strategy and the reasonable progress goals must provide for an improvement in visibility for the most impaired days since the baseline period and ensure no degradation in visibility for the clearest days since the baseline period.'' RPGs may also serve as a metric for assessing the amount of progress a state is making towards the national visibility goal. To support this approach, the RHR requires states with Class I areas to compare the 2028 RPG for the most impaired days to the corresponding point on the URP line (representing visibility conditions in 2028 if visibility were to improve at a linear rate from conditions in the baseline period of 2000–2004 to natural visibility conditions in 2064). If the most impaired days RPG in 2028 is above the URP (*i.e.,* if visibility conditions are improving more slowly than the rate described by the URP), each state that contributes to visibility impairment in the Class I area must demonstrate, based on the four-factor analysis required under 40 CFR 51.308(f)(2)(i), that no additional emission reduction measures would be reasonable to include in its long-term strategy.[33] To this end, 40 CFR 51.308(f)(3)(ii) requires that each state contributing to visibility impairment in a Class I area that is projected to improve more slowly than the URP provide ''a robust demonstration, including documenting the criteria used to determine which sources or groups [of] sources were evaluated and how the four factors required by paragraph (f)(2)(i) were taken into consideration in selecting the measures for inclusion in its long-term strategy.''

C. Monitoring Strategy and Other State Implementation Plan Requirements

Section 51.308(f)(6) requires states to have certain strategies and elements in place for assessing and reporting on visibility. Individual requirements under this subsection apply either to states with Class I areas within their borders, states with no Class I areas but that are reasonably anticipated to cause or contribute to visibility impairment in any Class I area, or both. Compliance with the monitoring strategy requirement may be met through a state's participation in the Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring network, which is used to measure visibility impairment caused by air pollution at the 156 Class I areas covered by the visibility program.[34]

All states' SIPs must provide for procedures by which monitoring data and other information are used to determine the contribution of emissions from within the state to regional haze visibility impairment in affected Class I areas, as well as a statewide inventory documenting such emissions.[35] All states' SIPs must also provide for any other elements, including reporting, recordkeeping, and other measures, that

[26] The five ''additional factors'' for consideration in section 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

[27] 40 CFR 51.308(f)(2)(ii)(A).

[28] 40 CFR 51.308(f)(2)(ii)(B).

[29] 40 CFR 51.308(f)(2)(ii)(C).

[30] 40 CFR 51.308(f)(2)(ii)(C).

[31] 82 FR 3078, 3091.

[32] 40 CFR 51.308(f)(3)(iii).

[33] 40 CFR 51.308(f)(3)(ii).

[34] 40 CFR 51.308(f)(6), (f)(6)(i), (f)(6)(iv).

[35] 40 CFR 51.308(f)(6)(ii), (iii).

are necessary for states to assess and report on visibility.[36]

D. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals

Section 51.308(f)(5) requires a state's regional haze SIP revision to address the requirements of paragraphs 40 CFR 51.308(g)(1) through (5) so that the plan revision due in 2021 will serve also as a progress report addressing the period since submission of the progress report for the first implementation period. The regional haze progress report requirement is designed to inform the public and the EPA about a state's implementation of its existing long-term strategy and whether such implementation is in fact resulting in the expected visibility improvement.[37] To this end, every state's SIP revision for the second implementation period is required to assess changes in visibility conditions and describe the status of implementation of all measures included in the state's long-term strategy, including BART and reasonable progress emission reduction measures from the first implementation period, and the resulting emissions reductions.[38]

E. Requirements for State and Federal Land Manager Coordination

CAA section 169A(d) requires that before a state holds a public hearing on a proposed regional haze SIP revision, it must consult with the appropriate FLM or FLMs; pursuant to that consultation, the state must include a summary of the FLMs' conclusions and recommendations in the notice to the public. Consistent with this statutory requirement, the RHR also requires that states ''provide the [FLM] with an opportunity for consultation, in person and at a point early enough in the State's policy analyses of its long-term strategy emission reduction obligation so that information and recommendations provided by the [FLM] can meaningfully inform the State's decisions on the long-term strategy.'' [39] For the EPA to evaluate whether FLM consultation meeting the requirements of the RHR has occurred, the SIP submission should include documentation of the timing and content of such consultation. The SIP revision submitted to the EPA must also describe how the state addressed any comments provided by the FLMs.[40] Finally, a SIP revision must provide procedures for continuing consultation between the state and FLMs regarding the state's visibility protection program, including development and review of SIP revisions, five-year progress reports, and the implementation of other programs having the potential to contribute to impairment of visibility in Class I areas.[41]

IV. The EPA's Evaluation of Hawaii's Regional Haze Submission for the Second Implementation Period

A. Background on the EPA's FIP for Hawaii in the First Implementation Period

The requirements for regional haze SIP revisions for the first implementation period are contained in 40 CFR 51.308(d) and (e).[42] On October 9, 2012, the EPA issued a Federal Implementation Plan (FIP) to address these requirements for the State of Hawaii.[43] The EPA worked closely with the State in developing the FIP, which established an emissions cap of 3,550 tons of SO_2 per year from three specific oil-fired, electric utility boilers on the island of Hawaii beginning in 2018 to ensure that reasonable progress was made during the first planning period. Pursuant to 40 CFR 51.308(g), Hawaii was also responsible for submitting a five-year progress report as a SIP revision for the first implementation period, which it did on October 20, 2017.[44] The EPA approved the progress report into the Hawaii SIP on August 12, 2019.[45]

B. Hawaii's Second Implementation Period SIP Submission

In accordance with CAA sections 169A and the RHR at 40 CFR 51.308(f), on August 2, 2024, HDOH submitted the 2024 Hawaii Regional Haze Plan to address its regional haze obligations for the second implementation period, which run through 2028. The State made its 2024 Hawaii Regional Haze Plan available for public comment for 30 days on November 27, 2023. No written comments were received by the closing date of the public comment period. Additionally, the State held a public hearing on April 19, 2024. HDOH received and responded to public oral testimonies and included the comments and responses to those comments in Appendix X to the 2024 Hawaii Regional Haze Plan.

The following sections describe the 2024 Hawaii Regional Haze Plan and provide the EPA's evaluation of Hawaii's submission against the requirements of the CAA and RHR for the second implementation period of the regional haze program.

C. Identification of Class I Areas

Section 169A(b)(2) of the CAA requires each state in which any Class I area is located or ''the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility'' in a Class I area to have a plan for making reasonable progress toward the national visibility goal. The RHR implements this statutory requirement at 40 CFR 51.308(f), which provides that each state's plan ''must address regional haze in each mandatory Class I Federal area located within the State and in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State,'' and (f)(2), which requires each state's plan to include a long-term strategy that addresses regional haze in such Class I areas.

The EPA concluded in the 1999 RHR that ''all [s]tates contain sources whose emissions are reasonably anticipated to contribute to regional haze in a Class I area,'' [46] and this determination was not changed in the 2017 RHR. Critically, the statute and regulation both require that the cause-or-contribute assessment consider all emissions of visibility impairing pollutants from a state, as opposed to emissions of a particular pollutant or emissions from a certain set of sources.

Hawaii has two Class I Federal areas within its borders: the Hawaii Volcanoes National Park and the Haleakala National Park. For the second implementation period, WRAP and the State performed technical analyses to help assess source and state-level contribution to visibility impairment and the need for interstate consultation. As detailed in Chapter 5 of the 2024 Hawaii Regional Haze Plan, HDOH used a Q/d screening tool developed from work led by WRAP and Ramboll as a surrogate for the visibility impact of sources on the Class I Federal areas within the state.[47] Based on this initial

[36] 40 CFR 51.308(f)(6)(vi).

[37] 81 FR 26942, 26950 (May 4, 2016); 82 FR 3078, 3119.

[38] 40 CFR 51.308(g)(1) and (2).

[39] 40 CFR 51.308(i)(2).

[40] 40 CFR 51.308(i)(3).

[41] 40 CFR 51.308(i)(4).

[42] 40 CFR 51.308(b).

[43] 77 FR 61478 (October 9, 2012). As the State of Hawaii failed to submit a regional haze SIP revision for the first implementation period, the EPA was required under the CAA to promulgate a FIP to fill this gap.

[44] Letter dated October 20, 2017, from Virginia Pressler, Director of Health, Hawaii Department of Health, to Alexis Strauss, Acting Regional Administrator, EPA Region IX.

[45] 84 FR 39754 (August 12, 2019).

[46] 64 FR 35714, 35721.

[47] ''Q/d'' is emissions (Q) in tons per year (tpy), typically of one or a combination of visibility-impairing pollutants, divided by distance to a class I area (d) in kilometers. The resulting ratio is commonly used as a metric to assess a source's

screening, HDOH identified seven facilities on the islands of Oahu, Maui, and Hawaii with a Q/d greater than or equal to 10. HDOH requested that the owner of each identified facility develop and submit a four-factor analysis to HDOH. Following this initial Q/d screening, WRAP provided a weighted emissions potential/area of influence (WEP/AOI) analysis to further screen facilities. In addition to emissions and distance, the WEP/AOI analysis accounted for meteorological data such as wind patterns and the specific light extinction contribution of nitrate and sulfate particulates. This WEP/AOI analysis showed that the sources on the island of Oahu that did not rank high (less than one percent contributors for nitrate and sulfate pollution from all point sources examined) [48] in their potential to affect visibility in the Class I areas. As a result, HDOH excluded all the examined sources on Oahu from requiring a four-factor analysis. Ultimately, based on the WEP/AOI analysis, HDOH determined that the sources required to conduct four-factor analysis were only the electric plants on the islands of Hawaii and Maui and the Mauna Loa Macadamia Nut Corporation Plant on the island of Hawaii.[49]

With regard to Hawaii's contribution to visibility impairment at out-of-state Class I areas, the 2024 Hawaii Regional Haze Plan states that that emissions from within the State are not reasonably expected to affect Class I areas in other states because the nearest states to Hawaii with Class I areas, Alaska and California, are over 2,000 miles away. The State's reasoning is consistent with the EPA's reasoning for including Hawaii (as well as Alaska and the Virgin Islands) in the RHR, which was based on the potential of emissions within the State to contribute to visibility impairment at Class I areas within the State, rather than at any out-of-State areas.[50] Other remote territories, such as Puerto Rico, were not included in the RHR ''because their distance from any Class I area significantly exceed the distance that their emissions could be expected to be transported in order to contribute to visibility impairment in any Class I area.'' [51] As discussed in further detail below, the EPA is proposing to find that Hawaii has submitted a regional haze plan that fails to meet the requirements of 40 CFR 51.308(f)(2) related to the development of a long-term strategy. However, this determination is not based on any failure of the state to identify Class I areas that may be affected by emissions from the state.

D. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the Uniform Rate of Progress

Section 51.308(f)(1) requires states to determine the following for ''each mandatory Class I Federal area located within the State'': baseline visibility conditions for the most impaired and clearest days, natural visibility conditions for the most impaired and clearest days, progress to date for the most impaired and clearest days, the differences between current visibility conditions and natural visibility conditions, and the URP. This section also provides the option for states to propose adjustments to the URP line for a Class I area to account for visibility impacts from anthropogenic sources outside the United States and/or the impacts from wildland prescribed fires that were conducted for certain, specified objectives.[52]

In the 2024 Hawaii Regional Haze Plan, HDOH used visibility data from IMPROVE monitoring sites for baseline, current, and natural visibility conditions. The HAVO1 IMPROVE monitor started operation at the Hawaii Volcanoes National Park in 1998, and visibility monitoring at the Haleakala National Park visibility was tracked by both the HALE1 monitor from 1990 until 2012 and the HACR1 monitor from 2007 onward.

On August 5, 2021 the EPA issued the ''Recommendations for the HALE1–HACR1 IMPROVE Monitoring Site Combination and Volcano Adjustment for Sites Representing Hawaii Class I Areas for the Regional Haze Rule'' (''2021 Hawaii Visibility Data Adjustment Memo'') [53] to build upon the December 2018 ''Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program,'' [54] and the June 2020 ''Recommendation for the Use of Patched and Substituted Data and Clarification of Data Completeness for Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program'' and associated Technical Addendum.[55] The purpose of the 2021 Hawaii Visibility Data Adjustment Memo was to combine the visibility data for the HALE1 and HACR1 monitoring sites representing the Haleakala National Park into a single continuous data set, and to attempt to account for episodic volcanic events affecting both Hawaii Class I areas. The combination of visibility data for the HALE1 and HACR1 monitoring sites was necessary because the default EPA methodology for determining the 20 percent most-impaired days for the 2000–2004 baseline period relies on a complete visibility data set for 2000–2014, whereas the individual sites each cover only a portion of that period.

The 2021 Hawaii Visibility Data Adjustment Memo also provides an approach for determining the 20 percent most impaired days for the baseline, most recent, and natural visibility conditions for both Hawaiian Class I Areas, and was intended to account for episodic volcanic events. This approach is similar to the approach that the EPA's 2018 Visibility Tracking Guidance recommended for estimating episodic carbon from wildfires, and episodic fine soil and coarse matter from dust storms, but also applied to sulfate. The sulfate adjustment involves first identifying the 95th-percentile 24-hour ammonium sulfate extinction value for each year between 2000 and 2014 and selecting the year with the lowest value for each IMPROVE site. This value then serves as a threshold above which daily ammonium sulfate extinction is considered to be episodic natural extinction for the impairment calculations The remainder, non-episodic or routine extinction, is then split into routine natural and anthropogenic portions, with the help of

potential visibility impacts on a particular class I area.

[48] 2024 Hawaii Regional Haze Plan, Chapter 5.10.

[49] Id. Chapter 5.0.

[50] 64 FR 35714, 35720. See also 77 FR 31692, 31713 (May 29, 2012) (explaining the same in the context of the EPA's proposed FIP for Hawaii in the second planning period).

[51] Id.

[52] 40 CFR 51.308(f)(1)(vi)(B).

[53] EPA Office of Air Quality Planning and Standards, ''Recommendations for the HALE1–HACR1 IMPROVE Monitoring Site Combination and Volcano Adjustment for Sites Representing Hawaii Class I Areas for the Regional Haze Rule,'' available at *https://www.epa.gov/system/files/documents/2021-08/white_paper_for_regional_haze_hi_volcano_adjust_final.pdf* (August 5, 2021).

[54] EPA Office of Air Quality Planning and Standards, ''Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program,'' available at *https://www.epa.gov/visibility/technical-guidance-tracking-visibility-progress-second-implementation-period-regional* (December 20, 2018).

[55] EPA Office of Air Quality Planning and Standards, ''Recommendation for the Use of Patched and Substituted Data and Clarification of Data Completeness for Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program,'' available at *https://www.epa.gov/visibility/memo-and-technical-addendum-ambient-data-usage-and-completeness-regional-haze-program* (June 3, 2020).

established long-term averages for routine natural extinction.[56] The anthropogenic part is used to select the most impaired days. Once the days are selected, total haze deciview (dv) is computed (including anthropogenic, routine natural, and episodic natural portions) for computing 2014–2018 baseline visibility and for projecting to the 2028 RPGs. Even with these adjustments, ammonium sulfate extinction remains relatively high for both sites and the dominant component of the overall extinction on the 20 percent most-impaired days. Given the relatively lower anthropogenic SO_2 emissions inventory for the state and the low sulfate concentrations predicted for these sites in the EPA's Regional Haze modeling for Hawaii,[57] it appears that, even with the additional adjustments, the 20 percent most-impaired days include a substantial contribution from ammonium sulfate resulting from volcanic emissions. This result likely emerged because the adjustment method was a variant of EPA's 2018 Visibility Tracking Guidance approach, which was intended to screen out episodic wildfire and dust storm events rather than ongoing events with emissions over many years. Because the Kilauea Volcano had continuous eruption events between 1983 and 2018,[58] volcanic emissions contribute to sulfate extinction in every year, and often on days below the 95th percentile. Therefore, days with relatively high volcanic sulfate contributions remain even after the adjustment procedure. Additionally, volcanic emissions do not divide as neatly into discrete episodes as wildfires and dust storms typically do, so the days remaining after the adjustment procedure do not necessarily have both relatively large anthropogenic impairment and a relatively low natural contribution. Accordingly, the impacts of the volcano could not be fully screened out using this methodology. Furthermore, to date, no alternative methodology has been developed that is able to fully screen out the volcanic impacts and thus isolate the visibility impairment caused by anthropogenic air pollution. Therefore, the levels of baseline and current total haze on the 20 percent most-impaired days at both of Hawaii's Class I (and particularly Hawaii Volcanoes) include the effects of both anthropogenic and volcanic SO_2/sulfate emissions. Changes in visibility over the years would then mostly reflect year-to-year variation in the overwhelming natural volcanic contribution, rather than increases or decreases in the much smaller anthropogenic emissions.[59] This would affect the comparison of current to baseline conditions, the calculation of the URP, and the assessment of whether the RPG is above or below the URP.

Using updated dv values from the 2021 Hawaii Visibility Data Memo, HDOH provided estimates of baseline, current, and natural visibility conditions, as well as the progress to date, differences between current visibility conditions and natural visibility conditions and the URP for each of the state's Class I areas in Chapter 3 of the 2024 Hawaii Regional Haze Plan. A summary of Hawaii's visibility conditions and URPs is also presented in Table 1 of the Plan. Hawaii did not adjust the URPs to account for international anthropogenic impacts nor for the impacts of wildland prescribed fires.

The Hawaii Volcanoes National Park 2000–2004 baseline visibility conditions are 4.06 dv on the 20 percent clearest days and 15.60 dv on the 20 percent most impaired days.[60] Natural visibility conditions, as estimated by the EPA in the 2021 Hawaii Visibility Data Adjustment Memo, are 2.20 dv on the 20 percent clearest days and 6.62 dv on the 20 percent most impaired days for Hawaii Volcanoes National Park. The current visibility conditions, which were based on 2015–2019 monitoring data, were 3.50 dv on the clearest days and 16.31 dv on the most impaired days, which were 1.30 dv and 9.69 dv greater than the natural conditions on the respective sets of days. The progress to date, subtracting current conditions from baseline conditions, yields a 0.56 dv improvement for the 20 percent clearest days and –0.71 dv deterioration for the 20 percent most impaired days. HDOH calculated an annual URP of 0.15 dv per year needed to reach natural visibility on the 20 percent most impaired days by 2064. HDOH also indicates that the visibility improvement needed to maintain the URP from the baseline to 2028 is 3.60 dv. As noted above, the estimate of natural conditions recommended in the EPA's 2018 Visibility Tracking Guidance does not include volcanic emissions, so the estimate is very likely too low. The estimated URP would then be too large, *i.e.,* the glidepath from baseline conditions to natural conditions declines more steeply than it should.

The Haleakala National Park has 2000–2004 baseline visibility conditions of 2.18 dv on the 20 percent clearest days and 7.84 dv on the 20 percent most impaired days.[61] Natural visibility conditions, as estimated by the EPA in the 2021 Hawaii Visibility Data Adjustment Memo, are –0.12 dv on the 20 percent clearest days and 4.22 dv on the 20 percent most impaired days for Hawaii Volcanoes National Park. The current visibility conditions, which are based on 2015–2019 monitoring data, were 0.48 dv on the clearest days and 7.27 dv on the most impaired days, which are 0.60 dv and 3.05 dv greater than the natural conditions on the respective sets of days. The progress to date, subtracting current conditions from baseline conditions, yields a 1.70 dv improvement for the 20 percent clearest days and 0.57 dv improvement for the 20 percent most impaired days. HDOH calculated an annual URP of 0.06 dv per year needed to reach natural visibility on the 20 percent most impaired days by 2064. HDOH also indicates that the visibility improvement needed to maintain the URP from the baseline to 2028 is 1.44 dv.

[56] EPA's 2018 Visibility Tracking Guidance, p.6, the ''NC–II'' estimates of natural visibility conditions. The starting point for those estimates was a set of concentrations for the eastern and for the western portions of the continental US, and do not include any volcano effects.

[57] Technical Support Document for EPA's Updated 2028 Regional Haze Modeling for Hawaii, Virgin Islands, and Alaska. EPA–454/R–21–007, August 2021, pp. B–6 and B–7.

[58] 2024 Hawaii Regional Haze Plan, p.1.

[59] The Statewide Emissions Inventory tables in section 4.1 of the 2024 Hawaii Regional Haze Plan show SO_2 emissions estimates for years ranging from 2005 to 2028 where volcanic emissions are one or even two orders of magnitude greater than that the SO_2 emissions estimates attributed to point sources.

[60] Tables 3.0–4 and 3.1–2 in the 2024 Hawaii Regional Haze Plan depict the baseline, natural, and current most impaired day and clearest day visibility in dv, adjusted for volcanic episodic activity, for the HAVO1 monitoring site. Table 3.2–2 depicts the 2028 and 2064 URP for the 20 percent most impaired days.

[61] Tables 3.0–4 and 3.1–2 in the 2024 Hawaii Regional Haze Plan depicts the baseline, natural, and current most impaired day and clearest day visibility in dv, adjusted for volcanic episodic activity, for the HALE1 monitoring site. Table 3.2–2 depicts the 2028 and 2064 URP for the 20 percent most impaired days.

TABLE 1—VISIBILITY CONDITIONS AND UNIFORM RATE OF PROGRESS, IN DECIVIEWS (dv)

Class I area	20% Clearest days				20% Most-impaired days				Maintain URP		
	Baseline	Current	Natural	Difference	Baseline	Current	Natural	Difference	dv per year	total dv (baseline to 2019)	total dv (baseline to 2028)
Hawaii Volcanoes National Park	4.06	3.50	2.20	1.30	15.60	16.31	6.62	9.69	0.150	2.25	3.60
Haleakala National Park	2.18	0.48	-0.12	0.60	7.84	7.27	4.22	3.05	0.06	0.9	1.44

Source: 2024 Hawaii Regional Haze Plan Tables 3.0–1 and 3.0–2.

The EPA is proposing to find that the 2024 Hawaii Regional Haze Plan meets the requirements of 40 CFR 51.308(f)(1) related to the calculations of baseline, current, and natural visibility conditions; progress to date; differences between current visibility conditions and natural visibility conditions; and the URPs for the second implementation period. However, as previously noted, due to limitations in the current methodologies for screening out the effects of volcanic emissions, the estimated levels of baseline and current visibility conditions at both of Hawaii's Class I areas are not able to adequately identify anthropogenic emissions impacts and continue to include the impact of volcanic emissions.

E. Long-Term Strategy for Regional Haze

Each state having a Class I area within its borders or emissions that may affect visibility in a Class I area must develop a long-term strategy for making reasonable progress towards the national visibility goal.[62] After considering the four statutory factors, all measures that are determined to be necessary to make reasonable progress must be in the long-term strategy. In developing its long-term strategies, a state must also consider the five additional factors in section 51.308(f)(2)(iv). As part of its reasonable progress determinations, the state must describe the criteria used to determine which sources or group of sources were evaluated (*i.e.,* subjected to four-factor analysis) for the second implementation period and how the four factors were taken into consideration in selecting the emission reduction measures for inclusion in the long-term strategy.[63]

The requirements of section 51.308(f)(2)(ii) provide that states must consult with other states that have emissions that are reasonably anticipated to contribute to visibility impairment in a Class I area to develop and coordinate emission management strategies containing the emission reductions measures that are necessary to make reasonable progress. Section 51.308(f)(2)(ii)(A) and (B) require states to consider the emission reduction measures identified by other states as necessary for reasonable progress and to include agreed upon measures in their SIPs. Section 51.308(f)(2)(ii)(C) speaks to what happens if states cannot agree on what measures are necessary to make reasonable progress.

Section 51.308(f)(2)(iii) requires that the emissions information considered to determine measures necessary to make reasonable progress include information on emissions for the most recent year for which the state has submitted triennial emissions data to the EPA (or a more recent year), with a 12-month exemption period for newly submitted data.

The following sections summarize how the 2024 Hawaii Regional Haze Plan addresses the requirements of 40 CFR 51.308(f)(2) long-term strategy for the second planning period.

1. Determination of Which Pollutants To Consider

To evaluate which pollutants had the greatest impact at Hawaii's Class I areas, HDOH examined the pollutant composition that resulted in the light extinction measured at in-state IMPROVE sites from 2014–2018 and compared the relative impact of the different pollutants on visibility conditions over that time.[64] HDOH noted that, on both the most impaired and the clearest days, ammonium sulfate is by far the primary contributor to visibility impairment at the Class I areas in the state. Measured on the most impaired days, it contributes 75 percent and 87 percent of the light extinction measured at the Haleakala National Park and Hawaii Volcanoes National Park, respectively. SO_2 emissions are a necessary precursor to the formation of sulfate species, and thus sources of SO_2 are considered when evaluating the potential source of visibility impairing sulfate pollution. In Hawaii, the Kilauea Volcano located within the Hawaii Volcanoes National Park is the greatest natural source of non-anthropogenic SO_2 emissions, while point sources that combust fuel oil are the greatest anthropogenic emitters of SO_2. Most of these anthropogenic point sources are power plants located on the islands of Hawaii, Oahu, and Maui. In considerably less magnitude, ammonium nitrate was identified to contribute 5.4 percent and 1.4 percent of the light extinction on the most impaired days at the Haleakala National Park and the Hawaii Volcanoes National Park, respectively. Similar to SO_2 with sulfates, NO_X emissions are a precursor to the formation of nitrate species. Point sources that combust fuel oil are also the major anthropogenic emitters of NO_X. Coarse mass is reported by the IMPROVE network as the difference between particulate matter with an aerodynamic diameter of 10 microns (PM_{10}) and $PM_{2.5,}$ and was identified as contributing to 6 percent and 5.8 percent of the light extinction on the most impaired days for Haleakala National Park and Hawaii Volcanoes National Park, respectively. Anthropogenic sources of coarse mass include fugitive dust from unpaved roads, aggregate processing, and construction activities. Because coarse mass is not commonly included in emissions inventories, states generally use PM_{10} as a surrogate for coarse mass. Finally, organic mass was identified as contributing 4.9 percent and 3.6 percent to the most impaired days at the Haleakala National Park and the Hawaii Volcanoes National Park, respectively. Sources of organic mass include, agricultural burning, wildfires, oil combustion, and international transport. Based on this analysis, HDOH selected SO_2, NO_X, and particulate matter as the pollutants of primary concern for source screening during the second planning period in order to maximize the possible benefits of potential control measures.

2. Source Selection

Hawaii used the Q/d method to identify sources that are reasonably

[62] CAA 169A(b)(2)(B).

[63] 40 CFR 51.308(f)(2)(iii).

[64] 2024 Hawaii Regional Haze Plan, pp. 17–25.

expected to contribute to visibility impairment at any Class I area. Specifically, HDOH used a Q/d threshold of 10 (combined NO_X, SO_2, and PM_{10} emissions) based on the 2014 National Emissions Inventory Version 2 to measure sources' potential contributions to visibility impairment for control evaluation.[65] This screening methodology identified ten point sources. However, HDOH screened out three of these sources from further analysis for the following reasons: the AES Hawaii LLC Cogeneration Plant was permanently shut down as of August 2022; and the Honolulu International Airport and the Kahului Airport on the island of Maui are not under the State's jurisdiction to develop emissions controls, since the vast majority of their emissions are from aircraft.[66] The Q/d analysis eventually resulted in HDOH's preliminary selection of seven point sources for four-factor analysis, shown in Table 2.

TABLE 2—POINT SOURCES SELECTED FOR FOUR-FACTOR ANALYSIS USING Q/d ANALYSIS

Point source	Location	Q (TPY)	d (km)	Q/d	Class I area
Kalaeloa Partners, L.P. Plant	Oahu	6,216	201.9	30.91	1.) Haleakala NP.
Hawaiian Electric Company—Kahe Power Plant	Oahu	13,968	206.11	67.77	1.) Haleakala NP.
			328.98	42.46	2.) Hawaii Volcanoes NP.
Hawaiian Electric Company—Waiau Power Plant	Oahu	5,828	190.89	30.53	1.) Haleakala NP.
			318.39	18.31	2.) Hawaii Volcanoes NP.
Hawaii Electric Light Company—Kanoelehua-Hill Power Plant.	Hawaii	2,519	147.01	17.13	1.) Haleakala NP.
			25.69	98.07	2.) Hawaii Volcanoes NP.
Hawaii Electric Light Company—Puna Power Plant	Hawaii	623	23.01	27.09	1.) Haleakala NP.
Maui Electric Company—Kahului Power Plant	Maui	2,177	26.49	82.20	1.) Haleakala NP.
			176.82	12.31	2.) Hawaii Volcanoes NP.
Maui Electric Company—Maalaea Generating Station.	Maui	3,508	25.52	110.18	1.) Haleakala NP.
			169.61	16.57	2.) Hawaii Volcanoes NP.

Source: 2024 Hawaii Regional Haze Plan, Table 5.7–1.

HDOH further refined this list of seven point sources considered for four-factor analysis using the results of a WEP/AOI analysis, conducted by WRAP.[67] The WEP/AOI analysis showed that point sources near the Hawaii Class I areas had the greatest potential to contribute to visibility impairment on the most impaired days from 2014 to 2018, rather than those on separate islands. Therefore, while initially selected for four-factor analysis using the Q/d ranking, the Kalealoa Partners L.P., Kahe, and Waiau Power Plants on the island of Oahu did not meet the WEP/AOI analysis criteria for the potential to contribute to visibility impairment at the Class I areas on the islands of Maui and Hawaii. Therefore, these sources were excluded from consideration under the four-statutory factors during the second planning period. However, the WEP/AOI analysis also identified that the Mauna Loa Macadamia Nut Plant on the island of Hawaii and the HC&D Camp 10 Quarry on Maui were high ranking among sources with the greatest potential to contribute to visibility impairment from ammonium nitrate emissions at the Class I areas. The Mauna Loa Macadamia Nut Plant was selected for four-factor analysis. Although the facility ranked high, the WEP/AOI model predicted the HC&D Camp 10 Quarry accounted for approximately one percent of the total ammonium nitrate contribution at Haleakala National Park, and considering the other screened-in sources selected for control analysis accounted for approximately 98% of the total ammonium nitrate contribution, HDOH excluded the HC&D Camp 10 Quarry from further evaluation. Therefore, between the Q/d and WEP/AOI analysis, five point sources were selected for four-factor analysis:

1. Hawaiian Electric Light Company—Kanoelehua-Hill Power Plant
2. Hawaiian Electric Light Company—Puna Power Plant
3. Maui Electric Light Company—Kahului Power Plant
4. Maui Electric Light Company—Maalaea Power Plant
5. Mauna Loa Macadamia Nut Corporation Plant

3. Four-Factor Analyses

The State evaluated potential control measures based on four-factor analyses provided by the facilities identified in the screening process. When preparing their four-factor analyses, selected facilities considered potential emissions controls such as device retrofits, fuel switches/mixing with lower SO_2. NO_X, and PM_{10} emissions, operating restriction on hours and fuel input, emission limits, and unit shutdowns.

a. Cost of Compliance

To determine cost of compliance, HDOH followed the methodologies in the EPA's Air Pollution Control Cost Manual.[68] The State adjusted the control costs estimates provided by the facilities by applying an 8.25 percent prime interest rate and adjusting for cost/total combined tons of pollutant removed, estimated equipment life remaining, retrofit factor, and the additional construction costs associated with Hawaii and Maui Islands. The resulting cost effectiveness values of available controls for the Kanoelehua-Hill Power Plant, the Puna Power Plant, the Kahului Power Plant, the Maalaea Power Plant, and the Mauna Loa Macadamia Nut Corporation Plant, are summarized in Tables 3–7 of this document.

HDOH set a cost effectiveness threshold of $6,800/ton of pollutant removed. HDOH considered controls with cost-effectiveness values at, below, or slightly above this threshold to be cost-effective for Hawaii emissions sources evaluated under the four-factor analysis in the regional haze second planning period.

[65] For facilities with multiple emissions units/processes, the facility location was based on the emission unit/process with the highest Q.

[66] 2024 Hawaii Regional Haze Plan, pp. 56–58.

[67] Details of the WEP/AOI analysis are summarized in Section 5.10 of the 2024 Hawaii Regional Haze Plan.

[68] Chapters of the EPA Air Pollution Control Cost Manual are hosted at the following website: *https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution.*

TABLE 3—FOUR-FACTOR ANALYSIS FOR THE KANOELEHUA-HILL POWER PLANT

Unit	Description	Primary fuel	Control measure & cost per ton
Hill 5	14 MW Boiler	Fuel Oil No. 6 with 2.0% maximum sulfur content.	Enforceable shutdown by December 31, 2028.
Hill 6	23 MW Boiler	Fuel Oil No. 6 with 2.0% maximum sulfur content.	
CT–1	11.6 MW Combustion Turbine	Fuel Oil No. 6 with 2.0% maximum sulfur content.	Operated on a limited basis in 2017, and therefore a four-factor analysis was not conducted for the unit. Another round of screening for four-factor analysis will be revisited in the third regional haze planning period.
D–11	2.75 MW DEG	Ultra-low sulfur diesel (ULSD)	Operated on a limited basis in 2017, and therefore a four-factor analysis was not conducted for the unit. Another round of screening for four-factor analysis will be revisited in the third regional haze planning period.
D–15	2.75 MW DEG	ULSD	
D–16	2.75 MW DEG	ULSD	
D–17	2.75 MW DEG	ULSD	

TABLE 4—FOUR-FACTOR ANALYSIS FOR THE PUNA POWER PLANT

Unit	Description	Primary fuel	Control measure & cost per ton
Boiler	15.5 MW Boiler	Fuel Oil No. 6 with 2.0% maximum sulfur content.	• Fuel switch to ultra-low-sulfur diesel (ULSD) with 0.0015% sulfur content—$6,014/ton of SO_2, NO_X, and PM_{10}. • Boiler Combustion Controls (Low NO_X burner (LNB) with overfire air/flue gas recirculation)—$19,109/ton of NO_X. • Selective catalytic reduction (SCR) for Boiler—$43,254/ton of NO_X. • SCR + Combustion Control for Boiler—$39,793/ton of NO_X. • Selective non-catalytic reduction (SNCR) for Boiler—$36,345/ton of NO_X. • SNCR + Combustion Controls—$44,417/ton of NO_X. • Wet Scrubber for Boiler—$39,352/ton of PM_{10}. • Wet Electrostatic Precipitator (ESP) for Boiler—$583,295/ton of PM_{10}.
CT–3	23 MW Boiler	Fuel Oil No. 4 with 0.4% maximum sulfur content.	• CT–3 was considered a limited use unit based on its operation in 2017, and therefore a four-factor analysis was not conducted for this unit.

TABLE 5—FOUR-FACTOR ANALYSIS FOR THE KAHULUI POWER PLANT

Unit	Description	Primary fuel	Control measure & cost per ton
K–1	5.0 MW Boiler	Fuel Oil No. 6 with 2.0% maximum sulfur content.	• Boilers K–1, K–2, K–3, K–4 are required to shut down by December 31, 2028, and is therefore not subject to a four-factor analysis.
K–2.	5.0 MW Boiler.	Fuel Oil No. 6 with 2.0% maximum sulfur content.	
K–3	11.5 MW Boiler	Fuel Oil No. 6 with 2.0% maximum sulfur content.	
K–4	11.5 MW Boiler	Fuel Oil No. 6 with 2.0% maximum sulfur content.	

TABLE 6—FOUR-FACTOR ANALYSIS FOR THE MAALAEA POWER PLANT

Unit	Description	Primary fuel	Control measure & cost per ton
M1	2.5 MW DEG	ULSD	• Fuel Injection Timing Retard (FITR)—$5,328/ton of NO_X. • FITR + CEMS—$12,430/ton of NO_X. • Tier 4 Replacement—$37,758/ton of NO_X. • SCR—$40,396/ton of NO_X.
M2	2.5 MW DEG	ULSD	• FITR—$9,186/ton of NO_X. • Tier 4 Replacement—$62,314/ton of NO_X. • SCR—$69,251/ton of NO_X.
M3	2.5 MW DEG	ULSD	• FITR—$5,328/ton of NO_X. • FITR + CEMS—$12,430/ton of NO_X. • Tier 4 Replacement—$37,689/ton of NO_X. • SCR—$40,395/ton of NO_X.

TABLE 6—FOUR-FACTOR ANALYSIS FOR THE MAALAEA POWER PLANT—Continued

Unit	Description	Primary fuel	Control measure & cost per ton
M4	5.6 MW DEG	Diesel Fuel Oil No. 6 with 0.4% maximum sulfur content.	• SCR—$9,267/ton of NO_X. • Diesel Particulate Filters (DPFs)—$51,828/ton of PM_{10}. • Fuel switch to ULSD with 0.0015% maximum sulfur content—$10,347/ton of SO_2.
M5	5.6 MW DEG	Diesel Fuel Oil No. 6 with 0.4% maximum sulfur content.	• SCR for M5—$9,056/ton of NO_X. • DPFs—$65,963/ton of PM_{10}. • Fuel switch to ULSD with 0.0015% maximum sulfur content—$10,347/ton of SO_2.
M6	5.6 MW DEG	Diesel Fuel Oil No. 6 with 0.4% maximum sulfur content.	• SCR—$12,250/ton of NO_X. • DPFs—$65,953/ton of PM_{10}. • Fuel switch to ULSD with 0.0015% maximum sulfur content—$10,347/ton of SO_2.
M7	5.6 MW DEG	Diesel Fuel Oil No. 6 with 0.4% maximum sulfur content.	• SCR—$7,753/ton of NO_X. • DPFs—$60,466/ton of PM_{10}. • Fuel switch to ULSD with 0.0015% maximum sulfur content $10,347/ton of SO_2.
M8	5.6 MW DEG	Diesel Fuel Oil No. 6 with 0.4% maximum sulfur content.	• SCR—$14,373/ton of NO_X. • Fuel switch to ULSD with 0.0015% maximum sulfur content $10,347/ton of SO_2.
M9	5.6 MW DEG	Diesel Fuel Oil No. 6 with 0.4% maximum sulfur content.	• SCR—$8,624/ton of NO_X. • Fuel switch to ULSD with 0.0015% maximum sulfur content $10,347/ton of SO_2.
M10	12.5 MW DEG	Diesel Fuel Oil No. 6 with 0.4% maximum sulfur content.	• SCR—$6,258/ton of NO_X. • Fuel switch to ULSD with 0.0015% maximum sulfur content $10,347/ton of SO_2.
M11	12.5 MW DEG	Diesel Fuel Oil No. 6 with 0.4% maximum sulfur content.	• SCR—$7,174/ton of NO_X. • Fuel switch to ULSD with 0.0015% maximum sulfur content $10,347/ton of SO_2.
M12	12.5 MW DEG	Diesel Fuel Oil No. 6 with 0.4% maximum sulfur content.	• SCR—$7,256/ton of NO_X. • Fuel switch to ULSD with 0.0015% maximum sulfur content $10,347/ton of SO_2.
M13	12.5 MW DEG	Diesel Fuel Oil No. 6 with 0.4% maximum sulfur content.	• SCR—$7,020/ton of NO_X. • Fuel switch to ULSD with 0.0015% maximum sulfur content $10,347/ton of SO_2.
X1	2.5 MW DEG	ULSD	• SCR—$106,612/ton of NO_X.
X2	2.5 MW DEG	ULSD	• SCR—$105,025/ton of NO_X.
M14	20 MW Combustion Turbine	Diesel Fuel Oil No. 2 with 0.4% maximum sulfur content and 0.0015% average nitrogen content.	• SCR—$11,060/ton of NO_X. • Fuel switch to ULSD with 0.0015% maximum sulfur content $10,347/ton of SO_2.
M16	20 MW Combustion Turbine	Diesel Fuel Oil No. 2 with 0.4% maximum sulfur content and 0.0015% average nitrogen content.	• SCR—$9,579/ton of NO_X. • Fuel switch to ULSD with 0.0015% maximum sulfur content $10,347/ton of SO_2.
M17	20 MW Combustion Turbine	Diesel Fuel Oil No. 2 with 0.4% maximum sulfur content and 0.0015% average nitrogen content.	• SCR—$12,314/ton of NO_X. • Fuel switch to ULSD with 0.0015% maximum sulfur content $10,347/ton of SO_2.
M19	20 MW Combustion Turbine	Diesel Fuel Oil No. 2 with 0.4% maximum sulfur content and 0.0015% average nitrogen content.	• SCR—$14,224/ton of NO_X. • Fuel switch to ULSD with 0.0015% maximum sulfur content $10,347/ton of SO_2.

TABLE 7—FOUR-FACTOR ANALYSIS FOR THE MAUNA LOA MACADAMIA NUT CORPORATION PLANT

Unit	Description	Primary fuel	Control measure & cost per ton
Main Boiler	35.7 MMBtu/hr	Biomass/Used Oil	• The Main Boiler committed to an enforceable shutdown by December 31, 2026, and is therefore not subject to a four-factor analysis at this time.
Backup Boiler	14.7 MMBtu/hr	ULSD	• Economizer—$61,615/ton of NO_X. • Low NO_X Burner for Backup Boiler—$8,208/ton of NO_X. • SCR for Backup Boiler—$22,652/ton of NO_X.
DEG 1	460 kW	ULSD	• SCR—$11,167/ton of NO_X. • Tier 4 Replacement for DEG 1 & DEG 2—$11,167/ton NO_X.

TABLE 7—FOUR-FACTOR ANALYSIS FOR THE MAUNA LOA MACADAMIA NUT CORPORATION PLANT—Continued

Unit	Description	Primary fuel	Control measure & cost per ton
DEG 2	460 kW	ULSD	• SCR—$7,525/ton NO_X. • Tier 4 Replacement for DEG 1 & DEG 2—$11,167/ton NO_X.

b. Remaining Useful Life

To further evaluate potential emission reduction measures for the selected stationary sources, HDOH took into consideration the remaining useful life of the units at each source. Determining the remaining useful life involves collecting information on how long the source will remain in operation and the lifetime of the potential control measures.

In accordance with the EPA's Control Cost Manual, HDOH used 30 years for the remaining useful life for retrofitting boilers with SCR and wet scrubber systems at the power plants and 20 years for the remaining useful life for all other control equipment, with the exception of units for which HDOH established enforceable shutdown dates. HDOH also did not factor remaining useful life for fuel switching as it does not require capital investments in new equipment.

Specifically, at Maalaea Generating Station, the source's owner, Hawaiian Electric provided SCR cost tables factoring a proposal to shut down DEGs M10 and M11 by December 31, 2032 (remaining useful life of 5 years after installation of controls) and December 31, 2037, for M7, M12, and M13 (remaining useful life of 10 years after installation of controls). The years selected for shutdown would render SCR control costs ineffective for each unit based on the updated $6,800/ton of pollutant threshold set by the State, and as all shutdown dates would occur after the second implementation period, the associated emissions reductions were not considered when calculating 2028 RPGs. The SIP required Hawaiian Electric to commit to these enforceable shutdowns if SCR controls are not operational by December 31, 2027, for DEGs M7 and M10–M13. Similarly, Hawaiian Electric proposed an enforceable shut down date of December 31, 2028, for Boilers Hill 5 and Hill 6 at the Kanoelehua-Hill Power Plant and Boilers K–1, K–2, K–3, and K–4 at the Kahului Power Plant and excluded them from further emissions control evaluation on the basis of their remaining useful life. The Mauna Loa Macadamia Nut Corporation committed to an enforceable shutdown of December 31, 2026, for its main boiler, but plans to replace this unit with a new boiler following the shutdown.

c. Time Necessary for Compliance

Based on information collected in the four-factor analyses for each facility, the State determined the following amounts of time necessary to implement regional haze control measures:

- Four years from permit issuance for switching fuel for the Puna Generating Station Boiler to ULSD. (Permit Amended August 10, 2022, therefore, fuel switch is required by August 10, 2026.)
- December 31, 2027, for installing FITR on M1 and M3 at Maalaea Generating Station
- December 31, 2027, for installing SCR for M7 and M10 through M13 at Maalaea Generating Station. These units may also shut down by the following dates as an alternative option to installing SCR:
  - December 31, 2037, for M7;
  - December 31, 2030, for M10 and/or M11;
  - December 31, 2032, for M10 or M11 if one of these units is shut down by 2030 or installs SCR, and
  - December 31, 2037, for M12 and M13.
- December 31, 2026, for the main boiler at the Mauna Loa Macadamia Nut Corporation Plant. The main boiler will be replaced with another unit after the existing unit is shutdown.

d. Energy and Non-Air Environmental Impacts

Based on information collected in the Hawaiian Electric four-factor analyses for their facilities, the State determined the following energy and non-air environmental impacts:

- Fuel Switching—There are no energy and non-air quality environmental impacts of compliance for fuel switching.
- Circulating Dry Scrubber (CDS)—CDS systems require electricity to operate the ancillary equipment. In addition, solid waste streams are generated that require disposal.
- DPFs—There are no energy and non-air quality environmental impacts of compliance for adding DPFs.
- SCR and SNCR—These control systems require electricity to operate the ancillary equipment. SCR and SNCR can potentially cause environmental impacts related to storage of ammonia. These control systems can also release unreacted ammonia, known as ammonia slip.
- Wet ESPs—ESPs apply energy for removing particulate from the exhaust stream of the emissions source. Wet ESPs generate wastewater streams that must be treated onsite or sent to a wastewater treatment plant. The wastewater treatment process will generate filter cake that would likely require landfilling.
- Wet Scrubbers—Wet scrubbers require energy to force exhaust gases through the scrubber and generate wastewater streams that would need to be treated.

Similarly, based on information provided by the Mauna Loa Macadamia Nut Corporation Plant, the State determined the following energy and non-air environmental impacts:

- LNB—Electrical usage is increased by installing three horsepower combustion air fans to accommodate LNB.
- SCR—Electrical usage increases due to an increase in combustion air motor horsepower to accommodate pressure drop from installing SCR.

4. Control Determinations

Hawaii's control measure determinations, including the specific permit conditions submitted to the EPA for approval into the Hawaii SIP by incorporation by reference, are summarized in Table 8 of this document. These permit conditions include the relevant shutdown dates, emissions limitations, compliance dates, and monitoring, recordkeeping, and reporting requirements to ensure the enforceability of the associated emissions limitations. Some emissions controls are included in the 2028 RPGs, and HDOH estimated the emissions reductions to be: 610 tpy NO_X, 2,351 tpy SO_2, 65 tpy PM_{10} for controls selected for Hawaii Island Sources and 2,444 tpy NO_X, 2,221 tpy SO_2, 84 tpy PM_{10} for controls selected for Maui Island Sources. HDOH indicated that the State's calculations of 2028 RPGs does not include the anticipated emissions reductions from the shutdown of the main boiler at the Mauna Loa Macadamia Nut Corporation Plant as it

was uncertain what amount of NO_X reduction will occur from the boiler replacement.[69]

TABLE 8—HAWAII REGIONAL HAZE NEW CONTROL MEASURE DETERMINATIONS

Source	Unit	Control	Pollutant	Compliance deadline	Relevant permit conditions
Kanoelehua-Hill Power Plant.	Boiler Hill 5	Shutdown	NO_X, SO_2, PM_{10}	December 31, 2028	Permit Amendment for Covered Source Permit (CSP) No. 0234–01–C Special Condition No. C.1.
	Boiler Hill 6	Shutdown	NO_X, SO_2, PM_{10}	December 31, 2028	Permit Amendment for CSP No. 0234–01–C Special Condition No. C.1.
Mauna Loa Macadamia Nut Corporation Plant.	Main Boiler	Shutdown[a]		December 31, 2026	Permit Amendment for CSP No. 0317–01–C, Permit Conditions C.1 and C.2.
Puna Power Plant	Puna Boiler	Fuel Switch to ULSD	NO_X, SO_2, PM_{10}	August 10, 2026	Permit Amendment for CSP No. 0235–01–C, Permit Conditions C.1 and C.2.
Kahului Power Plant	Boiler K–1	Shutdown	NO_X, SO_2, PM_{10}	December 31, 2028	Permit Amendment for CSP No. 0232–01–C, Special Condition No. C.1.
	Boiler K–2	Shutdown	NO_X, SO_2, PM_{10}	December 31, 2028	Permit Amendment for CSP No. 0232–01–C, Special Condition No. C.1.
	Boiler K–3	Shutdown	NO_X, SO_2, PM_{10}	December 31, 2028	Permit Amendment for CSP No. 0232–01–C, Special Condition No. C.1.
	Boiler K–4	Shut down	NO_X, SO_2, PM_{10}	December 31, 2028	Permit Amendment for CSP No. 0232–01–C, Special Condition No. C.1.
Maalaea Generating Station.	DEG M1	FITR	NO_X	December 31, 2027	Permit Amendment for CSP No. 0067–01–C, Permit Condition C.2.
	DEG M3	FITR	NO_X	December 31, 2027	Permit Amendment for CSP No. 0067–01–C, Permit Condition C.2.
	DEG M7	SCR or Shutdown	NO_X	December 31, 2027 for SCR *OR* December 31, 2037 for shut down.	Permit Amendment for CSP No. 0067–01–C, Permit Condition C.3.
	DEG M10	SCR or Shutdown	NO_X	December 31, 2027 for SCR *OR* December 31, 2030 for shut down[b].	Permit Amendment for CSP No. 0067–01–C, Permit Condition C.4.
	DEG M11	SCR or Shutdown	NO_X	December 31, 2027 for SCR *OR* December 31, 2030 for shut down[b].	Permit Amendment for CSP No. 0067–01–C, Permit Condition C.4.
	DEG M12	SCR or Shutdown	NO_X	December 31, 2027 for SCR *OR* December 31, 2037 for shut down.	Permit Amendment for CSP No. 0067–01–C, Permit Condition C.5.
	DEG M13	SCR or Shutdown	NO_X	December 31, 2027 for SCR *OR* December 31, 2037 for shut down.	Permit Amendment for CSP No. 0067–01–C, Permit Condition C.5.

Source: 2024 Hawaii Regional Haze Plan, p. 97, and Appendix X to the 2024 Hawaii Regional Haze Plan.
[a] The main boiler will be replaced with another unit after existing unit is shut down. The replacement unit will be subject to a four-factor analysis or effective controls determination.
[b] If either DEG M10 or M11 installs SCR by December 31, 2027, or shuts down by December 31, 2030, the deadline to shut down date the remaining unit is then December 31, 2032.

5. Additional Long-Term Strategy Requirements

Pursuant to 40 CFR 51.308(f)(2)(iv)(A), Hawaii detailed the existing and ongoing State and Federal emission control programs that contribute to emission reductions through 2028.[70] These programs include the State's: Renewable Portfolio Standards, Energy Efficiency Portfolio Standard, Greenhouse Gas Rules, along with other ongoing federal programs. Additionally, the State highlighted Hawaii Administrative Rules that mitigate the impacts of construction activities as required by 40 CFR 51.308(f)(2)(iv)(B).[71]

Pursuant to 40 CFR 51.308(f)(2)(iv)(C), source retirements and replacement schedules are addressed in the 2024 Hawaii Regional Haze Plan. In accordance with Hawaiian Electric's 2023 ''Integrated Grid Plan'' to meet the 100% renewable portfolio standard goal by 2045,[72] HDOH anticipates that numerous generating units will be replaced with sources of renewable energy.[73]

Regarding the consideration of smoke management practices required by 40 CFR 51.308(f)(2)(iv)(D), HDOH explained that the State does not have a smoke management plan. Instead, planned open burning is regulated under the Hawaii Administrative Rules 11–60.1, Subchapter 3.[74]

The State also considered the anticipated net effect of projected changes in emissions as required by 40 CFR 51.308(f)(2)(iv)(E) by discussing the

[69] Appendix V ''Regional Haze Adjusted Reasonable Progress Goals'' to the 2024 Hawaii Regional Haze Plan, pp. 8–11.
[70] 2024 Hawaii Regional Haze Plan, Chapter 7.1 and 7.2.
[71] Id. Chapter 7.3.
[72] Executive Summary of the Hawaiian Electric ''Integrated Grid Plan,'' May 2023.
[73] Tabulated in Table 7.4–1 of the 2024 Hawaii Regional Haze Plan.
[74] Refer to Appendix O of the 2024 Hawaii Regional Haze Plan.

process and criteria used to select point sources of anthropogenic emissions of NO_X, SO_2, and PM_{10} with the greatest potential impact on visibility impairment on Class I areas in Hawaii, and further describes how sources were evaluated using statutory factors to characterize and determine what control measures are necessary to make reasonable progress over the second planning period.[75]

6. Conclusion

The EPA reviewed the state's long-term strategy for compliance with the applicable requirements of the CAA and the RHR. The state included in the Plan a description of the criteria it used to determine which sources it evaluated and how the four factors were taken into consideration in selecting the measures for inclusion in its long-term strategy. As previously noted, during development of the Plan, Hawaiian Electric agreed to enforceable shutdowns at several EGUs in order to exclude these units from further evaluation. However, on August 25, 2025, representatives of Hawaiian Electric (''the Company'') sent a letter to the Regional Administrator for EPA Region 9, stating that:

> . . . the Company was forced under the SIP to accept enforceable retirement deadlines for units the Company plans to retire, due the high costs of controls and fuels switches. However, these retirement deadlines are no longer acceptable because of potential negative impacts to generation reliability due to actual or potential cancellations and delays in replacement generation projects that were planned by independent power producers.[76]

The Company then explained that 115 MW of planned generation had been cancelled on the island of Hawaii, meaning that, ''grid reliability will be at risk in 2029 following the retirement of the Kanoelehua-Hill boilers.'' In addition, the Company similarly noted that 20 MW of planned generation had been cancelled for Maui, and thus ''a delay to the shutdown of the Kahului boilers and Maalaea generating units would reduce reliability risks,'' if there were delays with additional replacement generation projects on Maui.[77] Citing Adequacy of Supply Reports dated January 30, 2025 for Hawaiian Electric Light Company and Maui Electric Company, the Company stated that ''retirement of the generating units as required by the SIP deadlines will create higher probability of energy reserve margin shortfalls that increase risk to reliability on both islands.'' [78] The Company also emphasized that ''each island must be entirely self-sufficient and cannot rely on power by wire transmission from other jurisdictions as is common in the continental United States to address reliability emergencies.'' Thus, Hawaii's long-term strategy includes source closures that are now opposed by the sources' owner (hereinafter ''forced'' or ''unconsented'' closures). As detailed in the paragraphs below, the EPA proposes to find that these unconsented closures are inconsistent with CAA section 110 because the State has not provided necessary assurances that these measures would not violate state or federal law as required by CAA section 110(a)(2)(E)(i). We are also relying on and incorporating the arguments set forth in the EPA's final action disapproving the Colorado Regional Haze Plan for the Second Implementation Period,[79] and the EPA's final action partially disapproving the California Heavy-Duty Vehicle Inspection and Maintenance Program to the extent applicable to this proposed partial approval and partial disapproval of the Plan.[80]

CAA section 110(a)(2)(E)(i) provides that state plans must provide ''necessary assurances'' that the State ''is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof.'' The best reading of this provision is that the EPA may not approve a SIP revision that risks violating federal or state law in the course of implementation and for which the state has not provided necessary assurances that there will be no such violation. This reading is consistent with the EPA's independent obligation to follow Federal constitutional and statutory law and with the structure of CAA section 110 as a whole, which sets out detailed requirements for state plans and for the EPA's review of such plans. The EPA proposes to find that approval by the EPA of unconsented source closures, without just compensation, could violate the Takings Clause of the U.S. Constitution and possibly comparable provisions of state law, and that Hawaii has not provided the necessary assurances that such violations would not occur.[81]

Although the application of the Takings Clause is necessarily fact-specific, EPA approval of an unconsented source closure could constitute a *per se* taking or a total or partial regulatory taking without just compensation. The EPA notes that there is a lack of controlling precedent on application of the Takings Clause to approval of unconsented source closures under CAA section 110 because states typically do not require such unconsented closures.[82] U.S. Supreme Court precedent suggests, however, that the EPA's approval of such forced closures could amount to a *per se* taking. In *Cedar Point Nursery* v. *Hassid,* 594 U.S. 139 (2021), the U.S. Supreme Court explained that government action that appropriates property ''is no less a physical taking because it arises from a regulation.'' Particularly relevant here, the Court applied the *per se* bar on uncompensated takings in *Horne* v. *Department of Agriculture,* 576 U.S. 351 (2015), to a complex regulatory regime that required regulated parties to set aside a portion of their output to achieve governmental aims. The EPA proposes to conclude that Hawaii has not provided the necessary assurances required by CAA section 110(a)(2)(E)(i) that approval of the submitted closure provisions would not result in uncompensated *per se* takings in violation of Federal and possibly state law.

Relatedly, a total regulatory taking could occur if the closure would fully deprive the source owner of all economic use of the land under the standard described in *Lucas* v. *S.C. Coastal Council,* 505 U.S. 1003, 1116 (1992). A partial regulatory taking could occur if the closure inflicted a significant economic impact upon the source owner, undermined distinct, investment-backed expectations, and shared characteristics with actions conventionally regarded as government takings. These factors and how courts should balance them are detailed in *Penn Central Transp. Co.* v. *New York City,* 438 U.S. 104, 123 (1978), and subsequent cases. While the EPA proposes to find that the Hawaii SIP must be disapproved because the state has failed to provide necessary assurances that a *per se* taking will not result from EPA approval of the forced

[75] Chapter 7.5 of the 2024 Hawaii Regional Haze Plan.

[76] Letter dated August 29, 2025, from Karin Kimura, Director, Environmental Division, Hawaiian Electric, to Josh F.W. Cook, Regional Administrator, EPA Region 9, pp. 1–2.

[77] Id. at 3.

[78] Id.

[79] 91 FR 3048 (January 26, 2026).

[80] Available at *https://www.epa.gov/system/files/documents/2026-01/pre-pub-frl-12606-02-r9-hd-im-final-nfrm.pdf.*

[81] U.S. Constitution amendments V, XIV; *see also* Hawaii Constitution article I, section 20.

[82] As previously noted, at the time that Hawaii adopted the closures at issue here, they were not unconsented.

unconsented closures, the state also has an obligation to provide necessary assurances that a partial or total regulatory taking will not occur.

Furthermore, although it is not a basis for disapproval in this instance, we find that Hawaii's long-term strategy did not adequately consider the energy impacts associated with EGU closures. More specifically, we find Hawaii did not sufficiently assess the closures' impacts on maintaining grid reliability and Hawaiian Electric's ability to meet energy demand. This finding is supported by documentation from Hawaiian Electric regarding risk to energy availability and grid reliability due to source closures incorporated into Hawaiian long-term strategy.

The 2024 Hawaii Regional Haze Plan partially addressed the ''energy and nonair quality environmental impacts of compliance'' statutory factor by describing the nonair quality impacts of specific controls options. However, because Hawaii lacked material information about grid reliability, later provided to the EPA by Hawaiian Electric, we find that the State did not appropriately weigh the energy impacts of the closure measures in its long-term strategy. Nonetheless, despite the shortcomings in Hawaii's analysis of grid reliability concerns, the EPA recognizes that our prior statements may have generated a reliance interest that led to how Hawaii developed its SIP revision.[83] For example, the EPA's 2019 Guidance provided a limited scope of considerations generally involved under the ''energy and non-air quality factor,'' which did not include grid reliability. It was reasonable for Hawaii to rely on the interpretation provided in that guidance. Therefore, recognizing Hawaii's reliance interest in the EPA's prior representations, the EPA is not determining that Hawaii's limited consideration of grid reliability is a reason to disapprove the source closures.

Finally, the EPA also proposes that the forced source closure contained in this portion of the State's submission are inconsistent with the structure of CAA sections 110 and 169A, which do not expressly contemplate forced closures as a means to achieve compliance. In this context, we are referring to a source closure opposed by the source in question that would be made federally enforceable as a result of a SIP approval.

We are seeking comment and proposing that the best reading of the phrase ''other control measures, means, or techniques'' does not encompass the authority to force a source to close, or to close on timeframe not agreed to by the owner/operator. This proposal is supported by reading the terms ''measures'' and ''means'' in context and informed by the surrounding statutory terms, including the parenthetical phrase discussing market-based incentives that contemplate ongoing operations. ''Measures'' and ''means'' must also be ''necessary or appropriate'' to meet applicable CAA requirements. As noted above, the EPA is proposing that unconsented closures are neither ''necessary'' under the circumstances here nor otherwise required by the CAA, and that such closures are not ''appropriate'' when they could amount to an uncompensated taking in violation of federal and state law. The EPA seeks comment on this interpretation.

CAA section 169A similarly does not contemplate use of unconsented closures as part of the regional haze program. The statute provides that state plans must contain ''emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress,'' including through the use of ''retrofit technology'' and long-term strategies. Consistent with the interpretation of CAA section 110 proposed above, the EPA proposes that the best reading of the statute does not require or authorize the use of forced source closures to attain the statutory goals listed in CAA section 169A. The EPA seeks comment on this interpretation as well.

In summary, Hawaii did not provide necessary assurances that the unconsented closures in the long-term strategy would not violate federal and possibly state law, as required by CAA section 110(a)(2)(E)(i). Thus, the long-term strategy does not meet this CAA requirement and does not meet 40 CFR 51.308(f)(2). Under CAA section 110(k)(3), the EPA cannot approve a plan revision or a portion thereof, unless it meets all applicable plan requirements. Therefore, we are proposing to disapprove Hawaii's long-term strategy.

F. Reasonable Progress Goals

Section 51.308(f)(3) contains the requirements pertaining to RPGs for each Class I area. Because Hawaii is host to Class I areas, it is subject to both section 51.308(f)(3)(i) and, potentially, to (ii). Section 51.308(f)(3)(i) requires a state in which a Class I area is located to establish RPGs—one each for the most impaired and clearest days—reflecting the visibility conditions that will be achieved at the end of the implementation period as a result of the emission limitations, compliance schedules and other measures required under paragraph (f)(2) to be in states' long-term strategies, as well as implementation of other CAA requirements. The long-term strategies as reflected by the RPGs must provide for an improvement in visibility on the most impaired days relative to the baseline period and ensure no degradation on the clearest days relative to the baseline period. Section 51.308(f)(3)(ii) applies in circumstances in which a Class I area's RPG for the most impaired days represents a slower rate of visibility improvement than the uniform rate of progress calculated under 40 CFR 51.308(f)(1)(vi). Under § 51.308(f)(3)(ii)(A), if the state in which a mandatory Class I area is located establishes an RPG for the most impaired days that provides for a slower rate of visibility improvement than the URP, the state must demonstrate that there are no additional emission reduction measures for anthropogenic sources or groups of sources in the state that would be reasonable to include in its long-term strategy. Section 51.308(f)(3)(ii)(B) requires that if a state contains sources that are reasonably anticipated to contribute to visibility impairment in a Class I area in *another* state, and the RPG for the most impaired days in that Class I area is above the URP, the upwind state must provide the same demonstration.

HDOH estimated RPGs starting with the selection of the 20 percent Most Impaired Days and the EPA modeled projection to 2028, followed by three adjustment procedures: scaling of EPA modeling results to reflect emissions controls, an adjustment to reflect the presence of volcanic SO_2 emissions, and normalization of the RPG to better reflect the EPA tracking guidance-recommended calculation of dv.[84] To calculate RPGs for 2028, HDOH began with projected visibility conditions for 2028 from WRAP's TSS website. These initial 2028 visibility conditions were based on photochemical modeling conducted by the EPA to project Class I visibility conditions on the 20 percent most impaired days and the 20 percent clearest days for 2028 in Alaska, Hawaii, and the Virgin Islands using the Community Multiscale Air Quality model.[85] Input files for the modeling

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

[84] Hawaii Regional Haze Plan, Appendix V. An annotated spreadsheet replicated the Appendix V RPG calculations is included in the docket for this rulemaking.

[85] ''Technical Support Document for EPA's Updated 2028 Regional Haze Modeling for Hawaii, Virgin Islands, and Alaska.'' EPA–454/R–21–007, August 2021. This original modeling projected 2028 from IMPROVE data for 2014–2017, but the WRAP

included hourly emission estimates, meteorological data, and boundary concentrations to create modeled simulations of visibility for a 2016 base year case, a 2028 case, and 2028 U.S anthropogenic emissions zero-out model run. The modeling did not include emissions from volcanoes. The IMPROVE data were screened to remove days with episodically high concentrations due to natural sources, so that the 20 percent most impaired days better reflected anthropogenic impairment, following the 2021 Hawaii Visibility Data Adjustment Memo, described and cited above. However, as previously noted, even these adjusted values include some volcanic impacts and thus the 2028 projections for the twenty percent most impaired days also include such impacts. The PM predictions from the 2016 and 2028 EPA model simulations were used to project 2014–2018 IMPROVE visibility data to 2028 following the approach described in the EPA's ozone, $PM_{2.5}$, and regional haze modeling guidance.[86]

As described in more detail in Appendix V to the 2024 Hawaii Regional Haze SIP, HDOH adjusted the WRAP TSS 2028 projections to reflect the impact of enforceable regional haze control measures adopted in the long-term strategy (Kahului Generating Station—boiler shutdowns, Kanoelehua-Hill Generating Station—boiler shutdowns, Maalaea Generating Station—DEG retrofits with FITR and SCR, and Puna Generating Station—boiler fuel switch to ultralow sulfur diesel).

HDOH's adjusted RPGs for its Class I areas (represented by the IMPROVE monitor), from appendix V of the 2024 Hawaii Regional Haze Plan are shown in Table 9 of this document, along with baseline conditions and the 2028 URP (for the most-impaired days) and initial 2028 model projections from Tables 8–2–1 and 8–3–1 of the Plan.

TABLE 9—HAWAII BASELINE CONDITIONS, ADJUSTED URP AND 2028 RPGS

Class I area	Site	20% Most-impaired days			20% Clearest days	
		2000–2004 Baseline	2028 URP	2028 RPG	2000–2004 Baseline	2028 RPG
Haleakala National Park	HALE1	7.8	6.4	6.5	2.2	0.4
Hawaii Volcanoes National Park.	HAVO1	15.6	12.0	15.1	4.1	3.2

Source: 2024 Hawaii Regional Haze Plan, Tables 8–2–1 and 8–3–1, and Appendix V, Tables V–1 and V–2.

As described in Section IV.E.6 of this document, we are proposing to disapprove Hawaii's long-term strategy under 51.308(f)(2). Section 51.308(f)(3)(i) specifies that RPGs must reflect ''enforceable emissions limitations, compliance schedules, and other measures required under paragraph (f)(2) of this section.'' We commend Hawaii for setting reasonable progress goals in an effort to meet the requirements of 51.308(f)(3). However, in the absence of an approved long-term strategy, we cannot approve the associated RPGs.

We also note that for this planning period, both Class I areas within Hawaii have RPGs for the 20 percent most impaired days that provide for a slower rate of visibility improvement than the URP by 2028.[87] Specifically, the HALE1 IMPROVE monitor at the Haleakala National Park is projected to be 0.1 dv above the URP in 2028, and the HAVO1 IMPROVE monitor at the Hawaii Volcanoes National Park is projected be 3.1 dv above the URP in 2028. Section 51.308(f)(3)(ii) of the Regional Haze Rule requires that if a state adopts an RPG for the most impaired days that provides for a slower rate of improvement in visibility than the uniform rate of progress, *i.e.,* if the RPG is above the URP glidepath, it must include within its SIP submission an assessment of the number of years it would take to attain natural visibility conditions if visibility improvement were to continue at the rate of progress selected by the state as reasonable for the implementation period. Based on the visibility measured for the most impaired days between 2004 and the 2028 RPGs, the State calculated that it would take 409 years to reach the natural visibility level at the Hawaii Volcanoes National Park and 67 years to reach the natural visibility level at the Haleakala National Park. As previously stated in section IV.F, despite adjustments intended to screen out the influence from volcanic emissions, the influence remains to an unknown extent within the calculated 2028 projections for the twenty percent most impaired days. As a result, there is uncertainty in the projection of the URP.

The Regional Haze Rule also requires that states with Class I areas and any other states with sources affecting that area make a ''robust demonstration'' that there are no additional emissions reduction measures for sources that may reasonably be anticipated to contribute to visibility impairment that would be reasonable to include in the long-term strategy. The robust demonstration requires an analysis to ensure there are no additional emissions reduction measures that would be reasonable to include in the long-term strategy. HDOH asserts that it has already conducted a source selection and control measures analyses in such a manner that addresses the requirements of 40 CFR 51.308(f)(3)(ii). Specifically, HDOH cites its four-factor analyses in Chapter 6 and associated appendices of the 2024 Hawaii Regional Plan as constituting the required robust demonstration for selecting reasonable regional haze control measures in accordance with the applicable provisions of the RHR. Because we are proposing to find that Hawaii has not met the requirements of 51.308(f)(2), we also propose to find that it has not satisfied 51.308(f)(3)(ii).

In sum, we propose to disapprove the RPGs in the Plan as not meeting the requirements of 40 CFR 51.308(f)(3).

G. Monitoring Strategy and Other Implementation Plan Requirements

Section 51.308(f)(6) specifies that each comprehensive revision of a state's regional haze SIP must contain or provide for certain elements, including monitoring strategies, emissions inventories, and any reporting, recordkeeping and other measures needed to assess and report on visibility. A main requirement of this

TSS has the model outputs reprocessed to project 2028 from 2014–2018 IMPROVE data.

[86] Memorandum dated November 29, 2018, from Richard Wayland, Director, Air Quality Assessment Division, to Regional Air Directors, Regions 1–10, Subject: ''Modeling Guidance for Demonstrating Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze.''

[87] 2024 Hawaii Regional Haze Plan, Chapter 8.2 and 8.3.

subsection is for states with Class I areas to submit monitoring strategies for measuring, characterizing, and reporting on visibility impairment. Compliance with this requirement may be met through participation in the IMPROVE network.

Chapter 9.1 of the 2024 Hawaii Regional Haze Plan states that Hawaii is relying on the continued availability of the IMPROVE program in meeting the monitoring operation, collection, and reporting requirements for measuring visibility impairment in its Class I areas.

Section 51.308(f)(6)(i) requires SIPs to provide for the establishment of any additional monitoring sites or equipment needed to assess whether reasonable progress goals to address regional haze for all mandatory Class I Federal areas within the state are being achieved. To satisfy this requirement, the State commits to work with IMPROVE, the EPA, and FLMs to ensure that representative monitoring continues for its Class I areas. HDOH asserts that the visibility data for Haleakala National Park and Hawaii Volcanoes National Park are adequate for assessing the RPGs and no additional monitoring sites are necessary at this time.

Section 51.308(f)(6)(ii) requires SIPs to provide for procedures by which monitoring data and other information are use in determining the contribution of emissions from within the state to regional haze visibility impairment at mandatory Class I Federal areas both within and outside the state. HDOH highlights Chapter 3, Chapter 5, Chapter 6, and Chapter 7 of the 2024 Hawaii Regional Haze plan as describing the procedures by which the relative impact of emissions on Class I areas in the state are assessed. Chapter 4 described the procedures used to produce the statewide emissions inventory of pollutants reasonably anticipated to cause or contribute to visibility impairment in Hawaii's Class I areas.

Section 51.308(f)(6)(iv) requires the SIP to provide for the reporting of all visibility monitoring data to the Administrator at least annually for each Class I area in the state. HDOH notes that, while the agency does not directly collect or handle IMPROVE data, it will remain a part of the WRAP program and participate in the exchange of IMPROVE information for developing and updating the WRAP TSS.

Section 51.308(f)(6)(v) requires SIPs to provide for a statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment, including emissions for the most recent year for which data are available and estimates of future projected emissions. It also requires a commitment to update the inventory periodically. HDOH asserts that Hawaii, with support from WRAP, shows a statewide inventory of emissions that can be reasonably expected to cause or contribute to visibility impairment in Class I areas. Hawaii commits to updating statewide emission periodically, and these updates will be used for Hawaii's tracking of emission changes, trends, and evaluation of whether reasonable progress goals are being achieved along with other regional analyses. The updates will occur every three years on the same schedule as the triennial reporting required by the EPA's Air Emissions Reporting Rule (AERR) in 40 CFR part 51 Subpart A.

The EPA proposes to find that Hawaii has met the requirements of 40 CFR 51.308(f)(6) as described in the preceding paragraphs, including through its continued participation in the IMPROVE network and the WRAP RPO and its ongoing compliance with the AERR. We also propose to find that no further elements are necessary at this time for Hawaii to assess and report visibility pursuant to 40 CFR 51.308(f)(6)(vi).

H. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals

Section 51.308(f)(5) requires that periodic comprehensive revisions of states' regional haze plans also address the progress report requirements of 40 CFR 51.308(g)(1) through (5). The purpose of these requirements is to evaluate progress towards the applicable RPGs for each Class I area within the state and each Class I area outside the state that may be affected by emissions from within that state. Sections 51.308(g)(1) and (2) apply to all states and require a description of the status of implementation of all measures included in a state's first implementation period regional haze plan and a summary of the emission reductions achieved through implementation of those measures. Section 51.308(g)(3) applies only to states with Class I areas within their borders and requires such states to assess current visibility conditions, changes in visibility relative to baseline (2000–2004) visibility conditions, and changes in visibility conditions relative to the period addressed in the first implementation period progress report. Section 51.308(g)(4) applies to all states and requires an analysis tracking changes in emissions of pollutants contributing to visibility impairment from all sources and sectors since the period addressed by the first implementation period progress report. This provision further specifies the year or years through which the analysis must extend depending on the type of source and the platform through which its emission information is reported. Finally, section 51.308(g)(5), which also applies to all states, requires an assessment of any significant changes in anthropogenic emissions within or outside the state have occurred since the period addressed by the first implementation period progress report, including whether such changes were anticipated and whether they have limited or impeded expected progress towards reducing emissions and improving visibility.

Section 51.308(f)(5) specifies that a progress report submitted as part of a comprehensive regional haze SIP revision must address the time period since the most recent progress report. Hawaii submitted its first planning period progress report to the EPA on October 20, 2017, which presented data analysis for the period of 2011 through 2015.[88] The EPA finalized its approval of the first planning period progress report on August 12, 2019.[89]

The 2024 Hawaii Regional Haze Plan describes the status of Federal and State measures in the long-term strategy from the first implementation period for reducing visibility impairing pollution and provided a table of emissions reductions achieved throughout the State due to continued measures controlling SO_2 emissions at oil-fired plants on the island of Hawaii: Kanoelehua-Hill and Puna, to 3,550 tons of SO_2 beginning in 2018.[90] The EPA proposes to find that Hawaii has met the requirements of 40 CFR 51.308(g)(1) and (2) because the Plan describes the measures included in the long-term strategy from the first implementation period, as well as the status of their implementation and the emissions reductions achieved through such implementation.

The 2024 Hawaii Regional Haze Plan also included summaries of the visibility conditions and the trend of the 5-year averages through 2018 at Class I area in the State.[91] As shown in Table 1 of this document, the Plan included the 5-year baseline (2000–2004) visibility conditions for the clearest and most impaired days. The 2024 Hawaii Regional Haze Plan also included the current 5-year status (2014–2018) for the clearest and most impaired days. The

[88] 84 FR 39754.

[89] Id.

[90] 2024 Hawaii Regional Haze Plan, Chapter 9.2.

[91] Id. Tables 9.2–2 and 9.2–3.

Plan also tabulated the visibility metrics levels at Hawaii Class I areas, including the 5-year rolling average for the clearest and most impaired days.[92] The EPA therefore proposes to find that Hawaii has satisfied the requirements of 40 CFR 51.308(g)(3).

Pursuant to 51.308(g)(4), Hawaii provided a summary of emissions of NO_X, SO_2, PM_{10}, $PM_{2.5}$, VOCs, and NH_3 from all sources and activities, including from point, nonpoint, non-road mobile, and on-road mobile sources, for the time period from 2005 through 2017 and projected emissions for 2028 in the 2024 Hawaii Regional Haze Plan.[93] In its analyses of the Statewide emissions inventory, HDOH discussed the changes in emissions by source or activity and demonstrated significant decreases in emissions across all pollutants except for a minor five percent increase in $PM_{2.5}$ emissions from 2005 to 2017. Therefore, the EPA is proposing to find that the 2024 Hawaii Regional Haze Plan satisfies requirements of 40 CFR 51.308(g)(4) and 40 CFR 51.308(g)(5) by providing emissions information for NO_X, SO_2, PM_{10}, $PM_{2.5}$, VOCs, and NH_3 broken down by type of source. The emissions data in the SIP submission support the assessment that anthropogenic haze-causing pollutant emissions in Hawaii have decreased during the reporting period and that changes in emissions have not limited or impeded progress in reducing pollutant emission and improving visibility.

I. Requirements for State and Federal Land Manager Coordination

Section 169A(d) of the Clean Air Act requires states to consult with FLMs before holding the public hearing on a proposed regional haze SIP, and to include a summary of the FLMs' conclusions and recommendations in the notice to the public. In addition, section 51.308(i)(2)'s FLM consultation provision requires a state to provide FLMs with an opportunity for consultation that is early enough in the state's policy analyses of its emission reduction obligation so that information and recommendations provided by the FLMs' can meaningfully inform the state's decisions on its long-term strategy. If the consultation has taken place at least 120 days before a public hearing or public comment period, the opportunity for consultation will be deemed early enough. Regardless, the opportunity for consultation must be provided at least sixty days before a public hearing or public comment period at the state level. Section 51.308(i)(2) also provides two substantive topics on which FLMs must be provided an opportunity to discuss with states: assessment of visibility impairment in any Class I area and recommendations on the development and implementation of strategies to address visibility impairment. Section 51.308(i)(3) requires states, in developing their implementation plans, to include a description of how they addressed FLMs' comments.

HDOH provided a draft of their 2024 Hawaii Regional Haze Plan to the NPS, FWS, and the USFS on June 7, 2023.[94] Additionally, NPS Interior Regions 8, 9, 10, and 12, and several national park units in Hawaii hosted a consultation meeting to discuss the regional haze submittal. From the review of the 2024 Hawaii Regional Haze Plan, the FLMs requested that HDOH specify additional requirements for the Maalaea Generating Station and Mauna Loa Macadamia Nut Corporation Plant. Specifically, a permit condition stipulating that HDOH and the EPA are notified when the Maalaea Generating Station chooses a control measure for M7 and M10–M13 and when the Mauna Loa Macadamia Nut Corporation Plant provides an effective controls demonstration or conducts a four-factor analysis for the boiler replacement was requested. HDOH amended the relevant permits and the 2024 Hawaii Regional Haze SIP to address these comments.

On November 27, 2023, Hawaii provided public notice on the draft SIP submission and associated permits and offered to hold a public hearing on January 19, 2024.[95] HDOH notified the public, other interested parties, FLMs, and the EPA. The State accepted written public comment on the 2024 Hawaii Regional Haze Plan for thirty days, until December 26, 2023. The State later held a public hearing on April 19, 2024, in person and virtually, to receive oral testimonies on the 2024 Hawaii Regional Haze Plan and its appendices, and those testimonies and the State's responses are provided in Appendix X of their plan.

However, as explained above, because the EPA is proposing to disapprove certain elements of the Plan, namely the long-term strategy under 51.308(f)(2) and the reasonable progress goals under 51.308(f)(3), the EPA is also proposing to disapprove the Plan with respect to the FLM consultation requirements under 51.308(i). While Hawaii did take administrative steps to provide the FLMs the requisite opportunity to review and provide feedback on the state's initial draft plan, the EPA cannot approve the requirements under 51.308(i) because Hawaii's consultation was based on a SIP revision that did not meet the required statutory and regulatory requirements of the CAA and the RHR, respectively. In addition, if the EPA finalizes the partial approval and partial disapproval of the Plan, as proposed in this document, in the process of correcting the deficiencies outlined above with respect to the RHR and statutory requirements, the state (or the EPA in the case of an eventual FIP) will be required to again satisfy the FLM consultation requirement under 51.308(i). Therefore, we are proposing to disapprove the Plan with respect to the requirements under 40 CFR 51.308(i) as outlined in this section.

V. Proposed Action

The EPA is proposing to partially approve and partially disapprove the 2024 Hawaii Regional Haze Plan. Specifically, the EPA is proposing approval for the portions of Hawaii's 2022 SIP submission relating to 40 CFR 51.308(f)(1): calculations of baseline, current, and natural visibility conditions, progress to date, and the uniform rate of progress; 40 CFR 51.308(f)(4): reasonably attributable visibility impairment; 40 CFR 51.308(f)(5) and 40 CFR 51.308(g): progress report requirements; and 40 CFR 51.308(f)(6): monitoring strategy and other implementation plan requirements. The EPA is proposing disapproval of portions of the 2024 Hawaii Regional Haze Plan relating to 40 CFR 51.308(f)(2): long-term strategy; 40 CFR 51.308(f)(3): reasonable progress goals; and 40 CFR 51.308(i): FLM consultation.

Under section 179(a) of the CAA, final disapproval of a submittal that addresses a requirement of part D, title I of the CAA or is required in response to a finding of substantial inadequacy as described in CAA section 110(k)(5) (SIP Call) starts a sanctions clock. The Plan was not submitted to meet any of these requirements. Therefore, if finalized, this partial disapproval would not trigger any offset or highway sanctions clocks. Disapproving a SIP submission also establishes a two-year deadline for the EPA to promulgate a FIP to address the relevant requirements under CAA section 110(c), unless the EPA approves a subsequent SIP submission that meets these requirements.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission

[92] Id. Tables 3.1–1 and 3.1–2.

[93] Id. Chapter 4.

[94] Id. Chapter 9.5.

[95] Id. Chapter 9.6.

that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to review state choices, and approve those choices if they meet the minimum criteria of the Act. Accordingly, this proposed rulemaking proposes to partially approve and partially disapprove state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law.

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

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

G. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have Tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction, and will not impose substantial direct costs on Tribal governments or preempt Tribal law. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it merely proposes to partially approve and partially disapprove state law as meeting federal requirements. Furthermore, the EPA's Policy on Children's Health does not apply to this action.

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

List of Subjects in 40 CFR Part 52

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

Dated: February 5, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

[FR Doc. 2026–03072 Filed 2–13–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 2

[ET Docket No. 26–22, ET Docket No. 26–23; Report No. 3232; FR ID 329036]

Petition for Reconsideration of Action in Rulemaking Proceeding; Application for Review of Action in Rulemaking Proceeding; Correction

AGENCY: Federal Communications Commission.

ACTION: Notice; correction.

SUMMARY: The Federal Communications Commission (Commission) published a document in the **Federal Register** of February 5, 2026, concerning request for replies to oppositions on specifications for Petition for Reconsideration of Action in Rulemaking Proceeding Application for Review of Action in Rulemaking Proceeding. The document contained incorrect dates.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of February 6, 2026, in 91 FR 5245, on page 5245, in the first column, correct the **DATES** caption to read:

DATES: Oppositions to the Petition and AFR must be filed on or before April 6, 2026. Replies to oppositions to the Petition and AFR must be filed on or before May 9, 2026.

Dated: February 10, 2026.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–03070 Filed 2–13–26; 8:45 am]

BILLING CODE 6712–01–P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 2, 9, 12, 13, 39, 40, and 52

[FAR Case 2023–008; Docket No. FAR 2023–0008, Sequence No. 1]

RIN 9000–AO56

Federal Acquisition Regulation: Prohibition on Certain Semiconductor Products and Services

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget (OMB); Department of Defense (DoD); General Services Administration (GSA); and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: OFPP, DoD, GSA, and NASA (collectively referred to as the Federal Acquisition Regulatory Council, or FAR Council) are proposing to amend the Federal Acquisition Regulation (FAR) to partially implement a section of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 which prohibits executive agencies from procuring or obtaining certain products and services that include covered semiconductor products or services effective December 23, 2027.

DATES: Interested parties should submit written comments to the Regulatory Secretariat Division at the address shown below on or before April 20, 2026, to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to FAR Case 2023–008 to the Federal eRulemaking portal at *https://www.regulations.gov* by searching for ''FAR Case 2023–008''. Select the link ''Comment Now'' that corresponds with ''FAR Case 2023–008''. Follow the instructions provided on the ''Comment Now'' screen. Please include your name, company name (if any), and ''FAR Case 2023–008'' on your attached document. If your comment cannot be submitted using *https://www.regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite ''FAR Case 2023–008'' in all correspondence related to this case. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. Public comments may be submitted as an individual, as an organization, or anonymously (see frequently asked questions at *https://www.regulations.gov/faq*). To confirm receipt of your comment(s), please check *https://www.regulations.gov,* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact FAR Policy by email at *FARpolicy@gsa.gov* or call 202–969–4075. For information pertaining to status, publication schedules, or alternate instructions for submitting comments if *https://www.regulations.gov* cannot be used, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite ''FAR Case 2023–008.''

SUPPLEMENTARY INFORMATION:

I. Background

The FAR Council is proposing to revise the FAR to implement paragraphs (a), (b), (c), and (h) of section 5949 of the James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023 (Pub. L. 117–263, 41 U.S.C. 4713 note). Section 5949 prohibits executive agencies from procuring or obtaining certain products and services that include covered semiconductor products or services effective December 23, 2027.

Semiconductors are tiny electronic devices that are essential to America's economic and national security. Semiconductors power our consumer electronics, automobiles, data centers, critical infrastructure, and virtually all military systems. These devices power tools as simple as a power adapter and as complex as a fighter jet or a smartphone. They are also essential building blocks of the technologies that will shape our future, including artificial intelligence, biotechnology, and clean energy. For additional information on semiconductors, visit *https://www.nist.gov/semiconductors* and *https://www.nist.gov/chips.*

The National Counterintelligence and Security Center, located in the U.S. Office of the Director of National Intelligence, has identified semiconductors as one of the technology sectors in which the stakes of disruption are potentially greatest for U.S. economic and national security. There are numerous opportunities for adversaries and other threat actors to introduce hardware backdoors, malicious firmware, and malicious software into a semiconductor during production. Since semiconductors are key components of U.S. critical infrastructure (*e.g.,* information technology, communications) and have many military applications, it is vital that these threat vectors are addressed during the production process. Semiconductors are ultimately integrated into end products, and the difficulty in identifying and mitigating risks to semiconductor hardware, firmware, and software grows exponentially after integration.

Due to this significant national security risk, Congress included a prohibition for certain covered semiconductors in section 5949 of the James M. Inhofe NDAA for FY 2023. The statute prohibits the head of an executive agency from procuring or obtaining, or extending or renewing a contract to procure or obtain, any electronic parts, products, or services that include covered semiconductor products or services. In addition, section 5949 prohibits the head of an executive agency from entering into a contract, or extending or renewing a contract, with an entity to procure or obtain electronic parts or products that use any electronic parts or products that include covered semiconductor products or services. However, executive agencies are not required to—

(1) Remove or replace any products or services resident in equipment, systems, or services, prior to the effective date of the prohibition; or

(2) Prohibit or limit the utilization of covered semiconductor products or services throughout the lifecycle (*e.g.,* replacement component, spare part, support service) of existing equipment acquired prior to December 23, 2027.

On May 3, 2024, the FAR Council published in the **Federal Register** an advanced notice of proposed rulemaking (ANPR) (see 89 FR 36738). The ANPR sought feedback from the public on the amendments to the FAR being considered to accomplish the stated objectives when implementing section 5949 of the James N. Imhofe NDAA for FY 2023. Eighteen respondents submitted comments in response to the notice. Many respondents offered feedback on the specific questions in the notice to include:

- Recommendations on ways to further clarify the scope of the prohibition;
- Recommendations for clarifying the proposed definitions;

- Input on the proposed solicitation provision and contract clause;
- Input on the waiver authority;
- Whether entities have sufficient visibility into their supply chain to understand if their supply chain uses covered semiconductor products or services;
- Information that is normally requested from subcontractors and suppliers about semiconductor provenance;
- The procedures to conduct reasonable inquiries;
- The use of covered semiconductor products or services and the impact the prohibition will have on entities;
- The categories of products or services currently being provided to the Government for which entities anticipate needing a waiver when the prohibition is effective;
- The time entities anticipate it will take to find alternative semiconductors that are compliant;
- The impact implementation of section 5949 will have on small entities;
- The challenges entities anticipate facing in effectively complying with the prohibition; and
- Methods for identifying the provenance of the supply chain for electronic products and electronic services.

Some respondents emphasized the importance of aligning the rule with congressional intent and cautioned against broadening the scope beyond what is mandated. Some respondents discouraged taking the proposed actions given that the electronics supply chain is complex, and covered electronic parts can be incorporated into other parts at almost every phase of a manufacturing process. Respondents urged action to mitigate compliance costs and protect proprietary information. Some respondents suggested the contracting officers should have discretion as to when section 5949 requirements would apply rather than applying the requirements across-the-board to all solicitations, contracts, and purchases with the requirements.

II. Discussion and Analysis

After considering inputs on the ANPR and consulting with other agencies, the FAR Council is proposing to amend the FAR to implement subsections (a), (b), (c), and (h) of section 5949 of the NDAA for FY 2023. On or after December 23, 2027, Federal agencies will be prohibited from procuring or obtaining—

(1) Electronic products or services that include covered semiconductor products or services (section 5949(a)(1)(A)); and

(2) Electronic products, for use in critical systems, that use electronic products that include covered semiconductor products or services (section 5949(a)(1)(B)).

A. Overview of Rule

This proposed FAR rule implements the prohibition on certain semiconductor products and services.

B. Policy

The proposed rule provides a new section at FAR 40.20X, Prohibition on certain semiconductor products and services, with a new corresponding solicitation provision at FAR 52.240–XX, Certification Regarding Certain Semiconductor Products and Services, and a new corresponding contract clause at FAR 52.240–YY, Prohibition on Certain Semiconductor Products and Services.

This section will provide contracting officers with policies and procedures for acquiring electronic products or electronic services in accordance with the prohibition on covered semiconductor products and services.

Offerors and contractors will also play a key role in this process by adhering to the solicitation and contract when proposing to provide or when providing any electronic products or electronic services.

1. Offeror Reasonable Inquiry

Before submitting an offer in response to a Government solicitation, an entity would be required to conduct a reasonable inquiry to determine whether the electronic products or electronic services it provides to the Government include covered semiconductor products or services or use electronic products that include covered semiconductor products or services.

To conduct this inquiry, an entity will need to assess which electronic products or electronic services are included in its offerings to the Government and seek out information to identify the source of semiconductor products or services included in those offerings. In conducting this inquiry an entity may consult the Department of Commerce website, search supplier websites, search manufacturer websites, or use supply chain illumination or other due diligence tools. If an entity is unable to find information to confirm that an electronic product or electronic service does not use or include a covered semiconductor product or service, the entity would need to look to its suppliers to conduct reasonable inquiries and provide the required certification in the solicitation provision at FAR 52.240–XX. It is expected that most entities will conduct a full review of the electronic products and electronic services that they may offer to the Government, rather than assess on a solicitation-by-solicitation basis.

2. Offeror Certification

When an offeror submits an offer in response to a solicitation containing the new requirement, the offeror will certify, as required by the new provision at FAR 52.240–XX, that it has conducted a reasonable inquiry, and that the offeror does not propose to (1) provide to the Government any electronic products or electronic services that include covered semiconductor products or services; and (2) does not provide to the Government, for use in critical systems identified by the Government, electronic products that use electronic products that include covered semiconductor products or services. These measures are necessary to build security and resilience in Government supply chains. In accordance with FAR 1.107, the certification requirement is specifically imposed by the statute for contractors (see section 5949(h)(1)(A)) and subcontractors (see section 5949(h)(6)). Therefore, the Administrator for Federal Procurement Policy does not need to approve the inclusion of the certification requirement imposed by this proposed rule.

3. Offeror Disclosure

The proposed rule also requires an offeror to disclose if they are providing electronic products or electronic services that are not compliant with the prohibition. If, as a result of the initial reasonable inquiry, an offeror discovers that an electronic product or electronic service to be offered to the Government under the solicitation includes covered semiconductor products or services, the offeror will need to disclose with its offer any information about the covered semiconductor product or service that is known at the time of submission of its offer. This disclosure includes, for example, information about the manufacturer, the risks associated with including the covered semiconductor product or service, and whether there are any available alternatives to the semiconductor product or service. The purpose for this disclosure is so that the Government may decide whether an exception may apply or to pursue a waiver.

4. Disclosure Safe Harbor

Prior to award, an offeror or lower-tier supplier that provides a disclosure regarding covered semiconductor

products or services in electronic products that are manufactured or assembled by an entity other than the offeror or lower-tier supplier will not be subject to civil liability nor determined to be not presently responsible based on such notification (see section 5949(h)(7) of the NDAA for FY 2023). Additionally, an offeror or lower-tier supplier that provides a disclosure regarding covered semiconductor products or services in electronic products manufactured or assembled by such offeror or lower tier supplier will not be subject to civil liability nor determined to be not presently responsible based on such notification if the offeror or lower-tier supplier makes a comprehensive and documentable effort to identify and remove the covered semiconductor products or services(see section 5949(h)(8) of the NDAA for FY 2023).

5. Contractor Notification

On or after December 23, 2027, paragraph (f) of proposed contract clause FAR 52.240–YY requires contractors to report to the contracting officer if they identify, have reason to suspect, or are notified by a subcontractor at any tier or any other source that any covered semiconductor product or service purchased by the Federal Government, or purchased by a Federal contractor or subcontractor for delivery to the Federal Government during contract performance contains covered semiconductor products or services, regardless of whether an exception applies. Reports must be provided in writing within 72 hours of identification.

Reporting this information to the contracting officer will allow the Government to assess the risk and make a determination on how to proceed.

While subsection (h)(5) of section 5949 provides contractors up to 60 days to give notice to the Government that an electronic product for use in a critical system contains a covered semiconductor product or service, on or after December 23, 2027, the clause proposed at FAR 52.240–YY, requires reporting within 72 hours for any electronic product or electronic service that contains a covered semiconductor regardless of an exception in paragraph (c) of the clause. Reporting within this timeframe is necessary to protect the Government by ensuring the Government is aware of any covered semiconductor product or service soon after discovery by the contractor. Similar reporting requirements exist for related prohibitions and cybersecurity requirements required by the clause at FAR 52.204–23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities(3 business days), the clause at FAR 52.204–25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (1 business day), Cyber Incident Reporting for Critical Infrastructure Act of 2022, Division Y of Public Law 117–103 (72 hours), and Defense FAR Supplement (DFARS) 252.204–7012, Safeguarding Covered Defense Information and Cyber Incident Reporting (72 hours). The FAR Council has proposed a 72-hour reporting deadline, similar to these related reporting requirements, because the Government's need to safeguard economic and national security against the potential risks of any covered semiconductor product or service is time sensitive. Prevention and mitigation opportunities substantially increase when the Government is quickly made aware of any covered semiconductor product or service. The FAR Council recognizes that contractors need sufficient time to report the occurrence upon discovery. While the statute authorizes the proposed rule to set a notification timeframe of up to 60 days, after considering the foregoing risks to economic and national security and comparing similar reporting requirements, the FAR Council has determined that a 72-hour reporting timeframe is the appropriate deadline because it falls well within the 60-day notification ceiling the statute sets on the regulation while affording contractors sufficient time to report the occurrence upon discovery. To prevent double reporting and any potential confusion, the FAR Council has proposed this timeframe to implement the regulatory notification deadline within the 60-day reporting ceiling required by subsection (h)(5) of section 5949. This proposed rule implements the statute's reporting requirement and sets the notification deadline at 72 hours to protect national security by ensuring appropriate awareness of covered semiconductor products and services within Federal information systems and networks.

6. Safe Harbor

After award, a contractor or subcontractor that provides a timely notification regarding electronic products or electronic services prohibited by paragraph (b) of the clause proposed at FAR 52.240–YY that are manufactured or assembled by an entity other than the contractor or subcontractor will not be subject to civil liability. In addition, such a contractor or subcontractor will not be determined to be not a presently responsible contractor based on such notification (see section 5949(h)(7) of the NDAA for FY 2023).

Additionally, a contractor or subcontractor that provides a notification to the Government, contractor, or subcontractor regarding covered semiconductor products or services in electronic products or services manufactured or assembled by such contractor or subcontractor shall not be subject to civil liability nor determined to be not a presently responsible contractor on the basis of such notification, if the contractor or subcontractor makes a comprehensive and documentable effort to identify and remove the covered semiconductor products or services (see section 5949(h)(8) of the NDAA for FY 2023).

7. Disclosure to Non-Federal Entities

The proposed clause which flows down to subcontractors, requires contractors and subcontractors that are semiconductor covered entities to disclose the inclusion of a covered semiconductor product or service in electronic products or electronic services to non-Federal customers outside of the Government. Neither the statute, nor the proposed rule, are prescriptive regarding the contents or method of disclosure. It is possible that a contractor or subcontractor may choose to include this information or disclaimer in its marketing material, on its website, and in any sales agreements to non-Federal customers.

8. Applicability to Subcontractors

Section 5949(c) mandates prime contractors to incorporate the substance of these prohibitions and applicable implementing contract clauses into contracts. This proposed rule requires that prime contractors insert FAR 52.240–YY into all subcontracts for the supply of any electronic products and services.

The Department of Commerce will host a website listing entities determined by the Secretary of Commerce or Secretary of Defense to be an entity owned or controlled by, or otherwise connected to, the government of a semiconductor foreign country of concern. This list will identify the effective date for the determination and can be used to determine whether a semiconductor, semiconductor product, or semiconductor services is a covered semiconductor product or service (see FAR 52.240–XX(d)(2)). The Department of Commerce is also considering hosting a website for the list of organizations where the organization has certified that electronic products or services

produced or provided by that organization do not contain any prohibited covered semiconductor products or services (see FAR 52.240–XX(d)(1)). A contractor would be able to reasonably rely on the certifications provided by the Department of Commerce website without the need for further inquiry unless the contractor discovers any discrepancies or has reason to doubt the accuracy of any certification made by any listed organization.

C. Prohibition

The proposed rule implements the prohibition required by section 5949(a)(1)(A) of the NDAA for FY 2023 and section 5949(a)(1)(B) of the NDAA for FY 2023 at FAR 40.20X–2. The prohibition will become effective on or after December 23, 2027, unless an exception applies. Section 5949(a)(1)(B) goes beyond the prohibition in section 5949(a)(1)(A) by prohibiting Federal agencies from acquiring electronic products, used within critical systems that use electronic products that incorporate covered semiconductor products or services. Examples of what section 5949(a)(1)(B) could restrict a Federal agency from acquiring include, but are not limited to, (1) a control panel within a critical system that enables an Internet of Things (IoT) device that includes a covered semiconductor product or service or (2) an unmanned aircraft ground control station that controls an unmanned aircraft that includes a covered semiconductor product or service.

The prohibitions are implemented through the proposed solicitation provision at FAR 52.240–XX, Certification Regarding Certain Semiconductor Products and Services, prescribed at FAR 40.20X–6(a), and the proposed contract clause at FAR 52.240–YY, Prohibition on Certain Semiconductor Products and Services, prescribed at FAR 40.20X–6(b).

The prohibitions impact any product or service that uses or provides electronic products or electronic services to the Government. Due to the prevalence of electronic products and electronic services, the FAR Council anticipates this would impact a significant number of contracts and orders.

Additionally, section 5949 of the NDAA for FY 2023 does not exempt micro-purchases, as there would be national security risks associated with allowing purchases of covered semiconductors under the micro-purchase threshold. Many electronic products and electronic services that are critical to the mission of the Federal Government are procured under the current micro-purchase threshold, and it is important that this rule address such risks. Therefore, section 40.20X will apply to all acquisitions of products, non-commercial services, commercial information technology (IT) services, and commercial telecommunications services, including contracts at or below the micro-purchase threshold, for commercial products (including commercially available off-the-shelf items). Commercial products or commercial services for which there are no alternative sources available are excepted from the semiconductor prohibition until December 23, 2028. These procedures will assist the Federal Government in identifying and mitigating risks to semiconductor hardware, firmware, and software, in turn making the supply chain more resilient, while taking into consideration the availability of alternative sources, the impact on small entities, and the identification and processing of any waivers that may be necessary.

D. Exceptions and Waivers

1. Exceptions

Section 5949 of the NDAA for FY 2023 includes exceptions and waivers. As proposed at FAR 40.20X–3, agencies are not required to (1) Remove or replace any products or services resident in equipment, systems, or services, prior to December 23, 2027; or (2) Prohibit or limit the utilization of covered semiconductor products or services throughout the lifecycle (*e.g.,* replacement component, spare part, support service) of existing equipment acquired prior to December 23, 2027.

Additionally, based on public comments received in response to the advance notice of proposed rulemaking and the expected impact to entities, commercial products or commercial services for which there are no alternative sources available are excepted from the semiconductor prohibition until December 23, 2028. This will allow entities additional time to find reasonable alternatives and limit the volume of waivers that would need to be processed by the Government.

Semiconductors, semiconductor products, and semiconductor services which are determined by Secretary of Commerce or Secretary of Defense to be a covered semiconductor product or service after contract award, are excepted from the prohibition unless the contract is modified to include such covered semiconductor product or service.

Section 5949 is silent on the applicability of these requirements to acquisitions of commercial products and commercial services. The law does not include terms making express reference to 41 U.S.C. 1906 and its application to acquisitions of commercial products or commercial services, nor does the law independently provide for criminal or civil penalties. Therefore, this law does not apply to acquisitions of commercial products and commercial services unless the FAR Council makes a written determination as required by 41 U.S.C. 1906. The FAR Council intends to make a determination to only apply section 5949 to acquisitions for commercial products, commercial IT services, and commercial telecommunications services. This determination is being implemented through an exception. Without this exception, this prohibition would impact many categories of commercial services (*e.g.,* hotel accommodations) where the risk is very low to the Government and the Government is a very small share of the overall market. This targeted exception will allow the Government to focus this prohibition on all electronic products, non-commercial services, IT services, and telecommunication services where the risk is considered greatest. Therefore, the prohibition will not apply to commercial service procurements except for procurements for IT services and telecommunication services.

To align with the intent of the statute and avoid unintended consequences of regulating electronic services not directly related to the purpose of the procurement, electronic services that are incidental to the performance of the contract (*e.g.,* contractor payroll) are also excepted.

2. Waivers

The proposed text at FAR 40.20X–5 provides the procedures for the head of an agency to waive, for a renewable period of not more than two years per waiver, the prohibitions at 40.X02 if the head of the agency-

(1) In consultation with the Secretary of Commerce, determines that no compliant product or service is available to be procured as, and when, needed at United States market prices or a price that is not considered prohibitively expensive (*i.e.,* would impose significant difficulty or expense considering the agency resources available); and

(2) In consultation with the Secretary of Defense or the Director of National Intelligence, determines that such waiver could not reasonably be

expected to compromise the critical national security interests of the United States.

Additionally, the Secretary of Defense may provide a waiver for any executive agency if the Secretary of Defense determines that the waiver is in the critical national security interests of the United States. The Director of National Intelligence may provide a waiver for any executive agency if the Director of National Intelligence determines that the waiver is in the critical national security interests of the United States.

Lastly, the Secretary of Commerce, Secretary of Homeland Security, or Secretary of Energy, in consultation with the Director of National Intelligence or the Secretary of Defense, may provide a waiver for any executive agency if the Secretary determines that the waiver is in the critical national security interests of the United States. While the rule provides for exceptions and waivers, the overall goal of the statute remains the exclusion of semiconductors from prohibited entities to the greatest degree possible by December 23, 2027. As such, exceptions and waivers are meant to act as a bridge to near-term compliance with the rule, not an indefinite reprieve from it.

E. Other Updates

This proposed rule requires a new information collection. The OMB control number assigned to the information collection will be added to FAR 1.106.

Once finalized, the rule will move the definitions of ''national security system'' and ''subsidiary'' from 39.002 and 9.108–1, respectively, to FAR 2.101.

The proposed rule updates FAR 12.301 to include, for commercial products and information technology services and telecommunication services (*i.e.,* services in Category D: Information Technology (IT) and Telecommunications (Telecom) of the Federal Procurement Data System Product and Service Codes (PSC) Manual), the proposed solicitation provision at FAR 52.240–XX in the list of other required provisions and clauses at paragraph (d).

The proposed rule updates FAR 13.201 to apply to micro-purchases, adding the prohibition on procuring or obtaining electronic products or electronic services that include covered semiconductor products or services and the prohibition on procuring or obtaining electronic products, for use in critical systems, that use electronic products that incorporate covered semiconductor products or services.

The new section at FAR 40.20X provides definitions, policies, exceptions, and procedures related to acquiring electronic products or electronic services that contain covered semiconductor products and services.

The clauses at FAR 52.212–5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Products and Commercial Services; FAR 52.213–4, Terms and Conditions-Simplified Acquisitions (Other Than Commercial Products and Commercial Services); and FAR 52.244–6, Subcontracts for Commercial Products and Commercial Services, are updated to add the requirements of the proposed clause at FAR 52.240–YY, Prohibition on Certain Semiconductor Products and Services.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Products (Including Commercially Available Off-the-Shelf (COTS) Items), or for Commercial Services

This rule proposes to add a new provision at FAR 52.240–XX, Certification Regarding Certain Semiconductor Products and Services, and a new clause at FAR 52.240–YY, Prohibition on Certain Semiconductor Products and Services, to implement section 5949 of the James M. Inhofe NDAA for FY 2023. The provision and clause are prescribed at FAR 40.20X–6(a) and 40.20X–6(b).

A. Applicability to Contracts at or Below the Simplified Acquisition Threshold

41 U.S.C. 1905 governs the applicability of laws to acquisitions at or below the SAT. Section 1905 generally limits the applicability of new laws when agencies are making acquisitions at or below the SAT, but provides that such acquisitions will not be exempt from a provision of law under certain circumstances, including when the Federal Acquisition Regulatory Council (FAR Council) makes a written determination and finding that it would not be in the best interest of the Federal Government to exempt contracts and subcontracts in amounts not greater than the SAT from the provision of law. The FAR Council intends to make a determination to apply this statute to acquisitions at or below the SAT unless an exception applies. While the rule provides for exceptions and waivers, the overall goal of the statute remains to prohibit executive agencies from procuring or obtaining certain products and services that include covered semiconductor products or services to the greatest degree possible by December 23, 2027. As such, exceptions and waivers are meant to act as a bridge to near-term compliance with the rule not an indefinite reprieve from it.

B. Applicability to Contracts for the Acquisition of Commercial Products, Including Commercially Available Off-the-Shelf (COTS) Items, and Commercial Services

41 U.S.C. 1906 governs the applicability of laws to contracts for the acquisition of commercial products and commercial services and is intended to limit the applicability of laws to contracts for the acquisition of commercial products and commercial services. Section 1906 provides that if the FAR Council makes a written determination that it is not in the best interest of the Federal Government to exempt commercial contracts, the provision of law will apply to contracts for the acquisition of commercial products and commercial services. 41 U.S.C. 1907 states that acquisitions of COTS items will be exempt from certain provisions of law unless the Administrator for Federal Procurement Policy makes a written determination and finds that it would not be in the best interest of the Federal Government to exempt contracts for the procurement of COTS items.

The FAR Council intends to make a determination to apply section 5949 to acquisitions for commercial products, commercial IT services, and commercial telecommunications services. The Administrator for Federal Procurement Policy intends to make a determination to apply this statute to acquisitions for COTS items.

C. Determinations

Section 5949 of the James M. Inhofe NDAA for FY 2023 prohibits the head of an executive agency from procuring or obtaining, or extending or renewing a contract to procure or obtain, any electronic parts, products, or services that include covered semiconductor products or services. In addition, section 5949 prohibits the head of an executive agency from entering into a contract, or extending or renewing a contract, with an entity to procure or obtain electronic parts or products that use any electronic parts or products that include covered semiconductor products or services. However, executive agencies are not required to—

(1) Remove or replace any products or services resident in equipment, systems, or services, prior to the effective date of the prohibition.

(2) Prohibit or limit the utilization of covered semiconductor products or services throughout the lifecycle (*e.g.,* replacement component, spare part,

support service) of existing equipment acquired prior to December 23, 2027.

The law is silent on the applicability of Section 5949 of the NDAA for FY 2023 to acquisitions at or below the SAT. The law does not include terms making express reference to 41 U.S.C. 1905 and its applicability to acquisitions at or below the SAT, nor does the law independently provide for criminal or civil penalties. Therefore, the law does not apply to acquisitions at or below the SAT unless the FAR Council makes a written determination as required by 41 U.S.C. 1905. Application of the law to contracts at or below the SAT, will further national security. Failure to apply Section 5949 of the NDAA for FY 2023 to contracts at or below the SAT would exclude a significant number of contracts that may include the prohibited semiconductors. For this reason, the FAR Council intends to determine that it is in the best interest of the Federal Government to apply the requirements of the rule to applicable contracts at or below the SAT.

With regards to subcontracts at or below the SAT, the FAR Council intends to determine that it is in the best interest of the Federal Government to apply section 5949 of the NDAA for FY 2023 to such acquisitions unless an exception applies.

The law is silent on the applicability of these requirements to acquisitions of commercial products and commercial services. The law does not include terms making express reference to 41 U.S.C. 1906 and its application to acquisitions of commercial products or commercial services, nor does the law independently provide for criminal or civil penalties. Therefore, this law does not apply to acquisitions of commercial products and commercial services unless the FAR Council makes a written determination as required by 41 U.S.C. 1906. The FAR Council intends to determine that it would not be in the best interest of the Federal Government to exempt acquisitions of commercial products, and commercial IT services and telecommunication services (*i.e.,* services in Category D: Information Technology (IT) and Telecommunications (Telecom) of the Federal Procurement Data System Product and Service Codes (PSC) Manual) from the requirements of Section 5949 of the NDAA for FY 2023. As such, this rule would apply to acquisitions for commercial products and commercial IT services and commercial telecommunication services. With regards to subcontracts for commercial products and commercial services, the FAR Council intends to determine that it would be in the best interest of the Federal Government to apply section 5949 of the NDAA for FY 2023 to such acquisitions unless an exception applies.

The law is silent on the applicability of this requirement to acquisitions of COTS items. The law does not include terms making express reference to 41 U.S.C. 1907 and its application to acquisitions of COTS items, nor does the law independently provide for criminal or civil penalties. Therefore, it does not apply to acquisitions of COTS items unless the Administrator for Federal Procurement Policy makes a written determination as provided at 41 U.S.C. 1907. Considering that semiconductor products meet the definition of a COTS item, the Administrator for Federal Procurement Policy intends to make a determination to apply this rule to acquisitions of COTS items, including subcontracts for COTS items.

IV. Severability

If any portion (*e.g.,* section, clause, sentence) of this rule is held to be invalid or unenforceable facially, or as applied to any entity or circumstance, it shall be severable from the remainder of this rule, and shall not affect the remainder thereof, or its application to entities not similarly situated or to other dissimilar circumstances. The various portions of this rule are independent and serve distinct purposes. Even if one aspect were rendered invalid, the other benefits of the rule would still be applicable.

V. Expected Impact of the Rule

The Government has conducted a regulatory impact analysis (RIA) for the proposed rule, which is available in the docket for FAR Case 2023–008 available at *https://www.regulations.gov.* The RIA includes a discussion of the anticipated benefits of the rule, a description of impacted entities, an estimate of the public and Government costs associated with compliance, and the alternatives considered. Based on the RIA, the total estimated public and Government costs associated with this proposed rule in millions over a 10-year period:

Cost	Undiscounted	3% Discount rate	7% Discount rate
Net Present Value	$1,859	$1,631	$1,396
Annualized	186	191	199

The following table presents the total estimated public and Government costs in millions per year:

Year	1	2	3	4	5	6	7	8	9	10
Costs	$530	$151	$151	$147	$147	$147	$147	$147	$147	$147
3%	514	142	138	130	127	123	119	116	113	109
7%	495	132	123	112	105	98	91	85	80	75

The Government is seeking public comment on the RIA. The following sections provide a summary of the benefits, compliance activities, and the total annual costs. For more detailed information please access the full RIA available at *http://www.regulations.gov* (search for ''FAR Case 2023–008,'' click ''Open Docket,'' and view ''Supporting Documents'').

A. Benefits

1. Increased National Security and Economic Protection

Resilient and secure supply chains with robust breadth and depth are necessary to ensure national security and economic prosperity.

Semiconductors and advanced packaging were identified in Executive Order 14017 ''America's Supply Chains'' as one of four key supply chains subject to a review within 100 days of the issuance of the Executive Order. The 100-Day Supply Chain Review report emphasized the complexity of the semiconductor global supply chain and identified risks in the semiconductor supply chain, including malicious insertion. Failure to address this semiconductor supply chain vulnerability would have a substantial impact on national security and economic security, as it would provide adversaries the opportunity to infiltrate the semiconductor supply chain. During semiconductor production, there are numerous opportunities for adversaries and other threat actors to introduce hardware, backdoors, malicious firmware, and malicious software into a semiconductor. The possibility of infiltration poses a risk not only to the specific electronic product or service procured by the Government, but also presents a cyber-attack risk to Government systems. Since semiconductors are key components of U.S. critical infrastructure (*e.g.,* information technology and communication) and have many military applications, it is vital that these threat vectors are addressed during the production process. The proposed rule, if finalized, would increase protection against potential semiconductor supply chain infiltration by prohibiting agencies from procuring covered semiconductors products or services and requiring that offerors certify that they will not provide covered semiconductors after a reasonable inquiry. The offeror's certification increases Government awareness of the semiconductors included in their electronic products and services. Limiting the Government's exposure to covered semiconductors reduces the opportunity for adversaries to maliciously infiltrate the Government's semiconductor supply chain and increases its resilience and security.

The risks of supply chain infiltration noted above also extend to all non-Federal customers of semiconductor covered entities, not just the Government. The risks for these non-Federal customers include many of the same risks as those posed to the Government (*e.g.,* hacking, cyber-attacks, counterfeits), and also includes distinct risks (*e.g.,* intellectual property theft and business disruption). A survey of the microelectronic industrial base by the Department of Commerce's Bureau of Industry and Security's Assessment of the Status of the Microelectronics Industrial Base in the United States indicated rising concern related to information security, with increasing expectations of challenges related to cybersecurity, intellectual property and patent infringement, and foreign industrial espionage. The proposed rule requires that semiconductor covered entities disclose to non-Federal customers the inclusion of covered semiconductor products in electronic products or electronic services. This disclosure increases the protection for non-Federal customers by raising their awareness of the inclusion of covered semiconductors in their products, which allows them to make informed decisions and risk assessments. Non-Federal customer awareness of the inclusion of covered semiconductors will increase supply chain visibility, which should enhance the capability for protection and risk mitigation.

2. Protection From Semiconductor Supply Chain Disruption

The risk of semiconductor supply chain disruption has been a focus following the COVID–19-related semiconductor supply chain disruption. The resulting global chip shortage resulted in supply chain challenges and, according to a survey cited by the Department of Commerce and Department of Homeland Security's Assessment of the Critical Supply Chains Supporting the U.S. Information and Communication Technology, increased the lead times for various products including components, routers, switches, and servers. The 100-Day Supply Chain Review indicated that the semiconductor supply chain is ''fragile'' due to the immense number of inputs, energy demands, globalized and highly specialized nature, and the economic benefits of geographic manufacturing clusters, which raises the risk of unintentional supply chain disruptions. The impact of unintentional disruptions to the semiconductor supply chain demonstrates the vulnerability of the supply chain that is furthered by the risk of malicious disruption to the semiconductor supply chain. The 100-Day Supply Chain Review emphasized how the nature of the semiconductor supply chain increases the risk for malicious disruptions to semiconductors. The report on the Department of Commerce's survey notes that the semiconductor industry has increasingly been targeted by cyberattacks, and in 2022 alone, the industry experienced eight major ransomware attacks that impacted industry leaders. These cyber-attacks underscore the importance of protecting the semiconductor supply chain from malicious disruptions. Relying on semiconductors from adversaries increases the risk of malicious disruptions to the semiconductor supply chain. The impact of this supply chain disruption could affect national security and vast sections of the economy. The proposed rule increases protection from semiconductor supply chain disruption by prohibiting covered semiconductors and providing transparency into where covered semiconductors are utilized.

3. Supply Chain Transparency

The current lack of visibility into the semiconductor supply chain reduces the ability of the Government to mitigate risk and address supply chain disruptions and infiltrations. The Department of Defense, in its 2023 National Defense Industry Strategy report, indicates that the lack of visibility into our critical supply chains creates unique challenges that need to be addressed in order to meet national security objectives and that greater visibility increases the ability to mitigate risks and to manage disruptions proactively, aggressively, and systematically. Requiring that semiconductor covered entities disclose to non-Federal customers the inclusion of a covered semiconductor product or service in electronic parts, products, or services will also improve visibility into the semiconductor supply chain by increasing transparency of the entire U.S. semiconductor market. Furthermore, the proposed rule's requirement that offerors conduct a reasonable inquiry into their semiconductor supply chain promotes increased supply chain visibility for offerors. This visibility will allow for better risk assessments, risk mitigation, business decisions, and supply chain determinations. The benefits of increasing visibility into the supply chain also expands to all consumers of products containing semiconductors. The increased transparency from the proposed rule will also benefit the semiconductor manufacturing industry as increased supply chain transparency will allow them to reduce the risk of unintentional and malicious disruptions.

B. Public Impact

The following table illustrates the total estimated public cost associated with this proposed rule in millions over a 10-year period:

Public cost	Undiscounted	3% Discount rate	7% Discount rate
Net Present Value	$1,798	$1,575	$1,344
Annualized	180	185	191

The following table presents the total estimated public costs in millions per year:

Year	1	2	3	4	5	6	7	8	9	10
Cost	$489	$148	$148	$145	$145	$145	$145	$145	$145	$145
3%	475	139	135	129	125	121	118	114	111	108
7%	457	129	120	111	103	97	90	84	79	74

A summary of the specific compliance activities and total estimated annual costs associated with these activities are provided in the sections that follow. For more detailed information on the public cost estimates, please see section II.B. of the RIA available at *http://www.regulations.gov* (search for ''FAR Case 2023–008'' click ''Open Docket,'' and view ''Supporting Documents'').

1. Regulatory Familiarization

Entities interested in doing business with the Government will need to review the new solicitation provision and contract clause and familiarize themselves with the prohibition, the authorized exceptions, the minimum requirements for making a reasonable inquiry, the certifications the entity will make by submitting an offer in response to a Government solicitation, the disclosure requirements for covered semiconductor products and services, and the potential liability for failing to conduct a reasonable inquiry or to disclose known covered semiconductor products or services being used in performance of a Government contract. The total estimated cost for regulatory familiarization in the initial year of the rule is $193,600,000. The estimated cost for regulatory familiarization for new entrants in each subsequent year is $7,392,000.

2. Reasonable Inquiry

Before submitting an offer in response to a Government solicitation and providing the certifications required by the new provision at FAR 52.240–XX, an entity would be required to conduct a reasonable inquiry to determine whether the electronic products or electronic services it provides to the Government include covered semiconductor products or services or use electronic products that include covered semiconductor products or services. It is expected that most entities will conduct a full review of the electronic products and electronic services that they may offer to the Government, rather than assess on a solicitation-by-solicitation basis.

To conduct this inquiry, an entity will need to assess the electronic products or electronic services that are included in its offerings to the Government and seek out information to identify the source of semiconductor products or services included in those offerings. In conducting this inquiry an entity may consult the Department of Commerce website, search supplier websites, or use supply chain illumination or other due diligence tools. If an entity is unable to find information to confirm that an electronic product or service does not use or include a covered semiconductor product or service, the entity would need to look to its suppliers to conduct reasonable inquiries and provide the required certification.

The Government estimates the total annual cost in the first year of implementation to be $138,537,675, of which $51,327,675 is attributed to entities who are prime contractors on Government contracts and $87,210,000 is attributed to subcontractors and suppliers. For each subsequent year, the Government estimates the total estimated annual cost is $121,428,450, of which $34,218,450 is attributed to entities who are prime contractors on Government contracts and $87,210,000 is attributed to subcontractors and suppliers.

3. Government Disclosures

If, as a result of the initial reasonable inquiry, an offeror discovers that an electronic product or electronic service to be offered to the Government under the solicitation includes covered semiconductor products or services, the offeror will need to disclose with its offer any information about the covered semiconductor product or service that is known at the time of submission of its offer. This disclosure includes, for example, information about the manufacturer, the risks associated with including the semiconductor product or service, and whether there are any available alternatives to the semiconductor product or service. The total estimated annual cost for disclosures in the initial year of implementation is $3,962,318. Given the expected updates to supply chains, the total estimated annual cost in the first two years after initial implementation, is reduced to $1,189,559. After the first three years of implementation, the total estimated annual cost associated with pre-award disclosures is $198,548.

4. Product and Supply Chain Updates

In order to avoid being ineligible for award of Government contracts based on noncompliance with the Section 5949 prohibitions, entities will need to remove electronic products and electronic services that include or use covered semiconductor products and services from the products and services they offer to the Government. The level of effort associated with removing such products can vary significantly from one entity to another. The impact depends on whether an entity is reselling, manufacturing, or using an electronic product or service that contains a covered semiconductor product or service.

Entities that use or resell an electronic product or service that contains a covered semiconductor product or service will be focused on communicating with their suppliers and customers and making other operational adjustments. These entities will need to assess and renegotiate their current supplier agreements, identify sources of alternative products, manage their existing inventory, and update internal systems, processes, and procedures. Removing covered semiconductor products and services from products manufactured under Government contracts will require the most

significant level of effort. Manufacturers may also experience product redesign, testing, and prototyping costs.

The proposed rule does not require entities to remove or replace electronic products or electronic services resident in existing equipment, systems, or services, that were acquired by the contractor prior to December 23, 2027, and used as part of the performance of the contract, or to limit the utilization of a covered semiconductor product or service throughout the lifecycle (*e.g.,* replacement component, spare part, support service) of existing equipment that was acquired by the contractor prior to December 23, 2027, and used as part of the performance of the contract, which will limit the impact of the prohibition on impacted entities. However, entities must adjust designs intended to be leveraged for future Government contracts to ensure compliance with the prohibition.

The Government has limited visibility into and information on how many electronic products or electronic services may need to be removed from the supply chain or adjusted to not use covered semiconductor products or services. For the purposes of this analysis, the Government estimates the total cost for entities to replace electronic products or electronic services they resell to the Government or use in the performance of Government contracts in the first year of implementation to be $114,750,000. The total estimated annual cost associated with adjusting products manufactured for the Government to remove covered semiconductor products or services in the first year of implementation is $152,125,000. The estimated annual cost in each subsequent year of implementation is $11,500,000 for replacements and $2,600,000 for adjustment of manufactured electronic products and electronic services.

5. Government Notification

On or after December 23, 2027, a contractor must notify the contracting officer within 72 hours of becoming aware that it provided a covered semiconductor product or service to the Federal Government or purchased for delivery to the Federal Government during performance of a contract, in order to be protected under the safe harbor provisions in paragraph (h) of the clause at FAR 52.240–YY.

The total estimated annual cost associated with making these post-award notifications in the initial year of implementation is $264,155. Given the expected updates to supply chains, the total estimated annual cost for such notifications in the first two years after initial implementation is $26,473. After the first three years of implementation, the total estimated annual cost is $13,237.

6. Non-Federal Customer Disclosures

The clause, which flows down to subcontractors, requires semiconductor covered entities to disclose the inclusion of a covered semiconductor product or service in electronic products or electronic services to non-Federal customers outside of the Government. Neither the statute nor the proposed rule is prescriptive regarding the contents or method of disclosure. It is possible that a contractor or subcontractor may choose to include this information or disclaimer in its marketing material, on its website, and in any sales agreements to non-Federal customers.

The total estimated annual cost associated with making these post-award notifications in the initial year of implementation is $4,312,305. Given the expected updates to supply chains, the total estimated annual cost for such notifications in the first two years after initial implementation is $2,157,092. After the first three years of implementation, the total estimated annual cost is $432,170.

C. Government Impact

The following table illustrates the total estimated Government cost associated with this proposed rule in millions over a 10-year period:

Government cost	Undiscounted	3% Discount rate	7% Discount rate
Net Present Value	$60.6	$56.4	$51.9
Annualized	6.1	6.6	7.4

The following table presents the total estimated Government costs in millions per year:

Year	1	2	3	4	5	6	7	8	9	10
Costs	$40.9	$3.0	$3.0	$2.0	$2.0	$2.0	$2.0	$2.0	$2.0	$2.0
3%	39.7	2.8	2.7	1.7	1.7	1.6	1.6	1.5	1.5	1.5
7%	38.2	2.6	2.4	1.5	1.4	1.3	1.2	1.1	1.1	1.0

A summary of the specific compliance activities and total estimated annual costs associated with these activities are provided in the sections that follow. For more detailed information on the Government cost estimates, please see section II.C. of the RIA available at *http://www.regulations.gov* (search for ''FAR Case 2023–008'' click ''Open Docket,'' and view ''Supporting Documents'').

1. Training & Familiarization

Government contracting officers, contract specialists, contracting officer representatives, and others involved in the acquisition process (such as those involved in the development of requirements documents), will be required to become familiar with the requirements of this rule and receive additional training in order to ensure they are not procuring electronic products or electronic services that contain covered semiconductor products or services. The estimated annual training cost is $35,500,000 in the first year of implementation and $1,775,000 in each subsequent year.

2. Review Disclosures

If, when reviewing proposals, the contracting officer finds that an offeror has disclosed electronic products or electronic services that include or use covered semiconductor products or services, the contracting officer will forward the disclosure to the

appropriate personnel in the requiring activity who will review the disclosure, consult with other offices as necessary, and advise the contracting officer regarding whether the disclosure impacts the contracting officer's ability to award to the offeror or if a waiver should be pursued. The total cost for the Government to review disclosures in the first year of implementation is $2,444,175. In the first two years after initial implementation, the estimated annual cost to the Government is $733,785. Annually thereafter, the estimated annual cost to the Government is $122,475.

3. Review Notifications

If, during performance of a contract, the contracting officer receives a notification from the contractor that it has provided to the Government an electronic product or electronic service that includes or uses covered semiconductor products or services, the contracting officer will forward the notification to the appropriate personnel in the requiring activity who will review the notification, consult with other offices as necessary, and advise the contracting officer on how the notification impacts contract administration and whether a post-award waiver should be pursued. The total cost for the Government to review the estimated disclosures in the first year of implementation is $201,960. In the first two years after initial implementation, the estimated annual cost to the Government is $20,240. Annually thereafter, the estimated annual cost to the Government is $10,120.

4. Process Waivers

The Government may consider authorizing a waiver to allow the inclusion or use of the covered semiconductor product or service. For this effort, it is anticipated that the requiring activity and technical experts will be responsible for drafting the basis for the waiver. The program manager and an attorney will provide feedback on the waiver and will meet with and seek approval of the waiver from a senior executive. The contracting officer will communicate with the contractor regarding the agency's decision. The total estimated annual cost for the Government to consider waivers in the first year of implementation is $2,726,460. The percent of notifications requiring a waiver is expected go down after the initial year therefore, the estimated annual cost to the Government in the first two years after initial implementation is $470,745. Annually thereafter, the estimated annual cost to the Government is $54,945.

D. Alternatives Considered

1. Commercial Products and Commercial Services

The Government considered applying this prohibition to all commercial products and commercial services. However, this prohibition would impact many categories of commercial services (*e.g.,* hotel accommodations) where the risk is very low to the Government and the Government is a very small share of the overall market. Applying the prohibition to commercial electronic products, IT services, and telecommunication services will allow the Government to focus this prohibition where the risk is greatest.

Public comments received in response to the advanced notice of proposed rulemaking identified a need for an exemption or delay in effective date for commercial products and commercial services. However, a full exemption of the prohibition is not feasible given the national security implications associated with this prohibition. Because certain commercial electronic products and services will require additional time to remove covered semiconductor products and services, the Government is also proposing a one-year delay in the effective date where no alternative is available. Including this one-year exemption will reduce the number of contract-by-contract waivers the Government will likely need to process in the first year of implementation while industry updates their products and supply chains.

2. Requiring Artifacts for Validating Compliance

The Government considered including a requirement for contractors to provide artifacts (*e.g.,* hardware bill of materials) to validate compliance with this prohibition beyond the certification requirement. However, after considering the current level of use by the electronics industry of such artifacts and the likely costs this would add to the rule, the Government decided that these artifacts would not be required at this time. The rule requires offerors and contractors to conduct a reasonable inquiry into their supply chains to identify any prohibited semiconductors and then certify whether their electronic products and electronic services include such prohibited semiconductors. The reasonable inquiry and certification will sufficiently mitigate the risk of noncompliance at this time. Depending on industry adoption of such artifacts in the future, future rulemaking could add a requirement as needed.

VI. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 (as amended by E.O. 14094) and 13563 direct agencies to assess 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. This is a significant regulatory action under section 3(f)(1) of E.O. 12866 and, therefore, was subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

VII. Executive Order 14192

This rule is exempt from (Unleashing Prosperity Through Deregulation) as it is a regulation issued with respect to a national security or homeland security function of the United States.

VIII. Regulatory Flexibility Act

The proposed rule, if finalized, may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act 5 U.S.C. 601–612. The Initial Regulatory Flexibility Analysis (IRFA) is as follows:

1. Reasons for the action.

The reason for this proposed rule is to revise the Federal Acquisition Regulation (FAR) to implement paragraphs (a), (b), (c), and (h) in section 5949 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Pub. L. 117–263, 41 U.S.C. 4713 note). Section 5949 prohibits executive agencies from procuring or obtaining certain products and services that include covered semiconductor products or services effective December 23, 2027.

2. Objectives of, and legal basis for, the rule.

The objective of this rule is to mitigate a significant national security risk given the numerous opportunities for adversaries and other threat actors to introduce hardware backdoors, malicious firmware, and malicious software into a semiconductor during production. Since semiconductors are key components of U.S. critical infrastructure (*e.g.,* information technology, communications) and have many military applications, it is vital that these threat vectors are addressed during the production process. Semiconductors are ultimately integrated into end products, so it can be difficult to identify and mitigate risks to semiconductor hardware, firmware, and software. This rule proposes to amend the FAR to implement paragraphs (a), (b), (c),

and (h) in section 5949 of the NDAA for FY 2023. On or after December 23, 2027, Federal agencies will be prohibited from procuring or obtaining—(1) Electronic products or services that include covered semiconductor products or services (section 5949(a)(1)(A)); and (2) Electronic products, for use in critical systems, that use electronic products that include covered semiconductor products or services (section 5949(a)(1)(B)).

Promulgation of the FAR is authorized by 40 U.S.C. 121(c); 10 U.S.C. chapter 4 and 10 U.S.C. chapter 137 legacy provisions (see 10 U.S.C. 3016); and 51 U.S.C. 20113.

3. Description of and an estimate of the number of small entities to which the rule will apply.

This proposed rule, if finalized, would impact small entities that have an interest in doing business with the Federal Government, regardless of their primary North American Industry Classification System code (NAICS). Specifically, small entities that include or use electronic products or electronic services in the products and services they offer to the Government would be subject to certain compliance requirements. The estimated number of small entities impacted by each of these compliance requirements is as follows:

a. Regulatory Familiarization

As of October 2024, there are approximately 550,000 entities registered in SAM, of which approximately 401,000 (72 percent) are considered small for at least one NAICS code. On average there are approximately 21,000 new active SAM registrants each year, of which approximately 14,000 (~75 percent) are small entities. At minimum, these small entities will need to become familiar with the requirements of the rule.

b. Reasonable Inquiry

According to data available in the Federal Procurement Data System for Government fiscal years 2021 through 2023, on average the Government awards contracts for products, for information technology or telecommunications services, and for other services procured using other than FAR part 12 commercial procedures to approximately 54,000 unique entities each year, of which 36,000 (~67 percent) are small entities. The Government estimates that approximately 45,900 (85 percent) of these entities, of which 30,600 (~67 percent) are small entities, offer electronic products or electronic services to the Government and would need to conduct a reasonable inquiry to determine whether their products or services use or include covered semiconductor products or services.

The Government does not have data on how many suppliers to prime contractors may also be asked to conduct a reasonable inquiry. For the purposes of this analysis, it is assumed the ratio of prime contractors to subcontractors required to perform a reasonable inquiry is 1:5 and that 80 percent of the subcontractors are small entities. Therefore, the Government estimates that 229,500 suppliers or subcontractors may be required to conduct reasonable inquiries, of which 183,600 are estimated to be small entities.

c. Government Disclosure (Pre-Award)

The Government estimates that five percent of the entities required to conduct a reasonable inquiry (primes and subcontractors) or 2,295 entities may need to disclose the use or inclusion of covered semiconductor products and services with their offers, of which 1,530 are estimated to be small entities. The Government anticipates a reduction in the number of impacted entities after the first year of implementation.

d. Product and Supply Chain Updates

The Government has limited visibility into or information on how many electronic products or services may need to be removed from the supply chain or adjusted to not use covered semiconductor products or services. Some entities who contract with the Federal Government may have none, while others may have a concentration of products or services. For the purposes of this analysis, the Government assumes that the 2,295 entities providing pre-award disclosures, of which 1,530 are small entities, may need to replace electronic products or services they resell or use in the first year of implementation. It is further estimated that 115 of these entities, of which 77 are estimated to be small entities, may need to adjust products they manufacture to remove covered semiconductor products or services in the first year of implementation. The Government anticipates a reduction in the number of impacted entities after the first year of implementation.

e. Government Notification (Post-Award)

The Government estimates that one percent of entities required to conduct a reasonable inquiry at the prime level (459 entities, of which 306 are estimated to be small entities) may need to disclose to the Government the use or inclusion of covered semiconductor products and services during performance of a contract. The Government anticipates a reduction in the number of impacted entities after the first year of implementation.

f. Non-Federal Customer Notification

The Government estimates that one percent of entities required to conduct a reasonable inquiry at the subcontractor level (2,295 entities, of which 1,530 are estimated to be small entities), may need to disclose the inclusion of a covered semiconductor product or service in electronic products or electronic services to non-Federal customers outside of the Government. The Government anticipates a reduction in the number of impacted entities after the first year of implementation.

4. Description of projected reporting, recordkeeping, and other compliance requirements of the rule.

The following is a summary of the projected compliance requirements and the estimated costs per small entity and total annual costs to small entities associated with those compliance requirements. The total estimated annual cost to small entities in the initial year of implementation is $352,355,968. The total estimated annual cost to small entities in the first two years after initial implementation is $110,006,039. In subsequent years, the total estimated annual cost to small entities is $108,187,360. Additional information on the basis for the cost estimates and a summary of compliance costs by compliance requirement and business size is available in the regulatory impact analysis available at *http://www.regulations.gov* (search for ''FAR Case 2023–008,'' click ''Open Docket,'' and view ''Supporting Documents'').

a. Regulatory Familiarization

Entities interested in doing business with the Government will need to review the new solicitation provision and contract clause and familiarize themselves with the prohibition, the authorized exceptions, the minimum requirements for making a reasonable inquiry, the certifications the entity will make by submitting an offer in response to a Government solicitation, the disclosure requirements for covered semiconductor products and services, and the potential liability for failing to conduct a reasonable inquiry or to disclose known covered semiconductor products or services being used in performance of a Government contract.

The Government estimates that it will take an entity, on average, four hours to become familiar with the rule. Four hours is the amount of time associated with reading and understanding the rule. In general, this activity is expected to be performed by management analysts. The estimated cost per entity for regulatory familiarization is $352. Therefore, the estimated annual cost for small entities in the first year of implementation is $141,152,000 (401,000 small entities * $352/business). The estimated annual cost for small entities in subsequent years is $4,928,000 (14,000 small entities * $352/entity).

b. Reasonable Inquiry

Before submitting an offer in response to a Government solicitation, and providing the certifications required by the new provision at FAR 52.240–XX, Certification Regarding Certain Semiconductor Products and Services, an entity would be required to conduct a reasonable inquiry to determine whether the electronic products or electronic services it provides to the Government include covered semiconductor products or services or use electronic products that include covered semiconductor products or services. It is expected that most entities will conduct a full review of the electronic products and electronic services that they may offer to the Government, rather than assess on a solicitation-by-solicitation basis.

To conduct this inquiry, an entity will need to assess the electronic products or electronic services are included in its offerings to the Government and seek out information to identify the source of semiconductor products or services included in those offerings. In conducting this inquiry an entity may consult the Department of Commerce website, search supplier websites, search manufacturer websites, or use supply chain illumination or other due diligence tools. If an entity is unable to find information to confirm that an electronic product or electronic service does not use or include a covered semiconductor product or service, the entity would need to look to its

suppliers to conduct reasonable inquiries and provide the required certification in the solicitation provision at 52.240–XX. for the certification.

The level of effort required to conduct the initial reasonable inquiry is dependent on a number of factors, including the number and diversity of electronic products or electronic services an entity offers to the Government and how far into its supply chain an entity must go to validate that electronic products and electronic services do not contain covered semiconductor products and services. In general, this effort is expected to be performed by a purchasing manager who is supported by management analysts. The results of the inquiry are expected to be reviewed by an attorney and maintained by a compliance officer. For this analysis, the Government estimates that the average cost is $1,118.25 per entity conducting an inquiry on multiple products and services at the prime level in the first year of implementation and $745.50 per entity in subsequent years. The Government further estimates a cost of $380 per supplier conducting an inquiry on one product or service at the subcontractor level. The Government recognizes that the actual level of effort may vary substantially from one supplier to the next.

The total estimated annual cost for small entities performing at the prime level to conduct initial reasonable inquiries in the initial year of implementation is $34,218,450 (30,600 small entities * $1,118.25/business). For small business suppliers, the total estimated annual cost in the initial year is $69,768,000 (183,600 small entities * $380/business). After the first year of implementation, the total estimated annual cost for small business primes is $22,812,300 (30,600 small entities * $745.50/entity) and $69,768,000 (183,600 small entities * $380) for small entity subcontractors.

c. Government Disclosure (Pre-Award)

If, as a result of the initial reasonable inquiry, an offeror discovers that an electronic product or electronic service to be offered to the Government under the solicitation includes covered semiconductor products or services, the offeror will need to disclose with its offer any information about the covered semiconductor product or service that is known at the time of submission of its offer. This disclosure includes, for example, information about the manufacturer, the place of manufacture, the risks associated with including the semiconductor product or service, and whether there are any available alternatives to the semiconductor product or service.

This effort is expected to be performed by a management analyst who gathers the required information about a covered semiconductor product or service and drafts the disclosure to include in the entity's offer. The draft disclosure is expected to be reviewed by the purchasing manager and attorney prior to obtaining approval from someone in an executive role. The estimated cost for each disclosure is $575.50 per entity and the Government estimates that each entity may make three disclosures per year. Therefore, the estimated annual cost for small entities in the first year of implementation is $2,641,545 (1,530 small entities * $575.50/business * 3 disclosures/year). The estimated annual cost for small entities in the first two years after initial implementation is $792,464 (459 small entities * $575.50/business * 3 disclosures/year). In subsequent years the estimated annual cost is $132,941 (77 small entities * $575.50/business * 3 disclosures/year).

d. Product and Supply Chain Updates

In order to avoid being ineligible for award of Government contracts based on noncompliance with the Section 5949 prohibitions, entities will need to remove electronic products and electronic services that include or use covered semiconductor products and services from the products and services they offer to the Government. The level of effort associated with removing such products can vary significantly from one entity to another. The impact is dependent on whether an entity is reselling or manufacturing an electronic product or electronic service that contains a covered semiconductor product or service.

Entities that use or resell an electronic product or electronic service that contains a covered semiconductor product or service will be focused on communicating with their suppliers and customers and making other operational adjustments. These entities will need to assess and renegotiate their current supplier agreements, identify sources of alternative products, manage their existing inventory, and update internal systems, processes, and procedures. These activities may involve purchasing managers, management analysts, attorneys, sales executives, marketing and sales managers, and other employees. Given that the costs may vary significantly from one entity to another, the Government estimates the cost associated with supply chain updates for resellers or users to range from $30,000 to $70,000 per entity (average $50,000 per electronic product or service).

Removing covered semiconductor products and services from products manufactured under Government contracts will require the most significant level of effort. Manufacturers may also experience product redesign, testing, and prototyping costs, activities that are likely to involve engineers and other technical experts.

The proposed rule does not require entities to remove or replace any products or services resident in existing equipment, systems, or services, that were acquired prior to December 23, 2027, and used as part of the performance of the contract or to limit the utilization of a covered semiconductor product or service throughout the lifecycle (*e.g.,* replacement component, spare part, support service) of existing equipment that was acquired prior to December 23, 2027, and used as part of the performance of the contract which will limit the impact of the prohibition on impacted entities. However, entities must adjust designs intended to be leveraged for future Government contracts to ensure compliance with the prohibition. The Government estimates the cost associated with modifying electronic products to remove covered semiconductors to range from $150,000 to $500,000 (average $325,000/per electronic product or service).

The total estimated cost for small entities that may need to replace electronic products or electronic services they resell or use in the first year of implementation is $76,500,000 (1,530 * $50,000/business). The estimated cost for small entities to make adjustments to products they manufacture to remove covered semiconductor products or services in the first year of implementation is $25,025,000 (77 small entities * $325,000/business). The estimated annual cost for small entities to replace electronic products or services in each subsequent year of implementation is $7,650,000 (153 small entities * $50,000/business), and $2,600,000 (8 small entities * $325,000/business) for small entities to adjust electronic products and services they manufacture.

e. Government Notification (Post-Award)

A contractor must notify the contracting officer within 72 hours of becoming aware of or suspecting a covered semiconductor product or service was purchased by the Federal Government or purchased by a Federal contractor or subcontractor for delivery to the Federal Government during performance of a contract, in order to be protected under the safe harbor provisions in paragraph (h) of the clause at FAR 52.240–YY, Prohibition on Certain Semiconductor Products and Services. The level of effort associated with this activity is expected to be the same as the level of effort necessary to provide the pre-award disclosure, or $566 per entity. Entities are expected to make one notification per year.

Therefore, the estimated annual cost for small entities in the first year of implementation is $176,103 (306 small entities * $575.50/business). The estimated annual cost for small entities in the first two years after initial implementation is $17,841 (31 small entities * $566/business). In subsequent years, the estimated annual cost is $8,490 (15 small entities * $575.50/business).

f. Non-Federal Customer Notification

The clause, which flows down to subcontractors, requires semiconductor covered entities to disclose the inclusion of a covered semiconductor product or service in electronic products or electronic services to non-Federal customers outside of the Government. Neither the statute nor the proposed rule is prescriptive regarding the contents or method of disclosure. It is possible that a contractor or subcontractor may choose to include this information or disclaimer in its marketing material, on its website, and in any sales agreements to non-Federal customers.

The content of the disclosure to non-Federal customers is expected to be produced by an attorney in coordination with sales and marketing managers. Marketing specialists, business operations specialists, and web developers may be used to update relevant marketing materials, websites, and sales agreements, as necessary to meet the disclosure requirement. The estimated cost associated with preparing and making such a disclosure is $1,820 per disclosure.

Therefore, the total estimated annual cost for small entities to make these disclosures to non-Federal customers in the initial year

of implementation is $2,874,870 (1,530 small entities * $1,879/small business). The estimated annual cost for small entities in the first two years after initial implementation is $1,437,435 (765 small entities * $1,879/business). In subsequent years, the estimated annual cost is $287,487 (153 small entities * $1,879/business).

5. Relevant Federal rules which may duplicate, overlap, or conflict with the rule.

The rule does not duplicate, overlap, or conflict with any other Federal rules.

6. Description of any significant alternatives to the rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the rule on small entities.

The FAR Council was unable to identify any alternatives that would reduce the burden on small entities and still meet the objectives of section 5949 of the NDAA for FY 2023.

Public comments received in response to the advanced notice of proposed rulemaking identified a need for an exemption or delay in effective date for commercial products and commercial services. However, a full exemption of the prohibition is not feasible given the national security implications associated with this prohibition. Because certain commercial electronic products and electronic services will require additional time to remove covered semiconductor products and services, the Government is proposing a one-year delay in the effective date where no alternative is available. Including this one-year exemption will reduce the number of contract-by-contract waivers the Government will likely need to process in the first year of implementation while industry updates their products and supply chains.

The Government considered including a requirement for contractors to provide artifacts (*e.g.,* hardware bill of materials) to validate compliance with this prohibition beyond the certification requirement. However, after considering the current level of use by the electronics industry of such artifacts and the likely costs this would add to the rule, the Government decided that these artifacts would not be required at this time. The rule requires offerors and contractors to conduct a reasonable inquiry into their supply chain to identify any prohibited semiconductors and then certify whether their electronic products and electronic services include such prohibited semiconductors. The reasonable inquiry and certification requirements are deemed to be sufficient to validate compliance at this time. This is because the potential consequences of failing to comply with these requirements serves as a deterrent mitigating against the risk of non-compliance with the prohibitions of this rule. Depending on industry adoption of such artifacts in the future, future rulemaking could add a requirement as needed.

The Regulatory Secretariat Division has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat Division. The FAR Council invites comments from small business concerns and other interested parties on the expected impact of this proposed rule on small entities.

The FAR Council will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2023–008), in correspondence.

IX. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501–3521) applies because the proposed rule contains information collection requirements. Accordingly, the Regulatory Secretariat Division has submitted a request for approval of a new information collection requirement concerning (FAR Case 2023–008, Prohibition on Certain Semiconductor Products and Services) to the Office of Management and Budget (OMB).

A. Public Reporting Burden

Public reporting burden includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

1. *FAR 52.240–XX(e), Certification (Prime).* The annual reporting burden for entities at the prime level to conduct a reasonable inquiry on multiple electronic products and electronic services and provide the certification is as follows:

Respondents: 45,900.
Total Annual Responses: 45,900.
Total Burden Hours: 550,800.

2. *FAR 52.240–XX(e), Certification (Sub).* The annual reporting burden for entities at the subcontractor level to conduct a reasonable inquiry on one electronic product or electronic services and provide the certification is as follows:

Respondents: 229,500.
Total Annual Responses: 229,500.
Total Burden Hours: 918,200.

3. *FAR 52.240–XX(f), Disclosure (PreAward).* The annual reporting burden for entities to provide a preaward disclosure of covered semiconductor products or services is as follows:

Respondents: 2,295.
Total Annual Responses: 6,885.
Total Burden Hours: 34,425.

4. *FAR 52.240–YY(f), Notification (PostAward).* The annual reporting burden for entities to provide a postaward disclosure of covered semiconductor products or services is as follows:

Respondents: 459.
Total Annual Responses: 459.
Total Burden Hours: 2,295.

5. *FAR 52.240–YY(g), Non-Federal Customer Notification.* The annual reporting burden for semiconductor covered entities to notify non-Federal customers of covered semiconductor products or services is as follows:

Respondents: 2,295.
Total Annual Responses: 2,295.
Total Burden Hours: 45,900.

B. Request for Comments Regarding Paperwork Burden

Submit comments on this collection of information no later than April 20, 2026 through *https://www.regulations.gov* and follow the instructions on the site. All items submitted must cite OMB Control No. 9000–XXXX, Prohibition on Certain Semiconductor Products and Services. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov,* approximately two to three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Public comments are particularly invited on:

- The necessity of this collection of information for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility;
- The accuracy of the estimate of the burden of this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Requesters may obtain a copy of the supporting statement from the General Services Administration, Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control Number 9000–XXXX, Prohibition on Certain Semiconductor Products and Services.

List of Subjects in 48 CFR Parts 1, 2, 9, 12, 13, 39, 40, and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, OFPP, DoD, GSA, and NASA propose amending 48 CFR parts 1, 2, 9, 12, 13, 39, 40, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 2, 9, 12, and 13 continues to read as follows:

Authority: 41 U.S.C. 1121(b); 40 U.S.C. 121(c); 10 U.S.C. chapter 4 and 10 U.S.C. chapter 137 legacy provisions (see 10 U.S.C. 3016); and 51 U.S.C. 20113.

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

■ 2. In section 1.106 amend the table by adding in numerical order entries for ''40.XX'', ''52.240–XX,'' and ''52.240–YY'' to read as follows:

1.106 OMB approval under the Paperwork Reduction Act.

* * * * *

FAR segment	OMB Control No.
* * * * *	
40.XX	9000–XXXX
* * * * *	
52.240–XX	9000–XXXX
52.240–YY	9000–XXXX
* * * * *	

* * * * *

PART 2—DEFINITIONS OF WORDS AND TERMS

■ 3. Amend section 2.101 by adding in alphabetical order the definitions ''National security system'' and ''Subsidiary'' to read as follows:

2.101 Definitions.

* * * * *

National security system—

(1) As defined in 40 U.S.C. 11103(a)(1), means a system, other than those used for routine administrative and business applications, such as payroll, finance, logistics, and personnel management applications, and includes any telecommunications or information system operated by the United States Government, the function, operation, or use of which—

(i) Involves intelligence activities;

(ii) Involves cryptologic activities related to national security;

(iii) Involves command and control of military forces;

(iv) Involves equipment that is an integral part of a weapon or weapons system; or

(v) Is critical to the direct fulfillment of military or intelligence; or

(2) For use in—

(i) Subpart 4.23, see the definition at 4.2301;

(ii) The contract clause—

(A) 52.204–28, see the definition at 52.204–28(a); and

(B) 52.204–30, see the definition at 52.204–30(a).

* * * * *

Subsidiary means an entity in which more than 50 percent of the entity is owned directly by a parent corporation or through another subsidiary of a parent corporation.

* * * * *

PART 9—CONTRACTOR QUALIFICATIONS

■ 4. Amend section 9.108–1 by removing the definition ''Subsidiary''.

PART 12—ACQUISITION OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES

■ 5. Amend section 12.301 by adding paragraph (d)(15) to read as follows:

12.301 Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services.

* * * * *

(d) * * *

(15) Insert the provision at 52.240–XX, Certification Regarding Certain Semiconductor Products and Services, as prescribed in 40.20X–6.

* * * * *

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

■ 6. Amend section 13.201 by adding paragraph (n) to read as follows:

13.201 General.

* * * * *

(n)(1) *Semiconductor prohibition.* In accordance with subpart 40.20X, on or after December 23, 2027, agencies are prohibited from procuring or obtaining—

(i) Electronic products or electronic services that include covered semiconductor products or services.

(ii) Electronic products, for use in critical systems, that use electronic products that incorporate covered semiconductor products or services.

(2) *Exceptions.*

(i) Agencies are not required to—

(A) Remove or replace any products or services resident in equipment, systems, or services, prior to December 23, 2027.

(B) Prohibit or limit the utilization of covered semiconductor products or services throughout the lifecycle (*e.g.,* replacement component, spare part, support service) of existing equipment acquired prior to December 23, 2027.

(ii) Commercial products and commercial services where there are no alternative sources available are excepted from the semiconductor prohibition until December 23, 2028.

(iii) The prohibition does not apply to commercial service procurements except for procurements for Information Technology and Telecommunications (*i.e.,* Category D: Information Technology (IT) and Telecommunications (Telecom) of the Federal Procurement Data System Product and Service Codes (PSC) Manual).

(iv) The prohibition does not apply to procurements for electronic services that are incidental to the performance of the contract (*e.g.,* contractor payroll services).

PART 39—ACQUISITION OF INFORMATION TECHNOLOGY

■ 7. The authority citation for 48 CFR part 39 is revised to read as follows:

Authority: 41 U.S.C. 1121(b); 40 U.S.C. 121(c); 10 U.S.C. chapter 4 and 10 U.S.C. chapter 137 legacy provisions (see 10 U.S.C. 3016); and 51 U.S.C. 20113.

■ 8. Revise the heading and text of section 39.002 to read as follows:

39.002 Definition.

Modular contracting, as used in this part, means use of one or more contracts to acquire information technology systems in successive, interoperable increments.

PART 40—INFORMATION SECURITY AND SUPPLY CHAIN SECURITY

■ 9. The authority citation for 48 CFR part 40 is revised to read as follows:

Authority: 41 U.S.C. 1121(b); 40 U.S.C. 121(c); 10 U.S.C. chapter 4 and 10 U.S.C. chapter 137 legacy provisions (see 10 U.S.C. 3016); and 51 U.S.C. 20113.

■ 10. Amend section 40.200 by adding paragraph (b)(2) to read as follows:

40.200 Scope of subpart.

* * * * *

(b) * * *

(2) Paragraphs (a), (b), (c), and (h) in section 5949 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Pub. L. 117–263, 41 U.S.C. 4713 note), which provides policies and procedures for acquiring any electronic products or services that

contain covered semiconductor products or services.

* * * * *

■ 11. Amend section 40.201 by adding in alphabetical order the definitions ''Covered semiconductor product or service'', ''Critical national security interests'', ''Critical system'', ''Electronic product'', ''Electronic service'', ''Semiconductor'', ''Semiconductor covered nation'', and ''Semiconductor foreign country of concern'' to read as follows:

40.201 Definitions.

* * * * *

Covered semiconductor product or service (section 5949(j)(3) of Public Law 117–263, 41 U.S.C. 4713 note) means—

(1) A semiconductor, a semiconductor product, a product that incorporates a semiconductor product, or a service that utilizes such a product, that is designed, produced, or provided by Semiconductor Manufacturing International Corporation (SMIC) (or any subsidiary, affiliate, or successor of such entity);

(2) A semiconductor, a semiconductor product, a product that incorporates a semiconductor product, or a service that utilizes such a product, that is designed, produced, or provided by ChangXin Memory Technologies (CXMT) or Yangtze Memory Technologies Corp (YMTC) (or any subsidiary, affiliate, or successor of such entities); or

(3) A semiconductor, semiconductor product, or semiconductor service produced or provided by an entity that the Secretary of Defense or the Secretary of Commerce, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, determines to be an entity owned or controlled by, or otherwise connected to, the government of a semiconductor foreign country of concern, provided that the determination with respect to such entity is published in the **Federal Register** (see the Department of Commerce website at [TBD] for a list of entities determined by the Secretary of Commerce or the Secretary of Defense to be an entity owned or controlled by, or otherwise connected to, the government of a semiconductor foreign country of concern).

Critical national security interests means any interests having a critical impact on the national defense, critical infrastructure, foreign intelligence and counterintelligence, international and internal security, or foreign relations of the United States.

Critical system (section 5949(j)(4) of Public Law 117–263, 41 U.S.C. 4713 note) means a national security system (40 U.S.C. 11103(a)(1)) or additional systems identified by the Federal Acquisition Security Council or for DoD, systems identified consistent with section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92). The term does not include systems used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

Electronic product (15 U.S.C. 7006) means products that include parts or components that have electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

Electronic service means any service that uses electronic products.

* * * * *

Semiconductor means an enclosed integrated electronic device or set of components that control the flow of electrons most commonly manufactured using materials including, but not limited to, silicon, silicon carbide, or III–V compounds, and processes including, but not limited to, lithography, deposition, and etching. Such devices and systems include, but are not limited to, integrated circuits, diodes, and micro-electromechanical systems.

Semiconductor covered nation (10 U.S.C. 4872(d)(2)) means—

(1) The Democratic People's Republic of Korea (North Korea);

(2) The People's Republic of China;

(3) The Russian Federation; and

(4) The Islamic Republic of Iran.

Semiconductor foreign country of concern (15 U.S.C. 4651) means—

(1) A country that is a semiconductor covered nation; and

(2) Any country that the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, determines to be engaged in conduct that is detrimental to the national security or foreign policy of the United States.

* * * * *

■ 12. Add section 40.20X to read as follows:

40.20X Prohibition on certain semiconductor products and services.

40.20X–1 Applicability.

Section 40.20X–1 through 40.20X–6 applies to all acquisitions of products and services including contracts at or below the micro-purchase threshold and to contracts for commercial products and commercial IT services and commercial telecommunication services.

40.20X–2 Semiconductor prohibition.

Unless an exception applies, on or after December 23, 2027, agencies are prohibited from procuring or obtaining—

(a) Electronic products or electronic services that include covered semiconductor products or services; and

(b) Electronic products, for use in critical systems, that use electronic products that include covered semiconductor products or services.

40.20X–3 Exceptions.

The following exceptions will be determined by the Government and can be based on any applicable disclosures by offerors or reporting by contractors:

(a) Agencies are not required to—

(1) Remove or replace covered semiconductor products or services resident in equipment, systems, or services prior to December 23, 2027.

(2) Prohibit or limit the utilization of covered semiconductor products or services throughout the lifecycle (*e.g.,* replacement component, spare part, support service) of existing equipment, systems, and services provided to the Government prior to December 23, 2027.

(b) Commercial products or commercial services where there are no alternative sources available are excepted from the semiconductor prohibition at 40.20X–2 until December 23, 2028.

(c) Semiconductors, semiconductor products, and semiconductor services determined by Secretary of Commerce or Secretary of Defense to be a covered semiconductor product or service with an effective date after contract award are excepted from prohibition unless the contract is modified to include such covered semiconductor product or service.

(d) The prohibition does not apply to commercial service procurements except for procurements for Information Technology and Telecommunications (*i.e.,* Category D: Information Technology (IT) and Telecommunications (Telecom) of the Federal Procurement Data System Product and Service Codes (PSC) Manual).

(e) Electronic services that are incidental to the performance of the contract (*e.g.,* contractor payroll) are excepted.

40.20X–4 Procedures.

(a) *Identification of critical systems.* When the program office or requiring activity identifies requirements associated with critical systems, the contracting officer shall include that information in the solicitation.

(b) *Disclosures.*

(1) If an offeror provides a disclosure pursuant to paragraph (f) of 52.240–XX, Certification Regarding Certain Semiconductor Products and Services, the contracting officer shall submit the disclosure to the program office or requiring activity, in accordance with agency procedures, to determine whether—

(i) An exception applies (see 40.20X–3);

(ii) The agency will pursue a waiver (see 40.20X–5); or

(iii) The agency should award to another offeror.

(2) When an agency pursues a waiver, the contracting officer shall obtain the approved waiver from the program office or requiring activity prior to award.

(c) *Reporting.*

(1) If a contractor provides a report pursuant to paragraph (f) of 52.240–YY, Prohibition on Certain Semiconductor Products and Services, the contracting officer shall submit the report to the program office or requiring activity for processing, in accordance with agency procedures.

(2) If a contractor reports that they are providing to the Government an electronic product or electronic service that contains a covered semiconductor product or service that has been determined by the Secretary of Commerce or the Secretary of Defense to be a covered semiconductor product or service with an effective date after contract award, the contracting officer shall submit the report to the program office or the requiring activity to determine appropriate action.

40.20X–5 Waivers.

(a) *Agency waivers.* The head of an agency may waive, for a renewable period of not more than two years per waiver, the prohibitions at 40.20X–2 if—

(1) The head of the agency, in consultation with the Secretary of Commerce, determines that no compliant product or service is available to be procured as and when needed at U.S. market prices or a price that is not considered prohibitively expensive (*i.e.,* would impose significant difficulty or expense considering the agency resources available); and

(2) The head of the agency, in consultation with the Secretary of Defense or the Director of National Intelligence, determines that such waiver could not reasonably be expected to compromise the critical national security interests of the United States.

(b) *Secretary of Defense waivers.* The Secretary of Defense may provide a waiver for any executive agency if the Secretary of Defense determines that the waiver is in the critical national security interests of the United States.

(c) *Director of National Intelligence waivers.* The Director of National Intelligence may provide a waiver for any executive agency if the Director of National Intelligence determines that the waiver is in the critical national security interests of the United States.

(d) *Secretary of Commerce waivers.* The Secretary of Commerce, in consultation with the Director of National Intelligence or the Secretary of Defense, may provide a waiver for any executive agency if the Secretary of Commerce determines that the waiver is in the critical national security interests of the United States.

(e) *Secretary of Homeland Security waivers.* The Secretary of Homeland Security, in consultation with the Director of National Intelligence or the Secretary of Defense, may provide a waiver for any executive agency if the Secretary of Homeland Security determines the waiver is in the critical national security interests of the United States.

(f) *Secretary of Energy waivers.* The Secretary of Energy, in consultation with the Director of National Intelligence or the Secretary of Defense, may provide a waiver for any executive agency if the Secretary of Energy determines that the waiver is in the critical national security interests of the United States.

40.20X–6 Solicitation provision and contract clause.

(a) Insert the provision at 52.240–XX, Certification Regarding Certain Semiconductor Products and Services, in solicitations for—

(1) Products;

(2) Non-commercial services; and

(3) Commercial information technology services and telecommunication services (*i.e.,* services in Category D: Information Technology (IT) and Telecommunications (Telecom) of the Federal Procurement Data System Product and Service Codes (PSC) Manual).

(b) Insert the clause at 52.240–YY, Prohibition on Certain Semiconductor Products and Services, in solicitations and contracts for—

(1) Products;

(2) Non-commercial services; and

(3) Commercial information technology services and telecommunication services (*i.e.,* services in Category D: Information Technology (IT) and Telecommunications (Telecom) of the Federal Procurement Data System Product and Service Codes (PSC) Manual).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 13. The authority citation for 48 CFR part 52 continues to read as follows:

Authority: 41 U.S.C. 1121(b); 40 U.S.C. 121(c); 10 U.S.C. chapter 4 and 10 U.S.C. chapter 137 legacy provisions (see 10 U.S.C. 3016); and 51 U.S.C. 20113.

■ 14. Amend section 52.212–5 by—

■ a. Revising the date of the clause;

■ b. Adding paragraph (a)(8);

■ c. Redesignating paragraph (e)(1)(xxvii) as paragraph (e)(1)(xxviii) and adding a new paragraph (e)(1)(xxvii);

■ d. In Alternate II:

■ i. Revising the date of the alternate; and

■ ii. Redesignating paragraph (e)(1)(ii)(Z) as paragraph (e)(1)(ii)(AA) and adding a new paragraph (Z).

The revisions and additions read as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services (DATE)

(a) * * *

(8) 52.240–YY, Prohibition on Certain Semiconductor Products and Services (DATE).

* * * * *

(e)(1) * * *

(xxvii) 52.240–YY, Prohibition on Certain Semiconductor Products and Services (DATE).

* * * * *

Alternate II. (DATE) * * *

(e)(1) * * *

(ii) * * *

(Z) 52.240–YY, Prohibition on Certain Semiconductor Products and Services (DATE).

* * * * *

■ 15. Amend section 52.213–4 by—

■ a. Revising the date of the clause;

■ b. Adding paragraph (a)(1)(xiii); and

■ c. Removing from paragraph (a)(2)(vii) ''OCT 2025'' and adding ''(DATE)'' in its place.

The revision and addition read as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services).

* * * * *

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services) (DATE)

(a) * * *

(1) * * *

(xiii) 52.240–YY, Prohibition on Certain Semiconductor Products and Services (DATE).

* * * * *

■ 16. Add sections 52.240–XX and 52.240–YY to read as follows:

52.240–XX Certification Regarding Certain Semiconductor Products and Services.

As prescribed in 40.20X–6(a), insert the following provision:

Certification Regarding Certain Semiconductor Products and Services (DATE)

(a) *Definitions.* As used in this provision, ''covered semiconductor product or service'', ''critical system'', ''electronic product'', ''electronic service'', ''reasonable inquiry'', ''semiconductor'', and ''semiconductor foreign country of concern'' have the meaning provided in the clause 52.240–YY, Prohibition on Certain Semiconductor Products and Services.

(b) *Prohibition.* Unless a waiver or exception applies, Offerors are prohibited, on or after December 23, 2027, from providing—

(1) Any electronic parts, products, or services that include covered semiconductor products or services; and

(2) Any electronic products, for use in critical systems identified by the Government, that use any electronic products that include covered semiconductor products or services.

(c) *Exceptions.* The following exceptions will be determined by the Government based on disclosure by the offeror in paragraph (f).

(1) Offerors are not required to remove or replace any products or services resident in existing equipment, systems, or services, that were acquired by the offeror prior to December 23, 2027, and proposed as part of the performance of the contract.

(2) Offerors are not required to prohibit or limit the utilization of covered semiconductor products or services throughout the lifecycle (*e.g.,* replacement component, spare part, support service) of existing equipment that was acquired by the offeror prior to December 23, 2027, and proposed as part of the performance of the contract.

(3) Commercial products or commercial services where there are no alternative sources available are excepted from the semiconductor prohibition until December 23, 2028.

(4) Semiconductors, semiconductor products, and semiconductor services determined by Secretary of Commerce or Secretary of Defense to be a covered semiconductor product or service with an effective date after contract award are excepted from the semiconductor prohibition unless the contract is modified to include such covered semiconductor product or service.

(5) The prohibition does not apply to commercial service procurements except for procurements for Information Technology and Telecommunications (*i.e.,* Category D: Information Technology (IT) and Telecommunications (Telecom) of the Federal Procurement Data System Product and Service Codes (PSC) Manual).

(6) Electronic services that are incidental to the performance of the contract (*e.g.,* contractor payroll) are excepted.

(d) *Government semiconductor supply chain tools.*

(1) The Offeror may search the Department of Commerce website at [TBD] for the list of organizations where the organization has certified that electronic products or services produced or provided by that organization do not contain any covered semiconductor products or services as prohibited in paragraph (b) of this provision.

(2) The Offeror may search the Department of Commerce website at [TBD] for a list of entities determined by Secretary of Commerce or Secretary of Defense to be an entity owned or controlled by, or otherwise connected to, the government of a semiconductor foreign country of concern. This list will identify the effective date for the determination and may be used to determine whether a semiconductor, semiconductor product, or semiconductor service is a covered semiconductor product or service.

(3) The offeror may reasonably rely on the certifications provided within the Department of Commerce website at [TBD] without the need for further inquiry unless the offeror discovers any discrepancies or has reason to doubt the accuracy of the certifications.

(e)(1) *Certifications.* By submission of this offer, the Offeror certifies that it has conducted a reasonable inquiry, and that the Offeror—

(i) Will not provide in response to this solicitation, any electronic products or electronic services that include covered semiconductor products or services to the Government in accordance with paragraph (b)(1) of this provision in the performance of any contractual instrument resulting from this solicitation, except as waived by the solicitation, or as disclosed in paragraph (f); and

(ii) Will not provide for use in critical systems identified by the Government, electronic products that use electronic products that include covered semiconductor products or services to the Government in accordance with paragraph (b)(2) of this provision in the performance of any contractual instrument resulting from this solicitation, except as waived by the solicitation, or as disclosed in paragraph (f) of this provision.

(2) *Reasonable inquiry.* (i) When the entity does not have information in their possession regarding whether the semiconductors included in the electronic product or electronic service are compliant with this prohibition, entities shall require suppliers at the next lower tier of the supply chain to conduct a reasonable inquiry and then certify whether their electronic products and electronic services are compliant.

(ii) A reasonable inquiry is not required to include independent third-party audits or other formal reviews.

(iii) Entities, acting in good faith, may reasonably rely on a certification provided by a lower tier subcontractor without the need for further inquiry unless the entity discovers any discrepancies or has reason to doubt the accuracy of the certification.

(f) *Disclosures.* If the Offeror is providing to the Government electronic products or electronic services that are not compliant with the prohibition in paragraph (b) of this provision, then the Offeror shall provide the following information, if known, as part of their offer:

(1) A description of the electronic products or electronic services proposed to the Federal Government that the Offeror identifies or has reason to suspect contains covered semiconductor products or services (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable);

(2) The entity that produced the covered semiconductor products or services (include entity name, unique entity identifier, Commercial and Government Entity (CAGE) code, facilities responsible for design, fabrication, assembly, packaging, and test of the product, and whether the entity was the original equipment manufacturer (OEM) or a distributor

(provide manufacturer codes and distributor codes used for the product);

(3) A description of the functionality of the covered semiconductor products or services and how that functionality impacts the risk to the electronic product or electronic service;

(4) An explanation of any factors relevant to determining if the covered semiconductor products or services would be permissible under any exceptions in paragraph (c) of this provision;

(5) Whether alternative products or services are available that would be compliant with the prohibition;

(6) If the electronic product or electronic service is related to item maintenance, include the following information on the item being maintained:

(i) Brand;

(ii) Model number, OEM number, manufacturer part number, or wholesaler number; and

(iii) Item description, as applicable.

(g) *Disclosure safe harbor.*

(1) An offeror that provides a disclosure regarding electronic products as prohibited by paragraph (b) of this provision that are manufactured or assembled by an entity other than the offeror or lower tier supplier shall not be subject to civil liability nor determined to be not presently responsible on the basis of such notification (see section 5949(h)(7) of Public Law 117–263, 41 U.S.C. 4713 note); and

(2) An offeror that provides a disclosure regarding covered semiconductor products or services in electronic products or electronic services manufactured or assembled by such offeror or lower tier supplier shall not be subject to civil liability nor determined to be not presently responsible on the basis of such notification if the offeror or lower tier supplier makes a comprehensive and documentable effort to identify and remove the covered semiconductor products or services. (See section 5949(h)(8) of Public Law 117–263, 41 U.S.C. 4713 note).

(End of provision)

52.240–YY Prohibition on Certain Semiconductor Products and Services.

As prescribed in 40.20X–6(b), insert the following clause:

Prohibition on Certain Semiconductor Products and Services (DATE)

(a) *Definitions.* As used in this clause—

Covered semiconductor product or service (section 5949(j)(3) of Public Law 117–263, 41 U.S.C. 4713 note) means—

(1) A semiconductor, a semiconductor product, a product that incorporates a semiconductor product, or a service that utilizes such a product, that is designed, produced, or provided by Semiconductor Manufacturing International Corporation (SMIC) (or any subsidiary, affiliate, or successor of such entity);

(2) A semiconductor, a semiconductor product, a product that incorporates a semiconductor product, or a service that utilizes such a product, that is designed, produced, or provided by ChangXin Memory Technologies (CXMT) or Yangtze Memory Technologies Corp (YMTC) (or any subsidiary, affiliate, or successor of such entities); or

(3) A semiconductor, semiconductor product, or semiconductor service produced or provided by an entity that the Secretary of Defense or the Secretary of Commerce, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, determines to be an entity owned or controlled by, or otherwise connected to, the government of a semiconductor foreign country of concern, provided that the determination with respect to such entity is published in the **Federal Register** (see the Department of Commerce website at [TBD] for a list of entities determined by the Secretary of Commerce or the Secretary of Defense to be an entity owned or controlled by, or otherwise connected to, the government of a semiconductor foreign country of concern).

Critical system (section 5949(j)(4) of Public Law 117–263, 41 U.S.C. 4713 note) means a national security system (40 U.S.C. 11103(a)(1)) or additional systems identified by the Federal Acquisition Security Council or for DoD, systems identified consistent with section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92). The term does not include systems used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

Electronic product means products that include parts or components that have electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities. See 15 U.S.C. 7006.

Electronic service means any service that uses electronic products.

Reasonable inquiry means—

(1) An inquiry intended to uncover any information in the entity's possession, including any information acquired from external sources, about whether any electronic products or electronic services that are provided to the Government—

(i) Include covered semiconductor products or services; or

(ii) Use electronic products that include covered semiconductor products or services.

Routine administrative and business applications means applications for payroll, finance, logistics, and personnel management applications primarily used for standard commercial practices and functions.

Semiconductor means an enclosed integrated electronic device or set of components that control the flow of electrons most commonly manufactured using materials including, but not limited to, silicon, silicon carbide, or III–V compounds, and processes including, but not limited to, lithography, deposition, and etching. Such devices and systems include, but are not limited to, integrated circuits, diodes, and micro-electromechanical systems.

Semiconductor covered entity (section 5949(j)(2) of Pub. L. 117–263, 41 U.S.C. 4713 note) means an entity that—

(1) Develops, domestically or abroad, a design of a semiconductor that is the direct product of United States origin technology or software; and

(2) Purchases covered semiconductor products or services from an entity described in the first or third paragraph of the definition of covered semiconductor product or service.

Semiconductor covered nation (10 U.S.C. 4872(d)(2)) means—

(1) The Democratic People's Republic of Korea (North Korea);

(2) The People's Republic of China;

(3) The Russian Federation; and

(4) The Islamic Republic of Iran.

Semiconductor foreign country of concern (15 U.S.C. 4651) means—

(1) A country that is a semiconductor covered nation; and

(2) Any country that the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, determines to be engaged in conduct that is detrimental to the national security or foreign policy of the United States.

Subsidiary means an entity in which more than 50 percent of the entity is owned directly by a parent corporation or through another subsidiary of a parent corporation.

(b) *Prohibition.* Unless a waiver or exception applies, contractors are prohibited, on or after December 23, 2027, from providing—

(1) Any electronic parts, products, or services that include covered semiconductor products or services; and

(2) Any electronic products, for use in critical systems identified by the Government, that use any electronic products that include covered semiconductor products or services.

(c) *Exceptions.* The following exceptions will be determined by the Government based on notification and reporting by the contractor in paragraph (e).

(1) Contractors are not required to remove or replace any products or services resident in existing equipment, systems, or services, that were acquired by the contractor prior to December 23, 2027, and used as part of the performance of the contract.

(2) Contractors are not required to prohibit or limit the utilization of covered semiconductor products or services throughout the lifecycle (*e.g.,* replacement component, spare part, support service) of existing equipment that was acquired by the contractor prior to December 23, 2027, and used as part of the performance of the contract.

(3) Commercial products or commercial services where there are no alternative sources available are excepted from the semiconductor prohibition until December 23, 2028.

(4) Semiconductors, semiconductor products, and semiconductor services determined by Secretary of Commerce or Secretary of Defense to be a covered semiconductor product or service with an effective date after contract award are excepted from prohibition unless the contract is modified to include such covered semiconductor product or service.

(5) The prohibition does not apply to commercial service procurements except for procurements for Information Technology and Telecommunications (*i.e.,* Category D: Information Technology (IT) and Telecommunications (Telecom) of the Federal Procurement Data System Product and Service Codes (PSC) Manual).

(6) Electronic services that are incidental to the performance of the contract (*e.g.,* contractor payroll) are excepted.

(d) *Government semiconductor supply chain tools.*

(1) The Contractor may search the Department of Commerce website at [TBD] for the list of organizations where the organization has certified that electronic products or services produced or provided by that organization do not contain any covered semiconductor products or services as prohibited in paragraph (b) of this provision.

(2) The Contractor may search the Department of Commerce website at [TBD] for a list of entities determined by Secretary of Commerce or Secretary of Defense to be an entity owned or controlled by, or otherwise connected to, the government of a semiconductor foreign country of concern. This list will identify the effective date for the determination and may be used to determine whether a semiconductor, semiconductor product, or semiconductor service is a covered semiconductor product or service.

(3) Entities, acting in good faith, may reasonably rely on the Department of Commerce website at [TBD] for such purposes unless they discover any discrepancies or have reason to doubt the accuracy of the certifications.

(e) *Reasonable inquiry.* (1) When the entity does not have information in their possession regarding whether the semiconductors included in the electronic product or electronic service are compliant with this prohibition, entities shall require suppliers at the next lower tier of the supply chain to conduct a reasonable inquiry and then certify whether their electronic products and electronic services are compliant.

(2) A reasonable inquiry is not required to include independent third-party audits or other formal reviews.

(3) Entities, acting in good faith, may reasonably rely on a certification provided by a lower tier subcontractor without the need for further inquiry unless the entity discovers any discrepancies or has reason to doubt the accuracy of the certification.

(f) *Notifications and reporting to the Government.* The notice in this paragraph (f) does not apply to electronic products and electronic services which were delivered to the Government before December 23, 2027. If the Contractor identifies or is notified by any source (including a subcontractor at any tier) or has reason to suspect that any electronic product or electronic service provided during contract performance contains covered semiconductor products or services and was not previously disclosed in accordance with 52.240–XX(f), then the Contractor shall report the following information or as much information as known to the Contracting Officer in writing within 72 hours, regardless of whether an exception in paragraph (c) of this clause may apply:

(1) A description of the electronic products or services provided to the Federal Government that the Contractor identifies or has reason to suspect contains covered semiconductor products or services (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable);

(2) The entity that produced the covered semiconductor products or services (include entity name, unique entity identifier, Contractor and Government Entity (CAGE) code, facilities responsible for design, fabrication, assembly, packaging, and test of the product, and whether the entity was the original equipment manufacturer (OEM) or a distributor (provide manufacturer codes and distributor codes used for the product);

(3) Description of the functionality of the covered semiconductor products or services and how that functionality impacts the risk to the electronic product or electronic service;

(4) An explanation of any factors relevant to determining if the covered semiconductor products or services would be permissible under any exceptions in paragraph (c) of this clause;

(5) Whether alternative products or services are available that would be compliant with prohibition;

(6) If the electronic product or electronic service is related to item maintenance, include the following information on the item being maintained:

(i) Brand;

(ii) Model number, OEM number, manufacturer part number, or wholesaler number; and

(iii) Item description, as applicable.

(g) *Disclosure to non-Federal customers.* On or after December 23, 2027, contractors and subcontractors that are semiconductor covered entities shall disclose to non-Federal customers the inclusion of a covered semiconductor product or service in electronic products or electronic services subject to the prohibition in paragraph (b) of this clause which are sold to non-Federal customers outside of the Government (see section 5949(h)(2) of Public Law 117–263, 41 U.S.C. 4713 note).

(h) *Notification safe harbor.*

(1) A contractor or subcontractor that timely provides a disclosure to the Government, contractor, or subcontractor in accordance with paragraph (f) of this clause regarding covered semiconductor products or services in electronic products that are manufactured or assembled by an entity other than the contractor or subcontractor shall not be subject to civil liability nor determined to not be a presently responsible contractor on the basis of such notification (see section 5949(h)(7) of Public Law 117–263, 41 U.S.C. 4713 note);

(2) A contractor or subcontractor that provides a disclosure to the Government, contractor, or subcontractor in accordance with paragraph (f) of this clause regarding covered semiconductor products or services in electronic products manufactured or assembled by such contractor or subcontractor shall not be subject to civil liability nor determined to not be a presently responsible contractor on the basis of such disclosure if the contractor or subcontractor makes a comprehensive and documentable effort to identify and remove the covered semiconductor products or services (see section 5949(h)(8) of Public Law 117–263, 41 U.S.C. 4713 note).

(i) *Rework or corrective action.* On or after December 23, 2027, a contractor which is a semiconductor covered entity—

(1) Shall be responsible for any rework or corrective action that may be required to remedy the use or inclusion of such covered semiconductor product or service if the semiconductor covered entity fails to provide the disclosure in paragraph (f) of this clause (see section 5949(h)(3) of Public Law 117–263, 41 U.S.C. 4713 note); and

(2) Will not be able to claim any rework or corrective action required under paragraph (i) (1) of this clause as an allowable cost (see section 5949(h)(3) of Public Law 117–263, 41 U.S.C. 4713 note).

(j) *Subcontracts.* The Contractor shall insert the substance of this clause, including this paragraph (j), in all subcontracts and other contractual instruments, including subcontracts for the acquisition of commercial products or commercial services.

(End of clause)

■ 17. Amend section 52.244–6 by—

■ a. Revising the date of the clause; and

■ b. Redesignating paragraph (c)(1)(xxiv) as paragraph (c)(1)(xxv) and adding a new paragraph (c)(1)(xxiv).

The revision and addition read as follows:

52.244–6 Subcontracts for Commercial Products and Commercial Services.

* * * * *

Subcontracts for Commercial Products and Commercial Services (DATE)

* * * * *

(c)(1) * * *

(xxiv) 52.240–YY, Prohibition on Certain Semiconductor Products and Services (DATE).

* * * * *

[FR Doc. 2026–03065 Filed 2–13–26; 8:45 am]

BILLING CODE 6820–EP–P

Notices

Federal Register

Vol. 91, No. 31

Tuesday, February 17, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 19, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Generic Clearance to Conduct Formative Research or Development of Nutrition Education and Promotion Materials and Related Tools and Grants for FNS Population Groups.

OMB Control Number: 0584–0524.

Summary of Collection: This information collection is based on Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1787), Section 5 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1754) and Section 11(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020). This request for approval of information collection is necessary to obtain input into the development of nutrition education interventions for population groups served by the U.S. Department of Agriculture, Food and Nutrition Service (USDA–FNS). FNS also uses this collection to obtain input that can be used to develop and assess grants. Interventions need to be designed so that they can be delivered through different types of media and in a variety of formats for different audiences.

Need And Use of the Information: Obtaining formative input and feedback is fundamental to FNS' success in delivering science-based nutrition messages and reaching different segments of the population in ways that are meaningful and relevant. This includes conferring with target audiences, individuals who serve the target audiences, and key stakeholders on the communication strategies and interventions that will be developed and on the delivery approaches that will be used to reach customers. The formative research and testing activities described will help in the development of effective education and promotion tools and communication strategies. Collection of this information will increase FNS' ability to formulate nutrition education interventions that resonate with the intended target population, particularly low-income families.

FNS also uses formative input and feedback to determine how best to develop and assess grants, so that grant recipients can successfully achieve the intented outcomes of the grants. To this end, FNS confers with grant recipients to obtain input regarding their experiences, expectations, challenges, and lessons learned while implementing the grant.

Description of Respondents: Individuals and Households, Businesses and Organizations, State, Local and/or Tribal Government.

Number of Respondents: 120,710.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 46,823.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–03045 Filed 2–13–26; 8:45 am]

BILLING CODE 3410–30–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Tennessee Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of virtual business meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the Tennessee Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual business meetings via Zoom on Tuesday, February 17, 2026; Monday, March 23, 2026 and Monday, April 13, 2026, from 3:00 p.m.–4:00 p.m. CT. For the purpose of discussing ideas for their first project.

DATES: The meetings will take place on

Tuesday, Feb. 17th From 3:00 p.m.–4:00 p.m. CT

- *Registration Link (Audio/Visual): https://www.zoomgov.com/j/1613131875.*
- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: #161 313 1875.

Monday, March 23rd From 3:00 p.m.–4:00 p.m. CT

- *Registration Link (Audio/Visual): https://www.zoomgov.com/j/1616298411.*
- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: #161 629 8411.

Monday, April 13th From 3:00 p.m.–4:00 p.m. CT

- *Registration Link (Audio/Visual): https://www.zoomgov.com/j/1619278539.*
- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: #161 927 8539.

Agendas: (*note:* final meeting agendas will be available prior to the meeting dates).

- 2/17/26 *https://usccr.box.com/s/hgb1ec66dleizvzeictrmhh213ln2nyl.*
- 3/23/26 *https://usccr.box.com/s/3xp3z9f5fcwgmzkv4drrqj69fvhr06.*
- 4/13/26 *https://usccr.box.com/s/r3klj1f06zrlggqsjyms479vq1nnc4fd.*

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer (DFO) at *bpeery@usccr.gov* or by phone at (202) 701–1376.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through the videoconference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Corrine Sanders, Support Services Specialist, *csanders@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments can be sent via email to Brooke Peery (DFO) at *bpeery@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Tennessee Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *csanders@usccr.gov.*

Dated: February 12, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–03056 Filed 2–13–26; 8:45 am]

BILLING CODE P

CENSUS BUREAU

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Local Update of Census Addresses (LUCA) Operation

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed reinstatement, with change, of the Local Update of Census Addresses (LUCA) operation, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before April 20, 2026.

ADDRESSES: Interested persons are invited to submit written comments by email to *dcmd.pra@census.gov.* Please reference ''Local Update of Census Addresses (LUCA) operation'' in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2026–0001, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Michael Snow, Supervisory Program Analyst, Decennial Census Management Division, by phone at 301–763–9912 or by email to *dcmd.pra@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Local Update of Census Addresses (LUCA) operation is an opportunity provided by the U.S. Census Bureau to enable tribal, state, and general-purpose local governments to review and comment on the Census Address List for their respective jurisdictions prior to the decennial census. The Census Address List Improvement Act of 1994 (Pub. L. 103–430), codified at 13 U.S.C. 16, expanded the Census Bureau's authority to share selected address information with tribal, state, and general-purpose local governments for the purpose of improving the residential address list. The LUCA operation is conducted pursuant to this authority and focuses on the review and submission of residential address information, including individual housing units, group quarters, and transitory locations, in support of a complete and accurate census count. There are multiple steps within the LUCA operation that are outlined later in this notice. LUCA is available to legally defined federally recognized Native American and Alaska Native areas (including the Alaska Native Regional Corporations), states, governmentally active counties, and equivalent entities, incorporated places, and legally defined minor civil divisions (MCDs) for which the Census Bureau reports data. Participation in the LUCA program is voluntary.

2030 LUCA will occur between May 2027 and September 2029. LUCA is designed to ensure all governments can review the Census Address list prior to the 2030 Census and comprises four phases:

- LUCA Prep.
- LUCA Review.
- Feedback and Appeals.
- LUCA Closeout.

LUCA is a reinstated program from the previous decade. The Census Bureau has introduced multiple new tools to assist participants with conducting their work, such as an address matching service, web-based tools that eliminate the need for the download of software, and a secure portal to facilitate communication and registration. There

will be no paper materials for 2030 LUCA.

Prior to making the decision to register for the 2030 LUCA program, eligible governments should review the residential address data provided in the LUCA Address Count Listing Files (ACLF) and compare them to any respective tribal, state, or local residential address data to determine how well Census address counts match up with the respective government's address counts. The ACLF is a summary dataset that provides block-level counts of living quarters, including housing units, group quarters, and transitory locations, that can be used to evaluate address coverage at the census block level. The review and comparison of the ALCF with the government's own residential address data will aid governments in deciding whether or not they should complete an address-level review and also helps identify areas where the government may want to focus LUCA efforts. Tribal, state and general-purpose local governments choosing to register for LUCA must designate a primary point of contact, or LUCA liaison. LUCA liaisons may appoint additional reviewers to assist in the operation. All LUCA participants electing to review the Census Address List must provide certification of their agreement to maintain the confidentiality of:

(1) the Census Address List as defined by the LUCA Security Checklist and Confidentiality Agreement Form and Guidelines,

(2) responses regarding their physical and information technology security capability,

(3) product preference information, and

(4) certification of their deletion of materials containing confidential data.

Governments who register for 2030 LUCA and agree to the confidentiality agreement may review the Census Address List for their jurisdiction and may choose to provide the Census Bureau address additions, deletions, conversions, moving of residential addresses, as well as spatial updates (to include road additions or deletions).

LUCA Prep

LUCA Prep will occur between May 2027 and August 2027 and provides all eligible governments with the option to learn about LUCA, gather support materials in preparation for LUCA Review, and register for LUCA. Additionally, LUCA Prep offers governments opportunities for training and hands-on practice with the LUCA tools and address data for their jurisdiction from the Census Address List. Submissions are not accepted during LUCA Prep, as this phase is intended for preparation purposes only, and participants will receive a more current version of the Census Address List during the Review phase. If research conducted during LUCA Prep indicates that their address list is complete, a government may choose to not participate in the LUCA Review phase.

Use of digital communication eliminates the wait time that was previously needed in LUCA to prepare materials, so advanced packages that were a feature of the 2020 LUCA are no longer needed. This LUCA Prep phase includes the initial invitation.

LUCA Review

LUCA Review will occur from October 2028 through March 2029 and provides tribal, state, and general-purpose local governments the opportunity to learn about the LUCA program and determine their level of participation.

During this period, governments may review the LUCA Address Count List File (ACLF) without registering for LUCA. This initial review allows participants to compare the Census Bureau's residential address counts with their own records to assess whether a more detailed review is warranted.

If, based on the LUCA ACLF review, a government elects to conduct a full LUCA Review of the Census Address List, it must register a LUCA liaison and any reviewers and sign a confidentiality agreement. Registration and certification are required before access to the Census Address List is granted, as the list contains confidential Title 13 information.

Governments that complete registration and confidentiality requirements may then review the Census Address List and submit suggestions for the addition, deletion, conversion, or moving of residential addresses, as well as the addition or deletion of road features.

The review period was four months in 2020 LUCA and is being increased to six months for 2030 *LUCA* in response to requests to allow more time for the government's review.

LUCA Feedback and Appeals

LUCA Feedback and Appeals will occur between August 2028 and September 2029 and begins with the Census Bureau providing address-level feedback to participating governments that provide suggestions of additions, deletions, conversions, or moving of residential addresses in LUCA Review. The Census Bureau will not provide feedback on feature updates submitted within LUCA. The address list feedback includes detailed information about the results of the address updates submitted during LUCA Review and allows participating governments the option to appeal selected feedback results. All appeals must be submitted to the Office of Management and Budget (OMB) within 60 days of receiving feedback.

LUCA Closeout

LUCA Closeout marks the end of participating governments' access to the Census Address List—including any geographic files or data created with the Census Address List. Participating governments must delete all data protected by Title 13, U.S.C., in accordance with the LUCA Security Checklist and Confidentiality Agreement Form and Guidelines. Materials for the closeout phase will be provided as early as May 2029, for those that choose not to participate in the appeals phase. For participating governments that elect to receive Title 13 LUCA materials, but do not submit updates during the LUCA review, LUCA Closeout begins upon completion of their LUCA participation. For participating governments that elect to receive Title 13 LUCA materials and submit updates, LUCA Closeout will occur following completion of the LUCA Feedback and Appeals phase, by September 2029. Input on the experience of LUCA participants will be gathered by a *LUCA Customer Experience Survey.*

II. Method of Collection

The information on LUCA contacts, certification of agreement to maintain the confidentiality of the Census Address List through the LUCA Security Checklist and Confidentiality Agreement Form and Guidelines, product preference, and certification of the destruction or return of materials containing data protected by Title 13 are collected in secure digital formats through the Census Bureau's electronic submission platforms. The creation of paper materials was removed due to resource constraints at the Census Bureau and to create a more efficient digital submission process for participants. Participants that have limited digital capability are encouraged to collaborate with larger governments that may have additional resources to prepare digital submissions.

Address Updates

A participant that chooses to submit suggestions to the Census Address List including additions, deletions, conversions, or moving of residential

addresses must register using the Geography Division Partner Portal (GDPP).

- The GDPP is a secure, centralized platform that streamlines Geographic Partnership Program participation and supports operational management. The portal enables the registration of LUCA operations, ensuring proper documentation and tracking of census-related activities. In addition, it provides partners with access to resources, data tools, and communication channels to facilitate coordination and information sharing.
- Geographic Update Partnership Software (GUPS) Web—This free web-based Geographic Information System allows LUCA participants to conduct a full LUCA review. Participants will have access to the LUCA ACLF, address-level matching functionality, an environment to identify additions, deletions, conversions, or moving of residential addresses in the required format, and conduct quality checks. As a self-contained system, GUPS Web will allow for an easier closeout at the end of the LUCA operation.
- LUCA Wizard—This free, online application allows participants to download census data to include the LUCA ACLF, Census Address List, and partnership shapefiles. Additionally, LUCA Wizard can perform an address-level match to the Census Address List and conduct quality checks in advance of submission. The LUCA Wizard uses the Census Bureau's Secure Web Incoming Module (SWIM) to transfer data to and from participants. It provides a controlled web-based mechanism for submitting sensitive or restricted data directly to the Census Bureau, ensuring confidentiality, integrity, and compliance with federal security requirements. SWIM supports encrypted data transfers, user authentication, and access controls to protect information in transit and limit access to authorized users only. LUCA participants will need to prepare submissions using their own software and take precautions to maintain confidentiality of census address materials.

Feature Updates

The information collected on living quarter structure point coordinates, roads, and road attribute updates can be submitted in the format preferred by the participating government. The formats are:

- Digital data shapefiles output by the latest version of GUPS Web, or
- Digital updates to the Census Bureau supplied shapefiles.

III. Data

OMB Control Number: 0607–0994.

Form Number(s): LUCA Security Checklist and Confidentiality Agreement Form (30–P–27–F), LUCA Registration Form (30–P–13–F), LUCA Prep Participation Response Form (30–P–21–F), LUCA Review Participation Response Form (30–R–11–F), LUCA Product Preference Form (30–R–15–F), LUCA Customer Experience Survey (30–R–31–F), Geography Division Partner Portal (no form number), Geographic Update Partnership Software Web (no form number), Secure Web Incoming Module (no form number), LUCA Wizard (no form number), and LUCA Destruction of Title 13 Materials Form (30–R–25–F).

Type of Review: Regular submission, request for reinstatement, with change, of a previously approved collection.

Affected Public: Tribal, state, and general-purpose local governments.

Estimated Number of Respondents: 40,000.

Estimated Time per Response: 17.9 hours on average; will vary by population size of government.

Number of government respondents	Government size by number of addresses	Average burden hours	Total burden hours
34,000	<6,000	13.5	459,000
5,700	6,001 to 500,000	33.8	192,660
250	500,001 to 1,000,000	135.3	33,825
50	>1,000,000	568.6	28,430
40,000	All Sizes	17.9	713,915

The 17.9-hour average is a reduction from the 21 average hours in the previous decade. This is a result of increased efficiency for participants using new tools, such as the LUCA Wizard and the address-matching tool, to focus their work.

Estimated Total Annual Burden Hours: 713,915.

Estimated Total Annual Cost to Public: $0 (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 16.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–03073 Filed 2–13–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–18–2026]

Foreign-Trade Zone (FTZ) 22, Notification of Proposed Production Activity; AFC Specialty Coatings Group, LLC; (Polymer or Silicone Coated Fabrics); Lake in the Hills, Illinois

The Illinois International Port District, grantee of FTZ 22, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of AFC Specialty Coatings Group, LLC (AFC) for AFC's facility in Lake in the Hills, Illinois within FTZ 22. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on February 10, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished products include: Full-Width PTFE Coated Fiberglass/Aramid Fabric; Pressure Sensitive Tapes Made of PTFE Coated Fiberglass/Aramid Fabrics; Slit-Width PTFE Coated Fiberglass/Aramid Fabrics; Slit Width Pressure Sensitive Tapes Made of PTFE Coated Fiberglass/Aramid Fabrics; Cut Sheets Made of PTFE Coated Fiberglass Fabrics; Fabricated Parts Made of PTFE Coated Fiberglass/Aramid Fabrics; Full-Width Silicone Coated Fiberglass/Aramid Fabric; Slit-Width Silicone Coated Fiberglass/Aramid Fabric; Conveyor Belting Made of Silicone Coated Fiberglass/Kevlar Fabrics; Molded Composite Trays Made of PTFE, Polyphenylene Sulfide (PPS), Polyether sulfone (PESU), Polyamide-imide Coated (PAI) Fiberglass/Aramid Fabrics or Combination of Such Fabrics and Coatings; Conveyor Belting Made of PTFE Coated Fiberglass/Aramid Fabrics; Fabricated Parts Made of PTFE Coated Fiberglass/Aramid Fabrics; Conveyor Belting Made of PTFE Coated Aramid (Kevlar) Fabrics with Specialized Fabrication, such as breathable fabric seams made of custom Aramid (Kevlar) or similar construction (non-metallic) or non-standard (custom designed) belt guiding mechanisms; Full-Width Neoprene Coated Reinforced Fabrics; and Slit-Width Neoprene Coated Reinforced Fabrics (duty rate ranges from 3.3% to 5.8%).

The proposed foreign-status materials/components include: Silicone Rubber; Neoprene Rubber; Silicone Pressure Sensitive Adhesives; Acrylic Pressure Sensitive Adhesives; Rubber Pressure Sensitive Adhesives; Benzoyl Peroxide Crosslinking Agents; Reaction Initiator—Platinum; Silane-Based Coating Primers; Zirconate/Titanate-Based Coating Primers; PTFE Aqueous Dispersion; PFA (Perfluoroether Polymer) Dispersion; FEP (Fluorinated Ethylene Propylene) Dispersion; Fused Silica; Colloidal Silica; Silicon Carbide Powder; Carbon Black Powders; Mica Pigments; Iron-Oxide Pigments; Nonionic Surfactants; Acrylic Alkali-Soluble Emulsion (ASE); Rheology Modifier; Release Liner for Pressure Sensitive Tapes—Plastic; Release Liner for Pressure Sensitive Tapes—Paper; Polyethylene Plastic Film; Polyester Plastic Film; Woven Kevlar Fabric; Woven Nylon Fabric; Woven E-Glass Fiberglass Fabric—Closed Weave; Woven E-Glass Fiberglass Fabric—Mesh; Woven E-Glass Fiberglass Fabric; Woven Polyester Fabric; PTFE Synthetic Filaments for Sewing; Kevlar (Aramid) Synthetic Filaments for Sewing; DOTs (Metal Snap Fasteners); Conveyor Belt Lacing out of Steel; Conveyor Belt Clips Out of Steel; Conveyor Belt Grommets Out of Steel; Polyphenelyne Sulfide Resin (PPS); Polyphenylsulfone Resin (PPSU); Polyamideimide Resin (PAI); and Polyethersulfone Resin (PESU/PES) (duty rate ranges from duty-free to 14.90%).

The request indicates that certain materials/components are subject to duties under section 1702(a)(1)(B) of the International Emergency Economic Powers Act (section 1702), section 232 of the Trade Expansion Act of 1962 (section 232), or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 1702, section 232, and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41). The request also indicates that PTFE Aqueous Dispersion is subject to an antidumping/countervailing duty (AD/CVD) order/investigation if imported from certain countries. The Board's regulations (15 CFR 400.13(c)(2)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is March 30, 2026.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact John Frye at *John.Frye@trade.gov.*

Dated: February 11, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–03001 Filed 2–13–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–194]

Active Anode Material From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that active anode material from the People's Republic of China (China) is being, or likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2024, through September 30, 2024.

DATES: Applicable February 17, 2026.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla or Jacob Keller, AD/CVD Operations, Office I, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3477 and (202) 482–4849, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 22, 2025, Commerce published the *Preliminary Determination* in the **Federal Register**, in which we also postponed the final determination until December 4, 2025.[1]

[1] *See Active Anode Material from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Extension of Provisional Measures from the People's Republic of China,* 90 FR 34423 (July 22, 2025) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

We invited interested parties to comment on the *Preliminary Determination.*

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[3] Accordingly, the deadline for this final determination is now February 10, 2025.

A summary of the events that occurred since the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.[4] The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The product covered by this investigation is active anode material from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In the Preliminary Scope Memorandum, we set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope) in scope-specific case briefs or other written comments.[5] We received scope case and rebuttal briefs from multiple interested parties. For a summary of the product coverage comments and rebuttal responses submitted to the record for this final determination, and accompanying discussion and analysis of all comments timely received, *see* the Final Scope Memorandum.[6] In the Final Scope Memorandum, Commerce determined that it is modifying the scope language as it appeared in the *Initiation Notice.*[7] *See* Appendix I.

Verification

Because the mandatory respondents in this investigation are not eligible for a separate rate, Commerce did not conduct verification.

Analysis of Comments Received

The issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as Appendix II.

Changes Since the Preliminary Determination

Based on a review of the record and comments received from interested parties regarding the *Preliminary Determination,* Commerce made changes to its preliminary separate rate determination with respect to multiple companies. Because we have excluded certain products containing active anode material from the scope of these investigations, certain companies are not eligible for a separate rate because they did not make any shipments of subject merchandise during the POI.[8]

China-Wide Entity and Use of Adverse Facts Available

Consistent with the *Preliminary Determination,*[9] Commerce continues to find that, pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act), the use of facts otherwise available, with adverse inferences, is warranted in determining the dumping rate for the China-wide entity.[10] For this final determination, there is no new information on the record that would cause us to reconsider our preliminary decision.[11] Therefore, as facts available with adverse inference, we assigned the final rate of 102.72 percent, which is the highest calculated Petition margin to the China-wide entity.[12]

Separate Rate Eligibility

We received comments on our preliminary separate rate determination.[13] Based on our analysis of the comments received, we updated our preliminary determination with respect to separate rate eligibility. As noted above, because we excluded certain products containing active anode material from the scope of these investigations, we determined that certain companies are not eligible for a separate rate because they did not make any shipments of subject merchandise during the POI.[14]

Combination Rates

Consistent with the *Preliminary Determination* and Policy Bulletin 05.1,[15] Commerce assigned a producer/exporter combination rate for the companies eligible for separate rates.[16]

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist for the period, April 1, 2024, through September 30, 2024:

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[4] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Active Anode Material from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[5] *See* Memorandum, ''Less-Than-Fair Value and Countervailing Duty Investigations of Active Anode Material from the People's Republic of China: Preliminary Scope Determination,'' dated July 16, 2025 (Preliminary Scope Memorandum).

[6] *See* Memorandum, ''Less-Than-Fair Value and Countervailing Duty Investigations of Active Anode Material from the People's Republic of China: Final Scope Issues and Decision Memorandum,'' dated concurrently with and hereby adopted by this notice (Final Scope Memorandum).

[7] *See Active Anode Material from the People's Republic of China: Initiation of Less-Than-Fair Value Investigation,* 90 FR 3792 (January 15, 2025) (*Initiation Notice*).

[8] *See* Issues and Decision Memorandum at 4–5.

[9] *See Preliminary Determination* PDM at 14–17.

[10] *See* sections 776(a)(1) and (2)(A)–(C) and (b) of the Act.

[11] *See* Issues and Decision Memorandum at Comment 17.

[12] *See Preliminary Determination* PDM at 13–17.

[13] *See* Issues and Decision Memorandum at 1–2; *see also Preliminary Determination* PDM at 6–9.

[14] *Id.* at 4–5.

[15] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' (April 5, 2005) (Policy Bulletin 05.1), available on Commerce's website at *https://access.trade.gov/Resources/policy/bull05-1.pdf.*

[16] *See Preliminary Determination,* 90 FR at 34424.

Exporter	Producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Tesla Manufacturing Brandenburg SE	BTR New Material Group Co., Ltd	93.50	93.50
Panasonic Global Procurement (China) Co., Ltd	BTR New Material Group Co., Ltd	93.50	93.50
Panasonic Global Procurement (China) Co., Ltd	BTR New Material Group Sales Co. Ltd	93.50	93.50
Panasonic Global Procurement (China) Co., Ltd	BTR (Jiangsu) New Energy Material	93.50	93.50
Panasonic Global Procurement (China) Co., Ltd	Huzhou Kaijin New Energy Technology Corp., Ltd	93.50	93.50
Hunan Zhongke Shinzoom Co., Ltd	Guizhou Zhongke Shinzoom Co., Ltd	93.50	93.50
Jiangxi Zichen Technology Co., Ltd	Jiangxi Zichen Technology Co., Ltd	93.50	93.50
Resonac Corporation	Henan Yicheng New Energy Co., Ltd	93.50	93.50
Resonac Corporation	PetroChina Daqing Petrochemical Company	93.50	93.50
Resonac Corporation	Qingdao Qingbei Carbon Products Co., Ltd	93.50	93.50
Shanghai Shanshan New Material Co., Ltd	Inner Mongolia Shanshan Technology Co., Ltd	93.50	93.50
Shanghai Shanshan New Material Co., Ltd	Sichuan Shanshan New Material Co., Ltd	93.50	93.50
Shanghai Shanshan New Material Co., Ltd	Fujian Shanshan Technology Co., Ltd	93.50	93.50
Shanghai Shanshan New Material Co., Ltd	Ningbo Shanshan New Material Technology Co., Ltd	93.50	93.50
China-Wide Entity		*102.72	102.72

*This rate is based on facts available with adverse inferences.

Disclosure

Because we have not modified our calculation of the margins in the *Preliminary Determination,* we are adopting the *Preliminary Determination* as the final determination. Consequently, there are no new calculations to disclose in accordance with 19 CFR 351.224(b) for the final determination of this investigation.

Suspension of Liquidation

In accordance with section 733(d)(1)(B) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of subject merchandise, as described in Appendix I of the of the *Initiation Notice,* which were entered, or withdrawn from warehouse, for consumption on or after July 22, 2025, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 733(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after January 18, 2026.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue an antidumping duty (AD) order, reinstate the suspension of liquidation under section 736(a) of the Act, and require a cash deposit of estimated antidumping duties for such entries of subject merchandise in the amounts indicated above, in accordance with section 736(a) of the Act. However, we will discontinue suspension of liquidation for any merchandise that was previously suspended based on the description of subject merchandise in the *Initiation Notice* that is no longer covered by the scope language in Appendix I of this notice, and instruct CBP to refund cash deposits, as appropriate. If the ITC determines that material injury, or threat of material injury, does not exist, then this proceeding will be terminated, the suspension of liquidation will be lifted, and all cash deposits for estimated antidumping duties will be refunded.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the amount by which normal value exceeds the U.S. price as follows: (1) the cash deposit rate for the exporter/producer combination listed in the table above will be the rate identified in the table, adjusted for subsidy offsets, if appropriate; (2) for all combinations of Chinese producers/exporters of subject merchandise that have not established eligibility for their own separate rates, the cash deposit rate will be the rate established for the China-wide entity, adjusted for subsidy offsets if appropriate; and (3) for all third country exporters of subject merchandise, the cash deposit rate will be the cash deposit rate applicable to the Chinese producer/exporter that supplied that third country exporter.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic pass-through and export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce has made a final affirmative determination for domestic pass-through or export subsides, Commerce offsets the estimated weighted-average dumping margin by the appropriate CVD rate. Commerce has continued to adjust the cash deposit rate for export subsidies found in the companion CVD investigation by the appropriate export subsidy rate, however, the suspension of liquidation of provisional measures in the companion CVD case has been discontinued.[17] Therefore, we are not instructing CBP to collect cash deposits based on the adjusted estimated weighted-average dumping margin for export subsidies at this time.[18] If the ITC makes a final affirmative determination of injury due to both dumping and subsidies, then the cash deposit rate will be revised effective on the date of publication of the ITC's final affirmative determination in the **Federal Register** to be the company-specific estimated weighted-average dumping margin adjusted for export subsidies.

ITC Notification

In accordance with section 735(d) of the Act, Commerce will notify the ITC of its final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with

[17] *See* section 703(d) of the Act, which states that the provisional measures may not be in effect for more than four months, which in the companion CVD case is 120 days after the publication of the preliminary determination, or September 25, 2025 (*i.e.* the last day provisional measures are in effect).

[18] *See Active Anode Material from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 90 FR 22465 (May 28, 2025); *see also* section 703(d) of the Act, which states that the provisional measures may not be in effect for more than four months, which in the companion CVD case is 120 days after the publication of the preliminary determination, or September 25, 2025.

material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of active anode material no later than 45 days after this final determination. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated, all cash deposits will be refunded or canceled, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instructions by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Suspension of Liquidation'' section.

Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: February 10, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is active anode material, which is an anode grade graphite material with a graphite minimum purity content of 90 percent carbon by weight, whether containing synthetic graphite, natural graphite, or a blend of synthetic and natural graphite; with or without coating. Subject merchandise may be in the form of powder, dry, liquid, or block form and is covered irrespective of the form in which it enters. Subject merchandise typically has a maximum size of 80 microns when in powder form. Subject merchandise has an energy density of 330 milliamp hours per gram or greater and a degree of graphitization of 80 percent or greater, where graphitization refers to the extent of the graphite crystal structure.

Subject merchandise is covered regardless of whether it is mixed with silicon based active materials, *e.g.,* silicon-oxide (SiOx), silicon-carbon (SiC), or silicon, or additives such as carbon black or carbon nanotubes. Subject merchandise is covered regardless of the combination of compounds that comprise the graphite material. Subject merchandise is covered regardless of whether it is imported independently, as part of a compound, or as a component of an anode slurry, or in a subassembly of a battery such as an electrode. Only the anode grade graphite material is covered when entered as part of a mixture with silicon based active materials, as part of a compound, or as a component of an anode slurry, or in a subassembly of a battery such as an electrode.

Subject merchandise does not include active anode material incorporated into imports of lithium-ion battery products (such as cells, modules, and packs), electric vehicles, hybrid vehicles, cell phones or battery energy storage systems.

Active anode material subject to this investigation may be classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2504.10.5000, 3801.10.5010, and 3801.10.5090. Subject merchandise may also enter under HTSUS subheadings 2504.10.1000 and 3801.90.00. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Changes Since the *Preliminary Determination*
V. Discussion of the Issues
Comment 1: CATL's Separate Rate Status
Comment 2: Whether to Verify CATL
Comment 3: CATL and the China-Wide Entity Rate
Comment 4: Whether the Calculated Separate Rate is Reasonable
Comment 5: Surrogate Country Selection
Comment 6: Whether CATL's Information is Adequate to Calculate a Margin
Comment 7: BTR's Separate Rate Status
Comment 8: BYD's Separate Rate Status
Comment 9: Whether BYD Made Shipments of Subject Merchandise
Comment 10: EVE Group's Separate Rate Status
Comment 11: Gotion's Separate Rate Status
Comment 12: Whether Gotion Made Shipments of Subject Merchandise
Comment 13: Hithium's Separate Rate Status
Comment 14: Sungrow's Separate Rate Status
Comment 15: Whether Sungrow Made Shipments of Subject Merchandise
Comment 16: Whether to Accept Subaru Inc.'s (Subaru) Submissions
Comment 17: Which Consumption Rate to Use Concerning a Certain Input
Comment 18: Whether to Correct Certain Errors in the Preliminary Margin Calculations
VI. Recommendation

[FR Doc. 2026–02998 Filed 2–13–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–525–001]

Common Alloy Aluminum Sheet From the Kingdom of Bahrain: Final Results 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) finds that Gulf Aluminium Rolling Mill B.S.C. (GARMCO) subject to this administrative review made sales of common alloy aluminum sheet (aluminum sheet) from the Kingdom of Bahrain (Bahrain) at less than normal value during the period of review (POR) April 1, 2023, through March 31, 2024.

DATES: Applicable February 17, 2026.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington DC 20230; telephone: (202) 482–5760.

SUPPLEMENTARY INFORMATION:

Background

On August 6, 2025, Commerce published in the **Federal Register** the *Preliminary Results* [1] of this administrative review of the *Order.*[2] A summary of the events that occurred since Commerce published the *Preliminary Results,* as well as a full discussion of the issues raised by parties for these final results, are provided in the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and

[1] *See Common Alloy Aluminum Sheet from the Kingdom of Bahrain: Preliminary Results of Antidumping Duty Administrative Review; 2023–2024,* 90 FR 37840 (August 6, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan and the Republic of Turkey: Antidumping Duty Orders,* 86 FR 22139 (April 27, 2021) (*Order*).

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review: Common Alloy Aluminum Sheet from the Kingdom of Bahrain; 2023–2024,'' dated concurrently with, and hereby adopted by this notice (Issues and Decision Memorandum).

Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[4]Additionally, due to a backlog of documents that were electronically filed via ACCESS during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[5] The deadline for the final results of this administrative review is February 10, 2026. Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise covered by the *Order* is aluminum sheet from Bahrain. For a full description of the scope of the *Order, see* the Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are listed as an appendix to this notice and addressed in the Issues and Decision Memorandum.

Changes Since the Preliminary Results

Based on our analysis of the comments received from interested parties, Commerce made certain changes to the *Preliminary Results.* For a more detailed discussion of the changes, *see* the Issues and Decision Memorandum.

Final Results of Review

Commerce determines that the following estimated weighted-average dumping margins exist for the period April 1, 2023, through March 31, 2024:

Producer and/or exporter	Weighted-average dumping margin (percent)
Gulf Aluminium Rolling Mill B.S.C.	15.74

[4] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[5] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[6] *See* Issues and Decision Memorandum.

Disclosure

We intend to disclose the calculations performed in connection with these final results of review to interested parties in this review within five days after public announcement of the final results or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For entries of subject merchandise during the POR produced by GARMCO for which GARMCO did not know that the merchandise was destined to the United States, we will instruct CBP to liquidate those entries at the all-others rate in the *Final Determination* of the investigation of sales at less than fair value (LTFV), *i.e.,* 4.83 percent,[7] if there is no rate for the intermediate company(ies) involved in the transaction.[8]

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).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for GARMCO will be equal to the company-specific weighted-average dumping margin established in the final results of the review; (2) for merchandise exported by companies not covered in this review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review or a prior segment of the proceeding (*e.g.,* the LTFV investigation) but the producer is, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 4.83 percent, the all-others rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

[7] *See Common Alloy Aluminum Sheet from Bahrain: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13331, 13332 (March 8, 2021); *see also Order,* 86 FR at 22141.

[8] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: February 10, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*

V. Discussion of the Issues
Comment 1: Third-Country Comparison Market
Comment 2: Major Input Adjustments
Comment 3: Date of Sale
Comment 4: By-Product Offsets
Comment 5: Billing Adjustment
Comment 6: Interest Expense Calculation
VI. Recommendation

[FR Doc. 2026–02984 Filed 2–13–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–877, A–533–946]

Citric Acid and Certain Citrate Salts From Canada and India: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable February 10, 2026.

FOR FURTHER INFORMATION CONTACT: Preston Cox at (240) 956–8630 and Amber Hodak at (202) 482–8034 (Canada) and Bryan Hansen at (202) 482–3683 (India), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On January 21, 2026, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of citric acid and certain citrate salts from Canada and India, filed in proper form on behalf of Archer-Daniels-Midland Company, Cargill, Incorporated, and Primary Products Ingredients Americas LLC (collectively, the petitioners), domestic producers of citric acid and certain citrate salts.[1] The AD Petitions were accompanied by countervailing duty (CVD) petitions concerning imports of citric acid and certain citrate salts from Canada and India.[2]

Between January 26 and February 6, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petitions in supplemental questionnaires.[3] Between January 29 and February 9, 2026, the petitioners filed timely responses to these requests for additional information.[4]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of citric acid and certain citrate salts from Canada and India are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the citric acid and certain citrate salts industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions were accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petitions on behalf of the domestic industry, because the petitioners are interested parties, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support for the initiation of the requested LTFV investigations.[5]

Periods of Investigation (POI)

Because the Petitions were filed on January 21, 2026, pursuant to 19 CFR 351.204(b)(1), the POI for the Canada and India LTFV investigations is January 1, 2025, through December 31, 2025.

Scope of the Investigations

The products covered by these investigations are citric acid and certain citrate salts from Canada and India. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

On January 26, 2026, Commerce requested information and clarification from the petitioners regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.[6] On January 29, 2026, the petitioners provided clarifications and revised the scope.[7] The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[8] Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information, all such factual information should be limited to public information.[9] Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on March 2, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on March 12, 2026, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of these investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent LTFV and CVD investigations.

---

[1] *See* Petitioners' Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Citric Acid and Certain Citrate Salts from Canada and India,'' dated January 21, 2026 (Petitions).

[2] *Id.*

[3] *See* Commerce's Letters, ''Supplemental Questions,'' dated January 26, 2026 (General Issues Supplemental Questionnaire); *see also* Country-Specific AD Supplemental Questionnaires: First Canada AD Supplemental and First India AD Supplemental, dated January 27, 2026; *see* also Memorandum, ''Teleconference with Counsel to the Petitioners,'' dated February 3, 2026 (Second Canada and India AD Supplemental); *see also* Memorandum, ''Phone Call with Counsel to the Petitioners,'' dated February 6, 2026.

[4] *See* Petitioners' Letters, ''Response to Supplemental Questions,'' dated January 29, 2026 (General Issues Supplement); *see also* Country-Specific AD Supplemental Responses: First Canada AD Supplement and First India AD Supplement, dated January 30, 2026; and Country-Specific AD Supplemental Responses: Second Canada AD Supplement and Second India AD Supplement, dated February 4, 2026; *see also* ''Petitioners' Corrected Representative Certification,'' dated February 9, 2026.

[5] *See* section on ''Determination of Industry Support for the Petitions,'' *infra.*

[6] *See* General Issues Supplemental Questionnaire.

[7] *See* General Issues Supplement at 2–3 and Exhibit I–S4.

[8] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

[9] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[10] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of citric acid and certain citrate salts to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant cost of production (COP) accurately, as well as to develop appropriate product comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) general product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe citric acid and certain citrate salts, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on March 2, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on March 12, 2026, which is 10 calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of each of the LTFV investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petitions account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,[11] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[12]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of these investigations.[13] Based on our analysis of the information submitted on the record, we have determined that citric acid and certain citrate salts, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[14]

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the appendix to this notice. To establish industry support, the petitioners provided their own production of the domestic like product in 2025.[15] The petitioners identified themselves as the only producers of citric acid and certain citrate salts in the United States; therefore, the Petitions are supported by 100 percent of the U.S. industry.[16] We relied on data provided by the petitioners for purposes of measuring industry support.[17]

Our review of the data provided in the Petitions, the General Issues Supplement, and other information readily available to Commerce indicates

[10] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.*

[11] *See* section 771(10) of the Act.

[12] *See USEC, Inc.* v. *United States,* 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd.* v. *United States,* 865 F.2d 240 (Fed. Cir. 1989)).

[13] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, see Checklists, ''Antidumping Duty Investigation Initiation Checklists: Citric Acid and Certain Citrate Salts from Canada and India,'' dated concurrently with, and hereby adopted by, this notice (Country-Specific AD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Citric Acid and Certain Citrate Salts from Canada and India (Attachment II). These checklists are on file electronically via ACCESS.

[14] For further discussion, *see* Attachment II of the Country-Specific AD Initiation Checklists.

[15] *Id.*

[16] *Id.*

[17] *Id.*

that the petitioners have established industry support for the Petitions.[18] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[19] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[20] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[21] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.[22]

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[23]

The petitioners contend that the industry's injured condition is illustrated by a significant increase in the volume of subject imports; increased market share of subject imports; underselling and price depression and/or suppression; lost sales and revenues; declines in production, capacity utilization, and U.S shipments; and negative impact on financial performance.[24] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, cumulation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[25]

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate LTFV investigations of imports of citric acid and certain citrate salts from Canada and India. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the Country-Specific AD Initiation Checklists.

U.S. Price

For Canada, the petitioners based export price (EP) on pricing information for citric acid and certain citrate salts produced in Canada and offered for sale in the U.S. market.[26] For India, the petitioners based EP on: (1) the POI average unit value (AUV) derived from official import statistics for imports of citric acid and certain citrate salts from India; and (2) a transaction-specific AUV (*i.e.,* month and port-specific AUV) derived from official import statistics and tied to ship manifest data.[27] The petitioners made certain adjustments to U.S. price to calculate a net ex-factory U.S. price, where applicable.[28]

Normal Value [29]

For Canada, the petitioners stated that they were unable to obtain home market prices for citric acid and certain citrate salts produced and sold in Canada and based NV on pricing information obtained through market research for citric acid and certain citrate salts produced in and sold, or offered for sale, from Canada to a third country, Mexico.[30] The petitioners also based NV on the POI AUV from publicly available data for exports of citric acid and certain citrate salts from Canada to Mexico.[31] For Canada, the petitioners provided information indicating that the prices for citric acid and certain citrate salts sold or offered for sale in the third country market were below the COP.[32] For India, the petitioners based NV on home market pricing information they obtained for citric acid and certain citrate salts produced in and sold, or offered for sale, in India during the applicable time period.[33] For India, the petitioners provided information indicating that the prices for citric acid and certain citrate salts sold or offered for sale in India were below the COP.[34] Therefore, for both countries, the petitioners calculated NV based on CV.[35] For further discussion of CV, *see* the section ''Normal Value Based on Constructed Value.''

Normal Value Based on Constructed Value

As noted above for Canada and India, the petitioners provided information indicating that prices for citric acid and certain citrate salts sold or offered for sale in the third country market and in India, respectively, were below the COP. Therefore, for Canada and India, the petitioners calculated NV based on CV.[36]

Pursuant to section 773(e) of the Act, the petitioners calculated CV as the sum of the cost of manufacturing, SG&A expenses, financial expenses, and profit.[37] For Canada and India, in calculating the cost of manufacturing, the petitioners relied on the production experience and input consumption rates of a U.S. producer of citric acid and citrate salts, valued using publicly available information applicable to the respective countries, where applicable.[38] In calculating SG&A expenses, financial expenses, and profit ratios, the petitioners relied on the fiscal year 2024 financial statements of producers of comparable merchandise domiciled in each country, respectively.[39]

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of citric acid and certain citrate salts from Canada and India are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP or NV in accordance with sections 772 and 773 of the Act, after accounting for certain revisions made by Commerce, the estimated

[18] *Id.*

[19] *Id.; see also* section 732(c)(4)(D) of the Act.

[20] *See* Attachment II of the Country-Specific AD Initiation Checklists.

[21] *Id.*

[22] *Id.*

[23] For further discussion, *see* Country-Specific AD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Citric Acid and Certain Citrate Salts from Canada and India.

[24] *Id.*

[25] *Id.*

[26] *See* Canada AD Initiation Checklist.

[27] *See* India AD Initiation Checklist.

[28] *Id.*

[29] In accordance with section 773(b)(2) of the Act, for the Canada and India investigations, Commerce will request information necessary to calculate the constructed value (CV) and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

[30] *See* Canada AD Initiation Checklist.

[31] *Id.*

[32] *Id.*

[33] *See* India AD Initiation Checklist.

[34] *Id.*

[35] *See* Country-Specific AD Initiation Checklists.

[36] *Id.*

[37] *Id.*

[38] *Id.*

[39] *Id.*

dumping margins for citric acid and certain citrate salts for each of the countries covered by this initiation are as follows: (1) Canada—64.61 to 84.41 percent; (2) India—100.21–151.73 percent.[40]

Initiation of LTFV Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating a LTFV investigations to determine whether imports of citric acid and certain citrate salts from Canada and India are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Respondent Selection

Canada

In the Petitions, the petitioners identified one company (*i.e.,* Jungbunzlauer Canada Inc. (JBL)) in Canada as a producer/exporter of citric acid and certain citrate salts and provided independent third-party information as support.[41] We currently know of no additional producers/exporters of citric acid and certain citrate salts from Canada.

Accordingly, Commerce intends to individually examine the only producer/exporter in the investigation from Canada (*i.e.,* JBL). We invite interested parties to comment on this issue. Such comments may include factual information within the meaning of 19 CFR 351.102(b)(21). Parties wishing to comment must do so within three business days of the publication of this notice in the **Federal Register**. Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. ET on the specified deadline. Because we intend to examine the only known producer/exporter in Canada, if no comments are received or if comments received further support the existence of this sole producer/exporter in Canada, we do not intend to conduct respondent selection and will proceed to issuing the initial AD questionnaire to the company identified. However, if comments are received which create a need for a respondent selection process, we intend to finalize our decision regarding the respondent selection within 20 days of publication of this notice.

India

In the Petitions, the petitioners identified 19 companies in India as producers and/or exporters of citric acid and certain citrate salts.[42] Following standard practice in LTFV investigations involving market economy countries, in the event Commerce determines that the number of companies is large such that Commerce cannot individually examine each company based on its resources, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheadings listed in the ''Scope of the Investigations,'' in the appendix.

On February 10, 2026, Commerce released CBP data on imports of citric acid and certain citrate salts from India, under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on CBP data and/or respondent selection must do so within three business days of the publication date of the notice of initiation of this investigation.[43] Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. ET on the specified deadline. Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at *https://www.trade.gov/administrative-protective-orders.*

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the Governments of Canada and India via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of citric acid and certain citrate salts from Canada and/or India are materially injuring, or threatening material injury to, a U.S. industry.[44] A negative ITC determination for either country will result in the investigation being terminated with respect to that country.[45] Otherwise, these LTFV investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[46] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[47] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV, stating that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production

[40] *Id.*

[41] *See* Petitions at Volume I (Exhibit I–2); *see also* General Issues Supplement at 1.

[42] *See* Petitions at Volume I at Exhibit I–11.

[43] *See* Memorandum, ''Release of U.S. Customs and Border Protection Entry Data,'' dated February 10, 2026.

[44] *See* section 733(a) of the Act.

[45] *Id.*

[46] *See* 19 CFR 351.301(b).

[47] *See* 19 CFR 351.301(b)(2).

in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act (*i.e.,* a cost-based PMS allegation), the submission must be filed in accordance with the requirements of 19 CFR 351.416(b), and Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a cost-based PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), sets a deadline for the submission of cost-based PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a cost-based PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

We note that a PMS allegation filed pursuant to sections 773(a)(1)(B)(ii)(III) or 773(a)(1)(C)(iii) of the Act (*i.e.,* a sales-based PMS allegation) must be filed within 10 days of submission of a respondent's initial section B questionnaire response, in accordance with 19 CFR 351.301(c)(2)(i) and 19 CFR 351.404(c)(2).

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.[48] For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the Time Limits Final Rule prior to submitting factual information in these investigations.[49]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[50] Parties must use the certification formats provided in 19 CFR 351.303(g).[51] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing the required letter of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[52]

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: February 10, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate, as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid, sodium citrate, and potassium citrate constitute 40 percent or more, by weight, of the blend.

The scope also includes all forms of crude calcium citrate, including dicalcium citrate monohydrate, and tricalcium citrate tetrahydrate, which are intermediate products in the production of citric acid, sodium citrate, and potassium citrate. The scope includes the hydrous and anhydrous forms of citric acid, the dihydrate and anhydrous forms of sodium citrate, otherwise known as citric acid sodium salt, and the monohydrate and monopotassium forms of potassium citrate. Sodium citrate also includes both trisodium citrate and monosodium citrate which are also known as citric acid trisodium salt and citric acid monosodium salt, respectively.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing or removing additives, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country. The scope also includes merchandise matching the above description that is commingled or blended with citric acid, sodium citrate, and potassium citrate from sources not subject to these investigations. Only the subject component of such commingled products is covered by the scope of these investigations.

The scope does not include calcium citrate that satisfies the standards set forth in the United States Pharmacopeia and has been mixed with a functional excipient, such as dextrose or starch, where the excipient constitutes at least two percent, by weight, of the product.

Citric acid and sodium citrate are classifiable under 2918.14.0000 and 2918.15.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), respectively. Potassium citrate and crude calcium citrate are classifiable under 2918.15.5000 and, if included in a mixture or blend, 3824.99.9397 of the HTSUS. Blends that include citric acid, sodium citrate, and potassium citrate are classifiable under 3824.99.9397 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

[FR Doc. 2026–03061 Filed 2–13–26; 8:45 am]

BILLING CODE 3510–DS–P

[48] *See* 19 CFR 351.301; *see also Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

[49] *See* 19 CFR 351.302; *see also, e.g., Time Limits Final Rule.*

[50] *See* section 782(b) of the Act.

[51] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2023) (*Final Rule*). Additional information regarding the *Final Rule* is available at *https://access.trade.gov/Resources/filing/index.html.*

[52] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069 (September 29, 2023).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–878, C–533–947]

Citric Acid and Certain Citrate Salts From Canada and India: Initiation of Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable February 10, 2026.

FOR FURTHER INFORMATION CONTACT: Natasia Byrd at (202) 482–1240 and Harrison Tanchuck at (202) 482–7421 (Canada) and Erin Howard at (202) 482–3453 (India), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On January 21, 2026, the U.S. Department of Commerce (Commerce) received countervailing duty (CVD) petitions concerning imports of citric acid and certain citrate salts from Canada and India filed in proper form on behalf of Archer-Daniels-Midland Company, Cargill Incorporated, and Primary Products Ingredients Americas LLC (collectively, the petitioners), domestic producers of citric acid and certain citrate salts.[1] The CVD Petitions were accompanied by antidumping duty (AD) petitions concerning imports of citric acid and certain citrate salts from Canada and India.[2]

Between January 26 and February 6, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petitions in supplemental questionnaires.[3] Between January 29 and February 9, 2026, the petitioners filed timely responses to these requests for additional information.[4]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Government of Canada (GOC) and Government of India (GOI), are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of citric acid and certain citrate salts in Canada and India and that such imports are materially injuring, or threatening material injury to, the domestic industry producing citric acid and certain citrate salts in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating CVD investigations, the Petitions were accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petitions on behalf of the domestic industry, because the petitioners are interested parties, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the requested CVD investigations.[5]

Periods of Investigation (POI)

Because the Petitions were filed on January 21, 2026, the POI for the Canada and India CVD investigations is January 1, 2025, through December 31, 2025.[6]

Scope of the Investigations

The products covered by these investigations are citric acid and certain citrate salts from Canada and India. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

On January 26, 2026, Commerce requested information and clarification from the petitioners regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.[7] On January 29, 2026, the petitioners provided clarifications and revised the scope.[8] The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[9] Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information, all such factual information should be limited to public information.[10] Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on March 2, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on March 12, 2026, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS),

[1] *See* Petitioners' Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Citric Acid and Certain Citrate Salts from Canada and India,'' dated January 21, 2026 (Petitions).

[2] *Id.*

[3] *See* Commerce's Letters, ''Supplemental Questions,'' dated January 26, 2026 (General Issues Supplemental Questionnaire); *see also* First Country-Specific CVD Supplemental Questionnaires: Canada CVD Supplemental and India CVD Supplemental, dated January 26, 2026; *see also* Memorandum ''Phone Call with Counsel to the Petitioners,'' dated February 6, 2026.

[4] *See* Petitioners' Letters, ''Response to Supplemental Questions,'' dated January 29, 2026 (General Issues Supplement); *see also* Country-Specific CVD Supplemental Responses: Canada CVD Supplement and India CVD Supplement, dated January 30 and February 2, 2026; *see also* ''Petitioners' Corrected Representative Certification,'' dated February 9, 2026.

[5] *See* section on ''Determination of Industry Support for the Petitions,'' *infra.*

[6] *See* 19 CFR 351.204(b)(2).

[7] *See* General Issues Supplemental Questionnaire.

[8] *See* General Issues Supplement at 2–3 and Exhibit I–S4.

[9] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

[10] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

unless an exception applies.[11] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOC and GOI of the receipt of the Petitions and provided an opportunity for consultations with respect to the Petitions.[12] Commerce held consultations with the GOC on February 4, 2026, and with the GOI on February 6, 2026.[13]

Additionally, given the nature of certain subsidy programs alleged in the India CVD Petition, on January 21, 2026, Commerce issued a letter to the Government of the People's Republic of China (China), providing the Government of China with the opportunity to meet with Commerce officials.[14] The Government of China did not request to meet with Commerce officials, but filed written comments.[15]

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that the petition meet this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,[16] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[17]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations.[18] Based on our analysis of the information submitted on the record, we have determined that citric acid and certain citrate salts, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[19]

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the appendix to this notice. To establish industry support, the petitioners provided their own production of the domestic like product in 2025.[20] The petitioners identified themselves as the only producers of citric acid and certain citrate salts in the United States; therefore, the Petitions are supported by 100 percent of the U.S. industry.[21] We relied on data provided by the petitioners for purposes of measuring industry support.[22]

Our review of the data provided in the Petitions, the General Issues Supplement, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petitions.[23] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[24] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[25] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to,

[11] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.*

[12] *See* Commerce's Letters, ''Invitation for Consultations to Discuss the Countervailing Duty Petition,'' dated January 21, 2026.

[13] *See* Memorandum, ''Consultations with the Government of Canada,'' dated February 5, 2026; *see also* GOC's Letter, ''Government of Canada's Consultations Materials,'' dated February 5, 2026; Memorandum, ''Consultations with the Government of India,'' dated February 6, 2026; and GOI's Letter, ''GOI's Pre-Initiation Comments and Consultation Note (C–533–947), dated February 10, 2026.

[14] *See* Commerce's Letter, ''Alleged Transnational Subsidy Programs'' dated January 21, 2026.

[15] *See* Government of China's Letter, ''Comments on CVD Petition on Citric Acid and Certain Citrate Salts from India: Alleged Transnational Subsidy Programs (C–533–947),'' dated February 4, 2026.

[16] *See* section 771(10) of the Act.

[17] *See USEC, Inc.* v. *United States,* 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F.Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd.* v. *United States,* 865 F.2d 240 (Fed. Cir. 1989)).

[18] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Checklists, ''Countervailing Duty Investigation Initiation Checklists: Citric Acid and Certain Citrate Salts from the Canada and India,'' dated concurrently with, and hereby adopted by, this notice (Country-Specific CVD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Citric Acid and Certain Citrate Salts from Canada and India (Attachment II). These checklists are on file electronically via ACCESS.

[19] For further discussion, *see* Attachment II of the Country-Specific CVD Initiation Checklists.

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] *Id.*

[24] *Id.; see also* section 702(c)(4)(D) of the Act.

[25] *See* Attachment II of the Country-Specific CVD Initiation Checklists.

the Petitions.[26] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.[27]

Injury Test

Because Canada and India are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from Canada and/or India materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefiting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports from Canada and India individually exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[28]

The petitioners contend that the industry's injured condition is illustrated by a significant increase in the volume of subject imports; increased market share of subject imports; underselling and price depression and/or suppression; lost sales and revenues; declines in production, capacity utilization, and U.S shipments; and negative impact on financial performance.[29] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, cumulation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[30]

Initiation of CVD Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating CVD investigations to determine whether imports of citric acid and certain citrate salts from Canada and India benefit from countervailable subsidies conferred by the GOC and GOI, respectively. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this initiation.

Canada

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 20 of the 21 programs alleged by the petitioners. For a full discussion of the basis for our initiation decisions on each program, *see* the Canada CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

India

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on all programs alleged by the petitioners. For a full discussion of the basis for our decision to initiate on each program, *see* the India CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

Canada

In the Petitioners, the petitioners identified one company (*i.e.,* Jungbunzlauer Canada Inc. (JBL)) in Canada as a producer/exporter of citric acid and certain citrate salts and provided independent third-party information as support.[31] We currently know of no additional producers/exporters of citric acid and certain citrate salts from Canada.

Accordingly, Commerce intends to individually examine the only producer/exporter in the investigation from Canada (*i.e.,* JBL). We invite interested parties to comment on this issue. Such comments may include factual information within the meaning of 19 CFR 351.102(b)(21). Parties wishing to comment must do so within three business days of the publication of this notice in the **Federal Register**. Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. ET on the specified deadline. Because we intend to examine the only known producer/exporter in Canada, if no comments are received or if comments received further support the existence of this sole producer/exporter in the respective countries, we do not intend to conduct respondent selection and will proceed to issuing the initial questionnaire to the only company identified (*i.e.,* JBL). However, if comments are received which create a need for a respondent selection process, we intend to finalize our decisions regarding the respondent selection within 20 days of publication of this notice.

India

In the Petitions, the petitioners identified 19 companies in India as producers and/or exporters of citric acid and certain citrate salts.[32] Following standard practice in CVD investigations, in the event Commerce determines that the number of companies is large, and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for imports under the appropriate Harmonized tariff Schedule of the United States (HTSUS) subheading(s) listed in the ''Scope of the Investigations,'' in the appendix.

On February 10, 2026, Commerce released CBP data on imports of citric acid and certain citrate salts from India under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on CBP data and/or respondent selection must do so within three days of the publication date of the notice of initiation of these investigations.[33] Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. ET on the specified deadline. Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at *https://www.trade.gov/administrative-protective-orders.*

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petitions has been provided to the GOC and GOI via ACCESS. To the

[26] *Id.*

[27] *Id.*

[28] For further discussion, *see* Country-Specific CVD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Citric Acid and Certain Citrate Salts from Canada and India.

[29] *Id.*

[30] *Id.*

[31] Petitions at Volume I (Exhibit I–2); *see also* General Issues Supplement at 1.

[32] *See* Petitions at Volume I (page 21 and Exhibit I–11).

[33] *See* Memorandum, ''Release of U.S. Customs and Border Protection Entry Data,'' dated February 10, 2026.

extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of citric acid and certain citrate salts from Canada and/or India are materially injuring, or threatening material injury to, a U.S. industry.[34] A negative ITC determination for either country will result in the investigation being terminated with respect to that country.[35] Otherwise, these CVD investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [36] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[37] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.[38] For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.[39]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[40] Parties must use the certification formats provided in 19 CFR 351.303(g).[41] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing the required letters of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[42]

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: February 10, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate, as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid, sodium citrate, and potassium citrate constitute 40 percent or more, by weight, of the blend.

The scope also includes all forms of crude calcium citrate, including dicalcium citrate monohydrate, and tricalcium citrate tetrahydrate, which are intermediate products in the production of citric acid, sodium citrate, and potassium citrate. The scope includes the hydrous and anhydrous forms of citric acid, the dihydrate and anhydrous forms of sodium citrate, otherwise known as citric acid sodium salt, and the monohydrate and monopotassium forms of potassium citrate. Sodium citrate also includes both trisodium citrate and monosodium citrate which are also known as citric acid trisodium salt and citric acid monosodium salt, respectively.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing or removing additives, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country. The scope also includes merchandise matching the above description that is commingled or blended with citric acid, sodium citrate, and potassium citrate from sources not subject to these investigations. Only the subject component of such commingled products is covered by the scope of these investigations.

The scope does not include calcium citrate that satisfies the standards set forth in the United States Pharmacopeia and has been mixed with a functional excipient, such as

[34] *See* section 703(a)(1) of the Act.

[35] *Id.*

[36] *See* 19 CFR 351.301(b); *see also Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

[37] *See* 19 CFR 351.301(b)(2).

[38] *See* 19 CFR 351.302.

[39] *See* 19 CFR 351.301; *see also Time Limits Final Rule,* 78 FR at 57790.

[40] *See* section 782(b) of the Act.

[41] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[42] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069 (September 29, 2023).

dextrose or starch, where the excipient constitutes at least two percent, by weight, of the product.

Citric acid and sodium citrate are classifiable under 2918.14.0000 and 2918.15.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), respectively. Potassium citrate and crude calcium citrate are classifiable under 2918.15.5000 and, if included in a mixture or blend, 3824.99.9397 of the HTSUS. Blends that include citric acid, sodium citrate, and potassium citrate are classifiable under 3824.99.9397 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

[FR Doc. 2026–03060 Filed 2–13–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–195]

Active Anode Material From the People's Republic of China: Final Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of active anode material from the People's Republic of China (China). The period of investigation (POI) is January 1, 2023, through December 31, 2023.

DATES: Applicable February 17, 2026.

FOR FURTHER INFORMATION CONTACT: Benjamin Nathan or Gorden Struck, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3834 or (202) 482–8151, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 28, 2025, Commerce published the *Preliminary Determination* in the **Federal Register**.[1] In the *Preliminary Determination,* and in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4), Commerce aligned the final countervailing duty (CVD) determination with the final less-than-fair value (LTFV) determination.[2] Commerce invited parties to comment on the *Preliminary Determination*.[3] On July 2, 2025, Commerce published an amended preliminary determination to correct ministerial errors in the *Preliminary Determination* with respect to the subsidy rates calculated for Panasonic Global Procurement (China) Co., Ltd., and Panasonic Corporation of China (collectively, Panasonic), and BTR New Material Group Co., Ltd.[4]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[5] Additionally, due to a backlog of documents that were electronically filled via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[6] Accordingly, the deadline for this final determination is now February 10, 2026.

For a complete description of the events that followed the *Preliminary Determination, see* the Issues and Decision Memorandum.[7] The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The product covered by this investigation is active anode material from China. For a complete description of the scope of the investigation, *see* Appendix I.

Scope Comments

In the Preliminary Scope Memorandum, we set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope) in scope-specific case briefs or other written comments.[8] We received scope case and rebuttal briefs from multiple interested parties. For a summary of the product coverage comments and rebuttal responses submitted to the record for this final determination, and accompanying discussion and analysis of all comments timely received, *see* the Final Scope Memorandum.[9] In the Final Scope Memorandum, Commerce determined that it is modifying the scope language as it appeared in the Initiation Notice.[10] *See* Appendix I.

Verification

As provided in section 782(i) of the Act, in December 2025, Commerce verified all information reported by BTR New Material Group Co., Ltd. and its cross-owned affiliates (collectively, BTR), the cooperating supplier to the mandatory respondent, Panasonic. We used standard verification procedures, including an examination of relevant account records and original source documents provided by the respondents.[11]

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in the case and rebuttal briefs by parties in this investigation, are discussed in the Issues and Decision Memorandum. For a list of the issues raised by parties, and to which we responded in the Issues and Decision Memorandum, *see* Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy

[1] *See Certain Active Anode Material from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 90 FR 22465 (May 28, 2025) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *Id.*

[3] *See Preliminary Determination,* 90 FR at 22466.

[4] *See Active Anode Material from the People's Republic of China: Amended Preliminary Determination of Countervailing Duty Investigation,* 90 FR 28994 (July 2, 2025) (*Amended Preliminary Determination*), and accompany Issues and Decision Memorandum.

[5] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[6] *See* Memorandum, ''Tolling of All Case Deadlines,'' dated November 24, 2025.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination of the Countervailing Duty Investigation of Active Anode Material from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[8] *See* Memorandum, ''Less-Than-Fair Value and Countervailing Duty Investigations of Active Anode Material from the People's Republic of China: Preliminary Scope Determination,'' dated July 16, 2025.

[9] *See* Memorandum, ''Less-Than-Fair Value and Countervailing Duty Investigations of Active Anode Material from the People's Republic of China: Final Scope Issues and Decision Memorandum,'' dated concurrently with this notice.

[10] *See Active Anode Material from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 90 FR 3788 (January 25, 2025) (*Initiation Notice*).

[11] *See* Memorandum, ''Verification of the Questionnaire Responses of BTR New Material Group Co., Ltd. and Affiliates,'' dated January 6, 2026.

programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[12] For a full description of the methodology underlying our final determination, *see* the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our review and analysis of the information received during verification and comments received from parties, for this final determination, we made certain changes to the countervailable subsidy rate calculations for BTR and for all other producers/exporters. For a discussion of these changes, *see* the Issues and Decision Memorandum.

All-Others Rate

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated an individual estimated countervailable subsidy rate for the mandatory respondent, Panasonic. Section 705(c)(5)(A)(i) of the Act states that, for companies not individually investigated, Commerce will determine an all-others rate equal to the weighted-average countervailable subsidy rates established for exporters and/or producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act.

In this investigation, we continue to calculate individual total net countervailable subsidy rates based entirely on facts available with an adverse inference for Shanghai Shaosheng Knitted Sweat (Shaosheng).[13] Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available is the rate calculated for Panasonic. Accordingly, we are assigning the rate calculated for Panasonic to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

Final Determination

Commerce determines that the following estimated net countervailable subsidy rates exist for the period January 1, 2023, through December 31, 2023:

Company	Subsidy rate (percent *ad valorem*)
Panasonic Global Procurement China Co., Ltd.; Panasonic Corporation of China	66.86
BTR New Material Group Co., Ltd., BTR (Jiangsu) New Energy Material Co., Ltd., and BTR New Material Group Sales Co., Ltd	*66.82
Shanghai Shaosheng Knitted Sweat	*66.82
Huzhou Kaijin New Energy Technology Corp., Ltd.[14]	*66.82
All Others	66.86

* Rate is based on facts available with adverse inferences.

Disclosure

Commerce intends to disclose its calculations performed to interested parties in this final determination within five days of its public announcement or, if there is no public announcement, within five days of the date of the publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination,* and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after May 28, 2025, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after September 26, 2025, but to continue the suspension of liquidation of all entries of subject merchandise on or before September 25, 2026.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above. Pursuant to section 705(c)(2) of the Act, if the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or cancelled.

ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of active anode material from China. As Commerce's final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threated with material injury, by reason of imports of active anode material from China. In addition, we are making available to the ITC all non-privileged and non-proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

If the ITC determines that material injury or threat of material injury does

[12] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[13] In the *Preliminary Determination,* we found that Shanghai Shaosheng Knitted Sweat (Shaosheng) did not respond to Commerce's countervailing duty questionnaire. We made no changes to this finding. Thus, Shaosheng continues to receive a rate based on adverse facts available for this final determination.

[14] In the *Preliminary Determination,* we found that Huzhou Kaijin New Energy Technology Corp., Ltd. (Huzhou Kaijin) did not respond to Commerce's request for information. We made no changes to this finding. Thus, Huzhou Kaijin continues to receive a rate based on adverse facts available for this final determination.

not exist, this proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Administrative Protective Order

This notice will serve as the only reminder to parties subject to the APO of their responsibility concerning the destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: February 10, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is active anode material, which is an anode grade graphite material with a graphite minimum purity content of 90 percent carbon by weight, whether containing synthetic graphite, natural graphite, or a blend of synthetic and natural graphite; with or without coating. Subject merchandise may be in the form of powder, dry, liquid, or block form and is covered irrespective of the form in which it enters. Subject merchandise typically has a maximum size of 80 microns when in powder form. Subject merchandise has an energy density of 330 milliamp hours per gram or greater and a degree of graphitization of 80 percent or greater, where graphitization refers to the extent of the graphite crystal structure.

Subject merchandise is covered regardless of whether it is mixed with silicon based active materials, *e.g.,* silicon-oxide (SiOx), silicon-carbon (SiC), or silicon, or additives such as carbon black or carbon nanotubes. Subject merchandise is covered regardless of the combination of compounds that comprise the graphite material. Subject merchandise is covered regardless of whether it is imported independently, as part of a compound, or as a component of an anode slurry, or in a subassembly of a battery such as an electrode. Only the anode grade graphite material is covered when entered as part of a mixture with silicon based active materials, as part of a compound, or as a component of an anode slurry, or in a subassembly of a battery such as an electrode.

Subject merchandise does not include active anode material incorporated into imports of lithium-ion battery products (such as cells, modules, and packs), electric vehicles, hybrid vehicles, cell phones or battery energy storage systems.

Active anode material subject to this investigation may be classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2504.10.5000, 3801.10.5010, and 3801.10.5090. Subject merchandise may also enter under HTSUS subheadings 2504.10.1000 and 3801.90.00. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Use of Facts Otherwise Available and Adverse Inferences
IV. Subsidies Valuation
V. Analysis of Programs
VI. Discussion of the Issues
Comment 1: Whether to Continue to Apply Adverse Facts Available (AFA) Regarding Investigated Programs' Specificity and Financial Contributions
Comment 2: Whether to Continue to Rely on Total AFA for Shaosheng
Comment 3: Whether to Apply AFA to Panasonic
Comment 4: Whether Not Verifying Panasonic Precludes Commerce from Relying on Any Information Panasonic Reported
Comment 5: Whether to Apply Total AFA to BTR New Material Group Co., Ltd. and Its Affiliates (BTR)
Comment 6: Whether the Electricity for Less-Than-Adequate Remuneration (LTAR) Program is Countervailable
Comment 7: Whether to Countervail the Provision of Land Use for LTAR
Comment 8: Whether Commerce's Determinations of Other Subsidies Exceed the Lawful Scope of Inquiry
Comment 9: Whether to Apply AFA to Huzhou Kaijin
Comment 10: Whether Commerce Erred in Various Calculations for BTR and its Affiliates
VII. Recommendation

[FR Doc. 2026–02999 Filed 2–13–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF478]

Pacific Fishery Management Council; Public Meetings and Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of opportunities to provide public comments.

SUMMARY: The Pacific Fishery Management Council (Council) has begun its annual preseason process to develop regulations to manage the 2026 ocean salmon fisheries off the U.S. West Coast. This notice informs the public of opportunities to provide oral and written comments on the development of the regulations.

DATES: Comments received electronically or in hard copy by 5 p.m. Pacific Time, April 6, 2026, or orally no later than April 8, 2026, at a Council meeting or public hearing will be considered in the Council's final recommendation for the 2026 regulations and in NMFS consideration of the Council's final recommendation. Dates when comments may be made at public hearings are provided under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Documents will be available from the Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384, and will be posted on the Council's website at *https://www.pcouncil.org.* You may submit written comments by any one of the following methods:

- *Council e-Portal:* Written comments must be submitted electronically through the Council's e-portal by visiting *http://www.pcouncil.org.*
- *Federal e-Rulemaking Portal:* Electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2026–0001 in the Search box. Click on the ''Comment'' tab, complete the required fields, and enter or attach your comments. All personal identifying information (*e.g.,* name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS and the Council will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Ms. Angela Forristall, Pacific Fishery

Management Council, telephone: 503–820–2419 (ext. 419); email: *angela.forristall@pcouncil.org.* For information on submitting comments via the Federal e-Rulemaking portal, contact Shannon Penna, NMFS West Coast Region, telephone: 562–980–4239; email: *shannon.penna@noaa.gov.*

SUPPLEMENTARY INFORMATION: On December 30, 2025, the Council announced the schedule of reports, public meetings, and hearings for the development of annual regulations for the ocean salmon fisheries that start May 16, 2026, and continue through May 15, 2027, which we refer to as the 2026 management measures (90 FR 61127; December 30, 2025). The Council will adopt alternatives for 2026 ocean salmon fisheries management at its meetings to be held in person March 4–9, 2026, in Sacramento, CA. Details of this meeting, including opportunities to provide written public comments and public testimony in-person or virtually are available on the Council's website (*https://www.pcouncil.org*). On March 26, 2026, ''Preseason Report II—Proposed Alternatives and Environmental Assessment Part 2 for 2026 Ocean Salmon Fishery Regulations'' is scheduled to be posted on the Council's website at *https://www.pcouncil.org.* The report will include a description of the salmon management alternatives adopted by the Council at the March meeting to be considered at the April meeting and a summary of their biological and economic impacts.

Public hearings will be held to receive oral comments on the proposed ocean salmon fishery management alternatives adopted by the Council. All public hearings begin at 7 p.m. Pacific Time. The public hearing focusing on Washington will occur in person on March 23, 2026, in Westport, WA, and the public hearing for California salmon fisheries will occur in person on March 23, 2026, in Santa Rosa, CA. No virtual options are available for these public hearings. The public hearing for Oregon will occur both in-person and virtually on March 24, 2026. Actual hearing venues and instructions for joining online hearings will be posted on the Council's website (*https://www.pcouncil.org*) in advance of the hearing dates. A summary of oral comments received at the hearings will be provided to the Council at its April meeting.

At its April meeting, the Council will adopt the set of management measures it will recommend to NMFS for consideration under the Magnuson-Stevens Fishery Conservation and Management Act. This meeting provides an additional opportunity for written public comment and public testimony in-person or virtually. Details regarding this meeting and comment opportunities are available on the Council's website at *https://www.pcouncil.org.*

Comments on the alternatives the Council adopts at its March 2026 meeting, and described in its Preseason Report II, may be submitted (1) in writing or electronically as described under **ADDRESSES**, (2) orally (in-person) at a public hearing, (3) orally (online or in-person) or in writing at the Council meeting held on March 4–9, 2026, which is scheduled to occur in person, in Sacramento, CA, or orally (online or in-person) at the Council meeting held on April 7–12, 2026, which is scheduled to occur in person, in Portland, OR. Details of these meetings will be available on the Council's website (*https://www.pcouncil.org*) and will be published in the **Federal Register**. In order to be considered in the Council's decision on its final recommendation for the 2026 salmon fishery management measures and in NMFS' consideration of that final recommendation, written and electronically submitted comments must be received by 5 p.m. Pacific Time on April 6th. All comments received accordingly will be reviewed and considered by the Council and NMFS.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 11, 2026.

David R. Blankinship,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–03059 Filed 2–13–26; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend Collection Number 3038–0049: Procedural Requirements for Requests for Interpretative, No-Action, and Exemptive Letters

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is announcing an opportunity for public comment on the proposed extension of a collection of certain information by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on requirements related to requests for, and the issuance of, exemptive, no-action, and interpretative letters.

DATES: Comments must be submitted on or before April 20, 2026.

ADDRESSES: You may submit comments, identified by ''OMB Control Number 3038–0049,'' by any of the following methods:

- The CFTC's website, at *https://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: Eric Schmelzer, Special Counsel, (202) 836–0567, *eschmelzer@cftc.gov,* of the Division of Clearing and Risk; Dina Moussa, Special Counsel, (202) 418–5696, *dmoussa@cftc.gov,* or Catherine Brescia, Attorney Advisor, (202) 418–6236, *cbrescia@cftc.gov,* of the Market Participants Division; Owen Kopon, (202) 418–5360, *okopon@cftc.gov,* of the Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; or Roger Smith, (202) 418–5344, *rsmith@cftc.gov,* of the Division of Market Oversight, Commodity Futures Trading Commission, 77 West Jackson Blvd., Suite 800, Chicago, IL 60604.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* Federal agencies must obtain approval from the Office of Management and Budget (''OMB'') for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires a Federal agency to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information before submitting the collection to OMB for approval. 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 number.[1] To comply with these requirements, the CFTC is publishing notice of the proposed extension of the currently approved collection of information listed below.

Title: Procedural Requirements for Requests for Interpretative, No-Action, and Exemptive Letters (OMB Control No. 3038–0049). This is a request for an extension of a currently approved information collection.

Abstract: This collection covers the information requirements for voluntary requests for, and the issuance of, interpretative, no-action, and exemptive letters submitted to Commission staff pursuant to the provisions of section 140.99 of the Commission's regulations,[2] and related requests for confidential treatment pursuant to section 140.98(b) [3] of the Commission's regulations.

The collection requirements described herein are voluntary. They apply to parties that choose to request a benefit from Commission staff in the form of the regulatory action described in section 140.99. Such benefits may include, for example, staff action related to some or all of the burdens associated with other collections of information, staff action related to regulatory obligations that do not constitute collections of information, interpretations, or extensions of time for compliance with certain Commission regulations. Any person requesting action under section 140.99 will likely have determined the staff action sought substantially outweighs any associated information collection burden.

This information collection is necessary, and is used, to assist Commission staff in understanding the type of staff action that is being requested and the basis for the request. It is also necessary, and is used, to provide staff with a sufficient basis for determining whether: (1) granting the requested action would be necessary or appropriate under the facts and circumstances presented by the requestor; (2) the requested action provided should be conditional and/or time-limited; and (3) granting the requested action would be consistent with staff responses to requests that have been presented under similar facts and circumstances. In some cases, Commission staff might grant the requested action with certain conditions it deems appropriate. Once again, those complying with these conditions will likely have determined the staff action sought outweighs any associated burden. This information collection also is necessary to provide a mechanism whereby persons requesting interpretative, no-action, and exemptive letters may seek temporary confidential treatment of their request and the Commission staff response thereto and the grounds upon which such confidential treatment is sought.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical or other technological collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in section 145.9 of the Commission's regulations.[4]

The Commission reserves the right, but shall have no obligation to, review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission is revising its burden estimate for this information collection. The Commission has based its estimate of the annual number of respondents related to this information collection, in part, on the average number of interpretative, no-action, and exemptive letters issued by Commission staff in 2023, 2024, and 2025. The Commission generally estimates that each request was made by a unique respondent. To that number, the Commission is adding additional respondents that have incurred burden hours preparing requests for staff action that did not generate a Commission staff letter in response.

This estimate includes the burden hours for preparing, filing, and updating such request letters as well as the burden of complying with any conditions that may be contained in any interpretative, no-action, or exemptive letters granting staff action. It also includes burden hours required to prepare and submit related requests for confidential treatment. The burden hours associated with individual requests will vary widely, depending upon the type and complexity of staff action requested, whether the request presents novel or complex issues, the relevant facts and circumstances, and the number of requestors or other affected entities.

The respondent burden is estimated to be as follows:

Estimated Number of Annual Respondents: 44.

Estimated Average Annual Burden Hours per Respondent: 40.

Estimated Total Annual Burden Hours: 1,760.

Frequency of Collection: Occasional.

Type of Respondents: Respondents include persons registered with the Commission (such as commodity pool operators, commodity trading advisors, derivatives clearing organizations, designated contract markets, futures commission merchants, introducing brokers, swap dealers, and swap execution facilities), persons seeking an exemption from registration, persons whose registration with the Commission is pending, trade associations and their members, eligible contract participants, and other persons seeking staff action from discrete regulatory requirements.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority 44 U.S.C. 3501 *et seq.*)

[1] 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8 (b)(3)(vi).

[2] 17 CFR 140.99. An archive containing CFTC staff letters may be found at *https://www.cftc.gov/LawRegulation/CFTCStaffLetters/index.htm.*

[3] 17 CFR 140.98(b).

[4] 17 CFR 145.9.

Dated: February 11, 2026.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2026–02996 Filed 2–13–26; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 21–15]

Arms Sales Notification

Correction

In notice document 2025–22604, appearing on page 57741 in the issue of Friday, December 12, 2025, an incorrect graphic of a letter published on page 57742. The letter is corrected to read as set forth below.

BILLING CODE 0099–10–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

OCT 11 202'

The Honorable Mike Johnson Speaker of the House U.S. House of Representatives H-209, The Capitol Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 21-15 concerning the Army's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost $139 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

[FR Doc. C1–2025–22604 Filed 2–13–26; 8:45 am]
BILLING CODE 0099–10–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–0G]

Arms Sales Notification

Correction

In notice document 2025–22602, appearing on page 57751 in the issue of Friday, December 12, 2025, an incorrect graphic of a letter published on page 57752. The letter is corrected to read as set forth below.

BILLING CODE 0099–01–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson Speaker of the House
U.S. House of Representatives H-209, The Capitol Washington, DC 20515

Dear Mr. Speaker:

OCT 1 1 2021.

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-0G. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 15-68 of October 19, 2015.

Sincerely,

Michael F.
Miller
Director

Enclosures:
1. Transmittal
2. Regional Balance (Classified document provided under separate cover)

[FR Doc. C1–2025–22602 Filed 2–13–26; 8:45 am]
BILLING CODE 0099–01–C

DEPARTMENT OF DEFENSE

Department of the Navy

Certificate of Alternate Compliance for PCU JOHN F. KENNEDY (CVN 79)

AGENCY: Department of the Navy, Department of Defense.

ACTION: Notice of issuance of Certificate of Alternate Compliance.

SUMMARY: The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for PCU JOHN F. KENNEDY (CVN 79). Due to the special construction and purpose of this vessel, the Admiralty Counsel of the Navy has determined it is a vessel of the

Navy which, due to its special construction and purpose, cannot comply fully with the navigation lights provisions of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) without interfering with its special function as a naval ship. The intended effect of this notice is to warn mariners in waters where 72 COLREGS apply.

DATES: This Certificate of Alternate Compliance is effective February 17, 2026 and is applicable beginning October 31, 2025.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Ryan Feingold, JAGC, U.S. Navy, Admiralty Attorney, Office of the Judge Advocate General, Admiralty and Claims Division (Code 15), 1322 Patterson Ave. SE, Suite 3000, Washington Navy Yard, DC 20374–5066, 202–685–5075, or *admiralty@us.navy.mil.*

SUPPLEMENTARY INFORMATION: Background and Purpose. Executive Order (E.O) 11964 (42 FR 4327; January 19, 1977) and 33 U.S.C. 1605 provide that the requirements of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, shall not apply to a vessel or class of vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel(s) to comply fully with the provisions without interfering with the special function of the vessel(s). Notice of issuance of a Certificate of Alternate Compliance must be made in the **Federal Register**.

In accordance with 33 U.S.C. 1605, the Admiralty Counsel of the Navy, under authority delegated by the Secretary of the Navy, hereby finds and certifies that PCU JOHN F. KENNEDY (CVN 79) is a vessel of special construction or purpose, and that, with respect to the position of the following navigational lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS without interfering with the special function of the vessel:

Rule 21(a) pertaining to the arc of visibility of the forward and aft masthead lights; Rule 21(b) pertaining to the arc of visibility of the port and starboard sidelights; Rule 21(c) pertaining to the arc of visibility of the sternlight; Rule 30(a)(i) and 30(a)(ii) pertaining to the location and arc of visibility of the all-round anchor lights, forward and aft; Annex I, Paragraph (3)(a) pertaining to the location of the forward masthead light in relation to the forward quarter of the ship; and Annex I, Paragraph 2(g) pertaining to the height of the port and starboard sidelights.

The Admiralty Counsel of the Navy further finds and certifies that these navigational lights are in closest possible compliance with the applicable provision of the 72 COLREGS.

(Authority: 33 U.S.C. 1605(c), E.O. 11964)

Dated: February 11, 2026.

J.F. Siladi,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2026–03035 Filed 2–13–26; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0845]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; DC School Choice Incentive Program

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a previously approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before March 19, 2026.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Yeh, (202) 987–1588.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: DC School Choice Incentive Program.

OMB Control Number: 1810–0774.

Type of Review: Extension without change of a previously approved ICR.

Respondents/Affected Public: Individual and Households.

Total Estimated Number of Annual Responses: 3,000.

Total Estimated Number of Annual Burden Hours: 1,000.

Abstract: The DC Opportunity Scholarship Program (OSP) is currently authorized under the Scholarships for Opportunity and Results Act (SOAR). Under the SOAR Act, the U.S. Department of Education awards a grant to a non-profit to administer scholarships to students who reside in the District of Columbia and come from households whose incomes do not exceed 185% of the poverty line (300% of the poverty line for returning students). The current administrator of the OSP is Serving Our Children (SOC). Under the law, priority is given to siblings of students in the program, and students who are currently attending low-performing schools, as defined by Title I. To assist in the student selection and assignment process, the information collected is used to determine the eligibility of those students who are interested in the available scholarships.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–03004 Filed 2–13–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–0265]

Agency Information Collection Activities; Comment Request; Federal Perkins Loan Program Regulations and General Provisions Regulations

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before April 20, 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–0265. 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 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 Carolyn Rose, U.S. Department of Education, Federal Student Aid, 400 Maryland Avenue SW, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

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: Federal Perkins Loan Program Regulations and General Provisions Regulations.

OMB Control Number: 1845–0019.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; Individuals and Households; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 11,616,710.

Total Estimated Number of Annual Burden Hours: 6,247,152.

Abstract: This is a request by the Department of Education (Department) for continued approval of the reporting, disclosure and records maintenance requirements that are contained in the Student Assistance General Provisions regulations, the Federal Perkins Loan program, the Federal Work-Study program, and the Federal Supplemental Educational Opportunity Grant program. The Department is seeking an extension of the currently approved information collection 1845–0019. There has been no change to the regulatory or statutory requirements.

Brian Fu,

Program and Management Analyst, Office of the Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–03027 Filed 2–13–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–7–000]

Commission Information Collection Activities (Ferc–577) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–577: Natural Gas Facilities: Environmental Review and Compliance. There are no proposed changes to this collection.

DATES: Comments on the collection of information are due April 20, 2026.

ADDRESSES: Please submit comments via email to *DataClearance@FERC.gov.* You must specify the Docket No. (IC26–7–000) and the FERC Information Collection number (FERC–577) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.*

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov,* or by telephone at (202)502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–577, Natural Gas Facilities: Environmental Review and Compliance

OMB Control No.: 1902–0128.

Type of Request: Three-year extension of the FERC–577 information collection requirements with no changes to the current reporting requirements.

Abstract: FERC–577 contains the Commission's information collection pertaining to regulations which implement the National Environmental Policy Act (NEPA) as well as the reporting requirements for landowner notifications. These requirements are contained in 18 CFR parts 153, 157, and 380 (2025). The information to be submitted includes draft environmental material in accordance with the provisions of Part 380 of FERC's regulations in order to implement the Commission's procedures under NEPA. Without such information, the Commission would be unable to fulfill its statutory responsibilities under the Natural Gas Act (NGA), NEPA, and the

Energy Policy Act of 2005. Specifically, these responsibilities include ensuring company activities remain consistent with the public interest, which is specified in the NGA and inherent in the other statutes.

Type of Respondents: Companies proposing Natural Gas Projects under section 7 and Jurisdictional Gas Pipeline and Storage Companies.

Estimate of Annual Burden: [1] The Commission estimates the annual public reporting burden and cost [2] for the information collection as follows.

	Number of respondents (1)	Number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours & average cost per response ($) (rounded) (4)	Total annual burden hours & total annual cost ($) (rounded) (3) * (4) = (5)	Cost per respondent ($) (rounded) (5) ÷ (1) = (6)
Gas Pipeline Certificates [3]	101	16	1,616	193.52 hours; $19,932.56	312,728 hours; $32,210,984	$318,921
Landowners Notification [4]	164	144	23,616	2 hours; $206	47,232 hours; $4,864,896	29,664
Gas Pipeline Certificates for LNG facilities.	2	12	24	193.52 hours; $19,932.56	4,644 hours; $478,332	239,166
Landowners Notification for LNG facilities.	4	18	72	2 hours; $206	144 hours; $14,832	3,708
Total			25,328		364,748 hours; $37,569,044	

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 10, 2026

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–03014 Filed 2–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–10551–000]

Savoy, Brian D.; Notice of Filing

Take notice that on February 2, 2026, Brian D. Savoy submitted for filing, application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b) and Part 45.8 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45.8.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Comment Date: 5:00 p.m. Eastern Time on February 23, 2026.

Dated: February 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–03006 Filed 2–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–13–000]

Commission Information Collection Activities (Ferc–73) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 (2025) for additional information on the definition of information collection burden.

[2] The Commission staff estimates that industry is similarly situated in terms of hourly cost (for wages plus benefits). Based on the Commission's FY (Fiscal Year) 2025 average cost (for wages plus benefits), $103/hour is used.

[3] Requirements are found in 18 CFR parts 2, 157, and 380.

[4] Requirements are found in 18 CFR 157(d), 157(f), 2.55(a), 2.55(b), 284.11, and 380.15.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection: FERC Form No. 73: Oil Pipeline Service Life Data.

DATES: Comments on the collections of information are due April 20, 2026.

ADDRESSES: Please submit comments via email to *DataClearance@FERC.gov.* You must specify the Docket No. (IC26–13–000) and the FERC Information Collection number (FERC–73) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.* Once there, you can also sign-up for automatic notification of activity in this docket.

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov,* or by telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC Form No. 73, Oil Pipeline Service Life Data.

OMB Control No.: 1902–0019.

Type of Request: Three-year extension of the FERC Form No. 73 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission collects FERC Form No. 73 information as part of its authority under the Interstate Commerce Act, 49 U.S.C. 60501, *et al.* FERC Form No. 73 contains necessary information for the review of oil pipeline companies' proposed depreciation rates, as regulated entities are required to provide service life data illustrating the remaining physical life of an oil pipeline's properties. This is used to calculate the company's cost of service and its transportation rates to access customers. The Commission implements these filing reviews under 18 CFR 357.3, and 18 CFR part 347.

Section 357.3 and part 347 require an oil pipeline company to submit information under FERC Form No. 73 when: (1) requesting approval for new or changed depreciation rates of an oil pipeline; or (2) being directed by the Commission to file the service life data during an investigation of its book depreciation rates.

Type of Respondent: Oil pipeline companies.

Estimate of Annual Burden: [1] The Commission estimates the annual public reporting burden for the information collection as below:

FERC Form No. 73, Oil Pipeline Service Life Data

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response [2]	Total annual burden & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Oil Pipelines Undergoing Investigation or Review.	15	1	15	40 hrs.; $4,080	600 hrs.; $61,200	$4,080

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–03008 Filed 2–13–26; 8:45 am]

BILLING CODE 6717–01–P

[1] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 CFR 1320.3.

[2] The Commission staff estimates the average cost in salary and benefits for the average respondent based on the Commission's 2026 average cost for salary plus benefits at $102/hour.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–6–000]

Commission Information Collection Activities (Ferc-515); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–515: Declaration of Intention. There are no proposed changes to this collection.

DATES: Comments on the collection of information are due April 20, 2026.

ADDRESSES: Please submit comments via email to *DataClearance@FERC.gov.* You must specify the Docket No. (IC26–6–000) and the FERC Information Collection number (FERC–515) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, Secretary of the

Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view information related to this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.*

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov,* or by telephone at (202)502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–515 (Declaration of Intention).

OMB Control No.: 1902–0079.

Type of Request: Three-year extension of the FERC–515 information collection requirements with no changes to the current reporting requirements.

Abstract: The purpose of FERC–515 is to implement the information collections pursuant to Section 24 of the Federal Power Act (FPA). This statute authorizes the Commission to make a determination as to whether it has jurisdiction over a proposed water project pursuant to section 23(b) of the FPA. Entities intending to construct project works on certain waters must file a Declaration of Intention with the Commission. The information provided in the Declaration of Intention includes a written application, containing sufficient details to allow the Commission staff to research the jurisdictional aspects of the project. Commission staff will review maps, land ownership records, and other related information to establish whether or not there is Federal jurisdiction over the lands and waters affected by the project. A finding that the project is non-jurisdictional by the Commission eliminates a substantial paperwork burden for the applicant who might otherwise have to file for a license or exemption application.

Type of Respondents: Persons intending to construct project works on certain waters.

Estimate of Annual Burden.[1] The Commission estimates the annual public reporting burden and cost [2] for the information collection as:

Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours & cost ($) per response	Total annual burden hours & total annual cost ($)	Cost per respondent ($)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
4	1	4	80 hrs.; $8,240	320 hrs.; $32,960	$8,240

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–03010 Filed 2–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC26–64–000.

Applicants: EAM Nelson Holding, LLC, Entergy Power, LLC, EWO Marketing, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of EAM Nelson Holding, LLC, et al.

Filed Date: 2/9/26.

Accession Number: 20260209–5161.

Comment Date: 5 p.m. ET 3/2/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER25–451–005; ER24–1035–007; ER15–1582–025; ER15–1579–024; ER15–1914–026; ER19–1473–010; ER10–3145–021; ER10–3116–017; ER24–1698–006; ER20–1629–013; ER19–1474–009; ER10–3120–020; ER10–3128–019; ER16–1255–023; ER16–2201–019; ER16–1955–020; ER19–846–015; ER21–2156–011; ER18–1667–015; ER20–2065–010; ER20–2066–010; ER23–1319–007; ER17–1864–018; ER17–1871–018; ER17–1909–018; ER16–474–021; ER16–1901–020; ER23–1668–008; ER16–468–020; ER18–2492–016; ER22–799–010; ER21–1488–010; ER23–1165–006; ER23–2440–007; ER24–2148–005; ER11–2701–022; ER16–2578–020; ER23–1669–008; ER19–847–015; ER15–762–026; ER24–55–007; ER16–2224–019; ER16–890–021; ER15–760–023; ER16–1973–020; ER16–1956–020; ER23–1589–007; ER24–1697–005; ER23–2441–007; ER23–937–007; ER17–544–019; ER17–306–019; ER16–1738–020; ER21–2766–009; ER20–2519–009; ER15–2680–022; ER23–48–008; ER19–1597–012; ER20–1620–014; ER22–414–015; ER23–495–015; ER20–902–014.

Applicants: sPower Energy Marketing, LLC, AES CE Solutions, LLC, AES Marketing and Trading, LLC, AES Solutions Management, LLC, AES Integrated Energy, LLC, West Line Solar, LLC, Sandstone Solar LLC, East Line Solar, LLC, Central Line Solar, LLC, Beacon Solar 4, LLC, Beacon Solar 3, LLC, Beacon Solar 1, LLC, Chevelon Butte RE LLC, Chevelon Butte RE II LLC, AES Westwing II ES, LLC, AES ES Westwing, LLC, Western Antelope Dry Ranch LLC, Western Antelope Blue Sky Ranch B LLC, Western Antelope Blue Sky Ranch A LLC, Summer Solar LLC, Solverde 1, LLC, Silver Peak Energy, LLC, Sierra Solar Greenworks LLC, San Pablo Raceway, LLC, Raceway Solar 1, LLC, North Lancaster Ranch LLC, Mountain View Power Partners IV, LLC, McFarland Storage C, LLC, McFarland Solar B, LLC, McFarland Solar A, LLC, Luna Storage, LLC, Lancaster Area Battery Storage, LLC, FTS Master Tenant 2, LLC, FTS Master Tenant 1, LLC, Estrella Solar, LLC, Elevation Solar C LLC, Central Antelope Dry Ranch C LLC, Bayshore Solar C, LLC, Bayshore

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 (2025) for additional information on the definition of information collection burden.

[2] Commission staff estimates that industry is similarly situated in terms of hourly cost (for wages plus benefits). Based on the Commission's FY (Fiscal Year) 2025 average cost (for wages plus benefits), $103/hour is used.

Solar B, LLC, Bayshore Solar A, LLC, Baldy Mesa Solar, LLC, Antelope Expansion 3B, LLC, Antelope Expansion 3A, LLC, Antelope Expansion 2, LLC, Antelope Expansion 1B, LLC, Antelope DSR 3, LLC, Antelope DSR 2, LLC, Antelope DSR 1, LLC, Antelope Big Sky Ranch LLC,AES Redondo Beach, L.L.C., AES Huntington Beach, L.L.C., AES Huntington Beach Energy, LLC, AES ES Alamitos, LLC, AES ES Alamitos 2, LLC, AES Energy Storage, LLC, AES Alamitos, LLC, AES Alamitos Energy, LLC, 87RL 8me LLC, 67RK 8me LLC, 65HK 8me LLC, 20SD 8me LLC, 50LW 8me LLC.

Description: Notice of Change in Status of 50LW 8me LLC, et al.

Filed Date: 1/30/26.

Accession Number: 20260130–5595.

Comment Date: 5 p.m. ET 2/20/26.

Docket Numbers: ER26–445–001.

Applicants: Alabama Power Company.

Description: Compliance Filing of Alabama Power Company, o/b/o the Southeast Energy Exchange Market Members, in accordance with directives in the Commission's 01/06/2026 order.

Filed Date: 2/5/26.

Accession Number: 20260205–5159.

Comment Date: 5 p.m. ET 2/26/26.

Docket Numbers: ER26–800–001.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.17(b): Amendment to RWE Solar (Muletown Solar) Amended and Restated LGIA Filing to be effective 12/12/2025.

Filed Date: 2/11/26.

Accession Number: 20260211–5034.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1323–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: Revisions to Add the Conditional High Impact Large Load Service to be effective 7/1/2026.

Filed Date: 2/10/26.

Accession Number: 20260210–5159.

Comment Date: 5 p.m. ET 3/3/26.

Docket Numbers: ER26–1324–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 3216R1 WAPA & City of Pierre, SD Interconnection Agreement to be effective 2/10/2026.

Filed Date: 2/10/26.

Accession Number: 20260210–5161.

Comment Date: 5 p.m. ET 3/3/26.

Docket Numbers: ER26–1325–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Original GIA, Service Agreement No. 7835; Project Identifier No. AF2–111 to be effective 1/12/2026.

Filed Date: 2/11/26.

Accession Number: 20260211–5001.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1326–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 3211R8 North Iowa Municipal Electric Cooperative Association NITSA and NOA to be effective 2/1/2026.

Filed Date: 2/11/26.

Accession Number: 20260211–5010.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1327–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to ISA No. 5548; Queue No. AC1–076/AE2–134 to be effective 4/13/2016.

Filed Date: 2/11/26.

Accession Number: 20260211–5011.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1328–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. Capital Budget Quarterly Filing for Fourth Quarter of 2025.

Filed Date: 2/6/26.

Accession Number: 20260206–5191.

Comment Date: 5 p.m. ET 2/27/26.

Docket Numbers: ER26–1329–000.

Applicants: Grover Hill Wind, LLC.

Description: Tariff Amendment: Grover Hill Wind MBR Cancellation Filing to be effective 12/31/9998.

Filed Date: 2/11/26.

Accession Number: 20260211–5032.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1330–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 2881R22 City of Chanute, KS NITSA NOA to be effective 12/1/2025.

Filed Date: 2/11/26.

Accession Number: 20260211–5033.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1331–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to ISA 6307&CSA 6308;Cancellation of ISA 6681&CSA 6682;AD2–092/AD2–093 to be effective 4/13/2026.

Filed Date: 2/11/26.

Accession Number: 20260211–5039.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1332–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Original GIA, Service Agreement No. 7836; AG1–341 to be effective 1/12/2026.

Filed Date: 2/11/26.

Accession Number: 20260211–5040.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1333–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to ISA No. 6683 and ICSA No. 6684; Queue No. AD2–096 to be effective 4/13/2026.

Filed Date: 2/11/26.

Accession Number: 20260211–5041.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1334–000.

Applicants: NorthWestern Corporation.

Description: 205(d) Rate Filing: SA 605 Ninth Rev—NITSA/NOA with Bonneville Power Admin to be effective 4/13/2026.

Filed Date: 2/11/26.

Accession Number: 20260211–5048.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1335–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Original GIA Service Agreement SA No. 7833; Project Identifier No. AF1–233 to be effective 1/12/2026.

Filed Date: 2/11/26.

Accession Number: 20260211–5049.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1336–000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: 205(d) Rate Filing: Ameren Illinois Company submits tariff filing per 35.13(a)(2)(iii: 2026–02–11_SA 4677 Ameren Illinois-Buckheart Solar E&P (J2186) to be effective 2/12/2026.

Filed Date: 2/11/26.

Accession Number: 20260211–5050.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1337–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Original GIA, Service Agreement No. 7834; AG1–471 to be effective 1/12/2026.

Filed Date: 2/11/26.

Accession Number: 20260211–5061.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1338–000.

Applicants: Colleton Energy Storage, LLC.

Description: 205(d) Rate Filing: Colleton Energy Storage, LLC—Application for MBR Authorization to be effective 4/13/2026.

Filed Date: 2/11/26.

Accession Number: 20260211–5086.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1339–000.

Applicants: Williamsburg Energy Storage, LLC.

Description: 205(d) Rate Filing: Williamsburg Energy Storage, LLC—Application for MBR Authorization to be effective 4/13/2026.

Filed Date: 2/11/26.

Accession Number: 20260211–5087.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1340–000.

Applicants: PacifiCorp.

Description: 205(d) Rate Filing: ESM LT PTP TSA (SA No. 1193) to be effective 4/12/2026.

Filed Date: 2/11/26.

Accession Number: 20260211–5095.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: ER26–1341–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of Service Agreement Nos. 5800 & 5834; Queue No. AC1–143 to be effective 4/13/2026.

Filed Date: 2/11/26.

Accession Number: 20260211–5098.

Comment Date: 5 p.m. ET 3/4/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: February 11, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–03058 Filed 2–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–16–000]

Commission Information Collection Activities (FERC–725b); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–725B, (Mandatory Reliability Standards, Critical Infrastructure Protection (CIP).

DATES: Comments on the collection of information are due April 20, 2026.

ADDRESSES: You may submit copies of your comments (identified by Docket No. IC26–16–000) by one of the following methods:

Electronic filing through *http://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

○ *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (Including Courier) Delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Kayla Williams at *DataClearance@FERC.gov,* telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–725B (Mandatory Reliability Standards, Critical Infrastructure Protection (CIP)).

OMB Control No.: 1902–0248.

Type of Request: Three-year extension of the FERC–725B information collection requirements with no changes to the reporting requirements.

Abstract: On August 8, 2005, Congress enacted the Energy Policy Act of 2005.[1] The Energy Policy Act of 2005 added a new section 215 to the FPA,[2] which requires a Commission-certified Electric Reliability Organization to develop mandatory and enforceable Reliability Standards,[3] including requirements for cybersecurity protection, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the Electric Reliability Organization subject to Commission oversight, or the Commission can independently enforce Reliability Standards.

On February 3, 2006, the Commission issued Order No. 672,[4] implementing FPA section 215. The Commission subsequently certified NERC as the Electric Reliability Organization. The Reliability Standards developed by NERC become mandatory and enforceable after Commission approval and apply to users, owners, and operators of the Bulk-Power System, as set forth in each Reliability Standard.[5] The CIP Reliability Standards require entities to comply with specific requirements to safeguard critical cyber assets. These standards are results-based and do not specify a technology or method to achieve compliance, instead

[1] Energy Policy Act of 2005, Public Law 109–58, sec. 1261 *et seq.,* 119 Stat. 594 (2005).

[2] 16 U.S.C. 824o.

[3] FPA section 215 defines Reliability Standard as a requirement, approved by the Commission, to provide for reliable operation of existing bulk-power system facilities, including cybersecurity protection, and the design of planned additions or modifications to such facilities to the extent necessary to provide for reliable operation of the Bulk-Power System. However, the term does not include any requirement to enlarge such facilities or to construct new transmission capacity or generation capacity. *Id.* at 824o(a)(3).

[4] *Rules Concerning Certification of the Elec. Reliability Org.; and Procedures for the Establishment, Approval, and Enf't of Elec. Reliability Standards,* Order No. 672, 71 FR 8661 (Feb. 17, 2006), 114 FERC ¶ 61,104, *order on reh'g,* Order No. 672–A, 71 FR 19814 (Apr. 28, 2006), 114 FERC ¶ 61,328 (2006).

[5] NERC uses the term ''registered entity'' to identify users, owners, and operators of the Bulk-Power System responsible for performing specified reliability functions with respect to NERC Reliability Standards. *See, e.g., Version 4 Critical Infrastructure Protection Reliability Standards,* Order No. 761, 77 FR 24594 (Apr. 25, 2012), 139 FERC ¶ 61,058, at P 46, *order denying clarification and reh'g,* 140 FERC ¶ 61,109 (2012). Within the NERC Reliability Standards are various subsets of entities responsible for performing various specified reliability functions. We collectively refer to these as ''entities.''

leaving it up to the entity to decide how best to comply.

On January 18, 2008, the Commission issued Order No. 706,[6] approving the initial eight CIP Reliability Standards, CIP version 1 Standards, submitted by NERC. Subsequently, the Commission has approved multiple versions of the CIP Reliability Standards submitted by NERC, partly to address the evolving nature of cyber-related threats to the Bulk-Power System. On November 22, 2013, the Commission issued Order No. 791,[7] approving CIP version 5 Standards, the last major revision to the CIP Reliability Standards. The CIP version 5 Standards implement a tiered approach to categorize assets, identifying them as high, medium, or low risk to the operation of the Bulk Electric System (BES) [8] if compromised. High impact systems include large control centers. Medium impact systems include smaller control centers, ultra-high voltage transmission, and large substations and generating facilities. The remainder of the BES Cyber Systems [9] are categorized as low impact systems. Most requirements in the CIP Reliability Standards apply to high and medium impact systems; however, a technical controls requirement in Reliability standard CIP–003, described below, applies only to low impact systems. Since 2013, the Commission has approved new and modified CIP Reliability Standards that address specific issues such as supply chain risk management, cyber incident reporting, communications between control centers, and the physical security of critical transmission facilities.[10]

The CIP Reliability Standards currently consist of 12 standards specifying a set of requirements that entities must follow to ensure the cyber and physical security of the Bulk-Power System. There are 12 currently effective cybersecurity standards and one cybersecurity standard that has been approved by the Commission and will become enforceable on July 1, 2022. There is also one physical security standard CIP–002–5.1a Bulk Electric System Cyber System Categorization: requires entities to identify and categorize BES Cyber Assets for the application of cyber security requirements commensurate with the adverse impact that loss, compromise, or misuse of those BES Cyber Systems could have on the reliable operation of the BES.

- *CIP–003–10 Security Management Controls:* requires entities to specify consistent and sustainable security management controls that establish responsibility and accountability to protect BES Cyber Systems against compromise that could lead to mis-operation or instability in the BES.
- *CIP–004–8 Personnel and Training:* requires entities to minimize the risk against compromise that could lead to mis-operation or instability in the BES from individuals accessing BES Cyber Systems by requiring an appropriate level of personnel risk assessment, training, and security awareness in support of protecting BES Cyber Systems.
- *CIP–005–8 Electronic Security Perimeter(s):* requires entities to manage electronic access to BES Cyber Systems by specifying a controlled Electronic Security Perimeter in support of protecting BES Cyber Systems against compromise that could lead to mis-operation or instability in the BES.
- *CIP–006–7.1 Physical Security of Bulk Electric System Cyber Systems:* requires entities to manage physical access to BES Cyber Systems by specifying a physical security plan in support of protecting BES Cyber Systems against compromise that could lead to mis-operation or instability in the BES.
- *CIP–007–7.1 System Security Management:* requires entities to manage system security by specifying select technical, operational, and procedural requirements in support of protecting BES Cyber Systems against compromise that could lead to mis-operation or instability in the BES.
- *CIP–008–7.1 Incident Reporting and Response Planning:* requires entities to mitigate the risk to the reliable operation of the BES as the result of a cybersecurity incident by specifying incident response requirements.
- *CIP–009–7.1 Recovery Plans for Bulk Electric System Cyber Systems:* requires entities to recover reliability functions performed by BES Cyber Systems by specifying recovery plan requirements in support of the continued stability, operability, and reliability of the BES.
- *CIP–010–5 Configuration Change Management and Vulnerability Assessments:* requires entities to prevent and detect unauthorized changes to BES Cyber Systems by specifying configuration change management and vulnerability assessment requirements in support of protecting BES Cyber Systems from compromise that could lead to mis-operation or instability in the BES.
- *CIP–011–4.1 Information Protection:* requires entities to prevent unauthorized access to BES Cyber System Information by specifying information protection requirements in support of protecting BES Cyber Systems against compromise that could lead to mis-operation or instability in the BES.
- *CIP–012–2 Communications between Control Centers*: [11] requires entities to protect the confidentiality and integrity of Real-time Assessment and Real-time monitoring data transmitted between Control Centers.
- *CIP–013–3 Supply Chain Risk Management:* requires entities to mitigate cybersecurity risks to the reliable operation of the BES by implementing security controls for supply chain risk management of BES Cyber Systems.
- CIP–014–3 Set out to identify and protect Transmission stations and Transmission substations, and their associated primary control centers, that if rendered inoperable or damaged as a result of a physical attack could result in instability, uncontrolled separation, or Cascading within an Interconnection.

[6] Order No. 706, 122 FERC ¶ 61,040 at P 1.

[7] *Version 5 Critical Infrastructure Protection Reliability Standards,* Order No. 791, 78 FR 72755 (Dec. 13, 2013), 145 FERC ¶ 61,160 (2013), *order on reh'g,* Order No. 791–A, 146 FERC ¶ 61,188 (2014).

[8] In general, NERC defines BES to include all Transmission Elements operated at 100 kV or higher and Real Power and Reactive Power resources connected at 100 kV or higher. This does not include facilities used in the local distribution of electric energy. *See* NERC, *Bulk Electric System Definition Reference Document,* Version 3, at page iii (August 2018). In Order No. 693, the Commission found that NERC's definition of BES is narrower than the statutory definition of Bulk-Power System. The Commission decided to rely on the NERC definition of BES to provide certainty regarding the applicability of Reliability Standards to specific entities. *See Mandatory Reliability Standards for the Bulk-Power System,* Order No. 693, 72 FR 16415 (Apr. 4, 2007), 118 FERC ¶ 61,218, at PP 75, 79, 491, *order on reh'g,* Order No. 693–A, 72 FR 49717 (July 25, 2007), 120 FERC ¶ 61,053 (2007).

[9] NERC defines BES Cyber System as ''[o]ne or more BES Cyber Assets logically grouped by a responsible entity to perform one or more reliability tasks for a functional entity.'' NERC, Glossary of Terms Used in NERC Reliability Standards, at 5 (2020), *https://www.nerc.com/files/glossary_of_terms.pdf* (NERC Glossary of Terms). NERC defines BES Cyber Asset as A Cyber Asset that if rendered unavailable, degraded, or misused would, within 15 minutes of its required operation, mis-operation, or non-operation, adversely impact one or more Facilities, systems, or equipment, which, if destroyed, degraded, or otherwise rendered unavailable when needed, would affect the reliable operation of the Bulk Electric System. Redundancy of affected Facilities, systems, and equipment shall not be considered when determining adverse impact. Each BES Cyber Asset is included in one or more BES Cyber Systems. *Id.* at 4.

[10] *See, e.g.,* Order No. 791, 78 FR 72755; *Revised Critical Infrastructure Protection Reliability Standards,* Order No. 822, 81 FR 4177 (Jan. 26, 2016), 154 FERC ¶ 61,037, *reh'g denied,* Order No. 822–A, 156 FERC ¶ 61,052 (2016); *Revised Critical Infrastructure Protection Reliability Standard CIP–003–7—Cyber Security—Security Management Controls,* Order No. 843, 163 FERC ¶ 61,032 (2018).

[11] CIP–012–1: Communications between Control Centers will be subject to enforcement by July 1, 2022.

• CIP–015–1 purpose is to improve the probability of detecting anomalous or unauthorized network activity in order to facilitate improved response and recovery from an attack.

The CIP Reliability Standards, viewed as a whole, implement a defense-in-depth approach to protecting the security of BES Cyber Systems at all impact levels.[12] The CIP Reliability Standards are objective-based and allow entities to choose compliance approaches best tailored to their systems.[13]

FERC–725B—(MANDATORY RELIABILITY STANDARDS FOR CRITICAL INFRASTRUCTURE PROTECTION [CIP] RELIABILITY STANDARDS) AFTER ADDING FILERS FROM CYBERSECURITY INCENTIVES INVESTMENT ACTIVITY

[Submitted as a separate IC within FERC–725B]

	Number and type of respondent[14] (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden per response (hours)[15] & cost per response (4)	Total annual burden (hours) & total annual cost[16] ($) (3) * (4) = (5)
CIP–003–10	1,579	156.15	246,560	1.56 hrs.; $120.59	384,635 hrs.; $29,732,285.50.
CIP–002–7, CIP–004–8, CIP–005–8, CIP–006–7.1, CIP–007–7.1, CIP–008–7.1, CIP–009–7.1, CIP–010–5, CIP–011–4.1.	400	1	400	600[17] hrs.; $46,380	240,000 hrs., $18,552,000.
CIP–013–3	400	1	400	30 hrs.; $2,319	12,000 hrs.; $927,600.
CIP–014–3	321	1	321	2 hrs.; $154.6	642 hrs.; $49,626.60.
CIP–012–2	1,460	1	724	83 hrs.; $6,415.90	60,092 hrs.; $4,645,111.60.
CIP–15–1	400	6	2,400	56.67 hrs.; $4,380.59	136,000 hrs.; $10,512,800.
Total Burden of FERC–725B			250,805		833,369 hrs.; $64,419,423.70.

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–03007 Filed 2–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–9–000]

Commission Information Collection Activity (Ferc-600); Comment Request; Extension

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on a currently approved information collection, FERC–600: Rules of Practice and Procedure: Complaint Procedures. There are no proposed changes to the collection.

DATES: Comments on the collection of information are due April 20, 2026.

ADDRESSES: Please submit comments via email to *DataClearance@FERC.gov.* You must specify the Docket No. (IC26–9–000) and the FERC Information Collection number (FERC–600) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

• *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

• *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.*

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov,* or by telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–600, Rules of Practice and Procedure: Complaint Procedures.

OMB Control No.: 1902–0180.

Type of Request: Three-year extension without any changes of the current information collection requirements.

Abstract: In accordance with 18 CFR 385.206, any person may file a complaint seeking Commission action against any other person alleged to be in contravention or violation of ''any

[12] Order No. 822, 154 FERC ¶ 61,037 at 32.

[13] Order No. 706, 122 FERC ¶ 61,040 at 72.

[14] The number of respondents is based on the NERC Compliance Registry as of June 22, 2025. Currently there are 1,508 unique NERC Registered, subtracting 16 Canadians Entities yields 1,492 U.S. entities.

[15] The estimates for cost per hour are $77.30/hour (averaged based on the following occupations):

□ Manager (Occupational Code: 11–0000): $83.41/hour; and

□ Electrical Engineer (Occupational Code 17–2071): $71.19/hour. The estimated hourly cost (salary plus benefits) is a combination of the following categories from the Bureau of Labor Statistics (BLS) website, May 2025 *http://www.bls.gov/oes/current/naics2_22.htm.*

statute, rule, order, or other law administered by the Commission, or for any other alleged wrong over which the Commission may have jurisdiction.'' Regulations at 18 CFR part 343 provide for additional procedures and information collection requirements for complaints and other filings that pertain to oil pipelines under the Interstate Commerce Act.

Type of Respondents: Any person that files a complaint for Commission review and resolution.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden [1] and cost [2] for the information collection as shown in the following table:

A. Number of respondents	B. Annual number of responses	C. Total number of responses (column A × column B)	D. Average burden hour and cost per response	E. Total annual burden hour and cost (column C × column D)	F. Cost per respondent (column E ÷ column A)
62	1	62	160 hrs.; $16,480	9,920 hrs.; $1,021,760	$16,480

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–03009 Filed 2–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–80–000]

Transwestern Pipeline Company, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 29, 2026, Transwestern Pipeline Company, LLC (Transwestern), 1300 Main Street, Houston, Texas 77002, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.208, and 157.211 of the Commission's regulations under the Natural Gas Act (NGA), and Transwestern's blanket certificate issued in Docket No. CP82–534–000, for authorization to construct, install, own, maintain, and operate its Green Chile Project (Project). The Project consists of an approximately 17.77-mile-long, 24-inch-diameter lateral, metering facilities, and appurtenances in Doña Ana County, New Mexico. The Project will be capable of delivering 400,000 dekatherms per day of natural gas to Green Chile Ventures, LLC for the generation of electricity for an AI/data center. Transwestern estimates the cost of the Project to be approximately $60.2 million, 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 Blair Lichtenwalter, Senior Director of Certificates, Transwestern Pipeline Company, LLC, 1300 Main Street, Houston, Texas 77002, by phone at (713) 989–2605 or by email at *blair.lichtenwalter@energytransfer.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 April 13, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320 (2025)

[2] The Commission staff thinks that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits. Based upon the Commission's 2025 average cost for salary plus benefits, the average hourly cost is $103/hour.

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

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 April 13, 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 Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on April 13, 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 April 13, 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 CP26–80–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [6]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26–80–000.

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: Blair Lichtenwalter, Senior Director of Certificates, Transwestern Pipeline Company, LLC, 1300 Main Street, Houston, Texas 77002 or by email (with a link to the document) at *blair.lichtenwalter@energytransfer.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: February 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–03005 Filed 2–13–26; 8:45 am]

BILLING CODE 6717–01–P

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC25–17–000]

Commission Information Collection Activities (Ferc–920, Electric Quarterly Report); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–920 (Electric Quarterly Report (EQR)), which will be submitted to the Office of Management and Budget (OMB) for a review of the information collection requirements. This renewal request does not include any changes to the reporting requirements. The Commission published a 60-day notice on November 24, 2025 (90 FR 52949) and received no comments.

DATES: Comments on the collection of information are due March 19, 2026.

ADDRESSES: Send written comments on FERC–920 to OMB through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202601-1902-001*. You can also visit *https://www.reginfo.gov/public/do/PRAMain* and use the drop-down under ''Currently under Review'' to select the ''Federal Energy Regulatory Commission'' where you can see the open opportunities to provide comments. Comments should be sent within 30 days of publication of this notice.

Please submit a copy of your comments to the Commission via email to *DataClearance@FERC.gov.* You must specify the Docket No. (IC25–17–000) and the FERC Information Collection number (FERC–920) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *All other delivery methods:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.* Once there, you can also sign-up for automatic notification of activity in this docket.

FOR FURTHER INFORMATION CONTACT: Kayla Williams, (202) 502–6468. *DataClearance@FERC.gov.*

SUPPLEMENTARY INFORMATION:

Title: FERC–920, Electric Quarterly Reports (EQR).

OMB Control No.: 1902–0255.

Type of Respondent: Public utilities, and non-public utilities with more than a *de minimis* market presence.

Type of Request: Three-year extension of the FERC–920 information collection with no changes to the current reporting requirements.[1]

Abstract: The Commission originally set forth the EQR filing requirements in Order No. 2001 (Docket No. RM01–8–000) which required public utilities to electronically file EQRs summarizing transaction information for short-term and long-term cost-based sales and market-based rate sales and the contractual terms and conditions in their agreements for all jurisdictional services.[2] The Commission established the EQR reporting requirements to help ensure the collection of information needed to perform its regulatory functions over transmission and wholesale sales of electricity, while making data available to the public and allowing public utilities to better fulfill their responsibility under Federal Power Act (FPA) section 205(c)[3] to have rates on file in a convenient form and place. As noted in Order No. 2001, the EQR data is designed to ''provide greater price transparency, promote competition, enhance confidence in the fairness of the markets, and provide a better means to detect and discourage discriminatory practices.''[4]

Moreover, collecting data in the EQR is consistent with the Ninth Circuit Court of Appeals' decisions upholding the Commission's market-based rate program on the basis of the ''dual requirement of an ex ante finding of the absence of market power *and* sufficient post-approval reporting requirements.''[5] Specifically, the court upheld the Commission's market-based rate program because it relies on a ''system [that] consists of a finding that the applicant lacks market power (or has taken steps to mitigate market power), coupled with strict reporting to ensure that the rate is 'just and reasonable' and that markets are not subject to manipulation.''[6]

Since issuing Order No. 2001, the Commission has provided guidance and refined the reporting requirements, as necessary, to reflect changes in the Commission's rules and regulations.[7] The Commission also adopted an EQR Data Dictionary, which provides in one document the definitions of certain terms and values used in filing EQR data.[8]

To increase transparency broadly across all wholesale markets subject to the Commission's jurisdiction, the Commission issued Order No. 768 in 2012.[9] Order No. 768 required market participants that are excluded from the Commission's jurisdiction under FPA section 205 (non-public utilities) and have more than a *de minimis* market presence to file EQRs with the Commission. In addition, Order No. 768 revised the EQR filing requirements to build upon the Commission's prior improvements to the reporting requirements and further enhance the goals of providing greater price transparency, promoting competition, instilling confidence in the fairness of the markets, and providing a better means to detect and discourage anti-competitive, discriminatory, and manipulative practices.

EQR information allows the public to assess market fundamentals and to price interstate wholesale market transactions. This, in turn, results in greater market confidence, lower transaction costs, and ultimately supports competitive markets. In addition, the data filed in the EQR strengthens the Commission's ability to exercise its wholesale electric rate and electric power transmission oversight and enforcement responsibilities in accordance with the FPA. Without this information, the Commission would lack some of the data it needs to support its regulatory function over transmission and sales of electric power.

Type of Respondent: Public utilities, and non-public utilities with more than a *de minimis* market presence.

Estimate of Annual Burden and Cost[10]: The Commission estimates the annual public reporting burden[11] for the information collection as:

[1] This Notice is separate from, and does not address, the activities in Docket No. RM23–9–000.

[2] *Revised Public Utility Filing Requirements,* Order No. 2001, 99 FERC ¶ 61,107 (2002), *reh'g denied,* Order No. 2001–A, 100 FERC ¶ 61,074, *reh'g denied,* Order No. 2001–B, 100 FERC ¶ 61,342, *order directing filing,* Order No. 2001–C, 101 FERC ¶ 61,314 (2002), *order directing filing,* Order No. 2001–D, 102 FERC ¶ 61,334, *order refining filing requirements,* Order No. 2001–E, 105 FERC ¶ 61,352 (2003), *order on clarification,* Order No. 2001–F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements,* Order No. 2001–G, 120 FERC ¶ 61,270, (2007), *order on reh'g and clarification,* Order No. 2001–H, 121 FERC ¶ 61,289 (2008), *order revising filing requirements,* Order No. 2001–I, 125 FERC ¶ 61,103 (2008).

[3] 16 U.S.C. 824d(c).

[4] Order No. 2001, 99 FERC ¶ 61,107 (2002).

[5] *California ex rel. Lockyer* v. *FERC,* 383 F.3d 1006, 1013 (9th Cir. 2004) (*Lockyer*) (emphasis in original). *See also Mont. Consumer Counsel* v. *FERC,* 659 F.3d 910, 920 (9th Cir. 2011).

[6] *Lockyer,* 383 F.3d at 1013.

[7] *See, e.g., Revised Public Utility Filing Requirements for Electric Quarterly Reports,* 124 FERC ¶ 61,244 (2008) (providing guidance on the filing of information on transmission capacity reassignments in EQRs).

[8] Order No. 2001–G, 120 FERC ¶ 61,270 (2007).

[9] Order No. 768, 140 FERC ¶ 61,232 (2012).

[10] The cost is based on FERC's 2025 Commission-wide average salary cost (salary plus benefits) of $103/hour. The Commission staff believes the FERC FTE (full-time equivalent) average cost for wages plus benefits is representative of the corresponding cost for the industry respondents.

[11] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

FERC–920—ELECTRIC QUARTERLY REPORT (EQR)

Requirements	Number of respondents	Annual number of responses per respondent	Total number of responses	Average annual burden hrs. & cost ($) per response (rounded)	Total average annual burden hours & total annual cost ($) (rounded)	Cost per respondent ($) (rounded)
	1	2	(1) * (2) = (3)	4	(3) * (4) = (5)	(5) ÷ (1)
Electric Quarterly Report.	3,672	4	14,688	18.1 hrs. $1,864	265,853 hrs. $27,382,859.	$7,456
Total	.....	.....	14,688	.....	265,853 hrs. $27,382,859.	$7,456

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–03012 Filed 2–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC25–18–000]

Commission Information Collection Activity (Ferc-740); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is submitting its information collection, FERC–740: *Availability of E-Tag Information to Commission Staff* to the Office of Management and Budget (OMB) for review of the information collection requirements. There are no proposed changes to the information collection approach.

DATES: Comments on the collections of information are due March 19, 2026.

ADDRESSES: Send written comments on FERC–740 to OMB through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202512-1902-002*. You can also visit *https://www.reginfo.gov/public/do/PRAMain* and use the drop-down under ''Currently under Review'' to select the ''Federal Energy Regulatory Commission'' where you can see the open opportunities to provide comments. Comments should be sent within 30 days of publication of this notice.

Please submit a copy of your comments to the Commission via email to *DataClearance@FERC.gov*. You must specify the Docket No. (IC25–18–000) and the FERC Information Collection number (FERC–740) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *All other delivery methods:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search*.

FOR FURTHER INFORMATION CONTACT: Kayla Williams, (202) 502–6468. *DataClearance@FERC.gov.*

SUPPLEMENTARY INFORMATION:

Title: FERC–740, Availability of E-Tag Information to Commission Staff.

OMB Control No.: 1902–0254.

Type of Request: Three-year extension of the FERC–740 information collection requirements with no changes to the current reporting requirements.

Abstract: This collection of information is authorized by 18 CFR 366.2(d), which requires Commission access, on a non-public and view-only basis, to information that is located on ''electronic tags,'' also known as ''e-Tags.'' Each e-Tag consists of an electronic record of a transaction to transfer energy from a generation source to a Balancing Authority (BA). Each BA operates a portion of the grid, balancing supply and demand and assuring compliance with federal reliability standards. E-Tag ''authors'' are typically Purchasing-Selling Entities (PSEs). A PSE purchases or sells energy, capacity, and Interconnected Operations Services.

Transmission system operators, which are among the addressees of e-Tags, use e-Tags to ascertain the transactions affecting their local systems, and to prevent damage to the power grid. Commission access to e-Tags helps the Commission detect and prevent market manipulation and anti-competitive behavior, and also monitor the efficiency of markets. Both transmission system operators and the Commission need the e-Tag information to understand the use of the interconnected electricity grid, particularly transactions occurring at interchanges. Due to the nature of the electric grid, an individual transaction's impact on an interchange cannot be assessed adequately in all cases without information from all connected systems, which is included in the e-Tags.

The inclusion of the Commission is completely automatic and is part of the normal business requirement. Thus, the time, effort, and financial resources necessary to comply with this collection of information are ''usual and customary'' within the meaning of the OMB regulation at 5 CFR 1320.3 (b)(2) (excluding such activities from the definition of ''burden''). In view of these circumstances, FERC is including only a ''placeholder'' burden of one hour to account for the rare event where a new BA qualifies for exemption under the Commission's regulations (*e.g.,* transmissions from a new non-U.S. BA into another non-U.S. BA using a path that does not go through a U.S. BA). In that case, this administrative function would be expected to require at most an hour of effort total from both the BA and

e-Tag administrator to include the BA on the exemption list. New exempt BAs are not common—years may pass between them—but for the purpose of estimation, we will conservatively assume one appears each year creating a burden and cost associated with the Commission's FERC–740 of one hour and $71.27.[1]

Type of Respondents: Purchasing-Selling Entities and Balancing Authorities

Estimate of Annual Burden:[2] The Commission estimates the burden and cost for FERC–740 as follows based on the distinct e-Tags submitted to the Commission in 2024 (the most recent full year available).

Requirements	Number of respondents	Average annual number of responses per respondent	Total number of responses	Average annual burden hrs. & cost ($) per response (rounded)	Total average annual burden hours & total annual cost ($) (rounded)	Cost per respondent ($) (rounded)
	1	2	(1) * (2) = (3)	4	(3) * (4) = (5)	(5) ÷ (1)
e-Tags	444 PSE/BAs.	4,281	1,900,764	Automatic, so 0 burden and cost.	Automatic, so 0 burden and cost.	Automatic, so 0 burden and cost.
E-Tag administrator response to add new non-jurisdictional Balancing Authority.	1	1	1	1 hr.; $71.27	1 hr.; $71.27	$71.27.
Totals			1,900,764		1 hr.; $71.27	$71.27.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–03011 Filed 2–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–478–000.

Applicants: Gas Transmission Northwest LLC.

Description: 4(d) Rate Filing: Administrative Housekeeping Filing 2025 to be effective 3/15/2026.

Filed Date: 2/10/26.

Accession Number: 20260210–5084.

Comment Date: 5 p.m. ET 2/23/26.

Docket Numbers: RP26–479–000.

Applicants: Northern Natural Gas Company.

Description: 4(d) Rate Filing: 20260210 Negotiated Rate Filing to be effective 2/11/2026.

Filed Date: 2/10/26.

Accession Number: 20260210–5103.

Comment Date: 5 p.m. ET 2/23/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: PR26–23–001.

Applicants: Montana-Dakota Utilities Co.

Description: Amendment Filing: MDU SOC Amendments to be effective 12/1/2025.

Filed Date: 2/11/26.

Accession Number: 20260211–5026.

Comment Date: 5 p.m. ET 2/25/26.

284.123(g) Protest: 5 p.m. ET 2/25/26.

Docket Numbers: RP26–464–001.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Tariff Amendment: 2.5.26 Negotiated Rates—Macquarie Energy LLC H–4090–89 to be effective 2/5/2026.

Filed Date: 2/5/26.

Accession Number: 20260205–5022.

Comment Date: 5 p.m. ET 2/17/26.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: February 11, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–03057 Filed 2–13–26; 8:45 am]

BILLING CODE 6717–01–P

[1] The total hourly cost applied in this calculation, $71.27, is the total hourly cost to an employer for a management analyst in the utilities sector. This figure includes the average hourly wage of $49.96 plus all employer-paid benefits, and is based on 2024 data from the U.S. Bureau of Labor Statistics (BLS) Occupational Employment and Wage Statistics (OEWS) program.

[2] Burden is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR part 1320 (2025).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3428–205]

Brown Bear II Hydro, Inc.; Notice Granting Extension of Time

On January 14, 2026, the Commission issued a notice that the Worumbo Hydroelectric Project No. 3428 (project) was ready for environmental analysis and solicited motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions (REA notice). On January 27, 2026, Brown Bear II Hydro, Inc. (Brown Bear) filed a request to extend the deadlines established in the REA notice by 74 days. Brown Bear states that additional time is needed to complete its ongoing evaluation of fish passage alternatives at the project in consultation with the licensing stakeholders. In support of its request, Brown Bear included correspondence from the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (FWS), and the Maine Department of Marine Resources. NMFS and FWS also filed separate letters on January 29, 2026, and February 3, 2026, respectively, in support of the request to extend the deadlines established in the REA notice.

The information provided by Brown Bear and supported by stakeholders indicates that evaluation of the fish passage alternatives is nearly complete. Because the results of the evaluation could inform Brown Bear's and the stakeholders' responses to the REA notice, this notice extends the deadlines established in the January 14 REA notice by 74 days. Accordingly, the application will be processed according to the schedule below. Revisions to the schedule may be made, as appropriate.

Milestone	Due date
Final amendments	April 28, 2026.
Filing of motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions.	May 29, 2026.
Filing a copy of the water quality certification; a copy of the request for certification, including proof of the date on which the certifying agency received the request; or evidence of a waiver of water quality certification.	May 29, 2026.
Filing of reply comments	July 13, 2026.

(Authority: 18 CFR 2.1.)

Dated: February 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–03013 Filed 2–13–26; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 331150]

Sunshine Act; Open Commission Meeting Wednesday, February 18, 2026

February 11, 2026.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, February 18, 2026, which is scheduled to commence at 10:30 a.m. in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC.

While attendance at the Open Meeting is available to the public, the FCC headquarters building is not open access and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the Open Meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: *www.fcc.gov/visit.* Open Meetings are streamed live at: *www.fcc.gov/live* and on the FCC's YouTube channel.

Item No.	Bureau	Subject
1	WIRELINE COMPETITION	*Title:* Lifeline and Link Up Reform and Modernization (WC Docket No. 11–42); Bridging the Digital Divide for Low-Income Consumers (WC Docket No. 17–287); Telecommunications Carriers Eligible for Universal Service Support (WC Docket No. 09–197); Affordable Connectivity Program (WC Docket No. 21–450); and Emergency Broadband Benefit Program (WC Docket No. 20–445). *Summary:* The Commission will consider a Notice of Proposed Rulemaking seeking comment on reforms to the Lifeline program to ensure that federal dollars go to eligible Americans, enhance program integrity, ensure that service providers comply with the Commission's rules and regulations, and streamline Lifeline rules.
2	WIRELESS TELE COMMUNICATIONS	*Title:* Maximizing the Potential of the 900 MHz Band (WT Docket No. 24–99). *Summary:* The Commission will consider a Report and Order that would enable broadband deployment on all ten megahertz of the 900 MHz band (896–901/935–940 MHz band), facilitating additional spectrum access by utilities, critical infrastructure, and other enterprises for private wireless broadband deployments that drive innovation and stimulate the American economy.
3	MEDIA	*Title:* Proposing Application Limit in Upcoming NCE Reserved Band FM Translator Filing Window (MB Docket No. 26–20). *Summary:* The Commission will consider a Public Notice to propose and seek comment on eligibility restrictions and a general limit of ten applications filed by any applicant entity in the upcoming 2026 filing window for new noncommercial educational reserved band FM translator stations.
4	WIRELINE COMPETITION	*Title:* Reforming Legacy Rules for an All-IP Future (WC Docket No. 25–311); and Accelerating Network Modernization (WC Docket No. 25–208).

Item No.	Bureau	Subject
		Summary: The Commission will consider a Notice of Proposed Rulemaking that would seek comment on proposed reforms to intercarrier compensation, interexchange services and CAF ICC support aimed at accelerating network deployment and modernization.

* * * * *

The meeting will be webcast at: *www.fcc.gov/live.* Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Press Access—Members of the news media are welcome to attend the meeting and will be provided reserved seating on a first-come, first-served basis. Following the meeting, the Chairman may hold a news conference in which he will take questions from credentialed members of the press in attendance. Also, senior policy and legal staff will be made available to the press in attendance for questions related to the items on the meeting agenda. Commissioners may also choose to hold press conferences. Press may also direct questions to the Office of Media Relations (OMR): *MediaRelations@fcc.gov.* Questions about credentialing should be directed to OMR.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.*

Authority: This meeting is held, in accordance with the Government in the Sunshine Act (Sunshine Act), Public Law 94–409, as amended (5 U.S.C. 552b).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–03092 Filed 2–12–26; 4:15 pm]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 330835]

Privacy Act of 1974; Matching Program

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (''Privacy Act''), this document announces a new computer matching program the Federal Communications Commission (''FCC'' or ''Commission'' or ''Agency'') and the Universal Service Administrative Company (USAC) will conduct with the Pennsylvania Department of Human Services. The purpose of this matching program is to verify the eligibility of applicants to and subscribers of Lifeline, and the Affordable Connectivity Program (ACP), both of which are administered by USAC under the direction of the FCC. More information about these programs is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Written comments are due on or before March 19, 2026. This computer matching program will commence on March 19, 2026, and will conclude after 18 months.

ADDRESSES: Send comments to Shana Yates, FCC, 45 L Street NE, Washington, DC 20554, or to *Privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Shana Yates at (202) 418–0683 or *Privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Lifeline program provides support for discounted broadband and voice services to low-income consumers. Lifeline is administered by the Universal Service Administrative Company (USAC) under FCC direction. Consumers qualify for Lifeline through proof of income or participation in a qualifying program, such as Medicaid, the Supplemental Nutritional Assistance Program (SNAP), Federal Public Housing Assistance, Supplemental Security Income (SSI), Veterans and Survivors Pension Benefit, or various Tribal-specific federal assistance programs.

In the Consolidated Appropriations Act, 2021, Public Law 116–260, 134 Stat. 1182, 2129–36 (2020), Congress created the Emergency Broadband Benefit Program, and directed use of the National Verifier to determine eligibility based on various criteria, including the qualifications for Lifeline (Medicaid, SNAP, etc.). EBBP provided $3.2 billion in monthly consumer discounts for broadband service and one-time provider reimbursement for a connected device (laptop, desktop computer or tablet). In the Infrastructure Investment and Jobs Act, Public Law 117–58, 135 Stat. 429, 1238–44 (2021) (codified at 47 U.S.C. 1751–52), Congress modified and extended EBBP, provided an additional $14.2 billion, and renamed it the Affordable Connectivity Program (ACP). A household may qualify for the ACP benefit under various criteria, including an individual qualifying for the FCC's Lifeline program.

In a Report and Order adopted on March 31, 2016, (81 FR 33026, May 24, 2016) (*2016 Lifeline Modernization Order*), the Commission ordered USAC to create a National Lifeline Eligibility Verifier (''National Verifier''), including the National Lifeline Eligibility Database (LED), that would match data about Lifeline applicants and subscribers with other data sources to verify the eligibility of an applicant or subscriber. The Commission found that the National Verifier would reduce compliance costs for Lifeline service providers, improve service for Lifeline subscribers, and reduce waste, fraud, and abuse in the program.

The Consolidated Appropriations Act of 2021 directs the FCC to leverage the National Verifier to verify applicants' eligibility for ACP. The purpose of this matching program is to verify the eligibility of Lifeline and ACP applicants and subscribers by determining whether they receive SNAP and Medicaid benefits administered by the Pennsylvania Department of Human Services.

Participating Agencies: Pennsylvania Department of Human Services (source agency); Federal Communications Commission (recipient agency) and Universal Service Administrative Company.

Authority for Conducting the Matching Program: The authority to conduct the matching program for the FCC's ACP is 47 U.S.C. 1752(a)–(b). The authority to conduct the matching

program for the FCC's Lifeline program is 47 U.S.C. 254(a)–(c), (j).

Purpose(s): The purpose of this new matching agreement is to verify the eligibility of applicants and subscribers to Lifeline, as well as to ACP and other Federal programs that use qualification for Lifeline as an eligibility criterion. This new agreement will permit eligibility verification for the Lifeline program and ACP by checking an applicant's/subscriber's participation in SNAP and Medicaid in Pennsylvania Department of Human Services. Under FCC rules, consumers receiving these benefits qualify for Lifeline discounts and also for ACP benefits.

Categories of Individuals: The categories of individuals whose information is involved in the matching program include, but are not limited to, those individuals who have applied for Lifeline and/or ACP benefits; are currently receiving Lifeline and/or ACP benefits; are individuals who enable another individual in their household to qualify for Lifeline and/or ACP benefits; are minors whose status qualifies a parent or guardian for Lifeline and/or ACP benefits; or are individuals who have received Lifeline and/or ACP benefits.

Categories of Records: The categories of records involved in the matching program include the last four digits of the applicant's Social Security Number, date of birth, first and last name. The National Verifier will transfer these data elements to the Pennsylvania Department of Human Services which will respond either ''yes'' or ''no'' that the individual is enrolled in a qualifying assistance program: SNAP and Medicaid administered by the Pennsylvania Department of Human Services.

System(s) of Records: The records shared as part of this matching program reside in the Lifeline system of records, FCC/WCB–1, Lifeline, which was published in the **Federal Register** at 89 FR 28777 (Apr. 19, 2024).

The records shared as part of this matching program reside in the ACP system of records, FCC/WCB–3, Affordable Connectivity Program, which was published in the **Federal Register** at 89 FR 28780 (Apr. 19, 2024).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–03075 Filed 2–13–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0046; –0118; –0174; 0188 and –0202]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the request to renew the existing information collections described below (OMB Control No. 3064–0046; –0118; –0174; 0188 and –0202). The notices of proposed renewal for these information collections were previously published in the **Federal Register** on December 9, 2025 and December 15, 2025, allowing for a 60-day comment period. No comments have been received in response to the 60-day **Federal Register** notices.

DATES: Comments must be submitted on or before March 19, 2026.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website: https://www.fdic.gov/resources/regulations/federal-register-publications/.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Robert Meiers, Regulatory Attorney, MB–3013, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW), on business days between 7 a.m. and 5 p.m.

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 these information collections by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Robert Meiers, Regulatory Attorney, *Romeiers@fdic.gov,* MB–3013, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collection of information:

1. *Title:* Home Mortgage Disclosure (HMDA).

OMB Number: 3064–0046.

Form Number: N/A

Affected Public: Insured state nonmember banks.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN (OMB NO. 3064–0046)

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
Full Data—HMDA (12 CFR 1003.4(a) and 1003.5(a)(3))	Reporting (Annual)	353	1,237	00:35	254,719
Partial Data—HMDA (12 CFR 1003.4(a) and 1003.5(a)(3))	Reporting (Annual)	1,078	170	00:20	61,087
Retain copy of LAR for at least three years (12 CFR 1003.5(a)(1)(i))	Recordkeeping (Annual)	1,431	1	00:30	716
Make the written notices required under 12 CFR 1003.5(b)(2) and 1003.5(c)(1) available for five and three years, respectively (12 CFR 1003.5(d)(1)).	Recordkeeping (Annual)	1,431	1	00:10	239
Record LAR data within 30 days after the end of the calendar quarter in which final action is taken (New reporters) (12 CFR 1003.4(f)).	Recordkeeping (One time)	192	1	12:00	2,304
Record LAR data within 30 days after the end of the calendar quarter in which final action is taken (All reporters) (12 CFR 1003.4(f)).	Recordkeeping (Quarterly)	1,431	4	01:30	8,586
Provide written notice upon request that the FFIEC disclosure statement is available on the CFPB's website (12 CFR 1003.5(b)(2)).	Third-party Disclosure (Annual).	1,431	1	00:30	716
Provide written notice upon request that the institution's modified LAR is available on the CFPB's website (12 CFR 1003.5(c)(1)).	Third-party Disclosure (On Occasion).	1,431	1	00:30	716
Make the FFIEC disclosure statement and/or modified LAR available to the public directly through the institution (12 CFR 1003.5(d)(2)).	Third-party Disclosure (On Occasion).	72	1	01:00	72

SUMMARY OF ESTIMATED ANNUAL BURDEN (OMB NO. 3064–0046)—Continued

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
General notice of availability of HMDA data in lobby of home office and each branch office located in each MSA and each MD (12 CFR 1003.5(e)).	Third-party Disclosure (One time).	192	1	01:00	192
Total Annual Burden (Hours)					329,347

Source: FDIC.

General Description of Collection: The Board of Governors of the Federal Reserve System (the Board) promulgated Regulation C, 12 CFR part 203, to implement the Home Mortgage Disclosure Act (HMDA), 12 U.S.C. 2801–2810. Regulation C requires depository institutions that meet its asset-size threshold to maintain data about home loan applications (the type of loan requested, the purpose of the loan, whether the loan was approved, and the type of purchaser if the loan was later sold), to update the information quarterly, and to report the information annually. Pursuant to Regulation C, insured state-nonmember banks supervised by the FDIC with assets over a certain dollar threshold must collect, record, and report data about home loan applications. The total estimated annual burden for this information collection is 329,347 hours. This represents a 44 percent decrease from the 2022 information collection. The decrease is driven by a reduction in the estimated number of responses per respondent.

2. *Title:* Management Official Interlocks.

OMB Number: 3064–0118.

Form Number: N/A.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN (OMB NO. 3064–0118)

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
1. Management Official Interlocks (Mandatory)	Reporting (On Occasion)	3	1	09:00	27
2. Management Official Interlocks (Mandatory)	Recordkeeping (On Occasion).	3	1	06:00	18
Total Annual Burden (Hours)					45

Source: FDIC.

General Description of Collection: The FDIC's Management Official Interlocks regulation, 12 CFR 348, which implements the Depository Institutions Management Interlocks Act (DIMIA), 12 U.S.C. 3201–3208, generally prohibits bank management officials from serving simultaneously with two unaffiliated depository institutions or their holding companies but allows the FDIC to grant exemptions in appropriate circumstances. Consistent with DIMIA, the FDIC's Management Official Interlocks regulation has an application requirement requiring information specified in the FDIC's procedural regulation. The rule also contains a notification requirement. There is no change in the method or substance of the collection. The increase of 38 hours from 7 in 2023 to the current estimate of 45 hours is due to an increase in respondents and revised estimates of time per response for applications and recordkeeping.

3. *Title:* Funding and Liquidity Risk Management.

OMB Number: 3064–0174.

Form Number: N/A.

Affected Public: Businesses or other for-profits.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN (OMB NO. 3064–0174)

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
Strategies, Policies, Procedures, and Risk Tolerances (Voluntary)	Recordkeeping (Annual)	2,854	1	6:45	19,265
Liquidity Risk Measurement, Monitoring, and Reporting (Voluntary)	Recordkeeping (Monthly)	2,854	12	9:30	325,356
Total Annual Burden (Hours)					344,621

Source: FDIC.

General Description of Collection: The information collection includes reporting and recordkeeping burdens related to sound risk management principles applicable to insured depository institutions. To enable an institution and its supervisor to evaluate the liquidity risk exposure of an institution's individual business lines and for the institution as a whole, the Interagency Policy Statement on Funding and Liquidity Risk Management (Interagency Statement) summarizes principles of sound liquidity risk management and advocates the establishment of policies and procedures that consider liquidity costs, benefits, and risks in strategic

planning. In addition, the Interagency Statement encourages the use of liquidity risk reports that provide detailed and aggregate information on items such as cash flow gaps, cash flow projections, assumptions used in cash flow projections, asset and funding concentrations, funding availability, and early warning or risk indicators. This is intended to enable management to assess an institution's sensitivity to changes in market conditions, the institution's financial performance, and other important risk factors. There is no change in the substance of this collection. The estimated annual burden for this ICR is 344,621 hours per year. This estimate represents a 32 percent decrease from the 2023 ICR estimate of 503,881 hours per year. The decrease is driven by the change in methodology for estimating the burden for each response.

4. *Title:* Appraisals for Higher-Priced Mortgage Loans.

OMB Number: 3064–0188.

Form Number: N/A.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN (OMB NO. 3064–0188)

Information collection (IC) (obligation to respond)	Type of Burden (frequency of response)	Number of Respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
1. Disclose to applicant that the IDI may obtain an appraisal for the property, 12 CFR Part 1026.35(c)(5)(i) (Mandatory).	Disclosure (On Occasion) ...	2,743	10.25	00:01	469
2. Provide copy of written appraisal to the consumer, 12 CFR Part 1026.35(c)(6)(i) (Mandatory).	Disclosure (On Occasion) ...	2,743	11.03	00:08	4,034
3. Provide documentation of property value to the consumer in lieu of an appraisal, 12 CFR Part 1026.35(c)(2)(viii)(B) (Mandatory).	Disclosure (On Occasion) ...	2,743	5.07	00:05	1,159
Total Annual Burden (Hours)					5,662

Source: FDIC.

General Description of Collection: Section 1471 of the Dodd-Frank Act established a new Truth in Lending (TILA) section 129H, which contains appraisal requirements applicable to higher-risk mortgages and prohibits a creditor from extending credit in the form of a higher-risk mortgage loan to any consumer without meeting those requirements. A higher-risk mortgage is defined as a residential mortgage loan secured by a principal dwelling with an annual percentage rate (APR) that exceeds the average prime offer rate (APOR) for a comparable transaction as of the date the interest rate is set by certain enumerated percentage point spreads. The rule requires that, within three days of application, a creditor provide a disclosure that informs consumers regarding the purpose of the appraisal, that the creditor will provide the consumer a copy of any appraisal, and that the consumer may choose to have a separate appraisal conducted at the expense of the consumer. If a loan meets the definition of a higher-risk mortgage loan, then the creditor would be required to obtain a written appraisal prepared by a certified or licensed appraiser who conducts a physical visit of the interior of the property that will secure the transaction and send a copy of the written appraisal to the consumer. To qualify for the safe harbor provided under the rule, a creditor is required to review the written appraisal as specified in the text of the rule and appendix A. If a loan is classified as a higher-risk mortgage loan that will finance the acquisition of the property to be mortgaged, and the property was acquired within the previous 180 days by the seller at a price that was lower than the current sale price, then the creditor is required to obtain an additional appraisal. A creditor is required to provide the consumer a copy of the appraisal reports performed in connection with the loan, without charge, at least days prior to consummation of the loan. There is no change in the method or substance of the collection. The decrease of 1,750 hours from 7,412 in 2022 to the current estimate of 5,662 hours is due to a decrease in respondents and number of responses per respondent.

1. *Title:* Recordkeeping for Timely Deposit Insurance Determination.

OMB Number: 3064–0202.

Form Number: N/A.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN (OMB NO. 3064–0202)

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
1. Implementation—Lowest Complexity, 12 CFR 370 (Mandatory)	Recordkeeping (Annual)	1	1	3145:00	3,145
2. Implementation—Medium Complexity, 12 CFR 370 (Mandatory)	Recordkeeping (Annual)	1	1	5960:00	5,960
3. Implementation—Highest Complexity, 12 CFR 370 (Mandatory)	Recordkeeping (Annual)	1	0.333	36307:00	0
4. Ongoing—Lowest Complexity, 12 CFR 370 (Mandatory)	Recordkeeping (Annual)	10	1	5:00	50
5. Ongoing—Medium Complexity, 12 CFR 370 (Mandatory)	Recordkeeping (Annual)	11	1	60:00	660
6. Ongoing—Highest Complexity, 12 CFR 370 (Mandatory)	Recordkeeping (Annual)	5	1	20:00	100
7. Request for Exception, 12 CFR 370.8(b) (RtoB)	Reporting (On occasion)	1	1	20:00	20
8. Request for Release, 12 CFR 370.8(c) (RtoB)	Reporting (On occasion)	1	1	20:00	20
9. Request for Extension, 12 CFR 370.6(b) (RtoB)	Reporting (On occasion)	1	1	20:00	20
10. Request for Exemption, 12 CFR 370.8(a) (RtoB)	Reporting (On occasion)	1	1	20:00	20
11. Annual Certification and Report, 12 CFR 370.10(a) (Mandatory)	Reporting (Annual)	29	1	5:00	145
12. Written information to Account Holder, 12 CFR 370.5(a) (Mandatory).	Disclosure (Annual)	29	1	1:00	29
Total Annual Burden (Hours)					10,169

Source: FDIC.
RtoB—Required to Receive Benefits.

Line 3 of the table FDIC expects no entities to file but has kept that line item with 0 burden in case needed for future IC renewal cycle.

General Description of Collection: When a bank fails, the FDIC must provide depositors insured funds ''as soon as possible'' after failure while also resolving the failed bank in the least costly manner. The 12 CFR part 370 facilitates prompt payment of FDIC insured deposits when large insured depository institutions fail. The rule requires insured depository institutions that have two million or more deposit accounts (covered institutions), to maintain complete and accurate data on each depositor's ownership interest by right and capacity for all of the covered institution's deposit accounts. The covered institutions are required to develop the capability to calculate the insured and uninsured amounts for each deposit owner, by ownership right and capacity, for all deposit accounts. This data would be used by the FDIC to make timely deposit insurance determinations in the event of a covered insured depository institution's failure. There is no change in the method or substance of the collection. The decrease of 42,483 hours from 52,652 hours in 2023 to the current estimate of 10,169 hours is due the elimination of the implementation burden for the Highest Complexity covered insured depository institutions (IDIs) and the reduction in the times per response.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; 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. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on February12, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–03082 Filed 2–13–26; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 26–03]

Gator Fabrication Technology, LLC, Complainant v. Flador Global Logistics a/k/a Flador Global Uluslararasi Taşimacilik Loj.Diştic Ltd.Şti and NTG Air & Ocean, LLC, Respondents; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (the ''Commission'') by Gator Fabrication Technology, LLC (the ''Complainant'') against Flador Global Logistics a/k/a Flador Global Uluslararasi Taşimacilik Loj.Diştic Ltd.Şti and NTG Air & Ocean, LLC (collectively, the ''Respondents''). Complainant states that the Commission has jurisdiction over the complaint pursuant to the Shipping Act, 46 U.S.C. 41301, and over Respondents as having ''acted as ocean transportation intermediaries or agents of ocean transportation intermediaries.''

Complainant is a limited liability company and shipper, with its principal place of business in Port Orange, Florida.

Complainant identifies Respondent Flador Global Logistics a/k/a Flador Global Uluslararasi Taşimacilik Loj.Diştic Ltd.Şti as having acted as an ocean transportation intermediary and non-vessel-operating common carrier with a place of business in İzmir, Türkiye.

Complainant identifies Respondent NTG Air & Ocean, LLC as a licensed ocean transportation intermediary with a place of business in Franklin Square, New York.

Complainant alleges that Respondents violated 46 U.S.C. 41102(c) and (d); 41104(a)(10) and (14); and 46 CFR 545.5. Complainant alleges these violations arose from Respondents withholding cargo, imposing detention charges, and asserting a maritime lien in order to coerce payment on an unrelated shipment, and other acts and omissions of Respondents.

An answer to the complaint must be filed with the Commission within 25 days after the date of service.

The full text of the complaint can be found in the Commission's electronic Reading Room at *https://www2.fmc.gov/readingroom/proceeding/26-03/.* This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding judge shall be issued by February 12, 2027, and the final decision of the Commission shall be issued by August 26, 2027.

(Authority: 46 U.S.C. 41301; 46 CFR 502.61(c))

Served: February 12, 2026.

David Eng,

Secretary.

[FR Doc. 2026–03076 Filed 2–13–26; 8:45 am]

BILLING CODE 6730–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Request for Information: 340B Rebate Model Pilot Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice, request for Information.

SUMMARY: The Health Resources and Services Administration (HRSA) administers section 340B of the Public Health Service Act (PHS Act), referred to as the ''340B Drug Pricing Program'' or the ''340B Program.'' HRSA is issuing this Request for Information (RFI) to gather input from interested parties regarding the potential use of rebates to effectuate the ceiling price under the 340B Program, including the standards and procedures that should govern the approval of manufacturer rebate plans and the impacts on all stakeholders.

This RFI seeks comments on whether HRSA should implement a rebate model under the 340B Program and how best to operationalize any such rebate framework for stakeholders. The information collected through this RFI will assist HRSA in evaluating the operational, financial, and access to drugs for patients of a rebate model on covered entities, manufacturers, and other stakeholders across the drug supply chain.

DATES: Comments on this notice should be received no later than March 19, 2026.

ADDRESSES: Electronic comments should be submitted through the *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions on the website for submitting comments. Include the HHS Docket No. HRSA–2026–03042 in your comments. All comments received will be posted without change to: *http://www.regulations.gov.* Please do not include any personally identifiable or confidential business information you

do not want publicly disclosed. Any proprietary information on comments will not be publicly posted.

We encourage commenters to include supporting facts, research, and evidence in their comments. When doing so, commenters are encouraged to provide citations to the published materials referenced, including active hyperlinks. Likewise, commenters who reference materials which have not been published are encouraged to upload relevant data collection instruments, data sets, and detailed findings as a part of their comment. Providing such citations and documentation will assist us in analyzing the comments.

FOR FURTHER INFORMATION CONTACT: Chantelle Britton, Director, Office of Pharmacy Affairs (OPA), Office of Special Health Initiatives, HRSA, 5600 Fishers Lane, Mail Stop 10W29, Rockville, MD 20857; email: *340Bpricing@hrsa.gov;* telephone: 301–594–4353.

SUPPLEMENTARY INFORMATION:

I. Background

Section 340B of the PHS Act entitled ''Limitation on Prices of Drugs Purchased by Covered Entities,'' was created under section 602 of Public Law 102–585, the ''Veterans Health Care Act of 1992,'' and codified at 42 U.S.C. 256b. The 340B Program is intended to enable covered entities ''to stretch scarce Federal resources as far as possible, reaching more eligible patients and providing more comprehensive services.'' H.R. Rep. No. 102–384(II), at 12 (1992). The Secretary of Health and Human Services (Secretary) has delegated the authority to administer the 340B Program to the HRSA Administrator, who in turn delegated this authority to the Office of Pharmacy Affairs, within HRSA, which oversees the 340B Program. Eligible covered entity types are defined in section 340B(a)(4) of the PHS Act, as amended. Section 340B(a)(1) of the PHS Act instructs HHS to enter into pharmaceutical pricing agreements [i] with manufacturers of covered outpatient drugs. Currently, there are approximately 14,000 covered entities participating in the Program and 800 drug manufacturers. In 2024 covered entities purchased $81.4 Billion of covered outpatient drugs under the Program. Under section 1927(a)(5)(A) of the Social Security Act, a manufacturer must enter into an agreement with the Secretary that complies with section 340B of the PHS Act ''[i]n order for payment to be available under section 1903(a) or under part B of title XVIII of the Social Security Act for covered outpatient drugs of a manufacturer.'' When a drug manufacturer signs a pharmaceutical pricing agreement, it agrees that the prices charged for covered outpatient drugs to covered entities will not exceed statutorily defined 340B ceiling prices. 340B ceiling prices are based on quarterly pricing reports that manufacturers provide to the Secretary through the Centers for Medicare & Medicaid Services (CMS) and are calculated and verified by HRSA.

In 2024, HRSA began receiving inquiries directly from manufacturers seeking to unilaterally implement different proposed rebate models for the 340B Program, which manufacturers stated was, primarily to limit the availability to maximum fair price (MFP) to 340B covered entities consistent with the nonduplication provision of the Medicare Drug Price Negotiation Program [ii] (MDPNP) and to facilitate other aims such as the prevention of 340B-Medicaid duplicate discounts and diversion. While the manufacturers' different proposals varied in terms of their scope and how they would be operationalized, the proposals all required that, under a rebate model, a covered entity would order the drug at a higher price and would then receive a rebate that reflects the difference between that higher initial price and the discounted 340B price, a departure from the way that the 340B Program has traditionally operated as an up-front discount program (*i.e.,* a covered entity receives the discounted 340B price at the time of purchase).

Section 340B(a)(1) of the PHS Act states, ''[t]he Secretary shall enter into an agreement with each manufacturer of covered outpatient drugs under which the amount required to be paid (taking into account any rebate or discount, as provided by the Secretary) to the manufacturer for [certain] covered outpatient drugs . . . purchased by a covered entity . . . does not exceed [designated prices].'' In response to manufacturers' inquiries, HRSA made clear that implementing a rebate model proposal without prior Secretarial approval would violate section 340B(a)(1) of the PHS Act.

In light of the significant feedback received both from manufacturers and covered entities, and Congressional concern regarding the shift from an upfront discount to a rebate model, HRSA became interested in testing the merits and shortcomings of a rebate model, including whether it would be beneficial to manufacturers participating in the MDPNP as well as to 340B program integrity efforts relating to the prevention of 340B Medicaid duplicate discounts and diversion. HRSA sought a balanced and measured approach to allow eligible manufacturers to implement rebate models, at the Secretary's direction and discretion, within certain parameters that would cause minimal impact on 340B covered entities.

Therefore, on August 1, 2025, HRSA published a **Federal Register** notice titled ''340B Program Notice: Application Process for the 340B Rebate Model Pilot Program,'' 90 FR 36,163 (August 1, 2025). Recognizing that a rebate model would shift how the 340B Program has operated for over 30 years, HRSA invited manufacturers that met specific criteria to voluntarily participate in the 340B Rebate Model Pilot Program. A technical correction extended the public comment period to September 8, 2025, 90 FR 38,165 (August 7, 2025). HRSA received 1,243 public comments from stakeholders, including covered entity and manufacturer trade organizations, individual covered entities, and pharmaceutical manufacturers.

Covered entities filed suit on December 1, 2025, to enjoin implementation of the rebate pilot. In accordance with the December 29, 2025, order of the U.S. District Court for the District of Maine in *American Hospital Association et al.* v. *Kennedy et al.,* No. 25-cv-600 (D. Me.), HRSA paused implementation of the 340B Rebate Model Pilot Program for all covered entities and the nine manufacturers approved to participate in the pilot.

HRSA is now requesting comments from stakeholders to further evaluate the potential benefits and costs of a rebate model, among other topics. HRSA is issuing this RFI to seek comments from stakeholders across the continuum of the drug supply chain in order to gather information on how a rebate model would impact covered entities, manufacturers, wholesalers, State Medicaid Agencies, pharmacies, the Federal Government, and other stakeholder groups. By issuing this RFI, HRSA is undertaking a methodical and deliberate approach to assess whether to implement a potential 340B Rebate Model Pilot Program consistent with its

[i] OMB Number: 0915–0327

[ii] Maximum Fair Price refers to the negotiated price under the Medicare Drug Price Negotiation Program (Negotiation Program). See 42 U.S.C. 1320f(c)(2). Under the MDPNP ''nonduplication'' provision, manufacturers that agree to a maximum fair price are not required to provide a covered entity access to the negotiated maximum fair price under that agreement if the drug is also subject to a 340B agreement and the 340B ceiling price is lower than the maximum fair price. 42 U.S.C. 1320f–2(d).

statutory authority. Likewise, HRSA commits to analyzing the comments received prior to pursuing the implementation of a potential 340B Rebate Model Pilot Program.

HRSA is inviting comments on a range of issues, including:

- administrative, operational, financial, and medication access concerns in connection with rebate models;
- reliance interests in continuing to obtain the 340B ceiling prices through upfront discounts and whether such reliance interests are reasonable in light of the Secretary's express statutory authority to provide for discounts via ''rebate or discount;''
- potential cash-flow impacts; and
- proposed alternatives and scope-limiting measures to inform a rebate pilot design, including safeguards to promote the integrity of the 340B Program, and avoid duplicate discounts, as well as consistency with the MDPNP nonduplication provision.

In addition, HRSA seeks input on how to:

- appropriately balance stakeholder concerns regarding implementation of a rebate model against the agency's goal of testing rebates in the 340B Program;
- gather empirical data on the effectuation of the ceiling price through use of rebates;
- generate data relevant to other Federal health care programs, including the MDPNP; and
- improve transparency and inform future policy decisions.

With the information collected from this RFI, HRSA will evaluate if a potential 340B Rebate Model Pilot Program is in the public's interest and, if so, determine a viable implementation strategy, consistent with the 340B statute.

II. Request for Comments

The purpose of this RFI is to obtain information and public comments on the standards and procedures by which HRSA should consider implementation of a rebate model under the 340B Program. All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that website to view public comments. HRSA will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the individual will take actions to harm the individual. HRSA continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

HRSA is seeking input to ensure that it considers all aspects of the problem and to ensure a fair and transparent comment process for all stakeholders. HRSA invites comments on all aspects of a rebate pilot program implementation under the 340B Program, but specifically seeks comments on the targeted areas below:

1. Costs to Covered Entities

a. Current Administrative Costs Under the Upfront 340B Discount

i. Provide the total number of 340B transactions processed by your organization during the most recent fiscal year.

ii. Describe your current administrative costs, including costs to third parties (*e.g.,* contract pharmacies) related to 340B Program operations and compliance.

iii. Identify any key cost drivers (*e.g.,* staffing, IT systems, third-party vendors, compliance activities, labor hours) for current administrative costs.

b. Administrative Costs Under a Potential 340B Rebate Model Pilot Program

i. Estimate the incremental administrative and operational costs your organization would incur under a 340B Model Rebate Pilot Program, distinguishing between one-time startup costs and ongoing costs. These figures can be measured in terms of hours to complete the activities or in dollar amounts in the aggregate. In addition, the estimation can include administrative and operational costs associated with filing rebate requests for the drugs selected for MFP under MDPNP.

ii. Describe the methodology and assumptions used to develop these estimates.

iii. Specify the activities or functions these incremental costs would cover (*e.g.,* claims processing, data submission, reconciliation, audit support) and what, if any, effect the change of some drugs to a rebate model would have on current administrative costs under the upfront 340B discount.

iv. If a potential 340B Rebate Model Pilot Program were structured so as to offset these administrative and operational costs, how could that be achieved and how could such an offset be accurately quantified?

v. Comment on the impact of these incremental costs under your current operations.

c. Staffing Impacts Under a Potential 340B Rebate Model Pilot Program

i. Indicate whether implementation of a potential 340B Rebate Model Pilot Program would require additional full-time employees or would cause current medical provider full-time employees to reallocate work hours from medical care to perform administrative functions (quantifying wherever possible).

ii. If yes, identify the anticipated number of additional full-time employees; describe their roles, responsibilities, and functions; and indicate whether the FTEs would be temporary or permanent.

d. Systems and Infrastructure for Implementation of a Potential 340B Rebate Model Pilot Program

i. Describe any new or modified IT systems, software, or data infrastructure that would be required to implement a potential 340B Rebate Model Pilot Program.

ii. Provide estimated costs for system development, procurement, maintenance, or integration that would be required to implement a potential 340B Rebate Model Pilot Program and specify whether any such costs would be one-time or recurring.

e. Other Anticipated Costs or Impacts of a Potential 340B Rebate Model Pilot Program

i. Discretely identify any additional costs to your organization associated with implementation of a potential 340B Rebate Model Pilot Program not otherwise captured above (*e.g.,* legal review, training, consulting services, reduction in services offered, and specify whether these costs are one-time or recurring.

ii. Identify any organization-specific factors that could impact your organization's ability to participate in a potential 340B Rebate Model Pilot Program (*e.g.,* rural, small business, community health center).

iii. Identify any specific impacts on access to drugs for patients that may occur as a result of a potential 340B Rebate Model Pilot Program.

2. Payment Timing and Potential Cash Flow Impacts for Covered Entities

a. Describe with specificity whether payment timing (*e.g.,* within ten calendar days of submission of a complete claim) under a potential 340B Rebate Model Pilot Program would

affect your cash flow, including any financial risks to your organization.

b. Describe the typical payment terms under your current wholesaler contracts for 340B drugs, including the number of days allowed for payment, and whether those payment terms differ for non-340B drugs.

i. Identify any prompt payment incentives or discounts currently offered by drug wholesalers for early payment and the timeframes associated with those incentives.

ii. State the average number of calendar days within which your organization typically remits payment under these contracts.

c. Describe with specificity whether a rebate-based payment model would alter payment timing compared to current drug wholesaler arrangements, and indicate whether alternative payment arrangements could mitigate any potential impacts of such a rebate-based payment.

d. A potential 340B Rebate Model Pilot Program could require that all rebates be paid to the covered entity (or denied, with documentation in support) within 10 calendar days of data submission. Describe ways that a potential 340B Rebate Model Pilot Program could be structured to ensure that manufacturers adhere to such a requirement.

e. Describe other ways that a potential 340B Rebate Model Pilot Program could be structured to address payment timing and potential cashflow impacts for covered entities.

3. Rebate Denials

a. Under a potential 340B Rebate Model Pilot Program the acceptable grounds for a manufacturer denial of a covered entity rebate request could be limited (for example, limited to denials where a 340B rebate was provided to another covered entity on the same claim) and the manufacturer could be required to provide the covered entity with the rationale and specific documentation for reasons claims are denied. Explain whether your organization believes more specific guardrails should be built into a potential 340B Rebate Model Pilot Program to ensure that denials are limited to appropriate circumstances.

b. Describe what (if any) standard process elements should be required for rebate denials under a potential 340B Rebate Model Pilot Program, including template forms and timeline for adjudications of improper denials.

4. Data Collection by Covered Entities

a. Describe how your organization currently collects, maintains, and retains data related to 340B Program participation, including whether third-party vendors are used to carry out some or all of these activities.

b. Identify current measures to ensure data accuracy, completeness, and consistency (*e.g.,* validation checks, reconciliations, audits).

c. Describe whether a potential 340B Rebate Model Pilot Program would change current data collection activities and whether any such changes would be one-time or ongoing.

d. Describe the specific pharmacy and medical claims data elements that should comprise a potential 340B Rebate Model Pilot Program (at both contract pharmacies and in-house pharmacies); whether such data elements are currently available or are readily available; the source(s) for such data; and whether such data is already being furnished to existing third parties.

e. Provide any recommendations for ensuring a potential 340B Rebate Model Pilot Program has the appropriate guardrails in place to mitigate any privacy and security concerns related to patient information and data submission, including any agreements that may be required by third parties.

5. Manufacturer Efforts to Avoid Duplicate Discounts

a. Describe your organization's practices and procedures prior to January 1, 2026, to avoid paying both 340B discounts and Medicaid rebates on the same drug dispense, including data collection and record-maintenance practices.

b. Describe any operational or administrative changes implemented by your organization since January 1, 2026, to avoid paying 340B discounts on drug dispenses subject to a MFP under the MDPNP, including any changes to data collection or record-maintenance practices.

c. Describe your organization's experience since January 1, 2026, with identifying drug dispenses to a covered entity for which your organization did not provide access to the MFP under the non-duplication provisions of the MDPNP.

d. Identify any challenges encountered (*e.g.,* data availability, claim identification, timing mismatches) in identifying potential duplicate discounts under 340B and CMS payment programs (*e.g.,* Medicare and Medicaid).

e. Identify the minimum data elements you believe are necessary for a manufacturer to identify potential duplicate discounts under 340B and CMS payment programs and the potential for the 340B Rebate Model Pilot Program to be an additional or alternative source for those data elements.

6. Required Reporting

a. What specific data should manufacturers be required to submit (and to what frequency) for HRSA's review to ensure compliance with a potential 340B Rebate Model Pilot Program?

b. What specific manufacturer data should HRSA share publicly (and to what frequency) as a potential 340B Rebate Model Pilot Program progresses?

c. What should be the frequency and duration of manufacturer data to support the assessment of a potential 340B Rebate Model Pilot Program?

7. 340B Program Integrity and Other Potential Benefits of a Rebate Pilot

a. Explain whether and how a potential 340B Rebate Model Pilot Program would affect the integrity of the 340B program.

b. Explain whether a rebate-based model would:

i. Assist manufacturers in their efforts to avoid paying duplicate discounts under 340B and CMS payment programs;

ii. Reduce diversion or improper claims; and

iii. Increase pricing transparency across stakeholders.

c. Provide any recommendations for improving data collection and reporting to strengthen the 340B Program's integrity while minimizing administrative burden.

d. Describe any other potential benefits (*e.g.,* transparency, audit compliance) of a 340B Rebate Model Pilot Program to participants in the 340B Program and to what extent these benefits outweigh any potential costs.

III. Collection of Information Requirements

Please note, this is an RFI only. In accordance with the implementing regulations of the Paperwork Reduction Act of 1995 (PRA), specifically 5 CFR 1320.3(h)(4), this general solicitation is exempt from the PRA. Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full consideration, are not generally considered information collections and therefore not subject to the PRA. The

paperwork burden associated with a potential 340B Rebate Model Pilot program shall be accounted for under an information collection request submitted to OMB and approved in keeping with the PRA prior to pursuing the implementation of a potential 340B Rebate Model Pilot.

This RFI is issued solely for information and planning purposes; it does not constitute a request for proposals, applications, proposal abstracts, or quotations. This RFI does not commit the U.S. Government to contract for any supplies or services or make a grant award. Further, HRSA is not seeking proposals through this RFI and will not accept unsolicited proposals. Respondents are advised that the U.S. Government will not pay for any information or administrative costs incurred in response to this RFI; all costs associated with responding to this RFI will be solely at the interested party's expense. In addition, HRSA will not respond to questions related to policy issues outside of the scope of a potential 340B Rebate Model Pilot Program raised in this RFI.

HRSA will actively consider all input as we develop future policy. This RFI should not be construed as a commitment or authorization to incur cost for which reimbursement would be required or sought. All submissions become U.S. Government property and will not be returned. In addition, HRSA shall publicly post the public comments received in their entirety.

Thomas J. Engels,

Administrator.

[FR Doc. 2026–03042 Filed 2–13–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Privacy Act of 1974; System of Records

AGENCY: Office for Civil Rights (OCR), Department of Health and Human Services (HHS).

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS) is partially modifying an existing system of records maintained by the Office for Civil Rights (OCR), ''Program Information Management System (PIMS),'' System No. 09–90–0052. The modifications include changing the system of records name to ''HHS Civil Rights and Health Information Privacy Program Records'' and affect only certain sections of the System of Records Notice (SORN), so HHS is not republishing the SORN in full. The system of records contains records about individual members of the public who submit or are named or otherwise involved in civil rights, conscience and religious freedom, and health information privacy-related complaints received by and compliance reviews conducted by OCR, and individuals who submit reports to OCR about breaches of unsecured protected health information (PHI) experienced by covered entities and business associates subject to the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security, Breach Notification, and Enforcement Rules. OCR is modifying it to include information that programs subject to 42 CFR part 2 (''Part 2'') (and, as applicable, a qualified service organization on a Part 2 program's behalf) report to the Secretary with respect to a breach of unsecured substance use disorder (SUD) patient records maintained by a Part 2 program (''Part 2 records'') and complaints and compliance reviews involving potential violations of Part 2.

DATES: The modified system of records is effective upon publication, subject to a 30-day period in which to comment on the modifications. Submit any comments by March 19, 2026.

ADDRESSES:

- *Federal eRulemaking Portal:* You may submit electronic comments at *http://www.regulations.gov* by searching for the Docket ID number [DOCKET ID]. Follow the instructions at *http://www.regulations.gov* for submitting electronic comments. Attachments should be in Microsoft Word or Portable Document Format (PDF).
- *Regular, Express, or Overnight Mail:* You may mail written comments to the following address only: U.S. Department of Health and Human Services, Office for Civil Rights, Attention: OCR PIMS SORN, Hubert H. Humphrey Building, Room 509F, 200 Independence Avenue SW, Washington, DC 20201. Please allow sufficient time for mailed comments to be timely received in the event of delivery or security delays.

Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.

Inspection of Public Comments: All comments received by the accepted methods and due date specified above may be posted without change to content to *https://www.regulations.gov,* which may include personal information provided about the commenter, and such posting may occur after the closing of the comment period. However, the Department may redact certain non-substantive content from comments or attachments to comments before posting, including: threats, hate speech, profanity, sensitive health information, graphic images, promotional materials, copyrighted materials, or individually identifiable information about a third-party individual other than the commenter. In addition, comments or material designated as confidential or not to be disclosed to the public will not be accepted. Comments may be redacted or rejected as described above without notice to the commenter, and the Department will not consider any redacted or rejected content that would not be made available to the public as part of the administrative record.

Docket: For complete access to background documents or posted comments, go to *https://www.regulations.gov* and search for Docket ID number [DOCKET ID].

FOR FURTHER INFORMATION CONTACT: General questions about the modified system of records may be submitted to Harold Henderson, Records Officer, Strategic Planning Division, Office for Civil Rights, 200 Independence Ave. SW—Room 509F, Washington, DC 20201. Email address: *OCRmail@hhs.gov.*

SUPPLEMENTARY INFORMATION: System of records 09–90–0052, being renamed ''HHS Civil Rights and Health Information Privacy Program Records,'' is used by OCR staff and consists of an electronic repository of information and documents about individual members of the public who submit or are named or otherwise involved in civil rights, conscience and religious freedom, and health information privacy-related complaints received by and compliance reviews conducted by OCR and individuals who submit reports to OCR about breaches of unsecured protected health information (PHI) experienced by HIPAA covered entities and their business associates. The scope of individuals whose information is contained in OCR's repository includes, but is not limited to, those who meet the definition of individuals in the Privacy Act or the HIPAA Rules; however, this system of records notice applies to individuals as defined in the Privacy Act. OCR uses the system of records to manage documents and information related to OCR's civil rights and health information privacy authorities and activities.

In February 2024, HHS published a final rule, Confidentiality of Substance

Use Disorder (SUD) Patient Records, at 89 FR 12472 (Feb. 16, 2024), and in August 2025, the Secretary published a delegation of civil enforcement authority for 42 CFR part 2 (Part 2) to OCR, at 90 FR 41833 (Aug. 27, 2025). This authority includes the administration and enforcement of Part 2 requirements governing confidentiality of SUD patient records through, among other activities, conducting complaint investigations and compliance reviews and collecting (and publicly posting, as applicable) reports of breaches of unsecured Part 2 records. A Part 2 breach report form approved by OMB for collection of information will be accessible from OCR's website at *https://www.hhs.gov/hipaa/for-professionals/breach-notification/index.html.* This form must be filed through the HHS website. A Part 2 complaint form approved by OMB for collection of information will be accessible from OCR's website at *https://www.hhs.gov/ocr/complaints/index.html.* Complaints may be filed through the HHS website, but are not required to be filed online.

The modifications made to system of records 09–90–0052 affect the following sections of the System of Records Notice (SORN), as follows:

- The Authority section is being revised to include U.S. Code cites for all Acts and Public Laws previously cited and to make other, minor revisions to those authorities; to add 42 U.S.C. 290dd–2 and 290dd–2 note as authority for maintenance of the ''Part 2'' records; and to cite these statutes (and one uncodified appropriations law), which were not previously cited in any manner, as additional authority for maintenance of other records: 8 U.S.C. 1522(a)(5); 22 U.S.C. 2151b(f) and 7631(d); 29 U.S.C. 669(a)(5); 34 U.S.C. 12161(g)(3) and (i); and 42 U.S.C. 238n, 280g–1(d), 290bb–36(f), 290ff–1(e)(2)(C), 290kk through 290kk–3, 300a–7, 300x–65, 604a, 1320a–1(h), 1320c–11, 1395i–5, 1395w–22(j)(3)(B), 1395x(e), 1395x(y)(1), 1395cc(f), 1396a(a), 1396(f), 1396s(c)(2)(B)(ii), 1396u–2(b)(3)(B), 1396a(w)(3), 1397j–1(b), 1996a(b)(1), 5106i(a), 6101–6107, 9849, 9858l, 9858n, 9920, and 14406(2).
- The Purpose(s) section is being expanded to include collecting and posting on the HHS website information about breaches of Part 2 records affecting more than 500 individuals, developing an annual report to Congress regarding breach notification by Part 2 programs (and, as applicable, qualified service organizations on behalf of Part 2 programs), and providing technical assistance, training, and guidance materials regarding breaches of Part 2 records.
- The Categories of Individuals section is being revised to add references to ''Part 2 programs, lawful holders of Part 2 records, and other persons holding Part 2 records'' and to remove OCR employees who use the system to record the status of their work, because if such records are considered to be about them instead of the agency they work for, the records would be covered in a SORN that covers HHS personnel records.
- The Categories of Records section is being revised to remove an unnecessary statement about exemptions (which are addressed in the Exemptions section) and to add the following categories of records:

1. Information that Part 2 programs (or, as applicable, a qualified service organization on behalf of a Part 2 program) are required to provide to HHS to fulfill their breach notification requirements.

2. Information collected regarding a Part 2 complaint investigation or compliance review of a potential Part 2 violation.

- In the Routine Uses section, routine uses I through IV are being revised for clarity, routine uses VII through IX are being revised to authorize disclosures of Part 2-related information to allow OCR to carry out the purposes described above, and routine uses X through XIII are unchanged but included for completeness.

Because some of these changes are significant, HHS provided advance notice of the modified system of records to the Office of Management and Budget and Congress as required by 5 U.S.C. 552a(r) and OMB Circular A–108.

Paula M. Stannard,

Director, Office for Civil Rights.

SYSTEM NAME AND NUMBER:

HHS Civil Rights and Health Information Privacy Program Records, 09–90–0052.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The address of the agency component responsible for the system of records is the HHS Office for Civil Rights, 200 Independence Ave. SW—Room 509F, Washington, DC 20201.

SYSTEM MANAGER(S):

Associate Deputy Director for Information Technology, Operations and Resources Division, Office for Civil Rights, 200 Independence Ave. SW—Room 509F, Washington, DC 20201, Email: *OCRmail@hhs.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for the collection, maintenance, and disclosures from this system is given under Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d *et seq.*); secs. 245, 533, 542, 794, 855, 1947, and 1908 of the Public Health Service Act (42 U.S.C. 238n, 290cc–33, 290dd–1, 296g, 300x–57, and 300w–7, respectively); secs. 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794 and 794d); Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 *et seq.*); the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107); the Equal Employment Opportunity Provisions of the Public Telecommunications Financing Act of 1978 (47 U.S.C. 398(b)); Title VI and Title XVI of the Public Health Service Act (the ''community services obligation'' of facilities funded under the Act) (42 U.S.C. 291 and 300); Title IX of the 1972 Education Amendments (20 U.S.C. 1681–1688); sec. 407 of the Drug Abuse Office and Treatment Act (42 U.S.C. 290ee–3); Section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 290dd–2(i)); sec. 508 of the Social Security Act (42 U.S.C. 708); the Family Violence Prevention and Services Act (42 U.S.C. 10406); Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858l and 9858n); Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8625); sec. 1808 of the Small Business Job Protection Act of 1996 (42 U.S.C. 1996b); the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d through 1320d–8); the Confidentiality Provisions of the Patient Safety and Quality Improvement Act of 2005 (42 U.S.C. 299b–21 through 299b–26); secs. 13401, 13402, 13404, 13405, 13406, 13408, 13410, and 13411 of the Health Information Technology for Economic and Clinical Health (HITECH) Act (42 U.S.C. 17931, 17932, 17934, 17935, 17936, 17938, 17939, and 17940, respectively); sec. 543 of the Public Health Service Act, as amended by sec. 3221 of the CARES Act (42 U.S.C. 290dd–2 and 290dd–2 note); sec. 401 of the Health Programs Extension Act of 1973 (the ''Church Amendments'') (42 U.S.C. 300a–7); sec. 507(d) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2024, Public Law. 118–47, 138 Stat. 460, 703 (Mar. 23, 2024) as carried forward by the Full-Year Continuing Appropriations and Extensions Act, 2025, Public Law 119–

4, 139 Stat. 9 (Mar. 15, 2025) (the ''Weldon Amendment''); secs. 1553, 1557, 1303, and 1411 of the Patient Protection and Affordable Care Act (42 U.S.C. 18113, 18116, 18023, and 18081, respectively); 42 U.S.C. 1395w–22(j)(3)(B), 1396u–2(b)(3)(B), 1395cc(f), 1396a(w)(3), and 14406(2) (Medicare and Medicaid conscience provisions); 42 U.S.C. 1320a–1(h), 1320c–11, 1395i–5, 1395x(e), 1395x(y)(1), 1396a(a), and 1397j–1(b) (conscience provisions related to Religious Nonmedical Health Care Institutions); 42 U.S.C. 1396f (conscience provisions related to compulsory health care services under Medicaid); 42 U.S.C. 5106i(a), 280g–1(d), 1396s(c)(2)(B)(ii), 290bb–36(f) and 29 U.S.C. 669(a)(5) (conscience protections related to compulsory health services); 22 U.S.C. 2151b(f) and 7631(d) (conscience protections for Global Health Programs); ''Charitable Choice'' Provisions (42 U.S.C. 9920 (Community Services Block Grant), 604a (Temporary Assistance for Needy Families), 300x–65 (Substance Use and Mental Health Block Grants), and 290kk through 290kk–3 (Title V of the Public Health Services Act); The Head Start Act (42 U.S.C. 9849); Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5151); the Refugee Act of 1980 (8 U.S.C. 1522(a)(5)); the Community Schools Youth Services and Supervision Grant Program Act of 1994 (34 U.S.C. 12161(g)(3) and (i)); the ADAMHA Reorganization Act (42 U.S.C. 290ff–1(e)(2)(C)); and the American Indian Religious Freedom Act (42 U.S.C. 1996a(b)(1)).

PURPOSE(S) OF THE SYSTEM:

The records are used by OCR staff to carry out OCR's civil rights and health information privacy responsibilities and are maintained in an electronic repository of information and documents. The repository is a single, integrated system with enhanced electronic storage, retrieval and tracking capacities that allows OCR to more effectively manage the information it collects.

The repository is designed to allow OCR to integrate all of OCR's various business processes, including all its compliance activities, to allow for real time access and results reporting and other varied information management needs. It provides: (1) A single, central, electronic repository of all significant OCR documents and information, including investigative files, correspondence, administrative records, policy and procedure manuals and other documents and information developed or maintained by OCR; (2) easy, robust capability to search all the information in OCR's repository; (3) better quality control at the front end with simplified data entry and stronger data validation; and (4) tools to help staff work on and manage their casework. The records are also used by OCR: (1) To collect, maintain, and post on the HHS website a list of covered entities and Part 2 programs that experience breaches of unsecured protected health information and unsecured Part 2 records affecting more than 500 individuals using information reported to the Secretary by covered entities and Part 2 programs (or a business associate or qualified service organization on behalf of a covered entity or Part 2 program, respectively) as required by section 13402(e) of the HITECH Act and section 3221(h) of the CARES Act; (2) to develop an annual report to Congress, as required by section 13402(i) of the HITECH Act, regarding breach notification using information reported to the Secretary by covered entities and Part 2 programs (or a business associate or qualified service organization on behalf of a covered entity or Part 2 program, respectively) pursuant to section 13402(e) of the HITECH Act and section 3221(h) of the CARES Act; and (3) educate entities regulated under HIPAA and Part 2 on the measures needed to prevent future breaches and potential violations of the HIPAA Rules and Part 2 by providing technical assistance, training, and guidance regarding complaint investigations, compliance reviews, and reported breaches of protected health information and Part 2 records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Covered individuals include persons who file complaints alleging discrimination or violation of their rights or other violations under the statutes identified in the Authority section, above, and persons subject to laws administered and enforced by OCR (*e.g.,* covered entities, business associates, Part 2 programs, lawful holders of Part 2 records, other persons holding Part 2 records) who are individuals as defined in the Privacy Act and not organizations or institutions, and are investigated by OCR as a result of complaints filed or through compliance reviews conducted by OCR. Covered individuals also include persons who submit correspondence to OCR related to other compliance activities (*e.g.,* outreach and public education), and other correspondence unrelated to a complaint or compliance review and requiring responses by OCR. Covered individuals also include covered entities and business associates, as defined in 45 CFR 160.103, and Part 2 programs (and, as applicable, qualified service organizations on behalf of Part 2 programs) who are individuals as defined in the Privacy Act and report breaches of protected health information or Part 2 records by submitting a breach report through the HHS website..

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records encompasses a variety of records having to do with civil rights-related and health information privacy-related complaints, compliance reviews, correspondence, including reports of breaches of protected health information and Part 2 records. Data elements contained in the records include, for example, individuals' names, Social Security numbers (SSN), tax identification numbers (TIN), addresses, dates of birth, provider names and addresses, physicians' names, prescriber identification numbers, assigned provider numbers (facility, referring/servicing physician), and/or other identification numbers of HIPAA covered entities, business associates, Part 2 programs (and, as applicable, qualified service organizations on behalf of Part 2 programs), lawful holders of Part 2 records, and other persons holding Part 2 records. The complaint and compliance review files and log include complaint allegations, breach reporting, information gathered during the investigation, findings and results of the investigation, and correspondence relating to the investigation, as well as status information for all investigations.

RECORD SOURCE CATEGORIES:

Information is provided by complainants, covered entities, business associates, Part 2 programs, qualified service organizations, lawful holders of Part 2 records, and other persons holding Part 2 records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses are revised to read as follows:

I. The first routine use for this system, permitting disclosure to a congressional office, allows subject individuals to obtain assistance from their representatives in Congress, should they so desire. Such disclosure would be made only pursuant to the request of, and on behalf of, the individual.

II. The second routine use allows disclosure of records to the Department of Justice (DOJ) or to a court or other adjudicative body in litigation or other proceedings when any of the following is a party to or has a direct and

substantial interest in the proceeding and the disclosure of such records is deemed by HHS to be relevant and necessary to the proceeding: (a) HHS or any component thereof, or another agency participating in joint or related enforcement activities (*e.g.,* Department of Education, Department of Labor); (b) any employee of HHS or of another participating agency in the employee's official capacity; (c) any employee of HHS in the employee's individual capacity where the DOJ, HHS, or participating agency has agreed to represent the employee; or (d) the United States.

III. The third routine use allows the following: Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate federal, state, local, territorial, or tribal law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law. IV. The fourth routine use allows disclosure of records to HHS contractors for the purpose of internal processing and maintaining quality control of records in the system.

V. The fifth routine use allows records to be disclosed to student volunteers, persons working under a personal services contract, and other persons performing functions for the Department but technically not having the status of agency employees, if they need access to the records in order to perform their assigned agency functions.

VI. The sixth routine use allows referrals of Age Discrimination Act complaints to the Federal Mediation and Conciliation Service (FMCS) for purposes of mediation.

VII. The seventh routine use allows OCR to post on its website, as required by section 13402(e)(4) of the HITECH Act, information reported by a covered entity (or a business associate on behalf of a covered entity) to the Secretary pursuant to section 13402(e)(3) of the HITECH Act that identifies covered entities that experience breaches of unsecured protected health information affecting more than 500 individuals. This routine use also allows OCR to post on its website, as required by section 3221(h) of the CARES Act, information reported by a Part 2 program (or a qualified service organization on behalf of a Part 2 program), to the Secretary pursuant to section 3221(h) of the CARES Act, that identifies Part 2 programs that experience breaches of unsecured Part 2 records affecting more than 500 individuals. Information made public will be limited to information that HHS would be required to release to a requester under the Freedom of Information Act (FOIA); meaning, information that would not result in an unwarranted invasion of personal privacy.

VIII. The eighth routine use allows OCR to include information that identifies subject individuals, when this would not result in an unwarranted invasion of personal privacy, in OCR's annual report to Congress regarding breaches of unsecured protected health information and unsecured Part 2 records, as required by section 13402(i) of the HITECH Act and section 3221(h) of the CARES Act.

IX. The ninth routine use allows OCR to disclose information regarding complaint investigations, compliance reviews, and reported breaches of unsecured protected health information and unsecured Part 2 records to the public and to appropriate Federal entities and Department contractors as necessary for OCR to provide technical assistance, training, and guidance materials, as applicable, to Congress, Federal agencies, entities subject to HIPAA or Part 2, and consumers, after OCR determines that the disclosure would not constitute an unwarranted invasion of personal privacy.

X. The tenth routine use allows OCR to disclose information to appropriate agencies, entities, and persons when (1) HHS suspects or has confirmed that there has been a breach of the system of records; (2) HHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HHS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

XI. The eleventh routine use allows OCR to disclose information to HHS contractors to investigate violations and potential violations, as well as to conduct compliance reviews, of the Federal laws and regulations that OCR has legal authority to enforce.

XII. The twelfth routine use allows OCR to disclose relevant information to the public to inform the public of the results of investigations and compliance reviews of the Federal laws and regulations that OCR has legal authority to enforce, after OCR determines that the disclosure would not constitute an unwarranted invasion of personal privacy.

XIII. The thirteenth routine use allows OCR to disclose information to another Federal agency or Federal entity, when HHS determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

HISTORY:

75 FR 18841 (Apr. 13, 2010), updated at 83 FR 6591 (Feb. 14, 2018).

[FR Doc. 2026–03003 Filed 2–12–26; 4:15 pm]

BILLING CODE 4153–01–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 Drug and Biologic Therapeutic Delivery Study Section, March 16, 2026, 09:00 a.m. to March 17, 2026, 06:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on February 11, 2026, 91 FR 6321, FRN Doc. 2026–02669.

The meeting date changed from a 2-day meeting to a 1-day meeting, March 16, 2026. The meeting is closed to the public.

Dated: February 12, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–03084 Filed 2–13–26; 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 Imaging Probes and Contrast Agents Study Section, March 12, 2026, 09:00 a.m. to March 13, 2026, 06:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was

published in the **Federal Register** on February 02, 2026, 91 FR 4571.

This meeting is being amended to change the meeting start time from 9:00 a.m. to 10:00 a.m. The meeting is closed to the public.

Dated: February 12, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–03049 Filed 2–13–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Cancellation of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Minority Health and Health Disparities, March 27, 2026, 9:30 a.m. to 4:30 p.m., National Institutes of Health, 6707 Democracy Boulevard, Bethesda, MD, 20892 which was published in the **Federal Register** on December 29, 2025, FR Doc 2025–23889, 90 FR 60733.

This meeting notice is to cancel the meeting scheduled for March 27, 2026.

This meeting will not be rescheduled.

Dated: February 11, 2026.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–03030 Filed 2–13–26; 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: Population Sciences and Epidemiology Integrated Review Group: Analytics and Statistics for Population Research Panel A Study Section.

Date: March 13, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Emily M Kilroy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20817, (301) 594–0813, *kilroyem@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR Panel: Molecular and Cellular Underpinnings and Integrative Neuropathophysiology of Alzheimer's Disease and Related Dementias.

Date: March 17–18, 2026.

Time: 9:30 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: Ashley Marie Kopec, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 496–9293, *kopecam@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel: Program Projects: Translational Cancer Research SPORE P50.

Date: March 18–19, 2026.

Time: 9:00 a.m. to 6:30 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: Amr M Ghaleb, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20817, (240) 975–0376, *amr.ghaleb@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel: IDeA Clinical and Translational Research Development (CTR–D) Award (P20/P50).

Date: March 18–19, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Michael M Opata, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20817, (301) 594–3074, *michael.opata@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel: Topics in Health Services Research: Big Data, Health Information Technology and Clinical Informatics.

Date: March 18, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Debasmita Patra, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1006E, Bethesda, MD 20817, (301) 827–5187, *debasmita.patra@nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group: Healthcare and Health Disparities Study Section.

Date: March 18, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Tara R Earl, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007C, Bethesda, MD 20817, (301) 402–6857, *earltr@mail.nih.gov.*

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group: Molecular and Cellular Biology of Virus Infection Study Section.

Date: March 18–19, 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: Syed Mohammad Moin, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 594–7593, *syed.moin@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR Panel: Cancer Etiology, Diagnosis, Prevention and Treatment.

Date: March 18, 2026.

Time: 10:00 a.m. to 3:00 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: Hasan Siddiqui, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20817, (301) 451–0395, *hasan.siddiqui@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: February 11, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–03029 Filed 2–13–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB review; 30-Day Comment Request; The National Institute of Mental Health Data Archive (NDA) Data Access Closeout Report, NIMH

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

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: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Andrew Hooper, National Institute of Mental Health (NIMH) Project Clearance Liaison, Science Policy and Evaluation Branch, Office of Science Policy, Planning and Communications, NIMH, Neuroscience Center, 6001 Executive Boulevard, MSC 9667, Bethesda, Maryland 20892, call (301) 480–8433 or Email your request, including your address to *nimhprapubliccomments@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on August 7, 2025, (90 FR 38171) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

The National Institute of Mental Health (NIMH), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the NIH has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection Title: The National Institute of Mental Health Data Archive (NDA) Data Access Closeout Report, NEW, OMB # 0925–XXXX, exp., date XX/XX/XXXX, National Institutes of Health (NIH).

Need and Use of Information Collection: This request serves as notice that the National Institutes of Health (NIH) plans to continue supporting the research community's utilization of the NIMH Data Archive (NDA) through the addition of the Data Access Closeout Report, which collects information about researchers who are completing an approved term of access to shared data in the NDA. The NDA is an infrastructure for sharing human subjects research data and tools to further collaboration and scientific discovery. The information collected in the Closeout Report is needed to monitor the expiration of permissions to access NDA data, track and report on permissions and requests, confirm destruction of all copies of accessed data, ensure that the terms of access are followed, and provide appropriate attribution for data contributions, and communicate important information about the NDA.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 471.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
Researchers	941	1	30/60	471
Total	—	941	—	471

Dated: February 11, 2026.

Andrew A. Hooper,

Project Clearance Liaison, National Institute of Mental Health, National Institutes of Health.

[FR Doc. 2026–03034 Filed 2–13–26; 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; PAR–24–274: NCI Research Specialist Award (R50).

Date: March 19, 2026.

Time: 9:00 a.m. to 5:00 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: Shree Ram Singh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 672–6175, *singhshr@mail.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Chemical Synthesis and Biosynthesis Study Section.

Date: March 19–20, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Shan Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–4390, *shan.wang@nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neuronal Communications Study Section.

Date: March 19–20, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Wenyan Han, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 1010D, Bethesda, MD 20892, (301) 594–2337, *wenyan.han@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: Cancer Research.

Date: March 19–20, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health Rockledge II 6701 Rockledge Drive Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Caterina Bianco, MD, Ph.D., Chief, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 435–0000, *biancoc@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Biomedical Data Repositories and Knowledgebases.

Date: March 19, 2026.

Time: 9:00 a.m. to 4:00 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: David R. Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Chemistry, Biochemistry and Biophysics.

Date: March 19–20, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Dennis Pantazatos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–2381, *dennis.pantazatos@nih.gov.*

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; Viral Dynamics and Transmission Study Section.

Date: March 19–20, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Alfredo J. Guerra, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–2569, *alfredo.guerra@nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Developmental Brain Disorders Study Section.

Date: March 19–20, 2026

Time: 10:00 a.m. to 5:00 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: Meysam Yazdankhah, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 435–5000, *meysam.yazdankhah@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: February 12, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–03085 Filed 2–13–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Determination Pursuant to Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as Amended

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice of determination.

SUMMARY: The Secretary of Homeland Security has determined, pursuant to law, that it is necessary to waive certain laws, regulations, and other legal requirements in order to ensure the expeditious construction of barriers and roads in the vicinity of the international land border in the state of Texas.

DATES: This determination takes effect on February 17, 2026.

SUPPLEMENTARY INFORMATION: Important mission requirements of the Department of Homeland Security (''DHS'') include border security and the detection and prevention of illegal entry into the United States. Border security is critical to the nation's national security. Recognizing the critical importance of border security, Congress has mandated DHS to achieve and maintain operational control of the international land border. Secure Fence Act of 2006, Public Law 109–367, section 2, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1701 note). Congress defined ''operational control'' as the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband. *Id.* Consistent with that mandate, the President's Executive Order on Securing Our Borders directs that I take all appropriate action to deploy and construct physical barriers to ensure complete operational control of the southern border of the United States. Executive Order 14165, section 3 (Jan. 20, 2025).

Congress has provided the Secretary of Homeland Security a number of authorities necessary to carry out DHS's border security mission. One of those authorities is found at section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended (''IIRIRA''). Public Law 104–208, Div. C, 110 Stat. 3009–546, 3009–554 (Sept. 30, 1996) (8 U.S.C. 1103 note), as amended by the REAL ID Act of 2005, Public Law 109–13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005) (8 U.S.C. 1103 note), as amended by the Secure Fence Act of 2006, Public Law 109–367, section 3, 120 Stat. 2638 (Oct.

26, 2006) (8 U.S.C. 1103 note), as amended by the Department of Homeland Security Appropriations Act, 2008, Public Law 110–161, Div. E, Title V, section 564, 121 Stat. 2090 (Dec. 26, 2007). In section 102(a) of IIRIRA, Congress provided that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress mandated that in carrying out the authority of section 102(a), I provide for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors to achieve and maintain operational control of the border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that I, in my sole discretion, determine necessary to ensure the expeditious construction of barriers and roads authorized by section 102 of IIRIRA.

Determination and Waiver

Section 1

The United States Border Patrol Big Bend Sector is an area of high illegal entry. Between fiscal year 2021 and fiscal year 2025, Border Patrol apprehended over 89,000 illegal aliens attempting to enter the United States between border crossings in the Big Bend Sector. In that same time period Border Patrol seized over 87,574 pounds of marijuana, over 867 pounds of cocaine, over 1,156 pounds of methamphetamine, over 12 pounds of heroin, and over 94 pounds of fentanyl.

Since the President took office, DHS has delivered the most secure border in history. More can and must be done, however. As the statistics cited above demonstrate, the Big Bend Sector is an area of high illegal entry where illegal aliens regularly attempt to enter the United States and smuggle illicit drugs, and given my mandate to achieve and maintain operational control of the border, I must use my authority under section 102 of IIRIRA to install additional barriers and roads in the Big Bend Sector. Therefore, DHS will take immediate action to construct additional barriers and roads in a segment of the border in the Big Bend Sector. The segment where such construction will occur is referred to herein as the ''project area,'' which is more specifically described in Section 2 below.

Section 2

I determine that the following area in the vicinity of the United States border, located in the state of Texas within the U.S. Border Patrol Big Bend Sector, is an area of high illegal entry (the ''project area''): Starting at approximately GPS point 31.037623, −105.579877 and extending south and east to approximately GPS point 29.325866, −104.046466.

There is presently an acute and immediate need to construct additional physical barriers and roads in the vicinity of the border of the United States in order to prevent unlawful entries into the United States in the project area pursuant to section 102(a) and 102(b) of IIRIRA. In order to ensure the expeditious construction of additional physical barriers and roads in the project area, I have determined that it is necessary that I exercise the authority that is vested in me by section 102(c) of IIRIRA.

Accordingly, pursuant to section 102(c) of IIRIRA, I hereby waive in their entirety, with respect to the construction of physical barriers and roads (including, but not limited to, accessing the project areas, creating and using staging areas, the conduct of earthwork, excavation, fill, and site preparation, and installation and upkeep of physical barriers, roads, supporting elements, drainage, erosion controls, safety features, lighting, cameras, and sensors) in the project area, all of the following statutes, including all federal, state, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following statutes, as amended: The National Environmental Policy Act (Pub. L. 91–190, 83 Stat. 852 (Jan. 1, 1970) (42 U.S.C. 4321 *et seq.*)); the Endangered Species Act (Pub. L. 93–205, 87 Stat. 884 (Dec. 28, 1973) (16 U.S.C. 1531 *et seq.*)); the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act (33 U.S.C. 1251 *et seq.*)); the National Historic Preservation Act (Pub. L. 89–665, 80 Stat. 915 (Oct. 15, 1966), as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 470 *et seq.,* now codified at 54 U.S.C. 100101 note and 54 U.S.C. 300101 *et seq.*)); the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*); the Migratory Bird Conservation Act (16 U.S.C. 715 *et seq.*); the Clean Air Act (42 U.S.C. 7401 *et seq.*); the Archeological Resources Protection Act (Pub. L. 96–95 (16 U.S.C. 470aa *et seq.*)); the Paleontological Resources Preservation Act (16 U.S.C. 470aaa *et seq.*); the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 *et seq.*); the National Trails System Act (16 U.S.C. 1241 *et seq.*), the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*); the Noise Control Act (42 U.S.C. 4901 *et seq.*); the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*); the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*); the Archaeological and Historic Preservation Act (Pub. L. 86–523, as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 469 *et seq.,* now codified at 54 U.S.C. 312502 *et seq.*)); the Antiquities Act (formerly codified at 16 U.S.C. 431 *et seq.* and 16 U.S.C. 431a *et seq.,* now codified at 54 U.S.C. 320301 *et seq.*); the Historic Sites, Buildings, and Antiquities Act (formerly codified at 16 U.S.C. 461 *et seq.,* now codified at 54 U.S.C. 320301–320303 & 320101–320106); the Eagle Protection Act (16 U.S.C. 668 *et seq.*); the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq.*); the Administrative Procedure Act (5 U.S.C. 551 *et seq.*); Section 438 of the Energy Independence and Security Act (42 U.S.C. 17094); the National Fish and Wildlife Act of 1956 (Pub. L. 84–1024 (16 U.S.C. 742a, *et seq.*)); the Fish and Wildlife Coordination Act (Pub. L. 73–121 (16 U.S.C. 661 *et seq.*)); the Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*); the Wild Horse and Burro Act (16 U.S.C. 1331 *et seq.*); 43 U.S.C. 387; the Wild and Scenic Rivers Act (Pub. L. 90–542 (16 U.S.C. 1281 *et seq.*); and the Federal Land Policy and Management Act (Pub L. 94–579 (43 U.S.C. 1701 *et seq.*)).

This waiver does not revoke or supersede any other waiver determination made pursuant to section 102(c) of IIRIRA. Such waivers shall remain in full force and effect in accordance with their terms. I reserve the authority to execute further waivers from time to time as I may determine to be necessary under section 102 of IIRIRA.

Kristi Noem,

Secretary of Homeland Security.

[FR Doc. 2026–02994 Filed 2–13–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7107–C–03; OMB Control No.: 2577–0290]

30-Day Notice of Proposed Information Collection: Public Housing Flat Rent Exception Request Market Analysis

ACTION: Notice; correction.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment. This notice replaces the notice HUD published on January 30, 2026.

DATES: *Comments Due Date:* March 19, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. 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: Anna Guido, PRA Compliance Officer, Paperwork Reduction Act Division, PRAD, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email at *PaperworkReductionActOffice@hud.gov,* ATTN: Anna Guido, telephone (202) 402–5535. This is not a toll-free number. HUD welcomes and is prepared to receive calls om individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on September 15, 2025 at 90 FR 44387.

A. Overview of Information Collection

Title of Information Collection: Public Housing Flat Rent Exception Request Market Analysis.

OMB Approval Number: 2577–0290.

Type of Request: Reinstatement with change.

Form Number: HUD–5880.

Description of the need for the information and proposed use: Form HUD–5880 streamlines the process and reduces burden on PHAs when submitting a market analysis as part of a flat rent exception request in accordance with Notice PIH 2022–33(HA), which implements Section 238 of Title II of Public Law 113–235, the Department of Housing and Urban Development Appropriations Act of 2015. Notice PIH 2022–33(HA) allows PHAs to request flat rents that are based on the local rental market conditions, when the PHA can demonstrate through a market analysis that the Fair Market Rents (FMRs) are not reflective of the local market. This version of the form has been in use since FY2023. HUD is adjusting the average number of respondents and hourly cost per response to reflect the average level of submissions in FY2023, FY2024, and FY2025 and higher wage estimates from the Occupational Employment and Wage Statistics, but HUD is not proposing any changes to the form being renewed.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD–5880—Flat Rent Market Analysis	57	1	57	8	456	$28.06	$12,795.36
Total	57	1	57	8	456	28.06	12,795.36

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Anna Guido,

Department PRA Compliance Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2026–03053 Filed 2–13–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7110–N–01; OMB Control No.: 2502–0566]

60-Day Notice of Proposed Information Collection: Revitalization Area Designation and Management

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice

is to allow for 60 days of public comment.

DATES: *Comments Due Date:* April 20, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.regulations.gov.* Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Darian Ziegler, PRA Liaison, Department of Housing and Urban Development, 451 7th Street SW, Room 9139–37, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Darian Ziegler, PRA Liaison, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Room 9139–37, Washington, DC 20410; email *darian.ziegler@hud.gov* or telephone (202) 402–4144. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available documents submitted to OMB may be obtained from Ms. Ziegler.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Revitalization Area Designation and Management.

OMB Approval Number: 2502–0566.

Type of Request: Extension of currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: The Department receives requests via a written requesting letter from state, local, or tribal governments, or HUD-approved Nonprofit organizations to designate a Revitalization Area. Revitalization Areas are intended to promote community revitalization through expanded homeownership opportunities within the Revitalization Areas.

Respondents: State, local, or tribal governments, and HUD-approved Nonprofit organizations.

Estimated Number of Respondents: 8.

Estimated Number of Responses: 8.

Frequency of Response: On Occasion.

Average Hours per Response: 2.5 hours.

Total Estimated Burdens: 20.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Revitalization Area Designation and Management	8	1	8	2.5	20	$43.14	$862.80

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Vance T. Morris,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2026–03062 Filed 2–13–26; 8:45 am]

BILLING CODE 4210–67–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1484]

Certain Power Converters, Circuit Board Assemblies, and Computing Systems Containing the Same; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 12, 2026, under section 337 of the Tariff Act of 1930, as amended, on behalf of Vicor Corporation of Andover, Massachusetts. Supplements to the Complaint were filed on January 21, 23, and 26, 2026. On January 27, 2026, the public Complaint was refiled with a revised set of public exhibits. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain power converters, circuit board assemblies, and computing systems containing the same by reason of the infringement of certain claims of U.S. Patent No. 12,395,087 (''the '087 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–

2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Susan Orndoff, The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 11, 2026, Ordered That –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–20, 24, 25, 28–39, 41–50, 60–63, 66, 68–74, 76, 77, 80–85, 87–90, and 94 of the '087 patent and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''power converters used in data center server, artificial intelligence and cloud computing systems, to power artificial intelligence ('AI') accelerators, tensor processing units ('TPU'), graphical processing units ('GPU') and central processing units ('CPU'), and circuit board assemblies and computing systems containing the same'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Vicor Corporation, 25 Frontage Road, Andover, MA 01810.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Delta Electronics, Inc., 186, Ruey Kuang Road, Neihu Dist., Taipei 114501, Taiwan

Delta Electronics (Americas) Ltd., 46101 Fremont Blvd., Fremont, CA 94538

DET Logistics (USA) Corporation, 46106 Fremont Blvd., Fremont, CA 94538

Luxshare Precision Industry Co., Ltd., 313 Beihuan Road, Qingxi Town, Dongguan, Guangdong 523642, China

Dongguan Luxshare Technology Co., Ltd. a/k/a Luxshare-Tech, 8th Floor, Digital Technology Industrial Park, CIMC Industrial City, No. 1 Yile Road, Songshan Lake High-Tech Zone, Dongguan City, Guangdong, China

Shanghai Peiyuan Electronics Co., Ltd. d/b/a, MetaPWR Electronics Co., Ltd. and Shanghai, MetaPWR Electronics Co., Ltd., Building 6, Lane 288, Haiji 6th Road, Lingang New Area, China (Shanghai) Pilot Free Trade Zone, China

Monolithic Power Systems, Inc., 5808 Lake Washington Blvd. NE, Kirkland, Washington 98033

Chengdu Monolithic Power Systems Co., Ltd., #8 Kexin Road, Hi-Tech Comprehensive Bonded Zone, Chengdu, Sichuan 611731, China

MPS International (Shanghai) Ltd., Suite 704–705, Tian An Centre, No. 338 Nanjing Road (West), Shanghai 200003, China

Wistron Corporation, No. 158, Xingshan Rd., Neihu Dist., Taipei City, Taiwan, 11469

Wiwynn Corporation, 8F, No.90, Sec.1, Xintai 5th Rd., Xizhi Dist., New Taipei City 221, Taiwan

Quanta Computer Inc., No. 211, Wenhua 2nd Rd., Guishan Dist., Taoyuan City 333, Taiwan

Quanta Cloud Technology Inc., 1F, No. 211 Wenhua 2nd Rd., Guishan Dist., Taoyuan City 33377, Taiwan

Quanta Cloud Technology USA LLC, 1010 Rincon Circle, San Jose, CA 95131

Quanta Computer USA Inc., 45630 Northport Loop East, Fremont, CA 94538

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 11, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–03032 Filed 2–13–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–785–786 and 731–TA–1773–1774 (Preliminary)]

Fatty Acids from Indonesia and Malaysia; Revised Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: February 11, 2026.

FOR FURTHER INFORMATION CONTACT: Jordan Harriman (202–205–2610), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On January 28, 2026, the Commission established a schedule for the conduct of the preliminary phase of the subject

investigations (91 FR 4616, February 2, 2026). Subsequently, the Department of Commerce (''Commerce'') extended the deadline for its initiation determination from February 17, 2026 to March 9, 2026 (91 FR 6192, February 11, 2026). The Commission, therefore, is revising its schedule to conform with Commerce's new schedule.

The Commission must reach preliminary determinations within 25 days after the date on which the Commission receives notice from Commerce of initiation of the investigations, and the Commission's views must be transmitted to Commerce within five business days thereafter.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: February 11, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–03033 Filed 2–13–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–742–745 and 731–TA–1720–1723 (Final)]

Hard Empty Capsules From Brazil, China, India, and Vietnam; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of hard empty capsules from China, India, and Vietnam and threatened with material injury by reason of imports of hard empty capsules from Brazil, provided for in subheadings 9602.00.10 and 9602.00.50 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV''), and imports of the subject merchandise from Brazil, China, India, and Vietnam that have been found to be subsidized by the governments of Brazil, China, India, and Vietnam.[2]

Background

The Commission instituted these investigations effective October 24, 2024, following receipt of petitions filed with the Commission and Commerce by Lonza Greenwood LLC, Greenwood, South Carolina. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of hard empty capsules from Brazil, China, India, and Vietnam were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on June 25, 2025 (90 FR 27052).[3] The Commission conducted its hearing on December 2, 2025. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on February 12, 2026. The views of the Commission are contained in USITC Publication 5696 (February 2026), entitled *Hard Empty Capsules from Brazil, China, India, and Vietnam: Investigation Nos. 701–TA–742–745 and 731–TA–1720–1723 (Final).*

By order of the Commission.

Issued: February 12, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–03071 Filed 2–13–26; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 90 FR 60626, 60613, 60623, 60610, 60620, 60618, 60628, and 60607 (December 29, 2025).

[3] Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission tolled its schedule for this proceeding. The schedule was revised in subsequent notices published in the **Federal Register** on November 24, 2025 (90 FR 52999) and on December 15, 2025 (90 FR 58054).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–511 and 731–TA–1246–1247 (Second Review)]

Crystalline Silicon Photovoltaic Products (Solar Panels) From China and Taiwan; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty and countervailing duty orders on crystalline silicon photovoltaic products (solar panels) from China and the antidumping duty order on solar panels from Taiwan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: December 22, 2025.

FOR FURTHER INFORMATION CONTACT: Julie Duffy ((202) 708–2579), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background—On December 22, 2025, the Commission determined that the domestic interested party group response to its notice of institution (90 FR 36184, August 1, 2025) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).[2]

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report—A staff report containing information concerning the subject matter of the reviews has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for these reviews on May 7, 2026. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the reviews. Comments are due on or before May 12, 2026 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by May 12, 2026. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.
Issued: February 11, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–03031 Filed 2–13–26; 8:45 am]

BILLING CODE 7020–02–P

[2] Commissioner David S. Johanson voted to conduct full reviews.

[3] The Commission has found the responses submitted on behalf of the American Alliance for Solar Manufacturing to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 26–010]

Notice of Intent To Grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of Intent to Grant exclusive, co-exclusive or partially exclusive patent license

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive, co-exclusive or partially exclusive patent license to practice the inventions described and claimed in the patents and/or patent applications listed in SUPPLEMENTARY INFORMATION below.

DATES: The prospective exclusive, co-exclusive or partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than March 4, 2026 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than March 4, 2026 will also be treated as objections to the grant of the contemplated exclusive, co-exclusive or partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

Objections and Further Information: Written objections relating to the prospective license or requests for further information may be submitted to Agency Counsel for Intellectual Property, NASA Headquarters at Email: *hq-patentoffice@mail.nasa.gov.* Questions may be directed to Phone: (202) 358–0646.

SUPPLEMENTARY INFORMATION: NASA intends to grant an exclusive, co-exclusive, or partially exclusive patent license in the United States to practice the inventions described and claimed in: U.S. Patent Nos. 8,593,153 entitled ''Method of Fault Detection and Rerouting,'' issued on November 26, 2013, and 8,810,255 entitled ''In-Situ Wire Damage Detection System,'' issued on August 19, 2014, to Sun City Smart Technology Solutions, Inc., having its principal place of business in El Paso, Texas. The fields of use may be limited. NASA has not yet made a final determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

This notice of intent to grant an exclusive, co-exclusive or partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Olivia Scheuer,

Senior Counsel for Intellectual Property, National Aeronautics and Space Administration.

[FR Doc. 2026–03047 Filed 2–13–26; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board (NSB) Committee on Oversight (CO) hereby gives notice of scheduling a videoconference for the transaction of NSB business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

TIME AND DATE: Thursday, February 19, 2026, from 5:00–6:00 p.m. ET.

PLACE: The meeting will be held by videoconference through the National Science Foundation, 401 Dulaney

Street, Alexandria, Virginia 22314. Members of the public can observe this meeting through a YouTube livestream link: *https://www.youtube.com/watch?v=BDNgWvmWil0.* The link is also available on the NSB 'Events' web page.

STATUS: Open.

MATTERS TO BE CONSIDERED: Committee Chair's opening remarks; Presentation of results for NSF 2025 Financial Statement and Federal Information Security And Modernization Act (FISMA) audits; Discussion of data on OIG investigations; Review of Chief Financial Officer's report; and Committee Chair's closing remarks.

CONTACT PERSON FOR MORE INFORMATION: The point of contact for this meeting is Chris Blair, *cblair@nsf.gov,* 703/292–7000.

Ann E. Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2026–03052 Filed 2–12–26; 11:15 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board (NSB) Committee on Awards and Facilities (A&F) hereby gives notice of scheduling a videoconference for the transaction of NSB business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

TIME AND DATE: Friday, February 20, 2026, from 2:00–4:00 p.m. ET. Open session from 2:00–2:40 p.m. and closed session from 2:40–4:00 p.m. ET.

PLACE: The meeting will be held by videoconference through the National Science Foundation, 401 Dulaney Street, Alexandria, Virginia, 22314. Members of the public can observe the open portion of this meeting through a YouTube livestream link. The link will be available on the NSB 'Events' web page.

STATUS: Open and closed portions as noted below.

MATTERS TO BE CONSIDERED:

Open session: Committee chair's opening remarks; context item: National Radio Astronomy Observatory Operations and Maintenance award.

Closed session: Committee chair's opening remarks on the agenda; information item: Annual Report of the Chief Officer for Research Facilities.

CONTACT PERSON FOR MORE INFORMATION: The point of contact for this meeting is Chris Blair, *cblair@nsf.gov,* 703/292–7000.

Ann E. Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2026–03083 Filed 2–12–26; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–237 and 50–249; CEQ EAXX–429–00–000–1770870609; NRC–2025–1963]

Constellation Energy Generation LLC.; Dresden Nuclear Power Station, Units 2 and 3; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of exemptions in response to the January 31, 2025, request, as supplemented on January 20, 2026, from Constellation Energy Generation LLC (the licensee) related to Dresden Nuclear Power Station (DNPS), Units 2 and 3, located in Grundy County, Illinois. The exemptions would allow the licensee to withdraw a small portion of the funds from the DNPS, Units 2 and 3, nuclear decommissioning trust funds (DTFs) to facilitate the prompt disposal of certain retired major radioactive components (MRCs), and to demolish and dispose of the mausoleum currently used to store those MRCs. The NRC staff is issuing an environmental assessment (EA) and finding of no significant impact (FONSI) associated with the proposed exemptions.

DATES: The EA and FONSI referenced in this document are available on February 17, 2026.

ADDRESSES: Please refer to Docket ID NRC–2025–1963 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–1963. 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: Surinder Arora, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1421; email: *Surinder.Arora@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of exemptions from the requirements in paragraphs 50.82(a)(8)(i)(A), and 50.82(a)(8)(ii), and 50.75(h)(1)(iv) of title 10 of the *Code of Federal Regulations* (10 CFR) to the licensee for Renewed Facility Operating License Nos. DPR–19 and DPR–25 for DNPS, Units 2 and 3, respectively, located in Grundy County, Illinois. By letter dated January 31, 2025 (ADAMS Accession No. ML25031A350), as supplemented by letter dated January 20, 2026 (ADAMS Accession No. ML26020A208), the licensee requested exemptions to allow the licensee to withdraw funds from the DNPS, Units 2 and 3, DTFs, not to exceed $20 million per unit, to facilitate the prompt disposal of certain retired MRCs. Specifically, the licensee is seeking to use funds from the DTF to dispose of steam dryers that were removed from DNPS and to demolish and dispose of the mausoleum currently used to store those MRCs.

In accordance with 10 CFR 51.21 and 10 CFR 51.30, the NRC prepared the following EA that analyzes the environmental impacts of the proposed action. Based on the results of this EA, which is provided in section II of this document, and in accordance with 10 CFR 51.31(a), the NRC has determined not to prepare an environmental impact

statement for the proposed action and is issuing a FONSI.

II. Environmental Assessment

Description of the Proposed Action

The proposed action would partially exempt the licensee from the requirements set forth in 10 CFR 50.82(a)(8)(i)(A), 10 CFR 50.82(a)(8)(ii), and 10 CFR 50.75(h)(1)(iv). Specifically, contrary to 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv), the proposed action would allow the licensee to withdraw funds from the DNPS, Units 2 and 3 DTFs for disposal activities that are not consistent with the definition of decommissioning in 10 CFR 50.2 because they would not be related to removing a facility or site from service; instead, the disposal activities would be performed prior to DNPS, Units 2 and 3, permanently ceasing operations. Additionally, the proposed action would allow the licensee to withdraw funds from the DNPS, Units 2 and 3 DTFs contrary to the timing requirements in 10 CFR 50.82(a)(8)(ii). The proposed action is in accordance with the licensee's application dated January 31, 2025, as supplemented on January 20, 2026. The NRC's determination of whether to approve the proposed action will be documented separately from this assessment of the environmental impacts of the proposed action.

Need for the Proposed Action

As required by 10 CFR 50.82(a)(8)(i)(A), DTFs may be used by licensees if, in part, the withdrawals are for legitimate decommissioning activity expenses, consistent with the definition of decommissioning in 10 CFR 50.2. This definition addresses removing a facility or site from service and reducing residual radioactivity and does not include activities associated with the disposal of MRCs and demolition and disposal of the mausoleum during plant operations. The regulation at 10 CFR 50.75(h)(1)(iv) similarly restricts the use of decommissioning trust fund disbursements (other than for ordinary administrative costs and other incidental expenses of the fund in connection with the operation of the fund) to decommissioning expenses until final radiological decommissioning is completed. The regulation in 10 CFR 50.82(a)(8)(ii) discusses timing requirements associated with DTF withdrawals, allowing three percent of the generic amount specified in 10 CFR 50.75 to be used for decommissioning planning and restricting further withdrawals until licensees have submitted the certifications required under 10 CFR 50.82(a)(1) regarding permanent cessation of operations and the post-shutdown decommissioning activities report. Therefore, exemptions from 10 CFR 50.82(a)(8)(i)(A), 10 CFR 50.82(a)(8)(ii), and 10 CFR 50.75(h)(1)(iv) are needed to allow the licensee to use funds from the DTFs for the disposal of MRCs and demolition and disposal of the mausoleum during plant operations.

In its submittal, the licensee stated that due to limited long-term onsite storage facility capacity at DNPS, it is desirable to dispose of the specified MRCs while plant operations are ongoing, rather than waiting until the permanent cessation of operations to dispose of them. Additionally, the licensee stated that the disposal of these MRCs would be considered a legitimate decommissioning activity for which DTF funds may be used once DNPS, Units 2 and 3, have permanently ceased operations and the timing requirements of 10 CFR 50.82(a)(8)(ii) have been met; therefore, the exemption request is essentially seeking an acceleration of otherwise permissible DTF withdrawals. This categorization is based on the structure's radiological contamination and anticipated exposures during demolition, which aligns with the regulatory definition of legitimate decommissioning activities under 10 CFR 50.82(a)(8). The licensee has not included these costs as site restoration or other non-decommissioning expenses. In summary, by letter dated January 31, 2025, the licensee requested exemptions to allow the licensee to withdraw a small portion of the funds from the DNPS, Units 2 and 3, DTFs to facilitate the prompt (*i.e.,* during plant operations) disposal of certain retired MRCs and demolition and disposal of the mausoleum, that would otherwise be allowed during decommissioning following the permanent cessation of plant operations.

Environmental Impacts of the Proposed Action

The proposed action involves exemptions from regulatory requirements that are of a financial nature and that do not have an impact on the environment. The proposed action does not introduce new operational activities, and all the current operational activities have already been subjected to environmental review. Additionally, before the NRC could approve the proposed action, it would have to conclude that there is reasonable assurance that funds will be available for the decommissioning process as well as for the prompt disposal of certain retired MRCs and disposal and demolition of the mausoleum. Therefore, there would be no decrease in safety associated with the use of the DTFs to also fund the prompt disposal of certain retired MRCs and demolition and disposal of the mausoleum. Section 50.75 of 10 CFR requires a licensee to certify that financial assurance has been provided in the required amount, to adjust that amount annually, and to cover that amount. Since the proposed exemptions would allow the licensee to use funds from the DNPS, Units 2 and 3, DTFs that are in excess of those required for the decommissioning process, the adequacy of the funds dedicated to the decommissioning process would not be affected by the exemptions. Therefore, there is reasonable assurance that there would be no environmental impact due to lack of adequate funding for the decommissioning process.

The proposed action would also not significantly increase the probability or consequences of radiological accidents. The proposed action has no direct radiological impacts. There would be no change to the types or amounts of radiological effluents that may be released; therefore, there would be no change in occupational or public radiation exposure from the proposed action. There are no materials or chemicals introduced into the plant that could affect the characteristics or types of effluents released offsite. In addition, the method of operation of waste processing systems would not be affected by the exemptions. The proposed action would not result in changes to the design basis requirements of structures, systems, and components (SSCs) that function to limit or monitor the release of effluents. All the SSCs associated with limiting the release of effluents would continue to be available to perform their functions. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action would have no direct impacts on land use or water resources, including terrestrial and aquatic biota, as it involves no new construction or modification of plant operational systems other than activities bounded by the current licensing basis. In addition, there would be no noticeable effect on socioeconomic conditions in the region, air quality impacts, and no impacts to historic and cultural resources from the proposed action. Therefore, there are no significant

environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the proposed action would result in the licensee either (1) postponing the subject activities until the permanent cessation of operations, or (2) disposing of certain retired MRCs and demolishing the mausoleum using funds other than those in the DTFs, which would have no change in environmental impacts resulting from use of DTF funds, or (3) building a new long-term onsite storage facility at DNPS for the retired MRCs and the mausoleum, which would have environmental impacts greater than the requested exemptions. Therefore, the alternative action would have similar or additional environmental impacts as compared to the proposed action.

Alternative Use of Resources

There are no unresolved conflicts concerning alternative uses of available resources under the proposed action.

Agencies and Persons Consulted

No additional agencies or persons were consulted regarding the environmental impact of the proposed action.

III. Finding of No Significant Impact

The requested exemptions from 10 CFR 50.82(a)(8)(i) and (ii) would allow the licensee to withdraw a small portion of the funds from the DNPS, Units 2 and 3, DTFs to facilitate the prompt disposal of certain retired MRCs, as well as the demolition and disposal of the mausoleum housing the MRCs. The proposed action would not significantly affect plant safety, would not have a significant adverse effect on the probability of an accident occurring, and would not have any significant radiological or non-radiological impacts. The proposed action involves exemptions from requirements that are of a financial nature and would not have an impact on the human environment. Consistent with 10 CFR 51.21, the NRC conducted an EA for the proposed action, and this FONSI incorporates by reference the EA included in section II of this document. Therefore, the NRC concludes that the proposed action will not have significant effects on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

Other than the licensee's letter dated January 31, 2025, and the supplement letter dated January 20, 2026, there are no other environmental documents associated with this review.

Previous considerations regarding the environmental impacts of operating DNPS, Units 2 and 3 are described in (1) NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 17, Second Renewal, Regarding Subsequent License Renewal for Dresden Nuclear Power Station, Units 2 and 3—Final Report,'' dated September 2025 (ADAMS Accession No. ML25233A275), (2) NUREG–1437, Supplement 17, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Dresden Nuclear Power Station,'' dated June 2004 (ADAMS Accession No. ML041890266), and (3) Final Environmental Statement Related to Operation of Dresden Nuclear Power Station, Units 2 and 3, Commonwealth Edison Co., November 1973 (ADAMS Package Accession No. ML030550544).

Dated: February 12, 2026.

For the Nuclear Regulatory Commission.

Surinder Arora,

Project Manager, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2026–03081 Filed 2–13–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–0661]

Monthly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Monthly notice.

SUMMARY: Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular monthly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person.

DATES: Comments must be filed by March 19, 2026. A request for a hearing or petitions for leave to intervene must be filed by April 20, 2026. This monthly notice includes all amendments issued, or proposed to be issued, from January 1, 2026, to January 29, 2026. The last monthly notice was published on January 20, 2026.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website.

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–0661. 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(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–5–A85, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Karen Zeleznock, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1118; email: *Karen.Zeleznock@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–0661, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–0661.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the

ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2026–0661, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown in this notice, the Commission finds that the licensees' analyses provided, consistent with section 50.91 of title 10 of *the Code of Federal Regulations* (10 CFR) ''Notice for public comment; State consultation,'' are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration, which will serve to establish when the hearing is held. If the final determination is that the license amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the license amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*) and the NRC's public website (*https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate*).

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to

participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056), and on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*).

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to: (1) request a digital identification (ID) certificate which allows the participant (or their counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or their counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals/getting-started.html*). After a digital ID certificate is obtained and a docket is created, the participant must submit adjudicatory documents in the Portable Document Format. Guidance on submissions is available on the NRC's public website (*https://www.nrc.gov/site-help/electronic-sub-ref-mat.html*). A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed in order to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*), by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available on the NRC's public website (*https://adams.nrc.gov/ehd*), unless otherwise excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The following table provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT REQUESTS

Arizona Public Service Company, et al; Palo Verde Nuclear Generating Station, Units 1, 2, and 3; Maricopa County, AZ

Docket Nos	50–528, 50–529, 50–530.
Application date	October 15, 2025.
ADAMS Accession No	ML25290A000.
Location in Application of NSHC	Pages 4–5 of the Enclosure.
Brief Description of Amendments	The proposed amendments would relocate select Unit Staff Qualifications from Technical Specification Section 5.3.1 to the Quality Assurance Program Document.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Carey Fleming, Senior Counsel, Pinnacle West Capital Corporation, 500 N 5th Street, MS 8695, Phoenix, AZ 85004.
NRC Project Manager, Telephone Number	William Orders, 301–415–3329.

LICENSE AMENDMENT REQUESTS—Continued

Constellation Energy Generation, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL; Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL; Constellation Energy Generation, LLC; LaSalle County Station, Units 1 and 2; LaSalle County, IL; Constellation Energy Generation, LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York County, PA; Constellation Energy Generation, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL	
Docket Nos	50–461, 50–237, 50–249, 50–373, 50–374, 50–277, 50–278, 50–254, 50–265.
Application date	December 23, 2025.
ADAMS Accession No	ML25357A073 (Package).
Location in Application of NSHC	(ML25357A075) Section 4.3 of Attachment 1a (Clinton); Section 4.3 of Attachment 1b (Dresden); Section 4.3 of Attachment 1c (LaSalle); Section 4.3 of Attachment 1d (Peach Bottom, Unit 2); Section 4.3 of Attachment 1e (Peach Bottom Unit 3); Section 4.3 of Attachment 1f (Quad Cities).
Brief Description of Amendments	The proposed amendments would revise the technical specifications at each facility to eliminate the requirement for automatic main steam line (MSL) isolation based on the temperature in the area around the MSL. In lieu of automatic isolation, a new specification, ''Main Steam Line (MSL) Area Temperature,'' is proposed that requires manual action when the MSL area temperature is above the limit.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Associate General Counsel, Constellation Energy Generation, LLC 4300 Winfield Road Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Scott Wall, 301–415–2855.
Dominion Energy South Carolina, Inc.; Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, SC	
Docket No	50–395.
Application date	March 20, 2025.
ADAMS Accession No	ML25079A198.
Location in Application of NSHC	Pages 16–19 of Attachment 1.
Brief Description of Amendment	The proposed amendment would modify Technical Specification 6.8.4.g, ''Containment Leakage Rate Testing Program,'' to replace the reference to Nuclear Energy Institute (NEI) Technical Report 94–01, Revision 2–A, with NEI Technical Report 94–01, Revision 3–A and conditions and limitations specified in NEI–94–01, Revision 2–A, as described in the submittal.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	W.S. Blair, Senior Counsel, Dominion Energy Services, Inc., 120 Tredegar St., RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	G. Ed Miller, 301–415–2481.
Nebraska Public Power District; Cooper Nuclear Station; Nemaha County, NE	
Docket No	50–298.
Application date	October 23, 2025.
ADAMS Accession No	ML25300A005.
Location in Application of NSHC	Pages 2–3 of Attachment 1.
Brief Description of Amendment	The proposed amendment would revise technical specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–597, ''Eliminate LCO [Limiting Condition for Operation] 3.0.3 Mode 2 Requirement,'' under the Consolidated Line Item Improvement Process, which is an approved change to the TSs. TSTF–597 would revise LCO 3.0.3 to eliminate the requirement to enter Mode 2.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	John C. McClure, Executive Vice President External Affairs and General Counsel Nebraska Public Power District, P.O. Box 499, Columbus, NE 68601.
NRC Project Manager, Telephone Number	Thomas Byrd, 301–415–3719.
PSEG Nuclear LLC; Salem Nuclear Generating Station, Unit Nos. 1 and 2; Salem County, NJ	
Docket Nos	50–272, 50–311.
Application date	October 16, 2025.
ADAMS Accession No	ML25290A331.
Location in Application of NSHC	Pages 10–12 of the Enclosure.
Brief Description of Amendments	The proposed amendments to the operating licenses and technical specifications for the Salem Nuclear Generating Station, Unit Nos. 1 and 2 would revise emergency diesel generator (EDG) starting and load-run test surveillance requirements and required actions for EDGs when certain equipment is inoperable.
Proposed Determination	NSHC.

LICENSE AMENDMENT REQUESTS—Continued

Name of Attorney for Licensee, Mailing Address	Francis Romano, PSEG—Services Corporation, 80 Park Plaza, T–10, Newark, NJ 07102.
NRC Project Manager, Telephone Number	Audrey Klett, 301–415–0489.

Southern Nuclear Operating Company, Inc.; Edwin I. Hatch Nuclear Plant, Units 1 and 2; Appling County, GA

Docket Nos	50–321, 50–366.
Application date	December 5, 2025.
ADAMS Accession No	ML25339A156.
Location in Application of NSHC	Pages E–2 and E–3 of the enclosure.
Brief Description of Amendments	The proposed amendments request adoption of Technical Specification Task Force 576, Revision 3, ''Revise Safety/Relief Valve Requirements.'' The proposed changes revise the Safety/Relief Valve Technical Specification to align the overpressure protection requirements with the safety limits and the regulations.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201–1295.
NRC Project Manager, Telephone Number	John Lamb, 301–415–3100.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket Nos	52–025, 52–026.
Application date	December 19, 2025.
ADAMS Accession No	ML25353A617.
Location in Application of NSHC	Pages E–16 and E–17.
Brief Description of Amendments	The license amendments request proposes a change to the technical specifications (TSs) to revise the Applicability for the manual controls in TS 3.3.9, Engineered Safety Feature Actuation System (ESFAS) Manual Actuation Instrumentation and TS 3.3.19, Diverse Actuation System (DAS) Manual Controls, to enhance the alignment of the applicable modes for the manual functions with the applicable modes for the associated system.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201–1295.
NRC Project Manager, Telephone Number	John Lamb, 301–415–3100.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket Nos	52–025, 52–026.
Application date	December 22, 2025.
ADAMS Accession No	ML25356A362.
Location in Application of NSHC	Pages E–5 to E–7.
Brief Description of Amendments	The proposed amendments would revise Technical Specification (TS) 3.4.10, ''Reactor Coolant System (RCS) Specific Activity,'' to adopt changes similar to those that are described in Technical Specification Task Force 490, Revision 0, ''Deletion of E Bar Definition and Revision to RCS Specific Activity Tech Spec.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201–1295.
NRC Project Manager, Telephone Number	John Lamb, 301–415–3100.

Susquehanna Nuclear, LLC and Allegheny Electric Cooperative, Inc.; Susquehanna Steam Electric Station, Units 1 and 2; Luzerne County, PA

Docket Nos	50–387, 50–388.
Application date	December 3, 2025.
ADAMS Accession No	ML25337A031.
Location in Application of NSHC	Pages 2–4 of the Enclosure.
Brief Description of Amendments	The proposed amendments to Susquehanna Steam Electric Station, Units 1 and 2, would adopt Technical Specification Task Force-599 which eliminates the periodic Surveillance Requirement to verify that all required diesel generators achieve rated frequency and voltage within the specified time period when started simultaneously.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Usher, 600 Hamilton Street, Suite 600, Allentown, PA 18101.
NRC Project Manager, Telephone Number	Thomas Buffone, 301–415–1136.

LICENSE AMENDMENT REQUESTS—Continued

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL	
Docket Nos	50–259, 50–260, 50–296.
Application date	December 3, 2025.
ADAMS Accession No	ML25338A084.
Location in Application of NSHC	Pages E3 to E5 of the Enclosure.
Brief Description of Amendments	The proposed amendments would revise Browns Ferry Nuclear Plant, Units 1, 2, and 3, Technical Specification 3.3.5.1, ''Emergency Core Cooling System,'' by adoption of Technical Specifications Task Force (TSTF) Traveler TSTF–592–A, Revision 2, ''Revise Automatic Depressurization System (ADS) Instrumentation Requirements.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Rebecca Tolene (Acting), Executive VP and General Counsel Tennessee Valley Authority 400 West Summit Hill Drive WT 6A Knoxville, TN 37902.
NRC Project Manager, Telephone Number	Kimberly Green, 301–415–1627.
Vistra Operations Company LLC; Beaver Valley Power Station, Units 1 and 2; Beaver County, PA	
Docket Nos	50–334, 50–412.
Application date	October 6, 2025.
ADAMS Accession No	ML25280A001.
Location in Application of NSHC	Pages 6–8 of the Enclosure.
Brief Description of Amendment	The proposed amendments would modify the technical specifications (TSs) for Beaver Valley Power Station, Unit Nos. 1 and 2. The proposed amendments would revise TS Section 5.7, ''High Radiation Area,'' consistent with NRC-approved TS Task Force (TSTF) Traveler 258 (TSTF–258–A), Revision 4, ''Changes to Section 5.0, Administrative Controls.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Roland Backhaus, Senior Lead Counsel-Nuclear, Vistra Corp., 325 7th Street NW, Suite 520, Washington, DC 20004.
NRC Project Manager, Telephone Number	V. Sreenivas, 301–415–2597.
Vistra Operations Company LLC; Perry Nuclear Power Plant, Unit 1; Lake County, OH	
Docket No	50–440.
Application date	December 18, 2025.
ADAMS Accession No	ML26012A004.
Location in Application of NSHC	Pages 2–4 of the Enclosure.
Brief Description of Amendment	The proposed amendment would revise the technical specifications for Perry Nuclear Power Plant based on Technical Specifications Task Force (TSTF) Traveler TSTF 576, Revision 3, ''Revise Safety/Relief Valve Requirements.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Roland Backhaus, Senior Lead Counsel-Nuclear, Vistra Corp., 325 7th Street NW, Suite 520, Washington, DC 20004.
NRC Project Manager, Telephone Number	Scott Wall, 301–415–2855.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, were published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the following table. The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT ISSUANCES

Arizona Public Service Company, et al; Palo Verde Nuclear Generating Station, Units 1, 2, and 3; Maricopa County, AZ	
Docket Nos.	50–528, 50–529, 50–530.
Amendment Date	January 5, 2026.
ADAMS Accession No.	ML25346A012.
Amendment Nos.	227 (Unit 1), 227 (Unit 2), and 227 (Unit 3).
Brief Description of Amendments	The amendments consisted of changes to the Palo Verde Nuclear Generating Station, Units 1, 2, and 3 (PVNGS) Emergency Plan, which revised the staffing requirement for the Shift Manager/Emergency Coordinator position in the PVNGS Emergency Plan along with staff augmentation times to 120 minutes for both normal and off normal timeframes.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Constellation Energy Generation, LLC; Braidwood Station, Units 1 and 2, Will County, IL; Byron Station, Unit Nos. 1 and 2, Ogle County, IL; Constellation Energy Generation, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL; Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL; Constellation Energy Generation, LLC; LaSalle County Station, Units 1 and 2; LaSalle County, IL; Constellation Energy Generation, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA; Constellation Energy Generation, LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York County, PA; Constellation Energy Generation, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL; Nine Mile Point Nuclear Station, LLC and Constellation Energy Generation, LLC; Nine Mile Point Nuclear Station, Unit 2; Oswego County, NY	
Docket Nos.	50–456, 50–457, 50–454, 50–455, 50–461, 50–237, 50–249, 50–373, 50–374, 50–352, 50–353, 50–410, 50–277, 50–278, 50–254, 50–265.
Amendment Date	January 6, 2026.
ADAMS Accession No.	ML25351A217.
Amendment Nos.	244 (Braidwood Unit 1); 244 Braidwood Unit 2); 242 (Byron Unit No. 1); 242 (Byron Unit No. 2); 258 (Clifton); 288 (Dresden Unit 2); 281 (Dresden Unit 3); 266 (LaSalle Unit 1); 251 (LaSalle Unit 2); 269 (Limerick Unit 1); 231 (Limerick Unit 2); 200 (Nine Mile Unit 2); 347 (Peach Bottom Unit 2); 350 (Peach Bottom Unit 3); 303 (Quad Cities Unit 1); 299 (Quad Cities Unit 2).
Brief Description of Amendments	The amendments revised the technical specifications (TSs) for each facility in accordance with Technical Specifications Task Force (TSTF) Traveler TSTF–599, Revision 1, ''Eliminate Periodic Surveillance Test of Simultaneous Start of Redundant Diesel Generators.'' Specifically, the change deleted a surveillance requirement in TS 3.8.1, ''AC [alternating current] Sources—Operating,'' to verify that diesel generators achieve a specific frequency and voltage within a specified time period when started simultaneously.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL	
Docket Nos.	50–237, 50–249.
Amendment Date	January 22, 2026.
ADAMS Accession No.	ML26020A114.
Amendment Nos.	289 (Unit 2), 282 (Unit 3).
Brief Description of Amendments	The amendments revised the technical specifications (TSs) to remove TS 3.3.7.2, ''Mechanical Vacuum Pump Trip Instrumentation,'' and relocate to an appropriate licensee-controlled document.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Constellation Energy Generation, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA	
Docket Nos.	50–352, 50–353.
Amendment Date	January 2, 2026.
ADAMS Accession No.	ML25325A355.
Amendment Nos.	268 (Unit 1) and 230 (Unit 2).
Brief Description of Amendments	The amendments revised various technical specifications in order for the licensee to implement a planned modification that will replace existing safety-related analog control systems with a single digital plant protection system. In addition, the amendments changed the classification of the redundant reactivity control system from safety-related to non-safety-related, eliminated the automatic redundant reactivity control system feedwater runback function, eliminated several surveillance requirements, allowed the use of automated operator aids (or automated controls) from main control room, and added a new licensee-proposed license condition to the licenses concerning equipment qualification testing analysis associated with the plant protection system components.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Constellation Energy Generation, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL	
Docket Nos.	50–254, 50–265.
Amendment Date	January 29, 2026.
ADAMS Accession No.	ML26027A310.
Amendment Nos.	304 (Unit 1) and 300 (Unit 2).
Brief Description of Amendments	The amendments revised the technical specifications (TSs) to remove TS 3.3.7.2, ''Mechanical Vacuum Pump Trip Instrumentation,'' and relocate to an appropriate licensee-controlled document.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

LICENSE AMENDMENT ISSUANCES—Continued

Entergy Operations, Inc.; Arkansas Nuclear One, Units 1 and 2; Pope County, AR; Entergy Operations, Inc., System Energy Resources, Inc., Cooperative Energy, A Mississippi Electric Cooperative, and Entergy Mississippi, LLC; Grand Gulf Nuclear Station, Unit 1; Claiborne County, MS; Entergy Louisiana, LLC, and Entergy Operations, Inc.; River Bend Station, Units 1 and 2; West Feliciana Parish, LA; Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3; St. Charles Parish, LA	
Docket Nos.	50–313, 50–368, 50–416, 50–458, 50–382.
Amendment Date	January 21, 2026.
ADAMS Accession No.	ML26007A265.
Amendment Nos.	285 (ANO–1), 338 (ANO–2), 240 (Grand Gulf), 219 (River Bend) and 277 (Waterford).
Brief Description of Amendments	The amendments revised certain definitions in each plants ''Definitions'' technical specification (TS) section and adds a new ''Online Monitoring Program'' in each plant's ''Administrative Controls'' TS section. Entergy Operations, Inc. proposed to use online monitoring (OLM) methodology as the technical basis to switch from time-based surveillance frequency for channel calibrations to a condition-based calibration frequency based on OLM results.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Florida Power & Light Company, et al.; St. Lucie Plant, Unit No. 2; St. Lucie County, FL	
Docket No.	50–389.
Amendment Date	January 26, 2026.
ADAMS Accession No.	ML26023A004.
Amendment No.	214.
Brief Description of Amendment	The amendment revised the St. Lucie, Unit No. 2, Technical Specification 5.5.16, ''Surveillance Frequency Control Program (SFCP),'' to increase certain Surveillance Requirement (SR) frequencies to support a St. Lucie, Unit No. 2, transition to 24-month fuel cycles. The modification to the SFCP permits affected SR frequency increases in accordance with NRC Generic Letter 91–04, ''Changes in Technical Specification Surveillance Intervals to Accommodate a 24-Month Fuel Cycle.'' Additionally, this amendment addressed an increase in the maximum boric acid concentration in the refueling water tank and safety injection tanks and a change to the reactor vessel surveillance capsule withdrawal schedule, all needed to support an increase in fuel cycle length.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Florida Power & Light Company; Turkey Point Nuclear Generating Unit Nos. 3 and 4; Miami-Dade County, FL	
Docket Nos.	50–250, 50–251.
Amendment Date	January 6, 2026.
ADAMS Accession No.	ML25343A075.
Amendment Nos.	304 (Unit 3) and 298 (Unit 4).
Brief Description of Amendments	The amendments extended certain surveillance intervals from 36 months to 48 months to support the transition to 24-month fuel cycles.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Nebraska Public Power District; Cooper Nuclear Station; Nemaha County, NE	
Docket Nos.	50–298.
Amendment Date	December 12, 2025.
ADAMS Accession No.	ML25343A098.
Amendment No.	280.
Brief Description of Amendment	The amendment revised a surveillance requirement (SR) which currently requires operating the ventilation system for at least 10 continuous hours with the heaters operating at a frequency controlled in accordance with the Surveillance Frequency Control Program (SFCP). The SR is changed to require at least 15 continuous minutes of ventilation system operation at a frequency controlled in accordance with the SFCP. This amendment is consistent with NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF–522, Revision 0, ''Revise Ventilation System Surveillance Requirements to Operate for 10 hours per Month'' (ML100890316), dated March 30, 2010.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Northern States Power Company; Prairie Island Nuclear Generating Plant, Units 1 and 2; Goodhue County, MN	
Docket Nos.	50–282, 50–306.
Amendment Date	January 27, 2026.
ADAMS Accession No.	ML26015A145.
Amendment Nos.	249 (Unit 1), 237 (Unit 2).
Brief Description of Amendment	The amendments adopted Technical Specification Task Force (TSTF) Traveler, TSTF–554, Revision 1, ''Reactor Coolant Leakage Requirements,'' which is an approved change to the Standard Technical Specifications. TSTF–554 revises the TS definition of Leakage, clarifies the requirements when pressure boundary leakage is detected and adds a Required Action when pressure boundary leakage is identified.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Pacific Gas and Electric Company; Diablo Canyon Nuclear Power Plant, Units 1 and 2; San Luis Obispo County, CA	
Docket Nos.	50–275, 50–323.
Amendment Date	January 20, 2026.
ADAMS Accession No.	ML25322A294.
Amendment Nos.	255 (Unit 1) and 257 (Unit 2).

LICENSE AMENDMENT ISSUANCES—Continued

Brief Description of Amendments	The amendments revised technical specification completion times to be consistent with NUREG–1431, Revision 5, ''Standard Technical Specifications Westinghouse Plants,'' dated September 2021.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Southern Nuclear Operating Company, Inc.; Joseph M. Farley Nuclear Plant, Units 1 and 2; Houston County, AL	
Docket Nos.	50–348, 50–364
Amendment Date	January 8, 2026.
ADAMS Accession No.	ML25353A551.
Amendment Nos.	258 (Unit 1) and 255 (Unit 2).
Brief Description of Amendments	The amendments revised Technical Specification Table 3.3.3–1, ''Post Accident Monitoring Instrumentation'' to delete function 10, Reactor Coolant System Subcooling Margin Monitor.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Vistra Operations Company LLC; Davis-Besse Nuclear Power Station, Unit 1; Ottawa County, OH	
Docket No.	50–346.
Amendment Date	January 16, 2026.
ADAMS Accession No.	ML26009A033.
Amendment No.	310.
Brief Description of Amendment	The amendment added a one-time extension to the completion time for Technical Specification 3.8.1, ''AC [Alternating Current] Sources-Operating,'' Action A.3.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Wolf Creek Nuclear Operating Corporation; Wolf Creek Generating Station, Unit 1; Coffey County, KS	
Docket No.	50–482.
Amendment Date	January 14, 2026.
ADAMS Accession No.	ML25317A782.
Amendment No.	246.
Brief Description of Amendment	The amendment revised Technical Specification 3.5.2, ''ECCS [Emergency Core Cooling System]—Operating''; TS 3.5.3, ''ECCS—Shutdown''; and added a new TS 3.6.8, ''Containment Sumps,'' to section 3.6, ''Containment Systems.'' The amendment incorporated Technical Specifications Task Force (TSTF) Traveler TSTF–567, Revision 1, ''Add Containment Sump TS to Address GSI–191 [Generic Safety Issue-191] Issues,'' dated August 2, 2017 (ML17214A813).
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Dated: February 10, 2026.

For the Nuclear Regulatory Commission.

Hipólito González,

Acting Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2026–03048 Filed 2–13–26; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104821; File No. SR–Phlx–2026–04]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 9, Section 13 to Exempt Box Spread From Position Limits and To Amend Various Phlx Rules

February 11, 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 28, 2026, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 2, Section 11 (Lead Market Maker Appointments); Options 3, Section 8 (Options Opening Process); Options 3, Section 10 (Electronic Execution Priority and Processing in the System); Options 3, Section 14 (Complex Orders); Options 3, Section 15 (Simple Order Risk Protections); Options 3, Section 22 (Limitations on Order Entry); Options 8, Section 25 (Floor Allocation); Options 8, Section 34 (FLEX Trading); Options 8, Section 39 (Option Minor Rule Violations and Order and Decorum Regulations); and Options 9, Section 13 (Position Limits).

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 2, Section 11 (Lead Market Maker Appointments); Options 3, Section 8 (Options Opening Process); Options 3, Section 10 (Electronic Execution Priority and Processing in the System); Options 3, Section 14 (Complex Orders); Options 3, Section 15 (Simple Order Risk Protections); Options 3, Section 22 (Limitations on

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Order Entry); Options 8, Section 25 (Floor Allocation); Options 8, Section 34 (FLEX Trading); Options 8, Section 39 (Option Minor Rule Violations and Order and Decorum Regulations); Options 9, Section 13 (Position Limits). Each rule change will be described below.

Options 2, Section 11

The Exchange proposes to re-letter Options 2, Section 11(i) as (g) and to correct a cross-citation to paragraph (d) of Options 2, Section 11 to paragraph (e). The proposed amendments are non-substantive.

Options 3, Section 8

The Exchange proposes to add the words ''unmatched contracts'' in Options 3, Section 8, Opening Process. The addition of this rule text at Options 3, Section 8(k)(A) will add context to the words ''side of the imbalance.'' The same language appears in Nasdaq ISE, LLC (''ISE'') Options 3, Section 8(j)(1). This amendment is non-substantive.

Options 3, Section 10

The Exchange proposes to relocate the rule text in Options 3, Section 10(b) which states,

Applicability. This rule does not apply to the Block Order Mechanism described within Options 3, Section 11(a), the Facilitation Mechanism described within Options 3, Section 11(b), the Solicited Order Mechanism described within Options 3, Section 11(d), PIXL described within Options 3, Section 13, and orders described within Options 3, Section 12, unless Options 3, Section 10 is specifically referenced within Phlx Rules applicable to the aforementioned functionality.

The Exchange proposes to relocate this rule text, without change, immediately before Options 3, Section 10(c) so that the priority overlays appear after subparagraph (a) to Options 3, Section 10. This amendment is non-substantive.

Options 3, Section 14

The Exchange proposes to relocate the description of a Cancel-Replacement Complex Order from Options 3, Section 14(a)(15) to Options 3, Section 14(a)(20), without change, within the Complex Order rule. Relocating this rule text will harmonize the rule text with ISE Options 3, Section 14(a)(20). This amendment is non-substantive.

Options 3, Section 15

The Exchange proposes to remove the words ''as is the case today,'' from Options 3, Section 15(c)(3) which describes the Post-Only Quoting Protection. This rule text is unnecessary in this rule. This amendment is non-substantive.

Options 3, Section 22

The Exchange proposes to amend Options 3, Section 22, Limitations on Order Entry, to amend ''Members'' to ''Member'' in Options 3, Section 22(a). This technical amendment is non-substantive.

Options 8, Section 34

The Exchange inadvertently numbered Options 3, Section 34(i) with duplicate (2)s. At this time, the Exchange proposes to renumber Options 3, Section 34(i) as (1)–(5). This technical amendment is non-substantive.

Options 9, Section 13

Phlx proposes to amend Options 9, Section 13, Position Limits, at subparagraph (l) which currently states,

Equity Option Hedge Exemptions. The following qualified hedge transactions and positions described in paragraphs 1–5 below shall be exempt from established position limits as prescribed under sections (g) and (d)(i) above. Hedge transactions and positions established pursuant to paragraphs (6) and (7) below are subject to a position limit equal to five (5) times the standard limit established under sections (g) and (d)(i).

First, the Exchange proposes to remove references to subparagraph (d)(i) which do not exist in the rule and instead cite to subparagraph (a) which contains position limits for certain securities.

Second, the Exchange proposes to correct an error with respect to hedge transactions to permit box spreads to be exempt from established position limits as prescribed under Options 9, Section 13(a) [3] and (g).

Currently, the rule text states that hedge transactions and positions established pursuant to Options 9, Section 13(l)(6) and (7) below are subject to a position limit equal to five (5) times the standard limit established under Options 9, Section 13(g) and (d)(i).[4] Paragraph (l)(6) references a box spread [5] and paragraph (l)(7) references OTC options positions.[6]

Phlx filed a rule proposal making clear that the five times standard was limited to OTC options contracts,[7] however Phlx inadvertently cited to Options 9, Section 14(l)(6) when it relocated rules in a subsequent rule change that copied SR–Cboe–2003–30.[8] The five times standard should apply only to OTC options contracts as evidenced by NYSE Arca, Inc. (''NYSE Arca'') Commentary .07 to Rule 5.17–O, Commentary .09 to NYSE American LLC (''NYSE American'') Rule 904, and FINRA Rule 2360(b)(3)(A)(ii).

At this time, the Exchange proposes to remove the citation to Options 9, Section 14(l)(6) with respect to a position limit equal to five (5) times the standard limit. The Exchange proposes to add paragraph (l)(6) to the list of exempt transactions in the first sentence of Options 9, Section 14(l) to properly reflect that box spreads are exempt from the position limits prescribed under Options 9, Section 13(a) and (d). At this time, the Exchange has been applying a stricter standard. With this change, members and member organizations would not have a position limit for a box spread and, therefore, would not have to unwind any position as a result of this amendment.

Market Maker and Lead Market Maker Defined

The Exchange proposes to amend various references to the term ''Specialist.'' Phlx removed the word ''Specialist'' in a prior rule change [9] and replaced the word with ''Lead Market Maker.'' The Exchange inadvertently missed some changes in Options 3, Section 25; Options 8, Section 34; and Options 8, Section 39. Further, the Exchange proposes to replace the word ''ROT'' with ''Market Maker'' in Options 8, Section 25. The term ''ROT'' was removed in SR–Phlx–2020–03 as well. These amendments are non-substantive.

[3] The reference to Options 9, Section 13(d)(i) is being amended to subparagraph (a) with this proposal.

[4] *See id.*

[5] Options 9, Section 13(l)(6) states that a long call position accompanied by a short put position with the same strike price and a short call position accompanied by a long put position with a different strike price (''box spread'').

[6] Options 9, Section 13(l)(7) states that a listed option position hedged on a one-for-one basis with an over-the-counter (''OTC'') option position on the same underlying security. The strike price of the listed option position and corresponding OTC option position must be within one strike of each other and no more than one expiration month apart.

[7] *See* Securities Exchange Act Release No. 45889 (May 9, 2002), 67 FR 34980 (May 16, 2002) (SR–Phlx–2002–33) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Eliminate Position and Exercise Limits for Certain Qualified Hedge Strategies).

[8] *See* Securities Exchange Act Release No. 51322 (March 4, 2005), 70 FR 12260 (March 11, 2005) (SR–Phlx–2005–17) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto Relating to Position Limits and Exercise Limits).

[9] *See* Securities Exchange Act 88213 (February 14, 2020), 85 FR 9859 (February 20, 2020) (SR–Phlx–2020–03) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate Rules From Its Current Rulebook Into Its New Rulebook Shell) (''Rulebook Relocation'').

The Exchange also proposes to change ''a'' to ''an'' within Options 8, Section 25(a). This amendment is non-substantive. The Exchange also proposes to renumber Options 8, Section 25(c)(3)(B)(3) as Options 8, Section 25(c)(3)(B)(iv).

Finally, the Exchange proposes to reserve Options 3, Section 26. This section is being reserved as another rule is proposed in this section for ISE.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(5) of the Act,[11] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange's proposal to re-letter Options 2, Section 11(i) as (g) and to correct a cross-citation to paragraph (d) of Options 2, Section 11 to paragraph (e) are non-substantive.

The Exchange's proposal to (1) add the words ''unmatched contracts'' in Options 3, Section 8, Opening Process; (2) relocate the rule text in Options 3, Section 10(b); (3) relocate the description of a Cancel-Replacement Complex Order from Options 3, Section 14(a)(15) to Options 3, Section 14(a)(20); (4) remove the words ''as is the case today,'' from Options 3, Section 15(c)(3); (5) amend ''Members'' to ''Member'' in Options 3, Section 22(a); (6) renumber Options 8, Section 34(i) as (1)–(5); (7) replace the term ''Specialist'' with ''Lead Market Maker'' and the word ''ROT'' with ''Market Maker''; and (8) reserve Options 3, Section 26, are consistent with the Act as these amendments are non-substantive technical amendments to the rules.

Phlx's proposal to amend Options 9, Section 14(1) to correct an error with respect to hedge transactions to permit box spreads to be exempt from established position limits as prescribed under Options 9, Section 13(a) and (d) is consistent with the Act. Current Options 9, Section 14(l)(6) references a box spread [12] and current Options 9, Section 14(l)(8) references OTC options positions.[13] Phlx filed a rule proposal making clear that the five times standard was limited to OTC options contracts,[14] however Phlx inadvertently cited to Options 9, Section 14(l)(6) when it relocated rules in a subsequent rule change that copied SR–Cboe–2003–30.[15] Removing the citation to Options 9, Section 14(l)(6) with respect to a position limit equal to five (5) times the standard limit and adding paragraph (l)(6) to the list of exempt transactions in the first sentence of Options 9, Section 14(l) would properly reflect that box spreads are exempt from the position limits prescribed under Options 9, Section 13(a) and (d). At this time, the Exchange has been applying a stricter standard.[16]

Today, NYSE Arca Commentary .07 to Rule 5.17–O, Commentary .09 to NYSE American Rule 904 and FINRA Rule 2360(b)(3)(A)(ii) apply the five times standard only to OTC options contracts and exempt box spreads from their position limit rules. At this time, the Exchange has been applying a stricter standard. With this change, members and member organizations would not have a position limit for a box spread and, therefore, would not have to unwind any position as a result of this amendment.

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's proposal to amend Options 9, Section 13(l) to remove a reference to box spreads at paragraph (l)(6) so that they do not appear to have five times the position limit does not impose an undue burden on intra-market competition because all Phlx members and member organization that transact box spreads would be exempt from the position limits in Options 9, Section 13(a) and (d).

The Exchange's proposal to amend Options 9, Section 13(l) to remove a reference to box spreads at paragraph (l)(6) so that they do not appear to have five times the position limit does not impose an undue burden on inter-market competition as other options exchanges [17] have similar position limit rules that exempt box spreads from position limits.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [18] and subparagraph (f)(6) of Rule 19b–4 thereunder.[19]

A proposed rule change filed under Rule 19b–4(f)(6) [20] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[21] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest as the proposal raises no new or novel issues. Accordingly, the Commission waives the 30-day operative delay and

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] Options 9, Section 14(l)(6) states that a long call position accompanied by a short put position with the same strike price and a short call position accompanied by a long put position with a different strike price (''box spread'').

[13] Options 9, Section 14(l)(8) states that a listed option position hedged on a one-for-one basis with an over-the-counter (''OTC'') option position on the same underlying security. The strike price of the listed option position and corresponding OTC option position must be within one strike of each other and no more than one expiration month apart.

[14] *See* Securities Exchange Act Release No. 45889 (May 9, 2002), 67 FR 34980 (May 16, 2002) (SR–Phlx–2002–33) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Eliminate Position and Exercise Limits for Certain Qualified Hedge Strategies).

[15] *See* Securities Exchange Act Release No. 51322 (March 4, 2005), 70 FR 12260 (March 11, 2005) (SR–Phlx–2005–17) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto Relating to Position Limits and Exercise Limits).

[16] A similar change is being proposed to Nasdaq ISE, LLC rules at Options 9, Section 14.

[17] *See* NYSE Arca Commentary .07 to Rule 5.17–O, Commentary .09 to NYSE American Rule 904 and FINRA Rule 2360(b)(3)(A)(ii).

[18] 15 U.S.C. 78s(b)(3)(A)(iii).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6)(iii).

designates the proposed rule change to be operative upon filing.[22]

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–Phlx–2026–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–Phlx–2026–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–Phlx–2026–04 and should be submitted on or before March 10, 2026.

[22] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03020 Filed 2–13–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0357]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Regulation S—Rules Governing Offers and Sales Made Outside the United States Without Registration Under the Securities Act of 1933

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Regulation S (17 CFR 230.901 through 230.905) sets forth rules applicable to offers and sales of securities made outside the United States without registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (''Securities Act''). Regulation S addresses the extraterritorial application of the registration requirements of the Securities Act. We estimate that the information collections in Regulation S, on average, take approximately 5 hours per response to comply with and that there are approximately 1,103 foreign private issuers that rely on Regulation S once per year, for a total of approximately 1,103 responses annually to the information collection requirements in Regulation S. We estimate that 75% of the 5 hours per response is carried internally by the respondent for annual reporting burden of 4,136 hours ((0.75 × 5 total hours per response) × 1,103 responses). We estimate that 25% of the 5 hours per response is carried externally by outside professionals retained by the respondent at an estimated rate of $600 per hour for a total annual cost burden of $827,250 ((0.25 × 5 total hours per response) × $600 per hour × 1,103 responses).

[23] 17 CFR 200.30–3(a)(12).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by April 20, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: February 12, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03064 Filed 2–13–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104826; File No. SR–PEARL–2026–05]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Options Exchange Fee Schedule To Establish Fees for the 1-Minute Report and Establish an Academic Discount for Ad Hoc Purchases of Historical 1-Minute Report Data

February 11, 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 30, 2026, MIAX PEARL, LLC (''MIAX Pearl'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the fee schedule (the ''Fee Schedule'') applicable to the Exchange's options trading platform (''MIAX Pearl Options'') to establish fees for the One-Minute Interval Intra-Day Open-Close Report (referred to herein as the ''1-Minute Report''), establish an academic discount for ad hoc purchases of historical 1-Minute Report data, and make clarifying changes to the table and footnotes in Section 6)d) to differentiate between the 1-Minute Report and the Ten-Minute Interval Intra-Day Open-Close Report (referred to herein as the ''10-Minute Report'').

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/pearl-options/rule-filings* and at MIAX Pearl's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to establish fees for the 1-Minute Report, establish an academic discount for ad hoc purchases of historical 1-Minute Report data, and make clarifying changes to the table and footnotes in Section 6)d) to differentiate between the 1-Minute Report and the 10-Minute Report. The Exchange recently adopted the 1-Minute Report as a new data product and the Exchange now proposes to adopt fees for this product.[3] This proposal is based on similar fee filings by Cboe BZX Exchange, Inc. (''Cboe BZX''), Cboe C2 Exchange, Inc. (''C2''), and Cboe EDGX Exchange, Inc. (''Cboe EDGX'') to establish fees for their open-close reports that provide substantively similar data sets as proposed herein, albeit based on the trading activity on those exchanges.[4]

By way of background, the Exchange currently offers two version of the Open-Close Report: the End-of-Day Report (''EOD Report'') and 10-Minute Report. The EOD Report is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (Priority Customer,[5] Non-Priority Customer, Firm, Broker-Dealer, and Market Maker[6]), side of the market (buy or sell), contract volume, and transaction type (opening or closing). The Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The EOD Report provides proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

The Exchange also offers the 10-Minute Report, which provides intra-day Open-Close data and similar information to that of the EOD Report, except that it is produced and updated every 10 minutes during the trading day. Data is captured in ''snapshots'' taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each 10-minute period.[7] The 10-Minute Report provides a volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The 10-Minute Report is proprietary Exchange trade data and does not include trade data from any other exchange. All Open-Close data products are completely voluntary products, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

The Exchange recently adopted a new Open-Close data product, the 1-Minute Report, which is the same as the existing 10-Minute Report, except that it is produced and updated every minute during the trading day. The 1-Minute Report data is captured in ''snapshots'' taken every 1 minute throughout the trading day and would be available to subscribers within five minutes of the conclusion of each one-minute period.[8] Similar to the existing 10-Minute Report, the 1-Minute Report provides a volume summary of trading activity on the Exchange at the option level by origin (Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker), side of the market (buy or sell), and transaction type (opening or closing). The Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The 1-Minute Report provides proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

The Exchange proposes to amend the Fee Schedule to provide that market participants may purchase the 1-Minute Report on a subscription basis or by ad hoc request for a specified month or series of months (historical file). The Exchange proposes to assess a monthly fee of $6,000 for subscribing to the 1-Minute Report. The Exchange also

[3] *See* Securities Exchange Act Release No. 103907 (September 8, 2025), 90 FR 44120 (September 11, 2025) (SR–PEARL–2025–40).

[4] *See* Securities Exchange Act Release Nos. 103760 (August 21, 2025), 90 FR 41624 (August 26, 2025) (SR–CboeBZX–2025–116); 103761 (August 21, 2025), 90 FR 41619 (August 26, 2025) (SR–CboeC2–2025–023); *and* 104211 (November 18, 2025), 90 FR 52744 (November 21, 2025) (SR–CboeEDGX–2025–075).

[5] *See* Exchange Rule 100.

[6] *Id.*

[7] For example, subscribers to the 10-Minute Report would receive the first calculation of intra-day data no later than 9:45 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers will receive the next update by 9:55 a.m., representing the data previously provided aggregated with data captured up to 9:50 a.m., and so forth. Each update represents the aggregate data captured from the current ''snapshot'' and all previous ''snapshots.''

[8] For example, subscribers to the one-minute intra-day product would receive the first calculation of intra-day data by approximately 9:34 a.m. ET, which represents data captured from 9:30 a.m. to 9:31 a.m. Subscribers will receive the next update at 9:35 a.m., representing the data previously provided together with data captured from 9:31 a.m. through 9:32 a.m., and so forth. Each update will represent the aggregate data captured from the current ''snapshot'' and all previous ''snapshots.'' There may be variability in the time delivered during the day based on market activity; the Exchange expects to deliver this in intervals ranging from 2–5 minutes after the one-minute interval.

proposes to assess a fee of $2,500 per request per month for an ad-hoc request of historical data for the 1-Minute Report covering all Exchange-listed securities. An ad-hoc request can be for any number of months beginning with March 2017 for which the data is available.

The Exchange also proposes to implement a similar academic discount for qualifying academic purchases of historical ad-hoc requests for 1-Minute Report data that is in place for the existing 10-Minute Report and EOD Report (both for historical requests).[9] The proposed academic discount for the historical ad-hoc requests for the 1-Minute Report shall permit qualifying academic purchasers to purchase historical 1-Minute Report data for $4,500 per year for the first year. Additional months after the first year may be purchased separately and will be assessed a prorated amount based on the yearly rate (*i.e.,* $375 per month for historical 1-Minute Report data). The Exchange proposes to amend Section 6)d) of the Fee Schedule to establish new footnote ''f.'' below the table of fees for the Open-Close Report to provide for the academic discount for the 1-Minute Report (described below).

The Exchange believes that academic institutions and researchers provide a valuable service for the Exchange in studying and promoting the options market. Though academic institutions and researchers have need for granular options data sets, they do not trade upon the data for which they subscribe. The Exchange believes the proposed reduced fee for qualifying academic purchasers of historical 1-Minute Report data will encourage and promote academic studies of its market data by academic institutions. In order to qualify for the academic pricing, an academic purchaser must be (1) an accredited academic institution or member of the faculty or staff of such an institution, (2) that will use the data in independent academic research, academic journals and other publications, teaching and classroom use, or for other bona fide educational purposes (*i.e.,* academic use). Furthermore, use of the data must be limited to faculty and students of an accredited academic institution, and any commercial or profit-seeking usage is excluded. Academic pricing will not be provided to any purchaser whose research is funded by a securities industry participant. The Exchange notes that these same qualifications are in place for the academic discount for the 10-Minute Report and the EOD Report (both for historical requests).

The Exchange notes that while the 1-Minute Report is priced higher than its existing pricing for the 10-Minute Report, this is to be expected as a participant subscribing to the 1-Minute Report receives 10x the data points than a subscriber of 10-Minute Report. The proposed higher pricing for the 1-Minute Report is also in line with other exchanges that offer substantively similar open-close report data products based on the trading activity on those exchanges and the pricing they charge for similar ten-minute and one-minute open-close data products.[10] While other exchanges charge 4–5x for their one-minute open-close data products compared to the ten-minute version, the Exchange proposes to charge 3x the amount for a monthly subscription to the 1-Minute Report as compared to the 10-Minute Report, *i.e.,* $6,000 per month vs. $2,000 per month.[11]

The Exchange's proposed markup for the academic discount for qualifying academic purchasers of historical 1-Minute Report data is in line with the markup charged by other exchanges that offer academic discounts for their versions of the one-minute open-close data product.[12] Similar to other exchanges that charge between 1.5–1.66x for the academic discount for historical requests for one-minute intra-day open-close data as compared to academic discount for historical requests for the ten-minute version, the Exchange proposes to charge 1.5x the amount for qualifying academic purchasers who purchase historical 1-Minute Report data as compared to the academic discount for the 10-Minute Report, *i.e.,* $4,500 per year for the first year vs. $3,000 per year for the first year.

The Exchange proposes to make clarifying changes to the table and footnotes in Section 6)d) of the Fee Schedule to differentiate between the 1-Minute Report and the 10-Minute Report. The Exchange proposes to add two rows to the table: one for the 1-Minute Report monthly subscription and its fee (*i.e.,* $6,000, as proposed); and one for ad-hoc requests for 1-Minute Report historical data, the fee per request per month (*i.e.,* $2,500, as proposed) and the furthest historical month for which historical requests can be made (March 2017). In the current rows, the Exchange propose to add the qualifier ''(10-Minute Interval)'' below the respective text in the rows for the existing 10-Minute Report.

The Exchange also proposes to amend the footnotes below the table. In particular, the Exchange proposes the following changes:

- Amend footnote ''a.'' to clarify that subscribers who purchase a 10-Minute Interval Intra-Day subscription may request an End-of-Day subscription for no additional charge. Subscribers who purchase a 1-Minute Interval Intra-Day subscription may request a 10-Minute Interval Intra-Day and/or End-of-Day subscription for no additional charge.
- Amend footnote ''b.'' to clarify that subscribers who purchase a 10-Minute Interval Intra-Day Ad-hoc Request

[9] *See* Fee Schedule, Section 6)d), notes c.–d.; *see also* Securities Exchange Act Release No. 97305 (April 13, 2023), 88 FR 24242 (April 19, 2023) (SR–PEARL–2023–17).

[10] *See* Cboe BZX Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 4x the amount for a monthly subscription to the one-minute intra-day open close report as compared to the ten-minute intra-day open close report—$6,000 per month vs. $1,500 per month); C2 Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 5x the amount for a monthly subscription to the one-minute intra-day open close report as compared to the ten-minute intra-day open close report—$5,000 per month vs. $1,000 per month); *and* Cboe EDGX Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 5x the amount for a monthly subscription to the one-minute intra-day open close report as compared to the ten-minute intra-day open close report—$5,000 per month vs. $1,000 per month). Cboe BZX, C2 and Cboe EDGX Fee Schedules are *available at https://www.cboe.com/us/options/membership/fee_schedule/.*

[11] The Exchange notes its proposed pricing is lower than the proposed fee in the similar rule filing of the Exchange's affiliate, Miami International Securities Exchange, LLC (''MIAX''), to establish fees for its similar one-minute intra-day open-close data product. This is because MIAX's market share is higher and offers data into more trading segments. For example, MIAX offers simple and complex order types, PRIME and cPRIME auction mechanisms, as well as QCC and cQCC orders, which means that subscribers receive more data points, thereby increasing the value of the data provided in the 1-Minute Report and 10-Minute Report. MIAX also offers more historical data for market participants to utilize in their models and strategies.

[12] *See* Cboe BZX, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging approximately 1.66x the amount for the academic discount for the first year of historical data for the one-minute intra-day open close report as compared to the academic discount for the first year of historical data for the ten-minute intra-day open close report—$2,500 per year for the first year vs. $1,500 per year for the first year); C2 Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 1.5x the amount for the academic discount for the first year of historical data for the one-minute intra-day open close report as compared to the academic discount for the first year of historical data for the ten-minute intra-day open close report—$1,500 per year for the first year vs. $1,000 per year for the first year); *and* Cboe EDGX Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 1.5x the amount for the academic discount for the first year of historical data for the one-minute intra-day open close report as compared to the academic discount for the first year of historical data for the ten-minute intra-day open close report—$1,500 per year for the first year vs. $1,000 per year for the first year). *See* Cboe BZX, C2 and Cboe EDGX Fee Schedules are *available at https://www.cboe.com/us/options/membership/fee_schedule/.*

(historical data) may submit a request for an End-of-Day Ad-hoc Request (historical data) for the same date or date range for no additional charge. Subscribers who purchase a 1-Minute Interval Intra-Day Ad-hoc Request (historical) may submit a 10-Minute Interval Intra-Day Ad-hoc Request (historical) and/or an End-of-Day Ad-hoc Request (historical data) for the same date or date range for no additional charge.

- Amend footnote ''d.'' to clarify that this footnote applies to the academic discount for 10-Minute Interval Intra-Day Ad-hoc Requests (historical data).
- Amend footnote ''e.'' to clarify that the discount applies only to any single purchase of End-of-Day Ad-hoc Request (historical data) and/or 10-Minute Interval Intraday Ad-hoc Request (historical data) by an existing subscriber of an Intra-Day (10-Minute Interval) subscription or an End-of-Day subscription totaling $20,000 or more will receive a 20% discount when the subscriber purchases the same category of historical data for which they have a [13] monthly subscription.
- Establish footnote ''f.'', which will provide the text regarding the academic discount that applies to 1-Minute Interval Intra-Day Ad-hoc Requests (historical data). Qualifying Academic Purchasers will be charged per request $4,500 per year for the first year and $375 per month for each additional month.

Implementation

On January 23, 2026, the Exchange issued an alert announcing that the 1-Minute Report would be available for purchase beginning February 2, 2026.[14]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[15] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [16] 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) [17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Securities and Exchange Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposal to make the 1-Minute Report data available for purchase would further broaden the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The proposal also promotes increased transparency through the dissemination of 1-Minute Report data. The proposed rule change would benefit investors by making the 1-Minute Report data available for purchase, which as noted above, may promote better informed trading. Particularly, information regarding opening and closing activity across different option series may indicate investor sentiment, which can be helpful trading information. Subscribers to the data may be able to enhance their ability to analyze option trade and volume data on an intraday basis, and create and test trading models and analytical strategies. The Exchange believes 1-Minute Report data provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading. The Exchange believes that market participants may find it beneficial to receive additional data based on these shorter intervals as opposed to the existing data intervals provided in the 10-Minute Report. While use cases are the same as the existing 10-Minute Report, the increased frequency of data intervals in the 1-Minute Report provides more current information and more data reporting intervals throughout the trading day to gain knowledge of the trading activity by origin for subscribers. Of further note, the Exchange has created this proposed new report in response to customer feedback.

The Exchange believes the proposed fees are reasonable as the proposed fees reflect modest increases in price relative to the additional data points being offered in this new 1-Minute Report. As discussed above, a participant who subscribes to the 1-Minute Report receives ten times the data points that they would receive in comparison to the 10-Minute Report and are only seeing an increase of three times in the cost for ten times the amount of data. Similarly, a participant who purchases the historical 1-Minute Report data for a particular month receives ten times the amount of data in contrast to a participant who purchases the historical 10-Minute Report data for that same month with just 2.5x times the difference in the costs. In summary, for each fee for the 1-Minute Report, a participant is able to receive a greater increase in the amount of data points it receives relative to the increase in the fee they would pay to receive this additional data.

The Exchange believes the proposed fees for the 1-Minute Report are reasonable because the proposed higher pricing is in line with other exchanges that offer substantively similar open-close report data products based on the trading activity on those exchanges and the pricing they charge for similar ten-minute and one-minute open-close data products.[18] As noted above, other exchanges charge 4–5x for their one-minute open-close data products compared to the 10-minute version, while the Exchange proposes to charge 3x the amount for a monthly subscription to the 1-Minute Report as compared to the 10-Minute Report, *i.e.,* $6,000 per month vs. $2,000 per month. Accordingly, the Exchange believes the proposed pricing for the 1-Minute Report is reasonable.

Furthermore, proposing fees that are excessively higher than established fees for similar data products offered by other exchanges [19] would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Like the Exchange's 10-Mintue Report and similar data products offered at other exchanges, the 1-Minute Report provides insight into trading on a specific market and may likewise aid in assessing investor sentiment. Similarly, market participants may be able to

[13] The Exchange proposes to make a minor, non-substantive edit to change ''an'' to ''a'' in the first sentence of footnote ''e.'' in the phrase ''. . . an monthly subscription.'' The purpose of this change is to correct a grammatical error.

[14] *See* MIAX Exchange Group—Options Markets—Introducing Availability of 1-Minute Interval Intra-Day Open-Close Reports (dated January 23, 2026), *available at https://www.miaxglobal.com/alert/2026/01/23/miax-exchange-group-options-markets-introducing-availability-1-minute-1?nav=all.*

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] 15 U.S.C. 78f(b).

[18] *See supra* note 10.

[19] *See supra* note 10.

analyze option trade and volume data, and create and test trading models and analytical strategies using only the 10-Minute Report data. As such, if a market participant views the 10-Minute Report data as a more attractive offering for its specific business needs, then such market participant can merely choose to purchase the 10-Minute Report for the lower price.

The Exchange also believes the proposed fees are reasonable as they would support the introduction of a new market data product that is designed to aid investors by providing further insight into trading on the Exchange. The Exchange believes the 1-Minute Report provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading. The Exchange believes that market participants may find it beneficial to receive additional data based on these shorter intervals as opposed to the existing 10-Minute Report data intervals. While use cases are the same as the existing 10-Minute Report, the increased frequency provides more current information and more data reporting intervals throughout the day to gain knowledge of the trading activity by origin. The Exchange also believes the proposed fees are equitable and not unfairly discriminatory as the fees would apply equally to all users who choose to purchase such data. The Exchange believes the proposal does not differentiate between subscribers that purchase the 1-Minute Report and would allow any interested market participant to purchase such data based on their business needs.

Lastly, the Exchange believes that the discount for qualifying academic purchasers for the historical 1-Minute Report data is reasonable because academic institutions are not able to monetize access to the data as they do not trade on the data sets. The Exchange believes the proposed discount will allow for more academic institutions to purchase the historical 1-Minute Report data, and, as a result, promote research and studies of the options industry to the benefit of all market participants. The Exchange believes the proposed markup for the academic discount for qualifying academic purchasers of historical 1-Minute Report data is in line with the markup charged by other exchanges that offer academic discounts for their versions of the one-minute open-close data product.[20] Similar to other exchanges that charge between 1.5–1.66x for the academic discount for historical requests for one-minute intra-day open-close data as compared to academic discount for historical requests for the ten-minute version, the Exchange proposes to charge 1.5x the amount for qualifying academic purchasers who purchase historical 1-Minute Report data as compared to the academic discount for the 10-Minute Report, *i.e.,* $4,500 per year for the first year vs. $3,000 per year for the first year.

The Exchange believes that the proposed academic discount for historical request of 1-Minute Report data is equitable and not unfairly discriminatory because it will apply equally to all academic institutions that submit an application and meet the accredited academic institution and academic use criteria. As stated above, qualified academic purchasers will subscribe to the data set for educational use and purposes and are not permitted to use the data for commercial or monetizing purposes, nor can they qualify if they are funded by an industry participant. As a result, the Exchange believes the proposed discount is equitable and not unfairly discriminatory because it maintains equal treatment for all industry participants or other subscribers that use the data for vocational, commercial or other for-profit purposes.

As noted above, the Exchange anticipates a wide variety of market participants may subscribe to the 1-Minute Report, including but not limited to individual customers, buy-side investors and investment banks. The Exchange reiterates that the decision as to whether or not to purchase the 1-Minute Report is entirely optional for all potential subscribers. Indeed, no market participant is required to purchase the 1-Minute Report and the Exchange is not required to make the 1-Minute Report available to market participants. Rather, the Exchange is voluntarily making 1-Minute Report data available, as requested by customers, and market participants may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may cancel and decline to purchase such data at any time.

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. Rather, the Exchange believes that the proposal will promote competition by permitting the Exchange to make available a data product for purchase that is similar to those offered by other competitor options exchanges.[21]

The Exchange also does not believe the proposed fees would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own comparable reports that includes additional data points with lower prices to better compete with the Exchange's offerings. The Exchange operates in a highly competitive environment, and its ability to price the various versions of the open-close reports is constrained by competition among exchanges who choose to adopt similar products.[22] The Exchange must consider this in its pricing discipline in order to compete for subscribers of the Exchange's market data via the open-close reports. For example, proposing fees that are excessively higher than fees for potentially similar data products may simply serve to reduce demand for the Exchange's reports, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed fees apply uniformly to any purchaser in that the Exchange does not differentiate between the different market participants that may purchase the report. The proposed fees are set at a reasonable level that would allow any interested market participant to purchase such data based on their business needs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section

[20] *See supra* note 12.

[21] *See supra* notes 4 and 10.

[22] *Id.*

19(b)(3)(A)(ii) of the Act,[23] and Rule 19b–4(f)(2)[24] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–PEARL–2026–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–PEARL–2026–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–PEARL–2026–05 and should be submitted on or before March 10, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03025 Filed 2–13–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104823; File No. SR–MIAX–2026–06]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule To Establish Fees for the 1-Minute Report, Establish an Academic Discount for Ad Hoc Purchases of Historical 1-Minute Report Data, and Amend the Monthly Subscription Fee for the 10-Minute Report

February 11, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 30, 2026, Miami International Securities Exchange, LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the MIAX Options Exchange Fee Schedule (the ''Fee Schedule'') to establish fees for the One-Minute Interval Intra-Day Open-Close Report (referred to herein as the ''1-Minute Report''), establish an academic discount for ad hoc purchases of historical 1-Minute Report data, amend the monthly subscription fee for the Ten-Minute Interval Intra-Day Open-Close Report (referred to herein as the ''10-Minute Report''), and make clarifying changes to the table and footnotes in Section 6)e) to differentiate between the 1-Minute Report and the 10-Minute Report.

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings* and at MIAX's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to establish fees for the 1-Minute Report, establish an academic discount for ad hoc purchases of historical 1-Minute Report data, amend the monthly subscription fee for the 10-Minute Report, and make clarifying changes to the table and footnotes in Section 6)e) to differentiate between the 1-Minute Report and the 10-Minute Report. The Exchange recently adopted the 1-Minute Report as a new data product and the Exchange now proposes to adopt fees for this product.[3] This proposal is based on similar fee filings by Cboe BZX Exchange, Inc. (''Cboe BZX''), Cboe C2 Exchange, Inc. (''C2''), and Cboe EDGX Exchange, Inc. (''Cboe EDGX'') to establish fees for their open-close reports that provide substantively similar data sets as proposed herein, albeit based on the trading activity on those exchanges.[4]

By way of background, the Exchange currently offers two version of the Open-Close Report: the End-of-Day Report (''EOD Report'') and 10-Minute Report. The EOD Report is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (Priority Customer,[5] Non-Priority Customer, Firm, Broker-Dealer, and

[23] 15 U.S.C. 78s(b)(3)(A)(ii).

[24] 17 CFR 240.19b–4(f)(2).

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 103908 (September 8, 2025), 90 FR 44123 (September 11, 2025) (SR–MIAX–2025–39).

[4] *See* Securities Exchange Act Release Nos. 103760 (August 21, 2025), 90 FR 41624 (August 26, 2025) (SR–CboeBZX–2025–116); 103761 (August 21, 2025), 90 FR 41619 (August 26, 2025) (SR–CboeC2–2025–023); *and* 104211 (November 18, 2025), 90 FR 52744 (November 21, 2025) (SR–CboeEDGX–2025–075).

[5] *See* Exchange Rule 100.

Market Maker [6]), side of the market (buy or sell), contract volume, and transaction type (opening or closing). The Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The EOD Report provides proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

The Exchange also offers the 10-Minute Report, which provides intra-day Open-Close data and similar information to that of the EOD Report, except that it is produced and updated every 10 minutes during the trading day. Data is captured in ''snapshots'' taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each 10-minute period.[7] The 10-Minute Report provides a volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The 10-Minute Report is proprietary Exchange trade data and does not include trade data from any other exchange. All Open-Close data products are completely voluntary products, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

The Exchange recently adopted a new Open-Close data product, the 1-Minute Report, which is the same as the existing 10-Minute Report, except that it is produced and updated every minute during the trading day. The 1-Minute Report data is captured in ''snapshots'' taken every 1 minute throughout the trading day and would be available to subscribers within five minutes of the conclusion of each one-minute period.[8] Similar to the existing 10-Minute Report, the 1-Minute Report provides a volume summary of trading activity on the Exchange at the option level by origin (Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker), side of the market (buy or sell), and transaction type (opening or closing). The Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The 1-Minute Report provides proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

The Exchange proposes to amend the Fee Schedule to provide that market participants may purchase the 1-Minute Report on a subscription basis or by ad hoc request for a specified month or series of months (historical file). The Exchange proposes to assess a monthly fee of $9,000 for subscribing to the 1-Minute Report. The Exchange also proposes to assess a fee of $4,000 per request per month for an ad-hoc request of historical data for the 1-Minute Report covering all Exchange-listed securities. An ad-hoc request can be for any number of months beginning with January 2013 for which the data is available.

The Exchange also proposes to implement a similar academic discount for qualifying academic purchases of historical ad-hoc requests for 1-Minute Report data that is in place for the existing 10-Minute Report and EOD Report (both for historical requests).[9] The proposed academic discount for the historical ad-hoc requests for the 1-Minute Report shall permit qualifying academic purchasers to purchase historical 1-Minute Report data for $4,500 per year for the first year. Additional months after the first year may be purchased separately and will be assessed a prorated amount based on the yearly rate (*i.e.,* $375 per month for historical 1-Minute Report data). The Exchange proposes to amend Section 6)e) of the Fee Schedule to establish new footnote ''f.'' below the table of fees for the Open-Close Report to provide for the academic discount for the 1-Minute Report (described below).

The Exchange believes that academic institutions and researchers provide a valuable service for the Exchange in studying and promoting the options market. Though academic institutions and researchers have need for granular options data sets, they do not trade upon the data for which they subscribe. The Exchange believes the proposed reduced fee for qualifying academic purchasers of historical 1-Minute Report data will encourage and promote academic studies of its market data by academic institutions. In order to qualify for the academic pricing, an academic purchaser must be (1) an accredited academic institution or member of the faculty or staff of such an institution, (2) that will use the data in independent academic research, academic journals and other publications, teaching and classroom use, or for other bona fide educational purposes (*i.e.* academic use). Furthermore, use of the data must be limited to faculty and students of an accredited academic institution, and any commercial or profit-seeking usage is excluded. Academic pricing will not be provided to any purchaser whose research is funded by a securities industry participant. The Exchange notes that these same qualifications are in place for the academic discount for the 10-Minute Report and the EOD Report (both for historical requests).

The Exchange notes that while the 1-Minute Report is priced higher than its existing pricing for the 10-Minute Report, this is to be expected as a participant subscribing to the 1-Minute Report receives 10x the data points than a subscriber of 10-Minute Report. The proposed higher pricing for the 1-Minute Report is also in line with other exchanges that offer substantively similar open-close report data products based on the trading activity on those exchanges and the pricing they charge for similar ten-minute and one-minute open-close data products.[10] While other

[6] *Id.*

[7] For example, subscribers to the 10-Minute Report would receive the first calculation of intra-day data no later than 9:45 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers will receive the next update by 9:55 a.m., representing the data previously provided aggregated with data captured up to 9:50 a.m., and so forth. Each update represents the aggregate data captured from the current ''snapshot'' and all previous ''snapshots.''

[8] For example, subscribers to the one-minute intra-day product would receive the first calculation of intra-day data by approximately 9:34 a.m. ET, which represents data captured from 9:30 a.m. to 9:31 a.m. Subscribers will receive the next update at 9:35 a.m., representing the data previously provided together with data captured from 9:31 a.m. through 9:32 a.m., and so forth. Each update will represent the aggregate data captured from the current ''snapshot'' and all previous ''snapshots.'' There may be variability in the time delivered during the day based on market activity; the Exchange expects to deliver this in intervals ranging from 2–5 minutes after the one-minute interval.

[9] *See* Fee Schedule, Section 6)e), notes c.–d.; *see also* Securities Exchange Act Release No. 97302 (April 13, 2023), 88 FR 24221 (April 19, 2023) (SR–MIAX–2023–15).

[10] *See* Cboe BZX Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 4x the amount for a monthly subscription to the one-minute intra-day open close report as compared to the ten-minute intra-day open close report—$6,000 per month vs. $1,500 per month); C2 Fee Schedule, Cboe LiveVol, LLC Market Data Fees,

Continued

exchanges charge 4–5x for their one-minute open-close data products compared to the ten-minute version, the Exchange proposes to charge 3x the amount for a monthly subscription to the 1-Minute Report as compared to the 10-Minute Report, *i.e.,* $9,000 per month vs. $3,000 per month (factoring in the proposed increased monthly subscription fee for the 10-Minute Report, described below).[11]

The Exchange's proposed markup for the academic discount for qualifying academic purchasers of historical 1-Minute Report data is in line with the markup charged by other exchanges that offer academic discounts for their versions of the one-minute open-close data product.[12] Similar to other exchanges that charge between 1.5–1.66x for the academic discount for historical requests for one-minute intra-day open-close data as compared to academic discount for historical requests for the ten-minute version, the Exchange proposes to charge 1.5x the amount for qualifying academic purchasers who purchase historical 1-Minute Report data as compared to the academic discount for the 10-Minute Report, *i.e.,* $4,500 per year for the first year vs. $3,000 per year for the first year.

The Exchange also proposes to amend the table in Section 6)e) of the Fee Schedule to increase the monthly subscription fee for the 10-minute Report from $2,000 to $3,000 per month. The purpose of this change is for business and competitive reasons and in light of growth and increased volume on the Exchange.[13] As described below, market participants that purchase a subscription to the 1-Minute Report may request the 10-Minute Report data (and/or EOD data) for no additional charge.

The Exchange proposes to make clarifying changes to the table and footnotes in Section 6)e) of the Fee Schedule to differentiate between the 1-Minute Report and the 10-Minute Report. The Exchange proposes to add two rows to the table: one for the 1-Minute Report monthly subscription and its fee (*i.e.,* $9,000, as proposed); and one for ad-hoc requests for 1-Minute Report historical data, the fee per request per month (*i.e.,* $4,000, as proposed) and the furthest historical month for which historical requests can be made (January 2013). In the current rows, the Exchange propose to add the qualifier ''(10-Minute Interval)'' below the respective text in the rows for the existing 10-Minute Report.

The Exchange also proposes to amend the footnotes below the table. In particular, the Exchange proposes the following changes:

- Amend footnote ''a.'' to clarify that subscribers who purchase a 10-Minute Interval Intra-Day subscription may request an End-of-Day subscription for no additional charge. Subscribers who purchase a 1-Minute Interval Intra-Day subscription may request a 10-Minute Interval Intra-Day and/or End-of-Day subscription for no additional charge.
- Amend footnote ''b.'' to clarify that subscribers who purchase a 10-Minute Interval Intra-Day Ad-hoc Request (historical data) may submit a request for an End-of-Day Ad-hoc Request (historical data) for the same date or date range for no additional charge. Subscribers who purchase a 1-Minute Interval Intra-Day Ad-hoc Request (historical) may submit a 10-Minute Interval Intra-Day Ad-hoc Request (historical) and/or an End-of-Day Ad-hoc Request (historical data) for the same date or date range for no additional charge.
- Amend footnote ''d.'' to clarify that this footnote applies to the academic discount for 10-Minute Interval Intra-Day Ad-hoc Requests (historical data).
- Amend footnote ''e.'' to clarify that the discount applies only to any single purchase of End-of-Day Ad-hoc Request (historical data) and/or 10-Minute Interval Intraday Ad-hoc Request (historical data) by an existing subscriber of an Intra-Day (10-Minute Interval) subscription or an End-of-Day subscription totaling $20,000 or more will receive a 20% discount when the subscriber purchases the same category of historical data for which they have a[14] monthly subscription.
- Establish footnote ''f.'', which will provide the text regarding the academic discount that applies to 1-Minute Interval Intra-Day Ad-hoc Requests (historical data). Qualifying Academic Purchasers will be charged per request $4,500 per year for the first year and $375 per month for each additional month.

Implementation

On January 23, 2026, the Exchange issued an alert announcing that the 1-Minute Report would be available for purchase beginning February 2, 2026.[15]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[16] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[17] requirements that the rules of

Open-Close Data (charging 5x the amount for a monthly subscription to the one-minute intra-day open close report as compared to the ten-minute intra-day open close report—$5,000 per month vs. $1,000 per month); *and* Cboe EDGX Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 5x the amount for a monthly subscription to the one-minute intra-day open close report as compared to the ten-minute intra-day open close report—$5,000 per month vs. $1,000 per month). Cboe BZX, C2 and Cboe EDGX Fee Schedules are *available at https://www.cboe.com/us/options/membership/fee_schedule/.*

[11] The Exchange notes its proposed pricing is also higher than the proposed fees in the similar rule filings of the Exchange's affiliates (MIAX PEARL, LLC; MIAX Emerald, LLC; and MIAX Sapphire, LLC) to establish fees for their similar one-minute intra-day open-close data products. This is because the Exchange's market share is higher and offers data into more trading segments. For example, the Exchange offers simple and complex order types, PRIME and cPRIME auction mechanisms, as well as QCC and cQCC orders, which means that subscribers receive more data points, thereby increasing the value of the data provided in the 1-Minute Report and 10-Minute Report. The Exchange also offers more historical data for market participants to utilize in their models and strategies.

[12] *See* Cboe BZX, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging approximately 1.66x the amount for the academic discount for the first year of historical data for the one-minute intra-day open close report as compared to the academic discount for the first year of historical data for the ten-minute intra-day open close report—$2,500 per year for the first year vs. $1,500 per year for the first year); C2 Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 1.5x the amount for the academic discount for the first year of historical data for the one-minute intra-day open close report as compared to the academic discount for the first year of historical data for the ten-minute intra-day open close report—$1,500 per year for the first year vs. $1,000 per year for the first year); *and* Cboe EDGX Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 1.5x the amount for the academic discount for the first year of historical data for the one-minute intra-day open close report as compared to the academic discount for the first year of historical data for the ten-minute intra-day open close report—$1,500 per year for the first year vs. $1,000 per year for the first year). *See* Cboe BZX, C2 and Cboe EDGX Fee Schedules are *available at https://www.cboe.com/us/options/membership/fee_schedule/.*

[13] The Exchange initially established and began charging $2,000 per month for the 10-Minutre Report version of the Open-Close Report on June 1, 2021. *See* Securities Exchange Act Release No. 92135 (June 9, 2021), 86 FR 31751 (June 15, 2021) (SR–MIAX–2021–23). For 2021, the Exchange's equity options market share was 5.83%. *See* the Market Share section of the Exchange's website, *available at https://www.miaxglobal.com/.* At the end 2025, the Exchange's equity options market share grew to 7.89%. *See* OCC, Options Volume by Exchange—2025, *available at https://www.theocc.com/market-data/market-data-reports/volume-and-open-interest/volume-by-exchange.*

[14] The Exchange proposes to make a minor, non-substantive edit to change ''an'' to ''a'' in the first sentence of footnote ''e.'' in the phrase ''. . . an monthly subscription.'' The purpose of this change is to correct a grammatical error.

[15] *See* MIAX Exchange Group—Options Markets—Introducing Availability of 1-Minute Interval Intra-Day Open-Close Reports (dated January 23, 2026), *available at https://www.miaxglobal.com/alert/2026/01/23/miax-exchange-group-options-markets-introducing-availability-1-minute-1?nav=all.*

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

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) [18] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Securities and Exchange Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposal to make the 1-Minute Report data available for purchase would further broaden the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The proposal also promotes increased transparency through the dissemination of 1-Minute Report data. The proposed rule change would benefit investors by making the 1-Minute Report data available for purchase, which as noted above, may promote better informed trading. Particularly, information regarding opening and closing activity across different option series may indicate investor sentiment, which can be helpful trading information. Subscribers to the data may be able to enhance their ability to analyze option trade and volume data on an intraday basis, and create and test trading models and analytical strategies. The Exchange believes 1-Minute Report data provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading. The Exchange believes that market participants may find it beneficial to receive additional data based on these shorter intervals as opposed to the existing data intervals provided in the 10-Minute Report. While use cases are the same as the existing 10-Minute Report, the increased frequency of data intervals in the 1-Minute Report provides more current information and more data reporting intervals throughout the trading day to gain knowledge of the trading activity by origin for subscribers. Of further note, the Exchange has created this proposed new report in response to customer feedback.

The Exchange believes the proposed fees are reasonable as the proposed fees reflect modest increases in price relative to the additional data points being offered in this new 1-Minute Report. As discussed above, a participant who subscribes to the 1-Minute Report receives ten times the data points that they would receive in comparison to the 10-Minute Report and are only seeing an increase of three times in the cost (accounting for the proposed monthly subscription increase to the 10-Minute Report) for ten times the amount of data. Similarly, a participant who purchases the historical 1-Minute Report data for a particular month receives ten times the amount of data in contrast to a participant who purchases the historical 10-Minute Report data for that same month with just four times the difference in the costs. In summary, for each fee for the 1-Minute Report, a participant is able to receive a greater increase in the amount of data points it receives relative to the increase in the fee they would pay to receive this additional data.

The Exchange believes the proposed fees for the 1-Minute Report are reasonable because the proposed higher pricing is in line with other exchanges that offer substantively similar open-close report data products based on the trading activity on those exchanges and the pricing they charge for similar ten-minute and one-minute open-close data products.[19] As noted above, other exchanges charge 4–5x for their one-minute open-close data products compared to the 10-minute version, while the Exchange proposes to charge 3x the amount for a monthly subscription to the 1-Minute Report as compared to the 10-Minute Report, *i.e.,* $9,000 per month vs. $3,000 per month (factoring in the proposed increased monthly subscription fee for the 10-Minute Report). Accordingly, the Exchange believes the proposed pricing for the 1-Minute Report is reasonable.

The Exchange believe the proposal to increase the monthly subscription fee for the 10-minute Report from $2,000 to $3,000 per month is reasonable, equitably allocated and not unfairly discriminatory because of growth and increased volume on the Exchange.[20] Further, market participants that purchase a subscription to the 1-Minute Report may request the 10-Minute Report data (and/or EOD data) for no additional charge.

Furthermore, proposing fees that are excessively higher than established fees for similar data products offered by other exchanges [21] would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Like the Exchange's 10-Mintue Report and similar data products offered at other exchanges, the 1-Minute Report provides insight into trading on a specific market and may likewise aid in assessing investor sentiment. Similarly, market participants may be able to analyze option trade and volume data, and create and test trading models and analytical strategies using only the 10-Minute Report data. As such, if a market participant views the 10-Minute Report data as a more attractive offering for its specific business needs, then such market participant can merely choose to purchase the 10-Minute Report for the lower price.

The Exchange also believes the proposed fees are reasonable as they would support the introduction of a new market data product that is designed to aid investors by providing further insight into trading on the Exchange. The Exchange believes the 1-Minute Report provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading. The Exchange believes that market participants may find it beneficial to receive additional data based on these shorter intervals as opposed to the existing 10-Minute Report data intervals. While use cases are the same as the existing 10-Minute Report, the increased frequency provides more current information and more data reporting intervals throughout the day to gain knowledge of the trading activity by origin. The Exchange also believes the proposed fees are equitable and not unfairly discriminatory as the fees would apply equally to all users who choose to purchase such data. The Exchange believes the proposal does not differentiate between subscribers that purchase the 1-Minute Report and would allow any interested market participant to purchase such data based on their business needs.

Lastly, the Exchange believes that the discount for qualifying academic purchasers for the historical 1-Minute Report data is reasonable because

[18] 15 U.S.C. 78f(b).

[19] *See supra* note 10.

[20] *See supra* note 13.

[21] *See supra* note 10.

academic institutions are not able to monetize access to the data as they do not trade on the data sets. The Exchange believes the proposed discount will allow for more academic institutions to purchase the historical 1-Minute Report data, and, as a result, promote research and studies of the options industry to the benefit of all market participants. The Exchange believes the proposed markup for the academic discount for qualifying academic purchasers of historical 1-Minute Report data is in line with the markup charged by other exchanges that offer academic discounts for their versions of the one-minute open-close data product.[22] Similar to other exchanges that charge between 1.5–1.66x for the academic discount for historical requests for one-minute intra-day open-close data as compared to academic discount for historical requests for the ten-minute version, the Exchange proposes to charge 1.5x the amount for qualifying academic purchasers who purchase historical 1-Minute Report data as compared to the academic discount for the 10-Minute Report, *i.e.,* $4,500 per year for the first year vs. $3,000 per year for the first year.

The Exchange believes that the proposed academic discount for historical request of 1-Minute Report data is equitable and not unfairly discriminatory because it will apply equally to all academic institutions that submit an application and meet the accredited academic institution and academic use criteria. As stated above, qualified academic purchasers will subscribe to the data set for educational use and purposes and are not permitted to use the data for commercial or monetizing purposes, nor can they qualify if they are funded by an industry participant. As a result, the Exchange believes the proposed discount is equitable and not unfairly discriminatory because it maintains equal treatment for all industry participants or other subscribers that use the data for vocational, commercial or other for-profit purposes.

As noted above, the Exchange anticipates a wide variety of market participants may subscribe to the 1-Minute Report, including but not limited to individual customers, buy-side investors and investment banks. The Exchange reiterates that the decision as to whether or not to purchase the 1-Minute Report is entirely optional for all potential subscribers. Indeed, no market participant is required to purchase the 1-Minute Report and the Exchange is not required to make the 1-Minute Report available to market participants. Rather, the Exchange is voluntarily making 1-Minute Report data available, as requested by customers, and market participants may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may cancel and decline to purchase such data at any time.

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. Rather, the Exchange believes that the proposal will promote competition by permitting the Exchange to make available a data product for purchase that is similar to those offered by other competitor options exchanges.[23]

The Exchange also does not believe the proposed fees would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own comparable reports that includes additional data points with lower prices to better compete with the Exchange's offerings. The Exchange operates in a highly competitive environment, and its ability to price the various versions of the open-close reports is constrained by competition among exchanges who choose to adopt similar products.[24] The Exchange must consider this in its pricing discipline in order to compete for subscribers of the Exchange's market data via the open-close reports. For example, proposing fees that are excessively higher than fees for potentially similar data products may simply serve to reduce demand for the Exchange's reports, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed fees apply uniformly to any purchaser in that the Exchange does not differentiate between the different market participants that may purchase the report. The proposed fees are set at a reasonable level that would allow any interested market participant to purchase such data based on their business needs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[25] and Rule 19b–4(f)(2)[26] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–MIAX–2026–06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MIAX–2026–06. 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

[22] *See supra* note 12.

[23] *See supra* notes 4 and 10.

[24] *Id.*

[25] 15 U.S.C. 78s(b)(3)(A)(ii).

[26] 17 CFR 240.19b–4(f)(2).

be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MIAX–2026–06 and should be submitted on or before March 10, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03022 Filed 2–13–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104820; File No. SR–PEARL–2026–08]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 2613(a), Usage of Data Feeds

February 11, 2026.

Pursuant to the provisions of 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 February 4, 2026, MIAX PEARL, LLC (''MIAX Pearl'' or the ''Exchange''),[3] filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 2613(a), Usage of Data Feeds, to reflect the name change of ''Nasdaq BX, Inc.,'' to ''Nasdaq Texas, LLC.''

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-equities/pearl-equities/rule-filings,* and at MIAX Pearl's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MIAX Pearl included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. MIAX Pearl has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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 Exchange Rule 2613(a) to reflect the name change of ''Nasdaq BX, Inc.,'' to ''Nasdaq Texas, LLC.''

Nasdaq BX, Inc. (''Nasdaq BX'') recently converted from a corporation organized under the laws of the state of Delaware to a limited liability company (''LLC'') organized under the laws of the state of Texas and changed its name to ''Nasdaq Texas, LLC.'' (''Nasdaq Texas'').[4] The Exchange accordingly proposes a conforming change to its rule to reflect the name change of Nasdaq BX to Nasdaq Texas. Specifically, the Exchange proposes to replace one reference to ''Nasdaq BX, Inc.'' in Exchange Rule 2613(a) with ''Nasdaq Texas, LLC.''

The proposed change is conforming and non-substantive in nature.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(1)[6] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5)[7] of the Act in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed non-substantive change would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Act and comply and enforce compliance with the provisions of the Act by its members and persons associated with its members, because it would ensure that the Exchange's rule accurately reflects the correct name of the market center from which the Exchange utilize direct data feeds when performing order handling, order execution, routing, and related compliance for equity securities and therefore contribute to the orderly operation of the Exchange by adding clarity and transparency. In addition, the proposed rule change would reduce potential investor and market participant confusion and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that investors and market participants can more easily navigate, understand and comply with the Exchange's rules. The Exchange also believes that the proposed rule change would remove impediments to and perfects the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange's rules. The proposed rule change would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from the increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] All references to ''MIAX Pearl'' in this filing are to MIAX Pearl Equities, the equities trading facility of MIAX PEARL, LLC. *See* Exchange Rule 1901.

[4] *See* Securities Exchange Act Release No. 104736 (January 29, 2026), 91 FR 4980 (February 3, 2026) (SR–BX–2026–005) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Repeal the Restated Certificate of Incorporation and Adopt a Certificate of Formation and Company Agreement.).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(1).

[7] 15 U.S.C. 78f(b)(5).

proposed rule change is not intended to address competitive issues but rather is concerned solely with updating the Exchange's rule to reflect the name change of Nasdaq BX to Nasdaq Texas.

Intermarket Competition

The Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with updating the Exchange's rule to reflect the name change of Nasdaq BX to Nasdaq Texas.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)[9] thereunder, the Exchange has designated this proposal as one that effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.

A proposed rule change filed under Rule 19b–4(f)(6)[10] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[11] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. In the filing, the Exchange stated that the proposed change will not adversely impact investors as the Exchange is proposing a non-substantive, conforming change to reflect the name change of Nasdaq BX to Nasdaq Texas and that does not impose any significant burden on competition because it applies evenly to all Equity Members. The proposed rule change does not raise any novel issues, as the name change from Nasdaq BX to Nasdaq Texas has already occurred and waiver of the operative delay allows for the immediate clarification of the Exchange's rules to reflect this change, and therefore, waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–PEARL–2026–08 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–PEARL–2026–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–PEARL–2026–08 and should be submitted on or before March 10, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03019 Filed 2–13–26; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, February 19, 2026.

PLACE: The meeting will be held via remote means and at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the

scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: February 12, 2026.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–03089 Filed 2–12–26; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104822; File No. SR–NYSETEX–2026–03]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fee Schedule of NYSE Texas, Inc.

February 11, 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 February 4, 2026, the NYSE Texas, Inc. (''NYSE Texas'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fee Schedule regarding annual fees applicable to Exchange Traded Products. The Exchange proposes to implement the fee changes effective February 4, 2026. The proposed rule change is available on the Exchange's website at *www.nyse.com,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule regarding annual fees for Exchange Traded Products (''ETPs'').[3]

The proposed change responds to the current extremely competitive environment for ETP listings, in which issuers can readily favor competing venues or transfer their listings if they deem fee levels at a particular venue to be excessive or discount opportunities available at other venues to be more favorable. In response to the competitive environment for listings, the Exchange proposes to amend the Fee Schedule to (1) modify certain annual fees for ETPs set forth in the tables in Sections H.3.A. of the Annual Fees section of the Fee Schedule, and (2) modify the alternate definition of a ''High Volume Product'' and the discounts for such products set forth in Section H.4C. The proposal is substantially the same as changes recently adopted by the Exchange's affiliate NYSE Arca, Inc.[4]

The Exchange proposes to implement the fee changes effective February 4, 2026.

Proposed Rule Change

Section H.3. of the Fee Schedule sets forth annual fees for ETPs listed on the Exchange. Issues are subject to annual fees in the year of listing, pro-rated based on days listed that calendar year. The annual fees for ETPs are billed in January for the forthcoming year. The annual fees applicable to ETPs that have liquidated and as a result are delisted from the Exchange will be pro-rated for the portion of the calendar year that such issue was listed on the Exchange, based on days listed that calendar year, and refunded.

Currently, Section H.3.A.i. provides for annual fees as follows for ETPs (excluding Managed Fund Shares, Active Proxy Portfolio Shares, Managed Trust Securities, and Managed Portfolio Shares) and Exchange-Traded Fund Shares listed under Rule 5.2–E(j)(8) that track an index, have a maturity date, or provide an expected return over a specific outcome period:

Number of shares outstanding (each issue)	Annual fee
Less than 25 million	$8,500
25 million up to 99,999,999	15,000
100 million up to 199,999,999	25,000
200 million up to 599,999,999	35,000
600 million and over	30,000

Section H.3.A.ii. sets forth the following annual fees for Managed Fund Shares, Managed Trust Securities, Active Proxy Portfolio Shares, Managed Portfolio Shares, and Exchange-Traded Fund Shares listed under Rule 5.2–E(j)(8) that do not track an index:

Number of shares outstanding (each issue)	Annual fee
Less than 25 million	$10,000
25 million up to 99,999,999	15,000
100 million up to 199,999,999	25,000
200 million up to 599,999,999	35,000
600 million and over	30,000

The Exchange proposes to amend the annual fees reflected in Sections H.3.A.i. and Section H.3.A.ii. by lowering the annual fee for ETPs between 199,999,999 shares outstanding and 249,999,999 shares outstanding and providing a lower fee for all ETPs with 250 million shares or more outstanding. The proposed change is intended to simplify the Fee Schedule by harmonizing the annual fees set forth in these two sections for ETPs with more than 200 million shares outstanding.

The Exchange proposes to amend the fees set forth in Section H.3.A.i. as follows:

Number of shares outstanding (each issue)	Annual fee
Less than 25 million	$8,500
25 million up to 99,999,999	15,000
100 million up to 249,999,999	25,000
250 million and over	30,000

The Exchange similarly proposes to amend Section H.3.A.ii. as below (proposed additions underlined and proposed deletions bracketed):

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''Exchange Traded Products'' is defined in footnote 1 of the Fee Schedule.

[4] *See* Securities Exchange Act Release No. 104584 (Jan. 13, 2026), 91 FR 2160 (Jan. 16, 2026) (SR–NYSEARCA–2025–91) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Schedule of Fees and Charges).

Number of shares outstanding (each issue)	Annual fee
Less than 25 million	$10,000
25 million up to 99,999,999	15,000
100 million up to 249,999,999	25,000
250 million and over	30,000

The Exchange believes the proposed change would simplify and lower annual fees applicable to ETPs above 200 million shares outstanding. As proposed, the annual fee for ETPs with between 200 million and 249,999,999 million shares outstanding would be lowered to $25,000. In addition, by creating a single annual fee for ETPs with 250 million or more shares outstanding, the annual fee for ETPs with between 250 million up to 599,999,999 million shares outstanding would be lowered to $30,000 while the annual fee for ETPs with 600 million or more shares outstanding would remain unchanged. The Exchange believes that the proposed simplified fee structure could further incentivize issuers to list multiple series of certain securities on the Exchange. The Exchange further believes that the proposed fees would continue to encourage issuers to list ETPs on the Exchange and represents a reasonable effort by the Exchange to respond to the competitive environment for ETP listings, particularly in conjunction with the incentives proposed below that would offer issuers opportunities to qualify for lower annual fees.

In addition, Section H.3.A.iii. sets forth alternative methods through which ETPs can qualify for reduced annual fees. Specifically, ETPs with at least $50 billion in assets under management at the time the annual fee is billed are subject to an annual fee of $5,000 (regardless of number of shares outstanding). Alternatively, ETPs can qualify for reduced annual fees by achieving certain primary listing market auction volume, measured by ADV calculated based on combined volume executed in the Exchange's opening and closing auctions in the preceding calendar year. The current reduced fees are set forth in the following table in Section H.3.A.iii.:

Primary listing market ETF auction volume (ADV)	Annual fee
50,000 shares	$10,000
75,000 shares	7,500
100,000 shares	6,500
150,000 shares	6,000
200,000 shares	5,000

The Exchange proposes to simplify the reduced annual fees set forth in Section H.3.A.iii. As proposed, the ADV buckets and corresponding annual fee would be reduced from five to three and would provide streamlined annual fees, as follows:

Primary listing market ETF auction volume (ADV)	Annual fee
60,000 shares or more	$7,500
150,000 shares or more	6,500
250,000 shares or more	5,000

In addition, the Exchange proposes to streamline and simplify the High Volume Products Discount in Section 4 (Additional Annual Fee Discounts for Exchange Traded Products and Structured Products) of the Fee Schedule. Currently, an eligible Product is considered a ''High Volume Product'' if it has (1) 1,000,000 shares CADV averaged over 12 months or, if the Product is listed less than 12 months, 1,000,000 shares CADV averaged since the date of listing, or (2) 50,000 CADV executed in opening and closing auctions averaged over 12 months or, if the Product is listed less than 12 months, 1,000,000 shares CADV averaged since the date of listing.

The Exchange proposes to amend the required amount of CADV executed in opening and closing auctions averaged over 12 months in the second definition. As proposed, an eligible Product would be considered a ''High Volume Product'' if it has 60,000 CADV executed in opening and closing auctions averaged over 12 months or, if the Product is listed less than 12 months, 1,000,000 shares CADV averaged since the date of listing. The requirement in the second definition for Products listed less than 12 months as well as the first alternative definition of a High Volume Product would remain unchanged.

In addition, an issuer that lists multiple High Volume Products is currently eligible for the following discounts, which are a discount on the aggregate calculated annual fee for each Product from such issuer:

Number of high volume products	Discount (%)
1–2	7.5
3–9	10.0
10–14	12.5
15–34	15.0
35 and above	17.5

The Exchange proposes to simplify and streamline the discounts available to High Volume Products. As proposed, an issuer that lists multiple High Volume Products would be eligible for the following discounts, which will remain a discount on the aggregate calculated annual fee for each Product from such issuer:

- An issuer listing between 2–9 High Volume Products would be eligible for a 10% discount for each Product;
- An issuer listing between 10 and 24 High Volume Products would be eligible for a 15% discount for each Product; and
- An issuer listing 25 or more High Volume Products would be eligible for a 17.5% discount for each Product.

The Exchange believes these proposed discounts on annual fees could incentivize issuers to continue to list or transfer to list ETPs on the Exchange, thereby promoting competition among exchanges that list ETPs, to the benefit of market participants, and, together with the proposed changes to annual fees described above, represent an effort by the Exchange to compete with other venues that list ETPs.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[6] 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

As discussed above, the Exchange operates in a highly competitive market for the listing of ETPs. Specifically, ETP issuers can readily favor competing venues or transfer listings if they deem fee levels at a particular venue to be excessive, or discount opportunities available at other venues to be more favorable. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, 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

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) & (5).

broader forms that are most important to investors and listed companies.'' [7]

The Exchange believes that the ongoing competition among the exchanges with respect to new listings and the transfer of existing listings among competitor exchanges demonstrates that issuers can choose different listing markets in response to fee changes. Accordingly, competitive forces constrain exchange listing fees. Stated otherwise, changes to exchange listing fees can have a direct effect on the ability of an exchange to compete for new listings and retain existing listings.

Given this competitive environment, the proposal represents a reasonable attempt to attract new issuers and retain listings on the Exchange. The Exchange's current annual fees for ETPs are based on the number of shares outstanding per issuer and provide incentives for issuers to list multiple series of certain securities on the Exchange. The Exchange believes the proposed changes to the annual fees set forth in Section H.3. are reasonable because they are intended to simplify the Fee Schedule and lower annual fees applicable to ETPs above 200 million shares outstanding. The Exchange proposes that, as currently, annual fees would generally increase as the number of shares outstanding increases (which would continue to reduce the barriers to entry and incentivize enhanced competition among issuers of ETPs), but proposes that the annual fee for ETPs with between 200 million and 249,999,999 million shares outstanding would be lowered to $25,000. In addition, by creating a single annual fee for ETPs with 250 million or more shares outstanding, the annual fee for ETPs with between 250 million up to 599,999,999 million shares outstanding would be lowered to $30,000 while the annual fee for ETPs with 600 million or more shares outstanding would remain unchanged. The Exchange believes that the proposed simplified fee structure is reasonable because it could further incentivize issuers to list multiple series of certain securities on the Exchange. As such, the proposal represents a reasonable effort by the Exchange to respond to the competitive environment for ETP listings, particularly in conjunction with the proposed changes to the method for ETPs to qualify for lower annual fees by achieving primary listing market auction volume that would largely lower reduced annual fees by streamlining and simplifying the ADV requirements. Finally, the proposed changes to the High Volume Products discounts are also reasonable because by simplifying and streamlining the number of qualifying products and the corresponding discount, the proposal would either not change or increase the discount available to High Volume Products, and are thus designed to continue to encourage issuers to add additional such products to the Exchange.

The Exchange believes that the proposal, taken together, would reflect a competitive pricing structure designed to incentivize issuers to list new products and transfer existing products to the Exchange, which the Exchange believes will enhance competition both among ETP issuers and listing venues, to the benefit of investors. The Exchange believes the proposed changes are a reasonable effort by the Exchange to respond to the current competitive environment in which it operates.

The Proposal Is an Equitable Allocation of Fees

The Exchange believes the proposal equitably allocates its fees among its market participants. In the prevailing competitive environment, issuers can readily favor competing venues or transfer listings if they deem fee levels at a particular venue to be excessive, or discount opportunities available at other venues to be more favorable. The Exchange believes that the proposed change is equitable because the proposed annual fees and discounts for High Volume Products would apply uniformly to all similarly situated issuers. The proposal is an equitable allocation of fees because all issuers would continue to be eligible to qualify for the same or reduced annual fees and High Volume Product discounts by meeting the same qualifying criteria. Moreover, the proposed fees would be equitably allocated among issuers because issuers would continue to qualify for an annual fee or discount under criteria applied uniformly to all such issuers. For the same reasons, the proposal neither targets nor will it have a disparate impact on any particular category of market participant.

The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, issuers are free to list elsewhere if they believe that alternative venues offer them better value. The Exchange believes the proposed change is not unfairly discriminatory because it is intended to provide for simplified annual fees that would generally apply equally to all ETPs listed on the Exchange, based on the number of shares outstanding. The proposed methods through which an issuer could qualify for reduced annual fees are also not unfairly discriminatory, as all issuers would be eligible to qualify for reduced annual fees based on the same criteria. Finally, the proposed discounts for High Volume Products would incentivize all issuers to list or transfer additional such products to the Exchange in order to qualify for the discounts.

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.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[8] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed change would encourage competition by simplifying and streamlining the annual fees for ETPs and discounts for High Volume Products. The Exchange believes that the proposed opportunities to qualify for lower annual fees could incentivize enhanced competition among issuers of ETPs and could encourage issuers to list additional products on the Exchange. The proposed rule changes reflect a competitive pricing structure designed to incentivize issuers to list and transfer new products on the Exchange, which the Exchange believes will enhance competition both among ETP issuers and listing venues, to the benefit of investors. As noted, the market for listing services is extremely competitive. Issuers have the option to list their securities on these alternative venues based on the fees charged and the value provided by each listing exchange. Because issuers have a choice to list their securities on a different national securities exchange, the Exchange does not believe that the proposed change imposes a burden on competition.

Intramarket Competition. The proposed change is a competitive pricing structure designed to encourage issuers to list and transfer ETPs to list on the Exchange. The Exchange believes the proposal would enhance competition among ETP issuers, to the benefit of investors. The Exchange does

[7] *See* Regulation NMS, 70 FR at 37499.

[8] 15 U.S.C. 78f(b)(8).

not believe the proposed change would burden intramarket competition as it seeks to streamline and harmonize the annual fees for ETPs listed on the Exchange and offer the same opportunities to qualify for reduced annual fees and High Volume Product discounts to all issuers. Accordingly, the Exchange believes that the proposed change would apply to and potentially benefit all issuers equally and thus would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive listings market in which issuers can readily choose alternative listing venues. In such an environment, the Exchange must adjust its fees and discounts to remain competitive with other exchanges competing for the same listings. The Exchange believes that the proposed rule change could enhance competition among ETP listing venues by simplifying the annual fees for listing ETPs on the Exchange and the qualification for reduced annual fees and High Volume Product discounts. The Exchange believes that the proposal is a competitive proposal designed to enhance pricing competition among listing venues. Because competitors are free to modify their own fees and discounts in response, and because issuers may readily adjust their listing decisions and practices, the Exchange does not believe its proposed change would impose any burden on intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) of the Act,[9] and Rule 19b–4(f)(2) thereunder [10] the Exchange has designated this proposal as establishing or changing a due, fee, or other charge imposed on any person, whether or not the person is a member of the self-regulatory organization, which renders the proposed rule change effective upon filing. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSETEX–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–NYSETEX–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–NYSETEX–2026–02 and should be submitted on or before March 10, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03021 Filed 2–13–26; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104816; File No. SR–NYSE–2026–05]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change Amending Section 703.12(II) of the NYSE Listed Company Manual To Expand the Circumstances Under Which Rights May Be Listed on the NYSE

February 11, 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 February 4, 2026, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Section 703.12(II) of the NYSE Listed Company Manual (''Manual'') to expand the circumstances under which rights may be listed on the NYSE. 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 703.12(II) of the Manual provides for the listing of rights on the NYSE. For purposes of Section 703.12(II), the term ''rights'' refers to the privilege offered to holders of record of issued equity securities to subscribe for additional securities of the same class. Consistent with this definition, rights that have traded on the Exchange historically have involved a distribution of rights to the holders of a class of equity securities that is already listed on the Exchange, and such rights have typically been limited to granting the recipients the right to subscribe for additional shares of the listed class of equity securities they already hold.

While it has historically been the case that rights traded on the Exchange have been granted only to existing shareholders of the issuer, the Exchange does not believe that there is an investor protection concern that justifies that limitation. Consequently, the Exchange proposes to amend Section 703.12(II) to provide that the term ''rights'' will also refer to the privilege offered recipients of such rights to subscribe for shares of a class of securities of such issuer that is listed or to be listed on the Exchange, regardless of whether the recipients of the rights are existing shareholders of record of such issuer. The Exchange also proposes to amend Section 703.12(II) to specify that listed rights may be issued to the initial recipient of such rights either with or without the payment of consideration by such initial recipients.

Section 703.12(II) currently provides that, in order to be listed on the Exchange, rights must be issued to purchase or receive a security that is already listed on the Exchange or that will be listed on the Exchange concurrent with the rights. The Exchange also proposes to expand the circumstances in which a right may be listed to permit the listing of a right where the security into which such right is exercisable will be listed on the Exchange upon exercise of the rights and such exercise is pursuant to a registration statement filed under the Securities Act of 1933 (a ''Securities Act Registration Statement'') that has been declared effective by the SEC prior to or simultaneous with the listing of such rights (such rights will be defined in the proposed amended rule as ''Prospective Listing Rights''). The proposed provisions relating to Prospective Listing Rights mean that some listed rights may list and trade on the Exchange prior to the listing and trading of the securities for which such rights are exercisable. The Exchange believes that this amendment will give issuers greater flexibility in structuring a rights offering as a capital raising tool. Specifically, the Exchange believes that the requirement that there be an effective Securities Act Registration Statement in relation to the exercise of the Prospective Listing Rights prior to or simultaneous to the listing of the Prospective Listing Rights would provide a significant investor protection as it would ensure that investors trading or exercising the Prospective Listing Rights would have access to the appropriate level of disclosure to enable them to make informed investment decisions. The Exchange notes that the issuer of the Prospective Listing rights will be required by law to update this Securities Act Registration Statement to reflect any material changes in the information required to be included therein that arise between the time of effectiveness of the Securities Act Registration Statement and the exercise of the Prospective Listing Rights, thereby ensuring that investors trading the Prospective Listing Rights on the Exchange will have access to current information about the issuer on a continuous basis.

Any security underlying a Prospective Listing Right will be required to meet applicable initial listing standards set forth in Section 102.00 or Section 103.00. Prospective Listing Rights would only be eligible for initial listing if, at the time of initial listing, such Prospective Listing Rights meet the following initial listing requirements: (i) at least 1,000,000 rights issued; (ii) an opening trading price of at least $1.00 per Prospective Listing Right; (iii) market value of publicly-held securities of at least $10 million, and (iv) at least 400 public holders of round lots.[3] The Exchange notes that the proposed distribution requirements are identical to those required for securities to be listed under the ''equity'' standards (*i.e.,* for trading on the NYSE's trading floor) under Section 703.19 (''Other Securities'') of the Manual. The required $10 million in market value of publicly-held securities proposed initial listing requirement for Prospective Listing Rights exceeds the $4 million total market value for securities listed under the ''equity'' standards for securities listed under Section 703.19.

As proposed, any funds paid upon exercise of Prospective Listing Rights by the holders thereof must be held in a trust account controlled by an independent custodian until consummation of the transaction in connection with which such Prospective Listing Rights are being exercised. The Prospective Listing Rights must provide by their terms that the funds held in trust will promptly be returned to the holders who have submitted the required exercise price in the event that the transaction agreement is terminated or is not consummated within one year of the initial listing of such Prospective Listing Rights.

As proposed, any series of Prospective Listing Rights must terminate by its terms if the transaction with respect to which the exercise of the Prospective Listing Rights is being solicited is not consummated within one year of the commencement of trading of such Prospective Listing Rights on the Exchange.

If it is determined that the security for which the Prospective Listing Rights are exercisable will not be listed on the Exchange (which may occur for a variety of reasons, including because the Exchange determines that the underlying securities are no longer eligible for listing or the issuer chooses to terminate the Prospective Listing Rights because the transaction that they were intended to fund has been terminated), the Exchange will promptly initiate suspension and delisting procedures with respect to such Prospective Listing Rights.

In addition, if the market value of publicly-held shares of a series of Prospective Listing Rights at any time is less than $4,000,000 or the trading price per Prospective Listing Right falls below $0.10, the Exchange will promptly initiate suspension and delisting procedures with respect to such Prospective Listing Rights. The Exchange notes that this $4,000,000 continued listing requirement is comparable to the $4,000,000 initial market value requirement for securities to be listed under the ''equity'' standards under Section 703.19 (''Other Securities'') of the Manual. If Prospective Listing Rights remain outstanding at the time of the initial listing on the Exchange of the securities into which such Prospective Listing Rights are exercisable, the Prospective Listing Rights must at such time meet all of the initial listing requirements applicable to the listing of rights other than Prospective Listing Rights. Any Prospective Listing Rights that do not meet such requirements will be subject to immediate suspension and delisting

[3] For purposes of Section 703.12(II), ''Public holders'' excludes holders that are directors, officers, or their immediate families and holders of other concentrated holdings of 10 percent or more of the total outstanding shares.

procedures. If the Exchange commences delisting procedures in either of the circumstances with respect to Prospective Listing Rights set forth in this paragraph, the issuer of the Prospective Listing Rights will not be eligible to avail itself of the provisions of Sections 802.02 and 802.03 and any such Prospective Listing Rights will be subject to delisting procedures as set forth in Section 804.00.

Finally, as the definition of ''public holders'' will now also be used in the proposed listing requirements for Prospective Listing Rights, the Exchange proposes to move that definition to the end of Section 703.12(II) without changing the wording of the definition in any way.

The Exchange also proposes to amend Section 102.01F (''Policy on Listing Reverse Merger Companies''). Section 102.01F currently excludes acquisition companies listed under Section 102.06 from its requirements and the Exchange proposes to add commentary to Section 102.01F specifying that Section 102.01F is not applicable to any business combination involving the exercise of Prospective Listing Rights listed under Section 703.12(II).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Section 6(b)(5) of the Act [5] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The adoption of listing standards for Prospective Listing Rights will provide an additional pathway for operating assets to enter the public markets. As such, the Exchange believes that its proposed listing standard will enhance competition by providing investors with an opportunity to make public market investments in assets that would otherwise be available only to the more limited group of investors that have access to investments in private assets. Prospective Listing Rights will also provide a source of capital for the acquisition of assets and will therefore create additional competition for the sale of such assets.

The Exchange believes that the proposed listing standard provides significant protections to investors with respect to the funds they submit in connection with exercises of their Prospective Listing Rights, by requiring that any funds paid upon exercise of Prospective Listing Rights by the holders thereof must be held in a trust account controlled by an independent custodian until consummation of the transaction in connection with which such Prospective Listing Rights are being exercised. A significant additional investor protection is provided by the requirement that Prospective Listing Rights must provide by their terms that the funds held in trust will promptly be returned to the holders who have submitted the required exercise price in the event that the transaction agreement is terminated or is not consummated within one year of the initial listing of such Prospective Listing Rights. A related form of investor protection is provided by the requirement that any series of Prospective Listing Rights must terminate by its terms if the transaction with respect to which the exercise of the Prospective Listing Rights is being solicited is not consummated within one year of the commencement of trading of such Prospective Listing Rights on the Exchange.

The Exchange notes the existence of a significant protection of the interests of existing shareholders of listed common stock where the listed issuer grants rights to recipients other than the existing shareholders of that listed class. Section 312.03(c) of the Manual requires (subject, generally, to exceptions for cash sales at the Minimum Price [6] and public offerings) that a listed issuer must obtain shareholder approval prior to the issuance of common stock, or of securities convertible into or exercisable for common stock, in any transaction or series of related transactions if: (1) the common stock has, or will have upon issuance, voting power equal to or in excess of 20% of the voting power outstanding before the issuance of such stock or of securities convertible into or exercisable for common stock; or (2) the number of shares of common stock to be issued is, or will be upon issuance, equal to or in excess of 20% of the number of shares of common stock outstanding before the issuance of the common stock or of securities convertible into or exercisable for common stock. Nasdaq Rule 5635 and NYSE American Company Guide Section 713 include comparable requirements. Consequently, generally, rights offerings by listed issuers of common stock or of securities that are convertible into or exercisable for common stock would be subject to shareholder approval if the rights were being issued to recipients other than the holders of the listed common stock and (1) the shares of common stock underlying the rights have, or will have upon issuance, voting power equal to or in excess of 20% of the voting power outstanding before the issuance of such stock or of securities convertible into or exercisable for common stock; or (2) the number of shares of common stock to be issued is, or will be upon issuance, equal to or in excess of 20% of the number of shares of common stock outstanding before the issuance of the common stock or of securities convertible into or exercisable for common stock. As such, the holders of the listed common stock would have the ability to block any rights offering that was materially dilutive of their economic or voting interests.

The Exchange believes it is consistent with the protection of investors to expand the circumstances in which a right may be listed to permit the listing of a right where the security into which such right is exercisable will be listed upon exercise of the rights and such exercise is pursuant to a Securities Act Registration Statement that has been declared effective by the SEC prior to or simultaneous with the listing of such rights (*i.e.,* Prospective Listing Rights). The requirement that there be an effective Securities Act Registration Statement in relation to the exercise of the rights prior to or simultaneous with the listing of the Prospective Listing Rights would, in the Exchange's view, provide a significant investor protection as it would ensure that investors trading or exercising the Prospective Listing Rights would have access to the appropriate level of disclosure to enable them to make informed investment decisions. In particular, the Exchange

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] Section 312.04(h) defines ''Minimum Price'' as a price that is the lower of: (i) the Official Closing Price immediately preceding the signing of the binding agreement; or (ii) the average Official Closing Price for the five trading days immediately preceding the signing of the binding agreement. Section 312.04(i) defines the ''Official Closing Price'' of the issuer's common stock as the official closing price on the Exchange as reported to the Consolidated Tape immediately preceding the signing of a binding agreement to issue the securities. For example, if the transaction is signed after the close of the regular session at 4:00 p.m. Eastern Standard Time on a Tuesday, then Tuesday's official closing price is used. If the transaction is signed at any time between the close of the regular session on Monday and the close of the regular session on Tuesday, then Monday's official closing price is used.

believes that the availability of an effective Securities Act Registration Statement at the time of initial listing of the Prospective Listing Rights including disclosure about the anticipated business and financial position of the issuer as it will exist upon exercise of the Prospective Listing Rights (and the listing of the underlying securities on the Exchange) will provide investors in the Prospective Listing Rights with the ability to make judgments about the anticipated value of the underlying securities by making comparisons to the market values of comparable listed companies. The Exchange also believes that the obligation of the issuer of Prospective Listing Rights under the Securities Act and the rules thereunder to amend the Securities Act Registration Statement up to the time of exercise of the Prospective Listing Rights to reflect any material changes in the issuer's business or financial condition will ensure that investors will have access to adequate disclosure to enable them to value the securities throughout the life of the Prospective Listing Rights. Furthermore, the issuer of Prospective Listing Rights would be subject to the requirements of Sections 202.05 and 202.06 of the Manual, which require immediate disclosure of all material news. The Exchange believes that these requirements under the securities laws and Exchange rules will provide investors in Prospective Listing Rights with an appropriate level of access to information to make investment decisions and that this robust level of disclosure will also act as a significant safeguard against illegal manipulation of the securities.

As proposed, Prospective Listing Rights must meet initial listing requirements of at least (i) 1,000,000 rights issued, (ii) an initial trading price on the Exchange of at least $1.00 per Prospective Listing Right, (iii) a market value of publicly-held securities of at least $10 million, and (iv) 400 public holders of round lots. In addition, listed Prospective Listing Rights would be subject to the prompt commencement of suspension and delisting procedures if (i) it is determined that the security for which the Prospective Listing Rights are exercisable will not be listed on the Exchange, (ii) the market value of publicly-held shares of a series of Prospective Listing Rights falls below $4,000,000 or (iii) the trading price per Prospective Listing Right falls below $0.10. If the Exchange commences delisting procedures in the circumstances with respect to Prospective Listing Rights set forth in this paragraph, the issuer of the Prospective Listing Rights will not be eligible to avail itself of the provisions of Sections 802.02 and 802.03 and any such listed rights will be subject to delisting procedures as set forth in Section 804.00. The Exchange believes that these initial and continued listing requirements will protect investors by helping to ensure trading liquidity in the Prospective Listing Rights and also ensuring that such rights will not be traded unless the underlying security is expected to list on the Exchange. The Exchange notes that the proposed initial and continued quantitative listing standards for Prospective Listing Rights are identical to (or, in the case of the market-value of publicly-held shares requirement more rigorous than) those required for securities to be listed under the ''equity'' standards (*i.e.,* for trading on the NYSE's trading floor) under Section 703.19 (''Other Securities'') of the Manual and that the $0.10 per security continued price requirement is consistent with the NYSE's policy with respect to the delisting of equity securities with abnormally low trading prices. As the Exchange has extensive experience with the application of those standards with respect to other types of securities and believes that they have provided adequate investor protection when used in that context, the Exchange believes that these standards will also provide adequate protection to investors in Prospective Listing Rights.

The Exchange believes that its existing surveillance procedures are adequate to enable it to detect manipulative trading practices with respect to Prospective Listing Rights. The Exchange notes that the NYSE and other self-regulatory organizations have extensive experience in conducting surveillance of the trading in securities whose value, like that of Prospective Listing Rights, is substantially dependent on the issuer's future acquisition of an identified operating asset, including for example, listed SPACs that are trading on the Exchange after entering into a definitive agreement with respect to a business combination. The Exchange also believes that market participants are able to arrive at market prices for such securities without excessive volatility and that this experience provides a reasonable basis for understanding how Prospective Listing Rights are likely to trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will increase competition because the adoption of listing standards for Prospective Listing Rights will provide an additional pathway for operating assets to enter the public markets. As such, the Exchange believes that its proposed listing standard will enhance competition by providing investors with an opportunity to make public market investments in assets that would otherwise be available only to the more limited group of investors that have access to investments in private assets. Prospective Listing Rights will also provide a source of capital for the acquisition of assets and will therefore create additional competition for the sale of such assets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSE–2026–05 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–NYSE–2026–05. 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–NYSE–2026–05 and should be submitted on or before March 10, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03016 Filed 2–13–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104818; File No. SR–NASDAQ–2026–006]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 7, Section 2

February 11, 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 30, 2026, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend The Nasdaq Options Market LLC (''NOM'') Rules at Options 7, Section 2, Nasdaq Options Market—Fees and Rebates. Specifically, the Exchange proposes to modify the Tier 5 and Tier 6 rebates paid to NOM Market Makers for adding liquidity in Penny Symbols.[3]

While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on February 2, 2026.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NOM's Pricing Schedule at Options 7, Section 2, Nasdaq Options Market—Fees and Rebates.

Currently, the Exchange pays Customers,[4] Professionals,[5] Broker-Dealers,[6] Firms,[7] Non-NOM Market Makers,[8] and NOM Market Makers a rebate to add liquidity in Penny Symbols, on a per contract basis. This rebate is paid to NOM Market Makers according to the following schedule:

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Tier 6
NOM Market Maker	($0.20)	($0.25)	($0.30)	($0.32)	($0.46)	($0.48)

NOM Market Makers are paid this rebate per the highest tier achieved according to the following schedule of tiers:

MONTHLY VOLUME	
Tier 1	Participant adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols of up to 0.10% of total industry customer equity and ETF option average daily volume (''ADV'') contracts per day in a month.

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''NOM Market Maker'' is a Participant that has registered as a Market Maker on NOM pursuant to Options 2, Section 1, and must also remain in good standing pursuant to Options 2, Section 9. In order to receive NOM Market Maker pricing in all securities, the Participant must be registered as a NOM Market Maker in at least one security. *See* Options 7, Section 1(a). The term ''Options Participant'' or ''Participant'' means a firm, or organization that is registered with the Exchange pursuant to Options 2A of the NOM Rules for purposes of participating in options trading on NOM as a ''Nasdaq Options Order Entry Firm'' or ''Nasdaq Options Market Maker''. *See* Options 1, Section 1(39).

[4] The term ''Customer'' applies to any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''Professional'' (as that term is defined in Options 1, Section 1(a)(47)). *See* Options 7, Section 1(a).

[5] The term ''Professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s) pursuant to Options 1, Section 1(a)(47). All Professional orders shall be appropriately marked by Participants. *See* Options 7, Section 1(a).

[6] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category. *See* Options 7, Section 1(a).

[7] The term ''Firm'' applies to any transaction that is identified by a Participant for clearing in the Firm range at OCC. *See* Options 7, Section 1(a).

[8] The term ''Non-NOM Market Maker'' is a registered market maker on another options exchange that is not a NOM Market Maker. A Non-NOM Market Maker must append the proper Non-NOM Market Maker designation to orders routed to NOM. *See* Options 7, Section 1(a).

MONTHLY VOLUME—Continued

Tier 2	Participant adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols above 0.10% of total industry customer equity and ETF option ADV contracts per day in a month.
Tier 3	Participant: (a) adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols above 0.20% of total industry customer equity and ETF option ADV contracts per day in a month; or (b)(1) adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols above 0.15% of total industry customer equity and ETF option ADV contracts per day in a month, (2) transacts in all securities through one or more of its Nasdaq Market Center MPIDs that represent (i) 0.50% or more of Consolidated Volume (''CV'') which adds liquidity in the same month on The Nasdaq Stock Market or (ii) 50 million shares or more ADV which adds liquidity in the same month on The Nasdaq Stock Market, and (3) executes 1.5 million shares or more ADV in the same month utilizing the M–ELO order type on The Nasdaq Stock Market.
Tier 4	Participant adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols of above 0.60% of total industry customer equity and ETF option ADV contracts per day in a month.
Tier 5	Participant: (a) adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols above 1.25% of total industry customer equity and ETF option ADV contracts per day in a month; or (b) adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols of above 0.40% of total industry customer equity and ETF option ADV contracts per day in a month and transacts in all securities through one or more of its Nasdaq Market Center MPIDs that represent 0.40% or more of Consolidated Volume (''CV'') which adds liquidity in the same month on The Nasdaq Stock Market.
Tier 6	Participant: (a)(1) adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols above 0.95% of total industry customer equity and ETF option ADV contracts per day in a month, (2) executes Total Volume [9] of 250,000 or more contracts per day in a month, of which 30,000 or more contracts per day in a month must be removing liquidity, and (3) adds Firm, Broker-Dealer and Non-NOM Market Maker liquidity in Non-Penny Symbols of 10,000 or more contracts per day in a month; or (b)(1) adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols above 1.40% of total industry customer equity and ETF option ADV contracts per day in a month, and (2) executes Total Volume of 250,000 or more contracts per day in a month, of which 15,000 or more contracts per day in a month must be removing liquidity.

The Exchange proposes to modify this schedule of rebates to add liquidity in Penny Symbols as it applies to NOM Market Makers, so that the Tier 5 rebate would be $0.45 per contract (instead of $0.46), and the Tier 6 rebate would be $0.47 per contract (instead of $0.48).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, 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.'' [12]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [13] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[14] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [15]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [16] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

The proposed amended rebates to add liquidity in Penny Symbols are equitable and not unfairly discriminatory because the Exchange would uniformly apply the new fees and rebates to any member or member organization that meets the criteria for these rebates. Furthermore, the amended schedule of rebates is equitable and not unfairly discriminatory because it is intended to attract more order flow to the Exchange. All members and member organizations would benefit from the opportunity to interact with such increased order flow.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Inter-market Competition

The proposal does not impose an undue burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

[9] ''Total Volume'' is defined as Customer, Professional, Firm, Broker-Dealer, Non-NOM Market Maker and NOM Market Maker volume in Penny Symbols and/or Non-Penny Symbols which either adds or removes liquidity on NOM. *See* Options 7, Section 2.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[13] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[14] *See NetCoalition,* at 534–535.

[15] *Id.* at 537.

[16] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (Dec. 2, 2008), 73 FR 74770, 74782–83 (Dec. 9, 2008) (File No. SR–NYSEArca–2006–21)).

Intra-market Competition

The Exchange's proposed amendments to the Tier 5 and Tier 6 rebates paid to NOM Market Makers for adding liquidity in Penny Symbols would not impose an undue burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act, because the Exchange would uniformly apply the new schedule of rebates to all NOM Market Makers. Also, the revised schedule of rebates paid to NOM Market Makers for adding liquidity in Penny Symbols is part of an overall effort to help attract more order flow to the Exchange. All members and member organizations would benefit from the opportunity to interact with such increased order flow.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[17]

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: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–NASDAQ–2026–006 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NASDAQ–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–NASDAQ–2026–006 and should be submitted on or before March 10, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03018 Filed 2–13–26; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104817; File No. SR–ISE–2026–03]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 9, Section 14 To Exempt Box Spreads From Position Limits and To Amend Options 3, Sections 5, 7, and 14

February 11, 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 28, 2026, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 3, Section 5 (Entry and Display of Single-Leg Orders); Options 3, Section 7 (Types of Orders and Order and Quote Protocols); Options 3, Section 14 (Complex Orders); and Options 9, Section 14 (Exemptions from Position Limits).

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 3, Section 5 (Entry and Display of Single-Leg Orders); Options 3, Section 7 (Types of Orders and Order and Quote Protocols); Options 3, Section 14 (Complex Orders); and Options 9, Section 14 (Exemptions from Position Limits). Each rule change will be described below.

Options 3, Section 5

The Exchange proposes to amend Options 3, Section 5, Entry and Display of Single-Leg Orders, to align the rule text at Options 3, Section 5(c) with Nasdaq Phlx LLC (''Phlx'') Options 3, Section 5(c). Today, ISE Options 3, Section 5(c) states,

> The System automatically executes eligible orders using the Exchange's displayed best bid and offer (''BBO'') or the Exchange's non-displayed order book (''internal BBO'') if the best bid and/or offer on the Exchange has been re-priced pursuant to subsection (d) below and Options 3, Section 4(b)(6) above.

At this time, the Exchange proposes to state,

The System automatically executes eligible orders using the Exchange's displayed best bid and offer (''BBO'') or the Exchange's non-displayed order book (''internal BBO'') if there are non-displayed orders on the order book or the best bid and/or offer on the Exchange has been re-priced pursuant to subsection (d) below and Options 3, Section 4(b)(6) above.

The amendment is non-substantive because, today, a non-displayed order on the order book will be executed at the best price on the Exchange whether that best price is displayed or non-displayed.

Options 3, Section 7

The Exchange proposes to amend the language of ISE Supplementary .03 to Options 3, Section 7 to align with Phlx Supplementary .03 to Options 3, Section 7. Specifically, the Exchange proposes to amend the ''Financial Information eXchange'' or ''FIX'' at Supplementary .03(a) to Options 3, Section 7 to align the rule text with Phlx Supplementary .03(a) to Options 3, Section 7 and note that the interface allows Members and their Sponsored Customers to connect, send, and receive messages related to orders and auction orders *and responses* to *and from* the Exchange. This amendment reflects current System operation.

Similarly, the Exchange proposes to amend the ''Ouch to Trade Options'' or ''OTTO'' at Supplementary .03(b) to Options 3, Section 7 to align the rule text with Phlx Supplementary .03(b) to Options 3, Section 7 and note that the interface allows Members and their Sponsored Customers to connect, send, and receive messages related to orders, auction orders, and auction responses to *and from* the Exchange. This amendment reflects current System operation.

Finally, the Exchange proposes to amend the ''Specialized Quote Feed'' or ''SQF'' at Supplementary .03(c) to Options 3, Section 7 to align the rule text with Phlx Supplementary .03(c) to Options 3, Section 7 and note that the interface allows Market Makers to connect, send, and receive messages related to quotes, Immediate-or-Cancel Orders, and auction responses to *and from* the Exchange. This amendment reflects current System operation.

Options 3, Section 14

The Exchange proposes to amend Options 3, Section 14(b)(5) to change ''Customer Cross Complex Order'' to ''Complex Customer Cross Order'' so that the term conforms to the manner it is utilized in Options 3, Section 12(b). Amending Options 3, Section 14(b)(5) to change ''Customer Cross Complex Order'' to ''Complex Customer Cross Order'' is a non-substantive amendment. The Exchange also proposes to replace ''Options 3, Section 12'' with the word ''Rule'' in Options 3, Section 14(b)(13) to align with Phlx Options 3, Section 14(b)(13). The Exchange proposes to change ''n'' to ''in'' within Supplementary Material .07 to Options 3, Section 14. These technical amendments are all non-substantive.

Options 9, Section 14

ISE proposes to amend Options 9, Section 14, Exemptions from Position Limits, at subparagraph (a) which currently states,

Equity Hedge Exemption. The following qualified hedging transactions and positions described in paragraphs (1) through (5) and (7) below shall be exempt from established position limits as prescribed under Options 9, Section 13(d) and Supplementary Material .03 to Options 9, Section 13. Hedge transactions and positions established pursuant to paragraphs six (6) and eight (8) below are subject to a position limit equal to five (5) times the standard limit established under Options 9, Section 13(d) and Supplementary Material .03 to Options 9, Section 13. The equity hedge exemption is in addition to the standard limit and other exemptions available under Exchange Rules.[3]

The Exchange proposes to correct an error with respect to hedge transactions to permit box spreads to be exempt from established position limits as prescribed under Options 9, Section 13(d) and Supplementary Material .01 to Options 9, Section 13.[4]

Currently, the rule text states that hedge transactions and positions established pursuant to Options 9, Section 14(a)(6) and (8) are subject to a position limit equal to five (5) times the standard limit established under Options 9, Section 13(d) and Supplementary Material .03 to Options 9, Section 13.[5] Options 9, Section 14(a)(6) references a box spread[6] and paragraph (a)(8) references OTC options positions.[7]

SR–ISE–2017–20 amended this rule text to align with Nasdaq Phlx, LLC (''Phlx'') and Cboe Exchange, Inc. (''Cboe'')[8] Phlx filed a rule proposal making clear that the five times standard was limited to OTC options contracts,[9] however Phlx inadvertently cited to Options 9, Section 14(a)(6) when it relocated rules in a subsequent rule change that copied SR–Cboe–2003–30.[10] The five times standard should apply only to OTC options contracts as evidenced by NYSE Arca, Inc. (''NYSE Arca'') Commentary .07 to Rule 5.17–O, Commentary .09 to NYSE American LLC (''NYSE American'') Rule 904, and FINRA Rule 2360(b)(3)(A)(ii).

At this time, the Exchange proposes to remove the citation to Options 9, Section 14(a)(6) with respect to a position limit equal to five (5) times the standard limit. The Exchange proposes to add paragraph (a)(6) to the list of exempt transactions in the first sentence of Options 9, Section 14(a) to properly reflect that box spreads are exempt from the position limits prescribed under Options 9, Section 13(d) and Supplementary Material .01 to Options 9, Section 13.[11] At this time, the Exchange has been applying a stricter standard. With this change, a Member would not have a position limit for a box spread and, therefore, would not have to unwind any position as a result of this amendment.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in

[3] The current rule text of Options 9, Section 14(a) cites to Supplementary Material .03 to Options 9, Section 13. This citation is incorrect, it should be a citation to Supplementary Material .01 to Options 9, Section 13. The Exchange proposes to correct this citation with this rule proposal.

[4] *See id.*

[5] *See id.*

[6] Options 9, Section 14(a)(6) states that a long call position accompanied by a short put position with the same strike price and a short call position accompanied by a long put position with a different strike price (''box spread'').

[7] Options 9, Section 14(a)(8) states that a listed option position hedged on a one-for-one basis with an over-the-counter (''OTC'') option position on the same underlying security. The strike price of the listed option position and corresponding OTC option position must be within one strike of each other and no more than one expiration month apart.

[8] *See* Securities Exchange Act Release No. 80194 (March 9, 2017), 82 FR 13908 (March 15, 2017) (SR–ISE–2017–20) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Correct a Typographical Error in Section 413 of the Exchange's Rules).

[9] *See* Securities Exchange Act Release No. 45889 (May 9, 2002), 67 FR 34980 (May 16, 2002) (SR–Phlx–2002–33) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Eliminate Position and Exercise Limits for Certain Qualified Hedge Strategies).

[10] *See* Securities Exchange Act Release No. 51322 (March 4, 2005), 70 FR 12260 (March 11, 2005) (SR–Phlx–2005–17) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto Relating to Position Limits and Exercise Limits).

[11] A similar change is being proposed to Nasdaq Phlx LLC's rules at Options 9, Section 13.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

general to protect investors and the public interest.

Options 3, Section 5

The Exchange's proposal to note that the System automatically executes eligible orders using the Exchange's displayed best bid and offer (''BBO'') or the Exchange's non-displayed order book (''internal BBO'') if there are non-displayed orders on the order book or the best bid and/or offer on the Exchange has been re-priced pursuant to subsection (d) below and Options 3, Section 4(b)(6) is consistent with the Act because, today, a non-displayed order on the order book will be executed at the best price on the Exchange whether that best price is displayed or non-displayed. This rule text aligns ISE Options 3, Section 5(c) with Phlx Options 3, Section 5(c).

Options 3, Section 7

The Exchange's proposal to amend FIX at Supplementary .03(a) to Options 3, Section 7 to align the rule text with Phlx Supplementary .03(a) to Options 3, Section 7 and note that the interface allows Members and their Sponsored Customers to connect, send, and receive messages related to orders and auction orders *and responses* to *and from* the Exchange is consistent with the Act as the interface is designed for Members to communicate to the Exchange with responses and receive messages from the Exchange. This rule text aligns with Phlx Supplementary .03(a) to Options 3, Section 7. Similar changes are proposed for OTTO at Supplementary .03(b) to Options 3, Section 7 and SQF at Supplementary .03(c) and those changes align with Phlx Supplementary .03(b) and (c) to Options 3, Section 7. The amendments reflects current System operation.

Options 3, Section 14

The Exchange's proposal to amend Options 3, Section 14(b)(5) to change ''Customer Cross Complex Order'' to ''Complex Customer Cross Order'' so that the term conforms to the manner it is utilized in Options 3, Section 12(b) is non-substantive. Replacing ''Options 3, Section 12'' with the word ''Rule'' in Options 3, Section 14(b)(13) and amending ''n'' to ''in'' within Supplementary Material .07 to Options 3, Section 14 are technical non-substantive amendments.

Options 9, Section 14

ISE's proposal to amend Options 9, Section 14(a) to correct an error with respect to hedge transactions to permit box spreads to be exempt from established position limits as prescribed under Options 9, Section 13(d) and Supplementary Material .01 to Options 9, Section 13 is consistent with the Act. Current Options 9, Section 14(a)(6) references a box spread [14] and current Options 9, Section 14(a)(8) references OTC options positions.[15] SR–ISE–2017–20 amended this rule text to align with Phlx and Cboe.[16] Phlx filed a rule proposal making clear that the five times standard was limited to OTC options contracts,[17] however Phlx inadvertently cited to Options 9, Section 14(a)(6) when it relocated rules in a subsequent rule change that copied SR–Phlx–2003–30.[18] Removing the citation to Options 9, Section 14(a)(6) with respect to a position limit equal to five (5) times the standard limit and adding paragraph (a)(6) to the list of exempt transactions in the first sentence of Options 9, Section 14(a) would properly reflect that box spreads are exempt from the position limits prescribed under Options 9, Section 13(d) and Supplementary Material .01 to Options 9, Section 13. At this time, the Exchange has been applying a stricter standard.[19]

Today, NYSE Arca Commentary .07 to Rule 5.17–O, Commentary .09 to NYSE American Rule 904 and FINRA Rule 2360(b)(3)(A)(ii) apply the five times standard only to OTC options contracts and exempt box spreads from their position limit rules. At this time, the Exchange has been applying a stricter standard. With this change, a Member would not have a position limit for a box spread and, therefore, would not have to unwind any position as a result of this amendment.

[14] Options 9, Section 14(a)(6) states that a long call position accompanied by a short put position with the same strike price and a short call position accompanied by a long put position with a different strike price (''box spread'').

[15] Options 9, Section 14(a)(8) states that a listed option position hedged on a one-for-one basis with an over-the-counter (''OTC'') option position on the same underlying security. The strike price of the listed option position and corresponding OTC option position must be within one strike of each other and no more than one expiration month apart.

[16] *See* Securities Exchange Act Release No. 80194 (March 9, 2017), 82 FR 13908 (March 15, 2017) (SR–ISE–2017–20) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Correct a Typographical Error in Section 413 of the Exchange's Rules).

[17] *See* Securities Exchange Act Release No. 45889 (May 9, 2002), 67 FR 34980 (May 16, 2002) (SR–Phlx–2002–33) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Eliminate Position and Exercise Limits for Certain Qualified Hedge Strategies).

[18] *See* Securities Exchange Act Release No. 51322 (March 4, 2005), 70 FR 12260 (March 11, 2005) (SR–Phlx–2005–17) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto Relating to Position Limits and Exercise Limits).

[19] A similar change is being proposed to Phlx's rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Options 3, Section 5

Amending Options 3, Section 5(c) does not impose an undue burden on intra-market competition because the Exchange will automatically execute each transaction at the best price available on the Exchange.

Amending Options 3, Section 5(c) does not impose an undue burden on inter-market competition because all options Exchange execute at the best price available on that market regardless of the displayed price.

Options 3, Section 7

Amending the protocols at Supplementary .03 to Options 3, Section 7 to specify the protocols permit communications to and from the Exchange, including responses, does not impose an undue burden on intra-market competition because this is true for all Members.

Amending the protocols at Supplementary .03 to Options 3, Section 7 to specify the protocols permit communications to and from the Exchange, including responses, does not impose an undue burden on inter-market competition because other options exchange such as Phlx have identical protocols.

Options 3, Section 14

The Exchange's proposal to amend Options 3, Section 14(b)(5) to change ''Customer Cross Complex Order'' to ''Complex Customer Cross Order'' is non-substantive. Also, replacing ''Options 3, Section 12'' with the word ''Rule'' in Options 3, Section 13(b)(13) and amending ''n'' to ''in'' within Supplementary Material .07 to Options 3, Section 14 are technical non-substantive amendments.

Options 9, Section 14

The Exchange's proposal to amend Options 9, Section 14(a) to remove a reference to box spreads at paragraph (a)(6) so that they are exempt from position limits as prescribed under Options 9, Section 13(d) and Supplementary Material .01 to Options 9, Section 13 does not impose an undue burden on intra-market competition because all Members who transact box spreads would be exempt from position limits as prescribed under Options 9,

Section 13(d) and Supplementary Material .01 to Options 9, Section 13.[20]

The Exchange's proposal to amend Options 9, Section 14(a) to remove a reference to box spreads at paragraph (a)(6) and note that box spreads are exempt from position limits as prescribed under Options 9, Section 13(d) and Supplementary Material .01 to Options 9, Section 13 does not impose an undue burden on inter-market competition as other options exchanges [21] have similar position limit rules that exempt box spreads from position limits.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [22] and subparagraph (f)(6) of Rule 19b–4 thereunder.[23]

A proposed rule change filed under Rule 19b–4(f)(6) [24] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[25] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest as the proposal raises no new or novel issues. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[26]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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–ISE–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–ISE–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–ISE–2026–03 and should be submitted on or before March 10, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03017 Filed 2–13–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104824; File No. SR–SAPPHIRE–2026–04]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Sapphire Options Exchange Fee Schedule To Establish Fees for the 1-Minute Report and Establish an Academic Discount for Ad Hoc Purchases of Historical 1-Minute Report Data

February 11, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 30, 2026, MIAX Sapphire, LLC (''MIAX Sapphire'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the MIAX Sapphire Options Exchange Fee Schedule (''Fee Schedule'') to establish fees for the One-Minute Interval Intra-Day Open-Close Report (referred to herein as the ''1-Minute Report''), establish an academic discount for ad hoc purchases of historical 1-Minute Report data, and make clarifying changes to the table and footnotes in Section 6)c) to differentiate between the 1-Minute Report and the Ten-Minute Interval Intra-Day Open-Close Report (referred to herein as the ''10-Minute Report.

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-*

[20] A similar change is being proposed to Phlx's rules.

[21] *See* NYSE Arca Commentary .07 to Rule 5.17–O, Commentary .09 to NYSE American Rule 904 and FINRA Rule 2360(b)(3)(A)(ii).

[22] 15 U.S.C. 78s(b)(3)(A)(iii).

[23] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[24] 17 CFR 240.19b–4(f)(6).

[25] 17 CFR 240.19b–4(f)(6)(iii).

[26] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

filings, and at MIAX Sapphire's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to establish fees for the 1-Minute Report, establish an academic discount for ad hoc purchases of historical 1-Minute Report data, and make clarifying changes to the table and footnotes in Section 6)c) to differentiate between the 1-Minute Report and the 10-Minute Report. The Exchange recently adopted the 1-Minute Report as a new data product and the Exchange now proposes to adopt fees for this product.[3] This proposal is based on similar fee filings by Cboe BZX Exchange, Inc. (''Cboe BZX''), Cboe C2 Exchange, Inc. (''C2''), and Cboe EDGX Exchange, Inc. (''Cboe EDGX'') to establish fees for their open-close reports that provide substantively similar data sets as proposed herein, albeit based on the trading activity on those exchanges.[4]

By way of background, the Exchange currently offers two version of the Open-Close Report: the End-of-Day Report (''EOD Report'') and 10-Minute Report. The EOD Report is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (Priority Customer,[5] Non-Priority Customer, Firm, Broker-Dealer, and Market Maker[6]), side of the market (buy or sell), contract volume, and transaction type (opening or closing). The Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The EOD Report provides proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

The Exchange also offers the 10-Minute Report, which provides intra-day Open-Close data and similar information to that of the EOD Report, except that it is produced and updated every 10 minutes during the trading day. Data is captured in ''snapshots'' taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each 10-minute period.[7] The 10-Minute Report provides a volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The 10-Minute Report is proprietary Exchange trade data and does not include trade data from any other exchange. All Open-Close data products are completely voluntary products, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

The Exchange recently adopted a new Open-Close data product, the 1-Minute Report, which is the same as the existing 10-Minute Report, except that it is produced and updated every minute during the trading day. The 1-Minute Report data is captured in ''snapshots'' taken every 1 minute throughout the trading day and would be available to subscribers within five minutes of the conclusion of each one-minute period.[8] Similar to the existing 10-Minute Report, the 1-Minute Report provides a volume summary of trading activity on the Exchange at the option level by origin (Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker), side of the market (buy or sell), and transaction type (opening or closing). The Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The 1-Minute Report provides proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

The Exchange proposes to amend the Fee Schedule to provide that market participants may purchase the 1-Minute Report on a subscription basis or by ad hoc request for a specified month or series of months (historical file). The Exchange proposes to assess a monthly fee of $6,000 for subscribing to the 1-Minute Report. The Exchange also proposes to assess a fee of $2,500 per request per month for an ad-hoc request of historical data for the 1-Minute Report covering all Exchange-listed securities. An ad-hoc request can be for any number of months beginning with August 2024 for which the data is available.

The Exchange also proposes to implement a similar academic discount for qualifying academic purchases of historical ad-hoc requests for 1-Minute Report data that is in place for the existing 10-Minute Report and EOD Report (both for historical requests).[9] The proposed academic discount for the historical ad-hoc requests for the 1-Minute Report shall permit qualifying academic purchasers to purchase historical 1-Minute Report data for $4,500 per year for the first year. Additional months after the first year may be purchased separately and will be assessed a prorated amount based on the yearly rate (*i.e.,* $375 per month for historical 1-Minute Report data). The

[3] *See* Securities Exchange Act Release No. 103905 (September 8, 2025), 90 FR 44113 (September 11, 2025) (SR–SAPPHIRE–2025–33).

[4] *See* Securities Exchange Act Release Nos. 103760 (August 21, 2025), 90 FR 41624 (August 26, 2025) (SR–CboeBZX–2025–116); 103761 (August 21, 2025), 90 FR 41619 (August 26, 2025) (SR–CboeC2–2025–023); *and* 104211 (November 18, 2025), 90 FR 52744 (November 21, 2025) (SR–CboeEDGX–2025–075).

[5] *See* Exchange Rule 100.

[6] *Id.*

[7] For example, subscribers to the 10-Minute Report would receive the first calculation of intra-day data no later than 9:45 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers will receive the next update by 9:55 a.m., representing the data previously provided aggregated with data captured up to 9:50 a.m., and so forth. Each update represents the aggregate data captured from the current ''snapshot'' and all previous ''snapshots.''

[8] For example, subscribers to the one-minute intra-day product would receive the first calculation of intra-day data by approximately 9:34 a.m. ET, which represents data captured from 9:30 a.m. to 9:31 a.m. Subscribers will receive the next update at 9:35 a.m., representing the data previously provided together with data captured from 9:31 a.m. through 9:32 a.m., and so forth. Each update will represent the aggregate data captured from the current ''snapshot'' and all previous ''snapshots.'' There may be variability in the time delivered during the day based on market activity; the Exchange expects to deliver this in intervals ranging from 2–5 minutes after the one-minute interval.

[9] *See* Fee Schedule, Section 6)c), notes c.-d.; *see also* Securities Exchange Act Release No. 100751 (August 16, 2024), 89 FR 68010 (August 22, 2024) (SR–SAPPHIRE–2024–09).

Exchange proposes to amend Section 6)c) of the Fee Schedule to establish new footnote ''f.'' below the table of fees for the Open-Close Report to provide for the academic discount for the 1-Minute Report (described below).

The Exchange believes that academic institutions and researchers provide a valuable service for the Exchange in studying and promoting the options market. Though academic institutions and researchers have need for granular options data sets, they do not trade upon the data for which they subscribe. The Exchange believes the proposed reduced fee for qualifying academic purchasers of historical 1-Minute Report data will encourage and promote academic studies of its market data by academic institutions. In order to qualify for the academic pricing, an academic purchaser must be (1) an accredited academic institution or member of the faculty or staff of such an institution, (2) that will use the data in independent academic research, academic journals and other publications, teaching and classroom use, or for other bona fide educational purposes (*i.e.* academic use). Furthermore, use of the data must be limited to faculty and students of an accredited academic institution, and any commercial or profit-seeking usage is excluded. Academic pricing will not be provided to any purchaser whose research is funded by a securities industry participant. The Exchange notes that these same qualifications are in place for the academic discount for the 10-Minute Report and the EOD Report (both for historical requests).

The Exchange notes that while the 1-Minute Report is priced higher than its existing pricing for the 10-Minute Report, this is to be expected as a participant subscribing to the 1-Minute Report receives 10x the data points than a subscriber of 10-Minute Report. The proposed higher pricing for the 1-Minute Report is also in line with other exchanges that offer substantively similar open-close report data products based on the trading activity on those exchanges and the pricing they charge for similar ten-minute and one-minute open-close data products.[10] While other exchanges charge 4–5x for their one-minute open-close data products compared to the ten-minute version, the Exchange proposes to charge 3x the amount for a monthly subscription to the 1-Minute Report as compared to the 10-Minute Report, *i.e.,* $6,000 per month vs. $2,000 per month.[11]

The Exchange's proposed markup for the academic discount for qualifying academic purchasers of historical 1-Minute Report data is in line with the markup charged by other exchanges that offer academic discounts for their versions of the one-minute open-close data product.[12] Similar to other exchanges that charge between 1.5–1.66x for the academic discount for historical requests for one-minute intra-day open-close data as compared to academic discount for historical requests for the ten-minute version, the Exchange proposes to charge 1.5x the amount for qualifying academic purchasers who purchase historical 1-Minute Report data as compared to the academic discount for the 10-Minute Report, *i.e.,* $4,500 per year for the first year vs. $3,000 per year for the first year.

The Exchange proposes to make clarifying changes to the table and footnotes in Section 6)c) of the Fee Schedule to differentiate between the 1-Minute Report and the 10-Minute Report. The Exchange proposes to add two rows to the table: one for the 1-Minute Report monthly subscription and its fee (*i.e.,* $6,000, as proposed); and one for ad-hoc requests for 1-Minute Report historical data, the fee per request per month (*i.e.,* $2,500, as proposed) and the furthest historical month for which historical requests can be made (August 2024). In the current rows, the Exchange propose to add the qualifier ''(10-Minute Interval)'' below the respective text in the rows for the existing 10-Minute Report.

The Exchange also proposes to amend the footnotes below the table. In particular, the Exchange proposes the following changes:

- Amend footnote ''a.'' to clarify that subscribers who purchase a 10-Minute Interval Intra-Day subscription may request an End-of-Day subscription for no additional charge. Subscribers who purchase a 1-Minute Interval Intra-Day subscription may request a 10-Minute Interval Intra-Day and/or End-of-Day subscription for no additional charge.
- Amend footnote ''b.'' to clarify that subscribers who purchase a 10-Minute Interval Intra-Day Ad-hoc Request (historical data) may submit a request for an End-of-Day Ad-hoc Request (historical data) for the same date or date range for no additional charge. Subscribers who purchase a 1-Minute Interval Intra-Day Ad-hoc Request (historical) may submit a 10-Minute Interval Intra-Day Ad-hoc Request (historical) and/or an End-of-Day Ad-hoc Request (historical data) for the same date or date range for no additional charge.
- Amend footnote ''d.'' to clarify that this footnote applies to the academic discount for 10-Minute Interval Intra-Day Ad-hoc Requests (historical data).
- Amend footnote ''e.'' to clarify that the discount applies only to any single purchase of End-of-Day Ad-hoc Request (historical data) and/or 10-Minute Interval Intraday Ad-hoc Request (historical data) by an existing subscriber of an Intra-Day (10-Minute Interval) subscription or an End-of-Day subscription will receive a 20% discount when the subscriber purchases the same category of historical data for which they have a monthly subscription.
- Establish footnote ''f.'', which will provide the text regarding the academic

[10] *See* Cboe BZX Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 4x the amount for a monthly subscription to the one-minute intra-day open close report as compared to the ten-minute intra-day open close report – $6,000 per month vs. $1,500 per month); C2 Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 5x the amount for a monthly subscription to the one-minute intra-day open close report as compared to the ten-minute intra-day open close report—$5,000 per month vs. $1,000 per month); *and* Cboe EDGX Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 5x the amount for a monthly subscription to the one-minute intra-day open close report as compared to the ten-minute intra-day open close report—$5,000 per month vs. $1,000 per month). Cboe BZX, C2 and Cboe EDGX Fee Schedules are *available at https://www.cboe.com/us/options/membership/fee_schedule/.*

[11] The Exchange notes its proposed pricing is lower than the proposed fee in the similar rule filing of the Exchange's affiliate, Miami International Securities Exchange, LLC (''MIAX''), to establish fees for its similar one-minute intra-day open-close data product. This is because MIAX's market share is higher and offers data into more trading segments. For example, MIAX offers simple and complex order types, PRIME and cPRIME auction mechanisms, as well as QCC and cQCC orders, which means that subscribers receive more data points, thereby increasing the value of the data provided in the 1-Minute Report and 10-Minute Report. MIAX also offers more historical data for market participants to utilize in their models and strategies.

[12] *See* Cboe BZX, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging approximately 1.66x the amount for the academic discount for the first year of historical data for the one-minute intra-day open close report as compared to the academic discount for the first year of historical data for the ten-minute intra-day open close report—$2,500 per year for the first year vs. $1,500 per year for the first year); C2 Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 1.5x the amount for the academic discount for the first year of historical data for the one-minute intra-day open close report as compared to the academic discount for the first year of historical data for the ten-minute intra-day open close report—$1,500 per year for the first year vs. $1,000 per year for the first year); *and* Cboe EDGX Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 1.5x the amount for the academic discount for the first year of historical data for the one-minute intra-day open close report as compared to the academic discount for the first year of historical data for the ten-minute intra-day open close report—$1,500 per year for the first year vs. $1,000 per year for the first year). *See* Cboe BZX, C2 and Cboe EDGX Fee Schedules are *available at https://www.cboe.com/us/options/membership/fee_schedule/.*

discount that applies to 1-Minute Interval Intra-Day Ad-hoc Requests (historical data). Qualifying Academic Purchasers will be charged per request $4,500 per year for the first year and $375 per month for each additional month.

Implementation

On January 23, 2026, the Exchange issued an alert announcing that the 1-Minute Report would be available for purchase beginning February 2, 2026.[13]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [15] 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) [16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Securities and Exchange Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposal to make the 1-Minute Report data available for purchase would further broaden the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The proposal also promotes increased transparency through the dissemination of 1-Minute Report data. The proposed rule change would benefit investors by making the1-Minute Report data available for purchase, which as noted above, may promote better informed trading. Particularly, information regarding opening and closing activity across different option series may indicate investor sentiment, which can be helpful trading information. Subscribers to the data may be able to enhance their ability to analyze option trade and volume data on an intraday basis, and create and test trading models and analytical strategies. The Exchange believes 1-Minute Report data provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading. The Exchange believes that market participants may find it beneficial to receive additional data based on these shorter intervals as opposed to the existing data intervals provided in the 10-Minute Report. While use cases are the same as the existing 10-Minute Report, the increased frequency of data intervals in the 1-Minute Report provides more current information and more data reporting intervals throughout the trading day to gain knowledge of the trading activity by origin for subscribers. Of further note, the Exchange has created this proposed new report in response to customer feedback.

The Exchange believes the proposed fees are reasonable as the proposed fees reflect modest increases in price relative to the additional data points being offered in this new 1-Minute Report. As discussed above, a participant who subscribes to the 1-Minute Report receives ten times the data points that they would receive in comparison to the 10-Minute Report and are only seeing an increase of three times in the cost for ten times the amount of data. Similarly, a participant who purchases the historical 1-Minute Report data for a particular month receives ten times the amount of data in contrast to a participant who purchases the historical 10-Minute Report data for that same month with just 2.5x times the difference in the costs. In summary, for each fee for the 1-Minute Report, a participant is able to receive a greater increase in the amount of data points it receives relative to the increase in the fee they would pay to receive this additional data.

The Exchange believes the proposed fees for the 1-Minute Report are reasonable because the proposed higher pricing is in line with other exchanges that offer substantively similar open-close report data products based on the trading activity on those exchanges and the pricing they charge for similar ten-minute and one-minute open-close data products.[17] As noted above, other exchanges charge 4–5x for their one-minute open-close data products compared to the 10-minute version, while the Exchange proposes to charge 3x the amount for a monthly subscription to the 1-Minute Report as compared to the 10-Minute Report, *i.e.,* $6,000 per month vs. $2,000 per month. Accordingly, the Exchange believes the proposed pricing for the 1-Minute Report is reasonable.

Furthermore, proposing fees that are excessively higher than established fees for similar data products offered by other exchanges [18] would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Like the Exchange's 10-Minute Report and similar data products offered at other exchanges, the 1-Minute Report provides insight into trading on a specific market and may likewise aid in assessing investor sentiment. Similarly, market participants may be able to analyze option trade and volume data, and create and test trading models and analytical strategies using only the 10-Minute Report data. As such, if a market participant views the 10-Minute Report data as a more attractive offering for its specific business needs, then such market participant can merely choose to purchase the 10-Minute Report for the lower price.

The Exchange also believes the proposed fees are reasonable as they would support the introduction of a new market data product that is designed to aid investors by providing further insight into trading on the Exchange. The Exchange believes the 1-Minute Report provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading. The Exchange believes that market participants may find it beneficial to receive additional data based on these shorter intervals as opposed to the existing 10-Minute Report data intervals. While use cases are the same as the existing 10-Minute Report, the increased frequency provides more current information and more data reporting intervals throughout the day to gain knowledge of the trading activity by origin. The Exchange also believes the proposed fees are equitable and not unfairly

[13] *See* MIAX Exchange Group—Options Markets—Introducing Availability of 1-Minute Interval Intra-Day Open-Close Reports (dated January 23, 2026), *available at https://www.miaxglobal.com/alert/2026/01/23/miax-exchange-group-options-markets-introducing-availability-1-minute-1?nav=all.*

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78f(b).

[17] *See supra* note 10.

[18] *See supra* note 10.

discriminatory as the fees would apply equally to all users who choose to purchase such data. The Exchange believes the proposal does not differentiate between subscribers that purchase the 1-Minute Report and would allow any interested market participant to purchase such data based on their business needs.

Lastly, the Exchange believes that the discount for qualifying academic purchasers for the historical 1-Minute Report data is reasonable because academic institutions are not able to monetize access to the data as they do not trade on the data sets. The Exchange believes the proposed discount will allow for more academic institutions to purchase the historical 1-Minute Report data, and, as a result, promote research and studies of the options industry to the benefit of all market participants. The Exchange believes the proposed markup for the academic discount for qualifying academic purchasers of historical 1-Minute Report data is in line with the markup charged by other exchanges that offer academic discounts for their versions of the one-minute open-close data product.[19] Similar to other exchanges that charge between 1.5–1.66x for the academic discount for historical requests for one-minute intra-day open-close data as compared to academic discount for historical requests for the ten-minute version, the Exchange proposes to charge 1.5x the amount for qualifying academic purchasers who purchase historical 1-Minute Report data as compared to the academic discount for the 10-Minute Report, *i.e.,* $4,500 per year for the first year vs. $3,000 per year for the first year.

The Exchange believes that the proposed academic discount for historical request of 1-Minute Report data is equitable and not unfairly discriminatory because it will apply equally to all academic institutions that submit an application and meet the accredited academic institution and academic use criteria. As stated above, qualified academic purchasers will subscribe to the data set for educational use and purposes and are not permitted to use the data for commercial or monetizing purposes, nor can they qualify if they are funded by an industry participant. As a result, the Exchange believes the proposed discount is equitable and not unfairly discriminatory because it maintains equal treatment for all industry participants or other subscribers that use the data for vocational, commercial or other for-profit purposes.

As noted above, the Exchange anticipates a wide variety of market participants may subscribe to the 1-Minute Report, including but not limited to individual customers, buy-side investors and investment banks. The Exchange reiterates that the decision as to whether or not to purchase the 1-Minute Report is entirely optional for all potential subscribers. Indeed, no market participant is required to purchase the 1-Minute Report and the Exchange is not required to make the 1-Minute Report available to market participants. Rather, the Exchange is voluntarily making 1-Minute Report data available, as requested by customers, and market participants may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may cancel and decline to purchase such data at any time.

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. Rather, the Exchange believes that the proposal will promote competition by permitting the Exchange to make available a data product for purchase that is similar to those offered by other competitor options exchanges.[20]

The Exchange also does not believe the proposed fees would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own comparable reports that includes additional data points with lower prices to better compete with the Exchange's offerings. The Exchange operates in a highly competitive environment, and its ability to price the various versions of the open-close reports is constrained by competition among exchanges who choose to adopt similar products.[21] The Exchange must consider this in its pricing discipline in order to compete for subscribers of the Exchange's market data via the open-close reports. For example, proposing fees that are excessively higher than fees for potentially similar data products may simply serve to reduce demand for the Exchange's reports, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed fees apply uniformly to any purchaser in that the Exchange does not differentiate between the different market participants that may purchase the report. The proposed fees are set at a reasonable level that would allow any interested market participant to purchase such data based on their business needs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[22] and Rule 19b–4(f)(2) [23] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–SAPPHIRE–2026–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

[19] *See supra* note 12.

[20] *See supra* notes 4 and 10.

[21] *Id.*

[22] 15 U.S.C. 78s(b)(3)(A)(ii).

[23] 17 CFR 240.19b–4(f)(2).

Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–SAPPHIRE–2026–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–SAPPHIRE–2026–04 and should be submitted on or before March 10, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03023 Filed 2–13–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104825; File No. SR–EMERALD–2026–03]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Emerald Options Exchange Fee Schedule To Establish Fees for the 1-Minute Report and Establish an Academic Discount for Ad Hoc Purchases of Historical 1-Minute Report Data

February 11, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 30, 2026, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the MIAX Emerald Options Exchange Fee Schedule (the ''Fee Schedule'') to establish fees for the One-Minute Interval Intra-Day Open-Close Report (referred to herein as the ''1-Minute Report''), establish an academic discount for ad hoc purchases of historical 1-Minute Report data, and make clarifying changes to the table and footnotes in Section 6)e) to differentiate between the 1-Minute Report and the Ten-Minute Interval Intra-Day Open-Close Report (referred to herein as the ''10-Minute Report'').

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/miax-options/rule-filings,* and at the Exchange's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to establish fees for the 1-Minute Report, establish an academic discount for ad hoc purchases of historical 1-Minute Report data, and make clarifying changes to the table and footnotes in Section 6)e) to differentiate between the 1-Minute Report and the 10-Minute Report. The Exchange recently adopted the 1-Minute Report as a new data product and the Exchange now proposes to adopt fees for this product.[3] This proposal is based on similar fee filings by Cboe BZX Exchange, Inc. (''Cboe BZX''), Cboe C2 Exchange, Inc. (''C2''), and Cboe EDGX Exchange, Inc. (''Cboe EDGX'') to establish fees for their open-close reports that provide substantively similar data sets as proposed herein, albeit based on the trading activity on those exchanges.[4]

By way of background, the Exchange currently offers two version of the Open-Close Report: the End-of-Day Report (''EOD Report'') and 10-Minute Report. The EOD Report is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (Priority Customer,[5] Non-Priority Customer, Firm, Broker-Dealer, and Market Maker [6]), side of the market (buy or sell), contract volume, and transaction type (opening or closing). The Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The EOD Report provides proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

The Exchange also offers the 10-Minute Report, which provides intra-day Open-Close data and similar information to that of the EOD Report, except that it is produced and updated every 10 minutes during the trading day. Data is captured in ''snapshots'' taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each 10-minute period.[7] The 10-Minute Report provides a volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The 10-Minute

[24] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 103906 (September 8, 2025), 90 FR 44126 (September 11, 2025) (SR–EMERALD–2025–18).

[4] *See* Securities Exchange Act Release Nos. 103760 (August 21, 2025), 90 FR 41624 (August 26, 2025) (SR–CboeBZX–2025–116); 103761 (August 21, 2025), 90 FR 41619 (August 26, 2025) (SR–CboeC2–2025–023); *and* 104211 (November 18, 2025), 90 FR 52744 (November 21, 2025) (SR–CboeEDGX–2025–075).

[5] *See* Exchange Rule 100.

[6] *Id.*

[7] For example, subscribers to the 10-Minute Report would receive the first calculation of intra-day data no later than 9:45 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers will receive the next update by 9:55 a.m., representing the data previously provided aggregated with data captured up to 9:50 a.m., and so forth. Each update represents the aggregate data captured from the current ''snapshot'' and all previous ''snapshots.''

Report is proprietary Exchange trade data and does not include trade data from any other exchange. All Open-Close data products are completely voluntary products, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

The Exchange recently adopted a new Open-Close data product, the 1-Minute Report, which is the same as the existing 10-Minute Report, except that it is produced and updated every minute during the trading day. The 1-Minute Report data is captured in ''snapshots'' taken every 1 minute throughout the trading day and would be available to subscribers within five minutes of the conclusion of each one-minute period.[8] Similar to the existing 10-Minute Report, the 1-Minute Report provides a volume summary of trading activity on the Exchange at the option level by origin (Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker), side of the market (buy or sell), and transaction type (opening or closing). The Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The 1-Minute Report provides proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

The Exchange proposes to amend the Fee Schedule to provide that market participants may purchase the 1-Minute Report on a subscription basis or by ad hoc request for a specified month or series of months (historical file). The Exchange proposes to assess a monthly fee of $6,000 for subscribing to the 1-Minute Report. The Exchange also proposes to assess a fee of $2,500 per request per month for an ad-hoc request of historical data for the 1-Minute Report covering all Exchange-listed securities. An ad-hoc request can be for any number of months beginning with March 2019 for which the data is available.

The Exchange also proposes to implement a similar academic discount for qualifying academic purchases of historical ad-hoc requests for 1-Minute Report data that is in place for the existing 10-Minute Report and EOD Report (both for historical requests).[9] The proposed academic discount for the historical ad-hoc requests for the 1-Minute Report shall permit qualifying academic purchasers to purchase historical 1-Minute Report data for $4,500 per year for the first year. Additional months after the first year may be purchased separately and will be assessed a prorated amount based on the yearly rate (*i.e.,* $375 per month for historical 1-Minute Report data). The Exchange proposes to amend Section 6)e) of the Fee Schedule to establish new footnote ''f.'' below the table of fees for the Open-Close Report to provide for the academic discount for the 1-Minute Report (described below).

The Exchange believes that academic institutions and researchers provide a valuable service for the Exchange in studying and promoting the options market. Though academic institutions and researchers have need for granular options data sets, they do not trade upon the data for which they subscribe. The Exchange believes the proposed reduced fee for qualifying academic purchasers of historical 1-Minute Report data will encourage and promote academic studies of its market data by academic institutions. In order to qualify for the academic pricing, an academic purchaser must be (1) an accredited academic institution or member of the faculty or staff of such an institution, (2) that will use the data in independent academic research, academic journals and other publications, teaching and classroom use, or for other bona fide educational purposes (*i.e.,* academic use). Furthermore, use of the data must be limited to faculty and students of an accredited academic institution, and any commercial or profit-seeking usage is excluded. Academic pricing will not be provided to any purchaser whose research is funded by a securities industry participant. The Exchange notes that these same qualifications are in place for the academic discount for the 10-Minute Report and the EOD Report (both for historical requests).

The Exchange notes that while the 1-Minute Report is priced higher than its existing pricing for the 10-Minute Report, this is to be expected as a participant subscribing to the 1-Minute Report receives 10x the data points than a subscriber of 10-Minute Report. The proposed higher pricing for the 1-Minute Report is also in line with other exchanges that offer substantively similar open-close report data products based on the trading activity on those exchanges and the pricing they charge for similar ten-minute and one-minute open-close data products.[10] While other exchanges charge 4–5x for their one-minute open-close data products compared to the ten-minute version, the Exchange proposes to charge 3x the amount for a monthly subscription to the 1-Minute Report as compared to the 10-Minute Report, *i.e.,* $6,000 per month vs. $2,000 per month.[11]

The Exchange's proposed markup for the academic discount for qualifying academic purchasers of historical 1-Minute Report data is in line with the markup charged by other exchanges that offer academic discounts for their versions of the one-minute open-close data product.[12] Similar to other

[8] For example, subscribers to the one-minute intra-day product would receive the first calculation of intra-day data by approximately 9:34 a.m. ET, which represents data captured from 9:30 a.m. to 9:31 a.m. Subscribers will receive the next update at 9:35 a.m., representing the data previously provided together with data captured from 9:31 a.m. through 9:32 a.m., and so forth. Each update will represent the aggregate data captured from the current ''snapshot'' and all previous ''snapshots.'' There may be variability in the time delivered during the day based on market activity; the Exchange expects to deliver this in intervals ranging from 2–5 minutes after the one-minute interval.

[9] *See* Fee Schedule, Section 6)e), notes c.–d.; *see also* Securities Exchange Act Release No. 97307 (April 13, 2023), 88 FR 24217 (April 19, 2023) (SR–EMERALD–2023–09).

[10] *See* Cboe BZX Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 4x the amount for a monthly subscription to the one-minute intra-day open close report as compared to the ten-minute intra-day open close report—$6,000 per month vs. $1,500 per month); C2 Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 5x the amount for a monthly subscription to the one-minute intra-day open close report as compared to the ten-minute intra-day open close report—$5,000 per month vs. $1,000 per month); *and* Cboe EDGX Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 5x the amount for a monthly subscription to the one-minute intra-day open close report as compared to the ten-minute intra-day open close report—$5,000 per month vs. $1,000 per month). Cboe BZX, C2 and Cboe EDGX Fee Schedules are *available at https://www.cboe.com/us/options/membership/fee_schedule/.*

[11] The Exchange notes its proposed pricing is lower than the proposed fee in the similar rule filing of the Exchange's affiliate, Miami International Securities Exchange, LLC (''MIAX''), to establish fees for its similar one-minute intra-day open-close data product. This is because MIAX's market share is higher and offers data into more trading segments. For example, MIAX offers simple and complex order types, PRIME and cPRIME auction mechanisms, as well as QCC and cQCC orders, which means that subscribers receive more data points, thereby increasing the value of the data provided in the 1-Minute Report and 10-Minute Report. MIAX also offers more historical data for market participants to utilize in their models and strategies.

[12] *See* Cboe BZX, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging approximately 1.66x the amount for the academic discount for the first year of historical data for the one-minute intra-day open close report as compared to the academic discount for the first year of historical data for the ten-minute intra-day open close report—$2,500 per year for the first year vs. $1,500 per year for the first year); C2 Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 1.5x the amount for the academic discount for the first year

Continued

exchanges that charge between 1.5–1.66x for the academic discount for historical requests for one-minute intra-day open-close data as compared to academic discount for historical requests for the ten-minute version, the Exchange proposes to charge 1.5x the amount for qualifying academic purchasers who purchase historical 1-Minute Report data as compared to the academic discount for the 10-Minute Report, *i.e.,* $4,500 per year for the first year vs. $3,000 per year for the first year.

The Exchange proposes to make clarifying changes to the table and footnotes in Section 6)e) of the Fee Schedule to differentiate between the 1-Minute Report and the 10-Minute Report. The Exchange proposes to add two rows to the table: one for the 1-Minute Report monthly subscription and its fee (*i.e.,* $6,000, as proposed); and one for ad-hoc requests for 1-Minute Report historical data, the fee per request per month (*i.e.,* $2,500, as proposed) and the furthest historical month for which historical requests can be made (March 2019). In the current rows, the Exchange propose to add the qualifier ''(10-Minute Interval)'' below the respective text in the rows for the existing 10-Minute Report.

The Exchange also proposes to amend the footnotes below the table. In particular, the Exchange proposes the following changes:

- Amend footnote ''a.'' to clarify that subscribers who purchase a 10-Minute Interval Intra-Day subscription may request an End-of-Day subscription for no additional charge. Subscribers who purchase a 1-Minute Interval Intra-Day subscription may request a 10-Minute Interval Intra-Day and/or End-of-Day subscription for no additional charge.
- Amend footnote ''b.'' to clarify that subscribers who purchase a 10-Minute Interval Intra-Day Ad-hoc Request (historical data) may submit a request for an End-of-Day Ad-hoc Request (historical data) for the same date or date range for no additional charge. Subscribers who purchase a 1-Minute Interval Intra-Day Ad-hoc Request (historical) may submit a 10-Minute Interval Intra-Day Ad-hoc Request (historical) and/or an End-of-Day Ad-hoc Request (historical data) for the same date or date range for no additional charge.
- Amend footnote ''d.'' to clarify that this footnote applies to the academic discount for 10-Minute Interval Intra-Day Ad-hoc Requests (historical data).
- Amend footnote ''e.'' to clarify that the discount applies only to any single purchase of End-of-Day Ad-hoc Request (historical data) and/or 10-Minute Interval Intraday Ad-hoc Request (historical data) by an existing subscriber of an Intra-Day (10-Minute Interval) subscription or an End-of-Day subscription totaling $20,000 or more will receive a 20% discount when the subscriber purchases the same category of historical data for which they have a [13] monthly subscription.
- Establish footnote ''f.'', which will provide the text regarding the academic discount that applies to 1-Minute Interval Intra-Day Ad-hoc Requests (historical data). Qualifying Academic Purchasers will be charged per request $4,500 per year for the first year and $375 per month for each additional month.

Implementation

On January 23, 2026, the Exchange issued an alert announcing that the 1-Minute Report would be available for purchase beginning February 2, 2026.[14]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[15] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [16] 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) [17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Securities and Exchange Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposal to make the 1-Minute Report data available for purchase would further broaden the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The proposal also promotes increased transparency through the dissemination of 1-Minute Report data. The proposed rule change would benefit investors by making the 1-Minute Report data available for purchase, which as noted above, may promote better informed trading. Particularly, information regarding opening and closing activity across different option series may indicate investor sentiment, which can be helpful trading information. Subscribers to the data may be able to enhance their ability to analyze option trade and volume data on an intraday basis, and create and test trading models and analytical strategies. The Exchange believes 1-Minute Report data provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading. The Exchange believes that market participants may find it beneficial to receive additional data based on these shorter intervals as opposed to the existing data intervals provided in the 10-Minute Report. While use cases are the same as the existing 10-Minute Report, the increased frequency of data intervals in the 1-Minute Report provides more current information and more data reporting intervals throughout the trading day to gain knowledge of the trading activity by origin for subscribers. Of further note, the Exchange has created this

of historical data for the one-minute intra-day open close report as compared to the academic discount for the first year of historical data for the ten-minute intra-day open close report—$1,500 per year for the first year vs. $1,000 per year for the first year); *and* Cboe EDGX Fee Schedule, Cboe LiveVol, LLC Market Data Fees, Open-Close Data (charging 1.5x the amount for the academic discount for the first year of historical data for the one-minute intra-day open close report as compared to the academic discount for the first year of historical data for the ten-minute intra-day open close report—$1,500 per year for the first year vs. $1,000 per year for the first year). *See* Cboe BZX, C2 and Cboe EDGX Fee Schedules are *available at https://www.cboe.com/us/options/membership/fee_schedule/.*

[13] The Exchange proposes to make a minor, non-substantive edit to change ''an'' to ''a'' in the first sentence of footnote ''e.'' in the phrase ''. . . an monthly subscription.'' The purpose of this change is to correct a grammatical error.

[14] *See* MIAX Exchange Group—Options Markets—Introducing Availability of 1-Minute Interval Intra-Day Open-Close Reports (dated January 23, 2026), *available at https://www.miaxglobal.com/alert/2026/01/23/miax-exchange-group-options-markets-introducing-availability-1-minute-1?nav=all.*

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] 15 U.S.C. 78f(b).

proposed new report in response to customer feedback.

The Exchange believes the proposed fees are reasonable as the proposed fees reflect modest increases in price relative to the additional data points being offered in this new 1-Minute Report. As discussed above, a participant who subscribes to the 1-Minute Report receives ten times the data points that they would receive in comparison to the 10-Minute Report and are only seeing an increase of three times in the cost for ten times the amount of data. Similarly, a participant who purchases the historical 1-Minute Report data for a particular month receives ten times the amount of data in contrast to a participant who purchases the historical 10-Minute Report data for that same month with just 2.5x times the difference in the costs. In summary, for each fee for the 1-Minute Report, a participant is able to receive a greater increase in the amount of data points it receives relative to the increase in the fee they would pay to receive this additional data.

The Exchange believes the proposed fees for the 1-Minute Report are reasonable because the proposed higher pricing is in line with other exchanges that offer substantively similar open-close report data products based on the trading activity on those exchanges and the pricing they charge for similar ten-minute and one-minute open-close data products.[18] As noted above, other exchanges charge 4–5x for their one-minute open-close data products compared to the 10-minute version, while the Exchange proposes to charge 3x the amount for a monthly subscription to the 1-Minute Report as compared to the 10-Minute Report, *i.e.,* $6,000 per month vs. $2,000 per month. Accordingly, the Exchange believes the proposed pricing for the 1-Minute Report is reasonable.

Furthermore, proposing fees that are excessively higher than established fees for similar data products offered by other exchanges [19] would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Like the Exchange's 10-Mintue Report and similar data products offered at other exchanges, the 1-Minute Report provides insight into trading on a specific market and may likewise aid in assessing investor sentiment. Similarly, market participants may be able to analyze option trade and volume data, and create and test trading models and analytical strategies using only the 10-Minute Report data. As such, if a market participant views the 10-Minute Report data as a more attractive offering for its specific business needs, then such market participant can merely choose to purchase the 10-Minute Report for the lower price.

The Exchange also believes the proposed fees are reasonable as they would support the introduction of a new market data product that is designed to aid investors by providing further insight into trading on the Exchange. The Exchange believes the 1-Minute Report provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading. The Exchange believes that market participants may find it beneficial to receive additional data based on these shorter intervals as opposed to the existing 10-Minute Report data intervals. While use cases are the same as the existing 10-Minute Report, the increased frequency provides more current information and more data reporting intervals throughout the day to gain knowledge of the trading activity by origin. The Exchange also believes the proposed fees are equitable and not unfairly discriminatory as the fees would apply equally to all users who choose to purchase such data. The Exchange believes the proposal does not differentiate between subscribers that purchase the 1-Minute Report and would allow any interested market participant to purchase such data based on their business needs.

Lastly, the Exchange believes that the discount for qualifying academic purchasers for the historical 1-Minute Report data is reasonable because academic institutions are not able to monetize access to the data as they do not trade on the data sets. The Exchange believes the proposed discount will allow for more academic institutions to purchase the historical 1-Minute Report data, and, as a result, promote research and studies of the options industry to the benefit of all market participants. The Exchange believes the proposed markup for the academic discount for qualifying academic purchasers of historical 1-Minute Report data is in line with the markup charged by other exchanges that offer academic discounts for their versions of the one-minute open-close data product.[20] Similar to other exchanges that charge between 1.5–1.66x for the academic discount for historical requests for one-minute intra-day open-close data as compared to academic discount for historical requests for the ten-minute version, the Exchange proposes to charge 1.5x the amount for qualifying academic purchasers who purchase historical 1-Minute Report data as compared to the academic discount for the 10-Minute Report, *i.e.,* $4,500 per year for the first year vs. $3,000 per year for the first year.

The Exchange believes that the proposed academic discount for historical request of 1-Minute Report data is equitable and not unfairly discriminatory because it will apply equally to all academic institutions that submit an application and meet the accredited academic institution and academic use criteria. As stated above, qualified academic purchasers will subscribe to the data set for educational use and purposes and are not permitted to use the data for commercial or monetizing purposes, nor can they qualify if they are funded by an industry participant. As a result, the Exchange believes the proposed discount is equitable and not unfairly discriminatory because it maintains equal treatment for all industry participants or other subscribers that use the data for vocational, commercial or other for-profit purposes.

As noted above, the Exchange anticipates a wide variety of market participants may subscribe to the 1-Minute Report, including but not limited to individual customers, buy-side investors and investment banks. The Exchange reiterates that the decision as to whether or not to purchase the 1-Minute Report is entirely optional for all potential subscribers. Indeed, no market participant is required to purchase the 1-Minute Report and the Exchange is not required to make the 1-Minute Report available to market participants. Rather, the Exchange is voluntarily making 1-Minute Report data available, as requested by customers, and market participants may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may cancel and decline to purchase such data at any time.

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. Rather, the Exchange believes that the proposal will promote competition by permitting the Exchange to make available a data product for purchase that is similar to

[18] *See supra* note 10.

[19] *See supra* note 10.

[20] *See supra* note 12.

those offered by other competitor options exchanges.[21]

The Exchange also does not believe the proposed fees would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own comparable reports that includes additional data points with lower prices to better compete with the Exchange's offerings. The Exchange operates in a highly competitive environment, and its ability to price the various versions of the open-close reports is constrained by competition among exchanges who choose to adopt similar products.[22] The Exchange must consider this in its pricing discipline in order to compete for subscribers of the Exchange's market data via the open-close reports. For example, proposing fees that are excessively higher than fees for potentially similar data products may simply serve to reduce demand for the Exchange's reports, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed fees apply uniformly to any purchaser in that the Exchange does not differentiate between the different market participants that may purchase the report. The proposed fees are set at a reasonable level that would allow any interested market participant to purchase such data based on their business needs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[23] and Rule 19b–4(f)(2)[24] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–EMERALD–2026–03 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–EMERALD–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–EMERALD–2026–03 and should be submitted on or before March 10, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03024 Filed 2–13–26; 8:45 am]

BILLING CODE 8011–01–P

[21] *See supra* notes 4 and 10.

[22] *Id.*

[23] 15 U.S.C. 78s(b)(3)(A)(ii).

[24] 17 CFR 240.19b–4(f)(2).

[25] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21430; LOUISIANA Disaster Number LA–20012]

Administrative Declaration Amendment of an Economic Injury Disaster for the State of Louisiana

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Economic Injury Disaster Loan (EIDL) declaration for the state of Louisiana dated February 2, 2026.

Incident: 2026 Severe Winter Storm.

DATES: Issued on February 9, 2026.

Incident Period: January 23, 2026 through January 25, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: November 2, 2026.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of an Economic Injury declaration for the state of Louisiana dated February 2, 2026, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Parish: DeSoto.

Contiguous Parishes/Counties:

Louisiana: Natchitoches, Sabine.

Texas: Panola, Shelby.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–03026 Filed 2–13–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Meeting of the Interagency Task Force on Veterans Small Business Development

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meeting.

SUMMARY: The SBA is issuing this notice to announce the date, time, and agenda

for the next meeting of the Interagency Task Force on Veterans Small Business Development (IATF).

DATES: Wednesday, March 4, 2026, from 1:00 p.m. to 3:00 p.m. ET.

ADDRESSES: The public meeting will be held virtually via Microsoft Teams.

FOR FURTHER INFORMATION CONTACT: The virtual meeting is open to the public; however advance notice of attendance is strongly encouraged. To RSVP and confirm attendance, the general public should email *veteransbusiness@sba.gov* with subject line, ''RSVP for March 4, 2026, IATF Virtual Public Meeting.'' To submit a written comment, individuals should email *veteransbusiness@sba.gov* with subject line, ''Response for March 4, 2026, IATF Virtual Public Meeting'' no later than February 25, 2026, or contact Timothy Green, Deputy Associate Administrator, Office of Veterans Business Development (OVBD) at (202) 205–6773. Comments received in advanced will be addressed as time allows during the public comment period. All other submitted comments will be included in the meeting record. During the live meeting, those who wish to comment will be able to do so during the public comment period. Participants can join the meeting via computer at this link: *https://bit.ly/iatf-march2026* or by phone. Call in (audio only): Dial: +1 206–413–7980: Phone Conference ID: 590 108 747#. Special accommodation requests should be directed to OVBD at (202) 205–6773 or *veteransbusiness@sba.gov.* All applicable documents will be posted on the IATF website prior to the meeting: *https://www.sba.gov/about-sba/sba-locations/headquarters-offices/office-veterans-business-development.* For more information on veteran-owned small business programs, please visit *www.sba.gov/ovbd.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Interagency Task Force on Veterans Small Business Development (IAFT). The IATF is established pursuant to Executive Order 13540 to coordinate the efforts of Federal agencies to improve capital, business development opportunities, and pre-established federal contracting goals for small business concerns owned and controlled by veterans and service-disabled veterans. The purpose of this meeting is to discuss efforts that support veteran-owned small businesses, updates on past and current events, and the IATF's objectives for fiscal year 2026.

Dated: February 11, 2026.

Andrienne Johnson,

Committee Manager Officer.

[FR Doc. 2026–03063 Filed 2–13–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested members of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before March 20, 2026.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Small Business Administration''; ''Currently Under Review,'' then select the ''Only Show ICR for Public Comment'' checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at *Shauniece.Carter@sba.gov;* or from *www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: This is a new collection for the U.S. Small Business Administration's (SBA) Regional Innovation Cluster (RIC) Program. This data collection is an excel-based form to be completed by the administrators of SBA-funded RICs. The form enables SBA to track cluster membership, small businesses served, types of small business assistance, and small business outcomes.

Through the RIC Program, the SBA invests regional clusters—geographic concentrations of interconnected companies, specialized suppliers, academic institutions, service providers, and associated organizations with a specific industry focus—throughout the United States that span a variety of industries, ranging from energy and manufacturing to advanced defense technologies. The standardized metrics collection enables SBA to rigorously track amount and type of small business support across individual RICs and review programmatic outcomes.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

PRA Number: New Data collection.

(1) Title: Regional Innovation Cluster Quarterly and Annual Reporting.

Description of Respondents: Regional Innovation Cluster administrators (contractors).

Total Estimated Annual Responses: 80.

Total Estimated Annual Hour Burden: 400.

Shauniece Carter,

Agency Clearance Officer.

[FR Doc. 2026–03078 Filed 2–13–26; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12943]

Bureau of Political-Military Affairs, Directorate of Defense Trade Controls: Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Directorate of Defense Trade Controls and the Department of State give notice that the attached Notifications of Proposed Commercial Export Licenses were submitted to Congress on the dates indicated.

DATES: The dates of notification to Congress are shown on each of the 49 Letters.

FOR FURTHER INFORMATION CONTACT: Ms. Paula C. Harrison, Directorate of Defense Trade Controls (DDTC), Department of State at (202) 663–3310; or access the DDTC website at *https://www.pmddtc.state.gov/ddtc* public and select ''Contact DDTC,'' then scroll down to ''Contact the DDTC Response Team'' and select ''Email.'' Please add this subject line to your message,

''ATTN: Congressional Notification of Licenses.''

SUPPLEMENTARY INFORMATION:

Section 36(f) of the Arms Export Control Act (22 U.S.C. 2776) requires that notifications to the Congress pursuant to sections 36(c) and 36(d) be published in the **Federal Register** in a timely manner.

The following comprise recent notifications and are published to give notice to the public.

July 2, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–039.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Israel to support the design, development, engineering, integration, marketing, production, manufacturing, testing, depot level maintenance, modification, demonstration, and processing of missile firing units and interceptor subsystems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, nonproliferation, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

July 10, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 23–066.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certificate of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export to Israel of 5.56mm automatic rifles.

The U.S government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

July 10, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 24–095.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Austria, Italy, Slovenia, and Qatar for the manufacture, assembly, and sale of 5.56mm automatic rifles.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

July 10, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–030.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada, Germany and Norway to support production and assembly of a radar system.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

August 7, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 24–101.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and

defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Finland, Norway, Poland, and Ukraine to support the integration, engineering, assembly, operation, repair, testing, training, and maintenance of surface-to-air missile systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

August 7, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 24–111.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of .300 caliber fully automatic rifles to Saudi Arabia.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

August 7, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–041.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 5.56mm fully automatic rifles and silencers to Switzerland.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

August 7, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–053.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of .50 caliber machine guns with spare barrels to Ukraine.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

August 7, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–054.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 7.62 mm machine guns to Ukraine.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

August 25, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–014.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of automatic rifles under .50 Caliber and Remote Weapons Stations to Switzerland.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

August 25, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–019.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the UK to support the design, development, manufacture, assembly, engineering, integration, operation, modification, test, depot level maintenance, production, maintenance, analysis, qualification, repair, rework, performance, and logistics of parts for an air-to-air missile.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, nonproliferation, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

August 25, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–020.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Hungary, Luxembourg, and the UK to support NATO transport aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

August 25, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–025.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the proposed export of 5.56mm fully automatic rifles to Ukraine.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

August 25, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–043.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 5.56mm fully automatic rifles to Oman.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,

Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

August 25, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–045.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, technical data, and defense services to Canada to support the manufacture of aircraft engine components.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

August 27, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–040.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Denmark, Finland, the Netherlands, and Norway to support the integration, engineering, assembly, operation, repair, testing, training, and maintenance of surface-to-air missile and air defense system.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

August 27, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–057.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more and the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to the Republic of Korea for the manufacture of light attack aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–058.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Australia to support the manufacture of machined parts and components for fighter aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 9, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–031.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of unclassified technical data and defense services to Canada and the Republic of Korea to support the manufacture of printed wiring boards and flexible wiring boards.

The U.S. government is prepared to license the export of these items having taken into account political, military,

economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives

House Committee on Foreign Affairs

Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,

Senior Bureau Official, Bureau of Legislative Affairs.

September 9, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–033.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Republic of Korea to continue to provide logistics, maintenance, and training support for a COMINT/ELINT program.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives

House Committee on Foreign Affairs

Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,

Senior Bureau Official, Bureau of Legislative Affairs.

September 9, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–050.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the weaponization modification of helicopters for Jordan.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives

House Committee on Foreign Affairs

Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,

Senior Bureau Official, Bureau of Legislative Affairs.

September 9, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–052.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Singapore to support the training and maintenance of sights and sensors for use on helicopters.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, nonproliferation, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives

House Committee on Foreign Affairs

Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,

Senior Bureau Official, Bureau of Legislative Affairs.

September 9, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–055.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 5.56mm fully automatic machine guns to Malaysia.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives

House Committee on Foreign Affairs

Senate Committee on Foreign Relations

Sincerely,

Paul D. Guaglianone,

Senior Bureau Official, Bureau of Legislative Affairs.

September 9, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–056.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed

a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Spain and the UK to support the manufacture of subsystems for guided rocket systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, nonproliferation, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 9, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–087.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $25,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Republic of Korea to support integration, installation, testing, qualification support, operation, training, maintenance, analysis, studies, evaluation, failure diagnosis, and repair of a Mine Detection System.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 10, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–042.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 5.56mm fully automatic rifles and silencers to Hungary.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 10, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–046.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of .50 caliber machine guns to Saudi Arabia.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 10, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–059.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Germany to support the design, development, manufacture, and sales of thermal batteries to be used in the Evolved Sea Sparrow missile, the Rolling Airframe Missile Block I and II, the Eurospike missile, the Surface Ship Torpedo Defense, and the IRIS–T missile.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives

House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 10, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–077.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the UK to support the design, development, engineering, manufacture, production, assembly, testing, rework, intermediate-level maintenance and repair, modification, operation, and processing of parts and components for an anti-tank weapon system.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 10, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–089.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the proposed export of 5.56mm fully automatic carbines and sound suppressors to the United Kingdom.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 12, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 24–018.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed amendment for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada to support the manufacture, marketing, sale/loan and distribution of automatic and semi-automatic rifles, carbines, and grenade launchers.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 12, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 24–024.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada, Czechia, Germany, Hungary, Sweden and Switzerland to support the design, development, manufacture, and sale of automatic, burst, and semi-automatic rifles, carbines, grenade launchers, suppressors, related parts and components, and support equipment for marketing and sale to military, intelligence and police forces.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 12, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–074.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $14,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Philippines, Taiwan, and Malaysia for the organizational- and intermediate-level maintenance and support of aircraft engines.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 12, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–082.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the proposed export of 5.56mm fully automatic carbines and spare parts to Jamaica.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 12, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–084.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 7.62mm machine gun systems to Canada.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 16, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–083.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 7.62mm machine gun barrels and feed trays to Denmark.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 17, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–038.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more and the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the UK to support the manufacture and distribution of plastic bonded explosive.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, nonproliferation, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 22, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–047.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada, Italy, Norway, and the UK to support the integration of a radar system.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 22, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–051.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Norway to support the manufacture, assembly, inspection, and delivery of engine components for fighter aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 22, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–060.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of [$]100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Australia to support integration, installation, training and testing of [. . .] communications equipment.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 22, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–073.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Austria, Denmark, France, Germany, India, Ireland, Italy, Japan, Poland, Netherlands, Spain, and UK to support the manufacture, design, development, and production of missile air defense systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 22, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–075.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to support the life cycle of small aperture antennas and subsystems in Japan.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification

which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 23, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–062.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more and the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada and India to support the manufacture, integration, troubleshooting, and maintenance of subassemblies for sonobuoys.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 23, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–063.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more and the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services, to Italy to support the manufacture, production, test, and inspection of wing assemblies and sub-assemblies for fighter aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 23, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–071.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Republic of Korea to support the design, development, assembly, operation, repair, testing, integration, training, airworthiness certification, maintenance, modification, and delivery of an aircraft radar system.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 25, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–066.

Pursuant to Sections 36(c) and (d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Saudi Arabia and UK to support the manufacture, operation, integration, installation, and maintenance of Multiband Handheld Radio Systems and Multiband Vehicular Radio Systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 25, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–093.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the proposed export to Ukraine of 7.62mm machine guns.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

September 25, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–100.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Denmark for the procurement, integration, and support of munitions and bombs.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone, Senior Bureau Official, Bureau of Legislative Affairs.

September 26, 2025

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 25–091.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Belgium, Ukraine, and UK to support the sale of munition systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Paul D. Guaglianone,
Senior Bureau Official, Bureau of Legislative Affairs.

Michael J. Vaccaro,

Deputy Assistant Secretary for Defense Trade Controls, Bureau of Political Military Affairs, U.S. Department of State.

[FR Doc. 2026–03051 Filed 2–13–26; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice 12945]

60-Day Notice of Proposed Information Collection: Certificate of Eligibility for Exchange Visitor (J–1) Status

ACTION: Notice of request for public comment.

SUMMARY: The U.S. Department of State (Department) is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *April 20, 2026.*

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2026–0199'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: JExchanges@State.gov.*
- *Regular Mail:* Send written comments to: U.S. Department of State, ECA/EC, SA–5, 2200 C Street NW, Washington, DC 20522–0505, ATTN: **Federal Register** Notice Response. You must include the DS form number, information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Karen Ward, Director, Office of Private Sector Exchange Designation, Office of Private Sector Exchange, ECA/EC/D, SA–5, Floor 5, Department of State, 2200 C Street NW, Washington, DC 20522–0505, who may be reached at *JExchanges@state.gov.*

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Certificate of Eligibility for Exchange Visitor (J–1) Status.
- *OMB Control Number:* 1405–0119.

• *Type of Request:* Extension of a Currently Approved Collection.

• *Originating Office:* Bureau of Educational and Cultural Affairs, Office of Private Sector Exchange Designation (ECA/EC/D).

• *Form Number:* DS–2019.

• *Respondents:* U.S. Department of State designated sponsors.

• *Estimated Number of Respondents:* 1,425.

• *Estimated Number of Responses:* 325,000.

• *Average Time per Response:* 45 minutes.

• *Total Estimated Burden Time:* 243,750 annual hours.

• *Frequency:* On occasion.

• *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology. Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The collection is the continuation of information collected and needed by the Bureau of Educational and Cultural Affairs in administering the Exchange Visitor Program (J-Nonimmigrant) under the provisions of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451, *et seq.*). The Form DS–2019 is the document that provides the information needed to identify an individual (and spouse and dependents, where applicable) seeking to enter the U.S. as an Exchange Visitor in J-Nonimmigrant status. No changes have been made to the form.

Methodology

Access to Form DS–2019 is made available to Department designated sponsors electronically via the Student and Exchange Visitor Information System (SEVIS).

Rebecca A. Pasini,

Deputy Assistant Secretary for Private Sector Exchange, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2026–03039 Filed 2–13–26; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 12946]

60-Day Notice of Proposed Information Collection: Employee Self-Certification and Ability To Perform in Emergencies (ESCAPE) Posts, Pre-Deployment Physical Exam Acknowledgement Form

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *April 20, 2026.*

ADDRESSES:

You may submit comments by any of the following methods:

• *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2026–0232'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.

• *Email: MartinezJA7@state.gov.*

• *Regular Mail:* Send written comments to: Medical Director, Office of Medical Clearances, Bureau of Medical Services, 2401 E Street NW, SA–1, Room L–101, Washington, DC 20522–0101.

• *Fax:* 202–647–0292, Attention: Medical Clearance Director.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Jessica Martinez, Director of Medical Clearances, who may be reached on (202) 663–1657 or at *MartinezJA7@state.gov.*

SUPPLEMENTARY INFORMATION:

• *Title of Information Collection:* Employee Self-Certification and Ability to Perform in Emergencies (ESCAPE) Posts, Pre-Deployment Physical Exam Acknowledgement Form.

• *OMB Control Number:* 1405–0224.

• *Type of Request:* Revision of a Currently Approved Collection.

• *Originating Office:* Bureau of Medical Services, Office of Medical Clearances MED/CP/CS/CL.

• *Form Number:* DS–6570.

• *Respondents:* Contractors and eligible family members deploying to ESCAPE Diplomatic Missions requesting access to the Department of State Medical Program (currently Iraq, Juba, Kyiv, Libya, Peshawar, Somalia, Syria, and Yemen).

• *Estimated Number of Respondents:* 1,900.

• *Estimated Number of Responses:* 1,900.

• *Average Time per Response:* 40 Minutes.

• *Total Estimated Burden Time:* 1,266 hours.

• *Frequency:* Annually for those deployed to an ESCAPE post.

• *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The DS–6570 is completed by an individual and their medical provider to declare that the individual has health concerns that may represent a safety hazard for the individual or others at an

ESCAPE Diplomatic Mission. ESCAPE is an acronym used to describe Diplomatic Missions overseas that are in extremely high threat, potentially combat, areas. Current ESCAPE Missions are Iraq, Juba, Kyiv, Libya, Peshawar, Somalia, Syria, and Yemen. This program is authorized under the Foreign Service Act of 1980, as implemented by the Department in 13 FAM 301.4–5.

Methodology

The respondents will be prompted access to the forms digitally based on their medical clearance needs (ESCAPE post designation). They will then take it to their personal medical provider for completion and authorization. Once complete, the forms will be submitted via a secure online platform for review by the Office of Medical Clearances.

Jessica Martinez,

Director of Medical Clearances,Bureau of Medical Services,Department of State.

[FR Doc. 2026–03038 Filed 2–13–26; 8:45 am]

BILLING CODE 4710–36–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–1325]

Notice of Intent To Designate as Abandoned New Systems Supplemental Type Certificates

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to designate supplemental type certificates as abandoned; request for comments.

SUMMARY: This notice announces the FAA's intent to designate thirty New Systems (also known as New Systems Engineering) Supplemental Type Certificates (STCs) as abandoned and make the related engineering data available upon request. The FAA has received a request to provide engineering data concerning these STCs. The FAA has been unsuccessful in contacting New Systems concerning these STCs. This action is intended to enhance aviation safety.

DATES: The FAA must receive all comments by August 17, 2026.

ADDRESSES: You may send comments on this notice by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Aourolia Kristianti, AIR–761, FAA, Central Certification Branch, 1801 South Airport Rd., Room 100, Wichita, KS 67209.
- *Email: 9-AVS-CCB-Correspondence@faa.gov.* Include ''Docket No. FAA–2026–1325'' in the subject line of the message.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Aourolia Kristianti, Aviation Safety Specialist, FAA, Central Certification Branch, 1801 South Airport Rd., Room 100, Wichita, KS 67209; telephone: (316) 946–4121; email: *9-AVS-CCB-Correspondence@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested parties to provide comments, written data, views, or arguments relating to this notice. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–1325'' at the beginning of your comments. The FAA will consider all comments received on or before the closing date. All comments received will be available in the docket for examination by interested persons.

Background

The FAA is posting this notice to inform the public that the FAA intends to designate as abandoned and subsequently release the related engineering data for the following New Systems STC Nos.: SA01656AT, SA09171AC, SA09173AC, SA09176AC, SA09242AC, SA09248AC, SA09317SC, SA09320SC, SA8012SW, SA8074SW, SA8077SW, SA8139SW, SA8590SW, SA8656SW, SA8658SW, SA8694SW, SA8708SW, SA8831SW, SA8983SW, SA8984SW, ST09116AC, ST09143SC, ST09156SC, ST09243AC, ST09260SC, ST09318SC, ST09344SC, ST09345SC, ST09384SC, and ST09566SC. Descriptions of the STC design changes and affected aircraft models are available at *https://drs.faa.gov/browse/STC/doctypeDetails.*

The FAA has received a third-party request for the release of the aforementioned engineering data under the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552. The FAA cannot release commercial or financial information under FOIA without the permission of the data owner. However, in accordance with title 49 of the United States Code § 44704(a)(5), the FAA can provide STC ''engineering data'' it possesses for STC maintenance or improvement, upon request, if the following conditions are met:

1. The FAA determines the STC has been inactive for 3 years or more;
2. Using due diligence, the FAA is unable to locate the owner of record or the owner of record's heir; and
3. The availability of such data will enhance aviation safety.

There has been no activity on this STC for more than 3 years.

On December 15, 2025, the FAA sent registered letters to New Systems to its last known addresses: 1201 North Industrial Blvd., Round Rock, TX 78681; and 1105 FM 1825, Pflugerville, TX 78660. The letter informed New Systems that the FAA had received a request for engineering data related to STC Nos. SA8074SW and SA8012SW and was conducting a due diligence search to determine whether these STCs and 28 other STCs were inactive and may be considered abandoned. The letter further requested that the company respond in writing within 60 days and state whether it is the holder of these 30 STCs. The FAA has also attempted to make contact with New Systems by other means, including telephone communication and emails, but without success.

Information Requested

If you are the owner or heir or a transferee of STC Nos. SA01656AT, SA09171AC, SA09173AC, SA09176AC, SA09242AC, SA09248AC, SA09317SC, SA09320SC, SA8012SW, SA8074SW, SA8077SW, SA8139SW, SA8590SW, SA8656SW, SA8658SW, SA8694SW, SA8708SW, SA8831SW, SA8983SW, SA8984SW, ST09116AC, ST09143SC, ST09156SC, ST09243AC, ST09260SC, ST09318SC, ST09344SC, ST09345SC, ST09384SC, or ST09566SC, or have any knowledge regarding who may now hold any of these STCs, please contact Aourolia Kristianti using a method described in this notice under **FOR FURTHER INFORMATION CONTACT**. If you are the heir of the owner, or the owner by transfer of any of these STCs, you must provide a notarized copy of your government-issued identification with a letter and background establishing your ownership of any of the STCs and, if applicable, your relationship as the heir to the deceased holder of the STCs.

Conclusion

If the FAA does not receive any response by August 17, 2026, the FAA will consider STC Nos. SA01656AT, SA09171AC, SA09173AC, SA09176AC, SA09242AC, SA09248AC, SA09317SC, SA09320SC, SA8012SW, SA8074SW, SA8077SW, SA8139SW, SA8590SW, SA8656SW, SA8658SW, SA8694SW, SA8708SW, SA8831SW, SA8983SW, SA8984SW, ST09116AC, ST09143SC,

ST09156SC, ST09243AC, ST09260SC, ST09318SC, ST09344SC, ST09345SC, ST09384SC, and ST09566SC abandoned, and the FAA will proceed with the release of the requested data. This action is for the purpose of maintaining the airworthiness of an aircraft and enhancing aviation safety.

(Authority: 49 U.S.C. 44704(a)(5).)

Issued on February 10, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–03046 Filed 2–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on a Land Release Request for Disposal of Airport Property at the Southwest Florida International Airport, Fort Myers, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comment.

SUMMARY: Notice is being given that the FAA is considering a request from the Lee County Port Authority to release 1.08 (+/−) acres of federally obligated airport property at the Southwest Florida International Airport, Fort Myers, FL. This acreage was acquired with federal financial assistance via Airport Improvement Program Federal Grants. The release of property will allow the Lee County Port Authority to dispose of the property for non-aeronautical purposes.

DATES: Comments must be received on or before March 19, 2026.

ADDRESSES: Documents are available for review at the Lee County Port Authority, 11000 Terminal Access Road, Fort Myers, FL 33913, and the FAA Airports District Office, 8427 SouthPark Circle, Suite 524, Orlando, FL 32819. Written comments on the Sponsor's request must be delivered or mailed to: Marisol Elliott, Community Planner, Orlando Airports District Office, 8427 SouthPark Circle, Suite 524, Orlando, FL 32819.

FOR FURTHER INFORMATION CONTACT: Marisol Elliott, Community Planner, Orlando Airports District Office, 8427 SouthPark Circle, Suite 524, Orlando, FL 32819, (407) 487–7231.

SUPPLEMENTARY INFORMATION: The property is located on Treeline Avenue South in Fort Myers, FL and is currently developed as a four-lane divided arterial roadway with curb and gutter, sidewalks, and bicycle lanes. The anticipated use of the property will be to provide access to and from the Terminal Access Park. The parcel is currently depicted on the approved Airport Layout Plan as a non-aeronautical land use. The property will be released of its federal obligations given the land is no longer required by the Lee County Port Authority for aeronautical purposes. The property will be sold at the Fair Market Value (FMV) which has been determined to be $470,448. Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21) requires the FAA to provide an opportunity for public notice and comment prior to the ''waiver'' or ''modification'' of a sponsor's Federal obligation to use certain airport land for non-aeronautical purposes.

Authority for the Policy: This notice is published under the authority described in Title 49 of the United States Code, Subtitle VII, part B, chapter 471, Section 47107(h)(2).

Issued in Orlando, FL on January 21, 2026.

Juan C. Brown,

Manager, Orlando Airports District Office.

[FR Doc. 2026–02995 Filed 2–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2025–0457]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Motorcycle Helmets (Labeling)

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on the reinstatement of a previously-approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. This document request for comments on the reinstatement of a previously-approved information collection on Motorcycle Helmets Labeling. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on June 4, 2025. NHTSA received one comment on the collection.

DATES: Comments must be submitted on or before March 19, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at *www.reginfo.gov/public/do/PRAMain.* To find this particular information collection, select ''Currently under Review—Open for Public Comment'' or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Mrs. Cristina Echemendia, U.S. Department of Transportation, NHTSA, 1200 New Jersey Avenue SE, West Building Room W43–491, NRM–130, Washington, DC 20590. Mrs. Cristina Echemendia's telephone number is 202–366–1810. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public, and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with those requirements, this notice announces that the following information collection request is being submitted to OMB.

Title: ''Motorcycle Helmets (Labeling).''

OMB Control Number: 2127–0518.

Form Number: N/A.

Type of Request: Reinstatement of a previously-approved information collection.

Type of Review Requested: Regular.

Length of Approval Requested: Three years from date of approval.

Summary of the Collection of Information

The National Traffic and Motor Vehicle Safety Act authorizes the Secretary of Transportation (NHTSA by delegation), at 49 U.S.C. 30111, to issue Federal Motor Vehicle Safety Standards (FMVSS) that set performance standards for motor vehicles and items of motor vehicle equipment. Vehicle and equipment manufacturers must certify that their vehicles and equipment comply with the safety standards. Moreover, under 49 U.S.C. 30117, the

Secretary (NHTSA by delegation) is also authorized to require manufacturers to provide information to first purchasers of motor vehicles or motor vehicle equipment when the vehicle equipment is purchased, in the form of printed matter placed in the vehicle or attached to the motor vehicle or motor vehicle equipment.

Using this authority, NHTSA issued the initial FMVSS No. 218, ''Motorcycle helmets,'' in 1974. Motorcycle helmets are devices used to protect motorcyclists from head injury in motor vehicle crashes. The standard requires the manufacturer to label every helmet it produces to indicate compliance with the requirements of the Standard. The certification label consists of the symbol ''DOT,'' the term ''FMVSS No. 218,'' the word ''CERTIFIED,'' the precise model designation, and the manufacturer's name and/or brand on the outer shell of the helmet towards the posterior bottom edge. Manufacturers are also required to label every helmet to provide helmet owners with important safety information including manufacturer's name, discrete size, month and year of manufacture, and specific instructions. FMVSS No. 218 S5.6 requires that each helmet shall be labeled permanently and legibly in a manner such that the label(s) can be read easily without removing padding or any other permanent part.

Description of the Need for the Information and Proposed Use of the Information

The labeling requirement in the Standard supports the Department of Transportation's strategic goal in safety, by ensuring that motorcycle helmets are manufactured and certified to the performance requirements of the Standard. NHTSA uses this information for enforcement purposes to ensure that manufacturers certify compliance with the Standard. State and local law enforcement use this information to enforce helmet-use laws, and consumers use the information to make decisions when purchasing motorcycle helmets.

60-Day Notice

A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on June 4, 2025 (90 FR 23762). The closing date for comments was August 4, 2025. The agency received one comment from the National Association of Mutual Insurance Companies (NAMIC). The commenter agreed the collection was necessary but questioned whether providing the information on the advertising and packaging of the helmet would provide the same benefits with less cost to the manufacturers. The commenter also mentioned that it was not clear why the sticker was required. In the 60-day notice the agency explained that NHTSA uses the sticker information to ensure manufacturers certify the helmet compliance with the Standard. NHTSA also explained that State and local law enforcement use this information to enforce helmet-use laws, and consumers use the information to make decisions when purchasing motorcycle helmets.

The reason the label is on the helmet instead of on advertising and product packaging is that those items are disposable. The sticker on the helmet is permanent and a law enforcement officer would need to see whether the helmet is certified to the standard by looking at the sticker. Most likely consumers would not carry the advertising or product packaging that state the helmet is certified to the Standard. Helmet manufacturers can add voluntarily any other advertising or certification statements on the packaging if in fact they certified the product to the Standard.

Affected Public: Motorcycle helmet manufacturers.

Estimated Number of Respondents: 45.

Frequency: On occasion.

Estimated Number of Responses: 3,600,000.

Estimated Total Annual Burden Hours: 10,900 hours.

The 45 respondents (helmet manufacturers) produce a total of 3,600,000 annual responses (3,600,000 motorcycle helmets are manufactured annually). A manufacturer spends approximately 10 seconds per response for labeling. The estimated total annual burden hours for helmet manufacturers to label motorcycle helmets as required in FMVSS No. 218 is 10,900 burden hours (3,600,000 × 10 seconds, rounded).

Estimated Total Annual Burden Cost: $1,512,000.

NHTSA estimates that the printing and material cost per helmet is $0.42. Therefore, the estimated total annual burden cost is $1,512,000 (3,600,000 helmets produced per year × $0.42). The total estimated annual burden costs are detailed in the table below:

Number of respondents (helmet manufacturers)	Number of helmets produced annually per respondent	Printing and material cost per helmet	Annual printing and material cost per manufacturer	Total number of helmets produced annually	Estimated total annual printing and material costs
45	80,000 (Rounded)	$0.42	$33,600 (Rounded)	3,600,000	$1,512,000

Public Comments Invited: You are asked to comment on any aspects of this information collection, including: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Jane Doherty,

Acting Associate Administrator for Rulemaking.

[FR Doc. 2026–02992 Filed 2–13–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline And Hazardous Materials Safety Administration

Hazardous Materials: Notice of Actions on Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of

Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has granted or denied the application described herein.

DATES: Comments must be received on or before March 19, 2026.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Director, Office of Hazardous Materials Safety Special Permits Program, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–6, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–6, 1200 New Jersey Avenue Southeast, Washington DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 4, 2026.

Donald P. Burger,

Director, Special Permits Program.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA—Granted			
10878–M	TankCon FRP Inc	172.102(c)(3), 172.203(a), 173.242.	To modify the special permit to authorize additional packagings.
11725–M	Thales Alenia Space Italia Spa.	172.300, 172.400, 173.301(f), 173.302a(a)(1), 173.304a(a)(2).	To modify the special permit to authorize 2.5 kg of anhydrous ammonia in heat pipes.
13546–M	Catexel Nease LLC	172.602(c)(1), 172.604(a)(3), 177.817, 177.823(a).	To modify the special permit to authorize cargo tanks each with a capacity not to exceed 7,000 gallons.
14649–M	Olin Winchester LLC	172.101(i)(3), 172.300(a), 172.300(b), 172.300(c), 172.400(a), 173.62(c).	To modify the special permit to authorize an additional material, remove transport location limitations, and add alternative packaging options.
16308–M	Vero Biotech Inc	173.175	To modify the special permit to authorize changes to the packaging.
20519–M	Richemont North America, Inc	173.4b(a)(10)	To modify the special permit by deleting paragraph 8.f.
20851–M	Call2Recycle, Inc	172.447	To modify the special permit to provide an additional relief from the labeling requirements in Parts 172 of the HMR.
21213–M	Space Exploration Technologies Corp.	172.300, 172.400, 173.302(a), 172.402(f), 173.1, 177.840.	To modify the special permit to authorize a single tank propulsion system, lithium-ion battery packs, and additional transportation locations.
21408–M	GFS Chemicals, Inc	173.158(f)(3)	To modify the special permit to authorize the manufacture of plastic bottles with a smaller opening.
21433–M	Pyrotek Special Effects Rock Lititz Inc.	172.301(c), 173.24(f)(2), 173.306(k).	To modify the special permit to increase the number of packages authorized to be transported in non-exclusive use and to authorize a QR code to be marked on the package instead of requiring a copy of the special permit to be carried aboard each motor vehicle.
21528–M	Honeywell Intellectual Properties Inc.	173.302a(a)(1)	To modify the special permit to correct typographical errors and increase the service pressure to 10,400 psig from 10,000 psig.
21774–M	American Airlines, Inc	172.203(a), 172.301(c), 173.309(c).	To modify the special permit to authorize an alternative outer packaging.
21866–M	Electronic Recyclers International Inc.	172.102(c)(1), 172.200, 172.300, 172.400, 172.500, 172.600, 172.700(a), 173.159a(c)(2), 173.185(c)(1)(iii), 173.185(c)(1)(iv), 173.185(c)(1)(v), 173.185(c)(3), 173.185(f).	To modify the special permit to authorize additional packaging.
21985–N	Accuray Incorporated	173.310	To authorize the manufacture, mark, sale, and use of non-DOT specification cylinders for the purpose of incorporation into a radiation detector.
22067–N	Amazon.com, Inc	173.301(c), 173.306(a)(1)	To authorize the transportation in commerce of certain compressed gases (Argon, Carbon Dioxide, Helium, and Nitrogen) in authorized cylinders with a capacity of no more than 1 liter as limited quantities.
22068–N	Process Insights Cosa Xentaur Corporation.	172.102(c)(1)	To authorize the transportation in commerce of Dangerous goods in articles *or* Dangerous goods in apparatus, class 9, containing a Division 4.2 solid hazardous material that does not have an exception shown in Column (8A) of the Hazardous Materials Table.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
22083–N	Amazon.com, Inc	173.150(g)(1), 173.150(g)(2), 173.301(c).	To authorize the transportation in commerce of beverages, food, cosmetics and medicines, medical screening solutions, and concentrates sold as retail products containing saturated linear or branched alcohols (except methanol) classed as a flammable liquid or a flammable solid containing saturated linear or branched alcohols (except methanol) as being excepted from the Hazardous Materials Regulations (HMR).
22110–M	Blue Origin, LLC	173.301(f)(1), 173.302(a)(1)	To modify the special permit to authorize additional COPVs and to provide additional information.
22134–N	Planet Labs PBC	173.301(f), 173.302a(a)(1)	To authorize the transportation in commerce of a non-DOT specification cylinder containing certain Division 2.2 compressed gases and incorporated into a spacecraft or components of a spacecraft.
22141–N	Pacific Environmental Corp	173.24(f), 173.24a(a)(3)	To authorize the one-time, one-way transportation in commerce of 1H2 open head drums containing nickel-iron batteries fitted with a vent for emitting hydrogen gas.
22147–N	Jiangsu Huanqiu Can Manufacturing Co., Ltd.	173.304(d)	To authorize the manufacture, mark, sale and use of non-DOT specification, non-refillable containers similar to a DOT specification 2Q.
22165–N	Noble Gas Systems Inc	173.302(a)	To authorize the manufacture, mark, sale, and use of non-DOT specification composite cylinders (dry composite pressure vessels (DCPVs)) with a non-load sharing plastic liner similar to the UN/ISO 11119–3 specification.
22175–N	Korean Air Lines Co., Ltd	175.30(a)(1)	To authorize the transportation in commerce of forbidden explosives by cargo-only aircraft in support of foreign military sales (FMS).
22178–N	Arch Recycling Resources LLC.	173.185(a), 173.185(c)(3)	To authorize the one-time, one-way transportation of lithium ion batteries and other electronic equipment currently contained in nine (9) freight containers from the Port of New Newark, New Jersey to the facilities outlined in the special permit.
22192–N	Echo Magnet Services B.V	172.101(j)(1), 172.301(c), 173.232(h)(2).	To authorize the transportation in commerce of magnetic resonance imaging (MRI) machines (classified as UN3538) via cargo-only aircraft.
SPECIAL PERMITS DATA—Denied			
22136–N	WMA Motorsports	173.202	To authorize the transportation in commerce of UN1992, flammable liquids, toxic, n.o.s. in non-UN specification 5-gallon steel drums.
SPECIAL PERMITS DATA—Withdrawn			
22189–N	Parker-Hannifin Corporation	173.22(a)(1)	To authorize the transportation of a non-hazardous materials that is marked with hazardous materials communications.

[FR Doc. 2026–03067 Filed 2–13–26; 8:45 am]
BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Guidance on Sound Incentive Compensation Policies

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Guidance on Sound Incentive Compensation Policies.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by March 16, 2026.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0245, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 293–4835.

Instructions: You must include ''OCC'' as the agency name and ''1557–0245'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including

attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should also be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* You can find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

• *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' from the drop-down menu. From the ''Currently under Review'' drop-down menu, select ''Department of the Treasury'' and then click ''submit.'' This information collection can be located by searching OMB control number ''1557–0245'' or ''Guidance on Sound Incentive Compensation Policies.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

• For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks the OMB to extend its approval of the collection in this notice.

Title: Guidance on Sound Incentive Compensation Policies.

OMB Control No.: 1557–0245.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: Under the guidance, each large national bank and Federal savings association should: (i) have policies and procedures that identify and describe the role(s) of the personnel and units authorized to be involved in incentive compensation arrangements, identify the source of significant risk-related inputs, establish appropriate controls governing these inputs to help ensure their integrity, and identify the individual(s) and unit(s) whose approval is necessary for the establishment or modification of incentive compensation arrangements; (ii) create and maintain sufficient documentation to permit an audit of the organization's processes for developing and administering incentive compensation arrangements; (iii) have any material exceptions or adjustments to the incentive compensation arrangements established for senior executives approved and documented by its board of directors; and (iv) have its board of directors receive and review, on an annual or more frequent basis, an assessment by management of the effectiveness of the design and operation of the organization's incentive compensation system in providing risk-taking incentives that are consistent with the organization's safety and soundness. The principles discussed in the guidance vary with the size and complexity of a banking organization.

Estimated Burden

Estimated Frequency of Response: Annually.

Estimated Number of Respondents for Yearly Maintenance: 1,010 (36 large banks; 974 small banks).

Estimated Number of Respondents for Setup: 1 large bank; 1 small bank.

Estimated Burden per Respondent: 520 hours for large banks (480 hours for set up; 40 hours for yearly maintenance); 90 hours for small banks (60 hours for set up; 30 hours for yearly maintenance).

Estimated Total Annual Burden: 31,130 hours.

Comments: On December 4, 2025, the OCC published a 60-day notice for this information collection, (90 FR 55974). No comments were received.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Carl Kaminski,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2026–02989 Filed 2–13–26; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Treasury Inspector General for Tax Administration, Department of the Treasury.

ACTION: Notice of modified systems of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of the Treasury (''Treasury'' or the ''Department''), Treasury Inspector General for Tax Administration (TIGTA) is publishing its inventory of Privacy Act systems of records.

DATES: Submit comments on or before March 19, 2026. The modifications will be effective upon publication and the new routine uses will be applicable 30 days after publication March 19, 2026 unless Treasury receives comments and determines that changes to the system of records notice are necessary.

ADDRESSES: Comments may be submitted to the Federal eRulemaking Portal electronically at *http://www.regulations.gov.* Comments can also be sent to the Deputy Assistant Secretary for Privacy, Transparency, and Records, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220, Attention: Revisions to Privacy Act Systems of Records. All comments received, including attachments and other supporting documents, are part of the public record and subject to public disclosure. All comments received will be posted without change to *www.regulations.gov,* including any personal information provided. You should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For general questions and for privacy issues please contact: Ryan Law, Deputy Assistant Secretary for Privacy, Transparency, and Records (202–622–5710), Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, and the Office of Management and Budget (OMB), Circular No. A–108, the Department of the Treasury, Departmental Offices, TIGTA has completed a review of its Privacy Act systems of records notices to identify changes that will more accurately describe these records and is publishing an inventory of them.

TIGTA is making changes to the addresses of various TIGTA offices, typographical corrections, revisions to the citation for the Inspector General Act, removed references to records no longer held and clarified the purpose for the following System of Records Notices (SORNs): Departmental Offices (DO) .301—TIGTA General Personnel and Payroll, DO .302—TIGTA Medical Records, DO .303—TIGTA General Correspondence, DO .304—TIGTA General Training, DO .305—TIGTA Personal Property Management Records, DO .306—TIGTA Recruiting and Placement Records, DO .307—TIGTA Employee Relations Matters, Appeals, Grievances, and Complaint Files, DO .308—TIGTA Data Extracts, DO .309—TIGTA Chief Counsel Case Files, DO .310—TIGTA Chief Counsel Disclosure Section, and DO .311—TIGTA Office of Investigations Files.

Treasury has provided a report of this system of records to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and OMB, pursuant to 5 U.S.C. 552a(r) and OMB Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' dated December 23, 2016.

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

TREASURY/DO .301

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .301—TIGTA General Personnel and Payroll.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

National Headquarters, 901 D Street SW, Washington, DC 20024, field offices listed in Appendices A, B and C, Bureau of the Fiscal Service, 200 Third Street, Parkersburg, WV 26106–1328, and Transaction Processing Center, U.S. Department of Agriculture, National Finance Center.

SYSTEM MANAGER(S):

General Personnel Records—Deputy Inspector General for Mission Support/Chief Financial Officer. Time-reporting records: (1) For Office of Audit employees—Deputy Inspector General for Audit; (2) For Office of Chief Counsel employees—Chief Counsel; (3) For Office of Investigations employees—Deputy Inspector General for Investigations; (4) For Office of Inspections and Evaluations employees—Deputy Inspector General for Inspections and Evaluations; (5) For Office of Information Technology employees—Chief Information Officer; (6) For Office of Mission Support/Chief Financial Officer employees—Deputy Inspector General for Mission Support/Chief Financial Officer; and (7) For Inspector General staff employees—Principal Deputy Inspector General—901 D Street SW, Washington, DC 20024, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 401–424 and 5 U.S.C. 301, 1302, 2951, 4506, 5379 and Ch. 83, 87, and 89.

PURPOSE(S) OF THE SYSTEM:

This system consists of a wide variety of records relating to personnel actions and determinations made about an individual while employed in the federal service, including, but not limited to, records compiled for or pertaining to personnel, personnel benefits programs, payroll, credentialing and time-reporting purposes. In addition, this system contains all records created and/or maintained about employees as required by the Office of Personnel Management (OPM) as well as documents relating to personnel matters and determinations. Retirement, life, and health insurance benefit records are collected and maintained in order to administer the Federal Employee's Retirement System (FERS), Civil Service Retirement System (CSRS), Federal Employee's Group Life Insurance Plan, and the Federal Employees' Health Benefit Program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Treasury TIGTA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to personnel actions and determinations made about TIGTA employees. These records contain data on individuals required by OPM and which may also be contained in the Official Personnel Folder (OPF). This system may also contain letters of commendation, recommendations for awards, awards, reprimands, adverse or disciplinary charges, and other records which OPM and TIGTA require or permit to be maintained. This system may include records that are maintained in support of a personnel action such as a position management or position classification action, a reduction-in-force action, and priority placement actions. Other records maintained about an individual in this system are performance appraisals and related records, expectation and payout records, employee performance file records, suggestion files, award files, financial and tax records, back pay files, jury duty records, outside employment statements, clearance upon separation documents, unemployment compensation records, adverse and disciplinary action files, supervisory drop files, records relating to personnel actions, furlough and recall records, work measurement records, emergency notification records, credentialing and access control records, and employee locator and current address records. This system includes records created and maintained for purposes of administering the payroll system. Time-reporting records include timesheets and records indicating the number of hours by TIGTA employee attributable to a particular project, task, or audit. This system also includes records related to travel expenses and/or costs. This system includes records concerning employee participation in the telework or remote work program. This system also contains records relating to life and health insurance, retirement coverage, designations of beneficiaries, and claims for survivor or death benefits.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies, is derived from information supplied by that individual, or is provided by Department of the Treasury and other Federal agency personnel and records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosures of returns and return information may be made only as

provided by 26 U.S.C. 6103. Records other than returns and return information may be disclosed as generally permitted under the Privacy Act of 1974, 5 U.S.C. 552a(b) outside Treasury as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) Disclose to appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law, or regulation;

(2) Disclose information to a federal, state, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when: (a) the agency, or (b) any employee of the agency in their official capacity, or (c) any employee of the agency in their individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party of the litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of seeking legal advice;

(6) Provide information to third parties in order to obtain information pertinent and necessary for the hiring or retention of an individual and/or to obtain information pertinent to an investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(10) Provide information to educational institutions for recruitment and cooperative education purposes;

(11) Provide information to a federal, state, or local agency so that the agency may adjudicate an individual's eligibility for a benefit;

(12) Provide information to a federal, state, or local agency or to a financial institution as required by law for payroll purposes;

(13) Provide information to federal agencies to effect inter-agency salary offset and administrative offset;

(14) Provide information to a debt collection agency for debt collection services;

(15) Respond to state and local authorities for support garnishment interrogatories;

(16) Provide information to private creditors for the purpose of garnishment of wages of an employee if a debt has been reduced to a judgment;

(17) Provide information to a prospective employer of a current or former TIGTA employee to provide personnel information and records, *e.g.,* benefits, salary, employment history and status, etc.;

(18) In situations involving an imminent danger of death or physical injury, disclose relevant information to an individual or individuals who are in danger;

(19) Provide information to the Office of Workers' Compensation Programs, Department of Veterans Affairs Benefits Administration, Social Security and Medicare Programs, federal civilian employee retirement systems, and other federal agencies when requested by that program, for use in determining an individual's claim for benefits;

(20) Provide information necessary to support a claim for health insurance benefits under the Federal Employees' Health Benefits Program to a health insurance carrier or plan participating in the program;

(21) Provide information to hospitals and similar institutions to verify an employee's coverage in the Federal Employees' Health Benefits Program;

(22) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 406 of the Inspector General Act of 1978, as amended, 5 U.S.C. 401–424;

(23) To appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the federal government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(24) To another federal agency or federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the federal government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic media and paper records.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by name, Social Security Number, and/or claim number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedules 2.1 through 2.7 and 5.6.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies. Access to the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 901 D Street SW, Suite 600, Washington, DC 20024.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

November 11, 2022 (87 FR 68797).
May 4, 2020 (85 FR 26521).
November 7, 2016 (81 FR 78298).

TREASURY/DO .302

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .302—TIGTA Medical Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records of: (a) Applicants and current TIGTA employees: Office of Mission Support/Chief Financial Officer, TIGTA, 901 D Street SW, Washington, DC 20024 and/or Bureau of the Fiscal Service, 200 Third Street, Parkersburg, WV 26106–1328; and (b) former TIGTA employees: National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132.

SYSTEM MANAGER(S):

Deputy Inspector General for Mission Support/Chief Financial Officer, 901 D Street SW, Suite 600, Washington, DC 20024, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 401–424 and 5 U.S.C. 301, 3301, 7301, 7901, and Ch. 81, 87 and 89.

PURPOSE(S) OF THE SYSTEM:

To maintain records related to employee physical exams, fitness-for-duty evaluations, drug testing, disability retirement claims, and worker's compensation claims. In addition, these records may be used for purposes of making suitability and fitness-for duty determinations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Applicants for TIGTA employment; (2) Current and former TIGTA employees; (3) Applicants for disability retirement; and (4) Visitors to TIGTA offices who require medical attention while on the premises.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Documents relating to an applicant's mental/physical ability to perform the duties of a position; (2) Information relating to an applicant's rejection for a position because of medical reasons; (3) Documents relating to a current or former TIGTA employee's mental/physical ability to perform the duties of the employee's position; (4) Disability retirement records; (5) Fitness-for-duty examination reports; (6) Employee assistance records; (7) Injury compensation records relating to on-the-job injuries of current or former TIGTA employees; and (8) Records relating to the drug testing program. The categories of records in the system may contain identifying information concerning current and former employees, *e.g.,* names, Social Security Numbers, date of birth, as well as unique numbers assigned to claims, *e.g.,* on the job injury claims.

RECORD SOURCE CATEGORIES:

(1) The subject of the record; (2) Medical personnel and institutions; (3) Office of Workers' Compensation personnel and records; (4) Military Retired Pay Systems Records; (5) federal civilian retirement systems; (6) OPM Retirement, Life Insurance and Health Benefits Records System and Personnel Management Records System; (7) Department of Labor; (8) Federal Occupational Health and other health care professionals; and (9) Drug testing providers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

With the exception of Routine Uses (1), (9) and (12) none of the other Routine Uses identified for this system of records are applicable to records relating to drug testing under Executive Order 12564, Drug-Free Federal Workplace. Further, such records shall be disclosed only on a need-to-know basis, generally only to the agency Medical Review Official (MRO), the administrators of the agency Employee Assistance Program and Drug-Free Workplace program, and the management officials empowered to recommend or take adverse action affecting the individual.

Records may be used to:

(1) Disclose the results of a drug test of a federal employee in a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action;

(2) Disclose to appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law, or regulation;

(3) Disclose information to a federal, state, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(4) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when (a) the agency, or (b) any employee of the agency in their official capacity, or (c) any employee of the agency in their individual capacity where the Department of Justice or the agency has agreed to represent the employee or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(5) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing

counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(6) Disclose information to the Department of Justice for the purpose of seeking legal advice;

(7) Provide information to third parties in order to obtain information pertinent and necessary for the hiring or retention of an individual and/or to obtain information pertinent to an investigation;

(8) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(10) Provide information to federal or state agencies responsible for administering federal benefits programs and private contractors engaged in providing benefits under federal contracts;

(11) Disclose information to an individual's private physician where medical considerations or the content of medical records indicate that such release is appropriate;

(12) Disclose information to other federal or state agencies to the extent provided by law or regulation to include disclosures necessary to effectuate the agency's Drug-Free Workplace Plan;

(13) In situations involving an imminent danger of death or physical injury, disclose relevant information to an individual or individuals who are in danger;

(14) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 406 of the Inspector General Act of 1978, as amended, 5 U.S.C. 401–424; and

(15) To appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the federal government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm, and:

(16) To another federal agency or federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the federal government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records, electronic media, and x-rays.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by name, Social Security Number, date of birth and/or claim number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedules Nos. 2.1 through 2.4 and 2.7.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies. Access to the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart c, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 901 D Street SW, Suite 600, Washington, DC 20024.

EXEMPTIONS PROMULATED FOR THE SYSTEM:

None.

HISTORY

November 11, 2022 (87 FR 68797).
May 4, 2020 (85 FR 26521).
November 7, 2016 (81 FR 78298).

TREASURY/DO .303

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .303—TIGTA General Correspondence.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

National Headquarters, 901 D Street SW, Washington, DC 20024, and field offices listed in Appendices A, B, and C.

SYSTEM MANAGER(S):

Principal Deputy Inspector General, TIGTA, 901 D Street SW, Washington, DC 20024, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 401–424 and 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

This system consists of correspondence received by TIGTA from individuals and their representatives, oversight committees, and others who conduct business with TIGTA and the responses thereto; it serves as a record of incoming correspondence and the steps taken to respond thereto.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Initiators of correspondence; and (2) Persons upon whose behalf the correspondence was initiated.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Correspondence received by TIGTA and responses generated thereto; and (2) Records used to respond to incoming correspondence. Special categories of correspondence may be included in other systems of records described by specific notices.

RECORD SOURCE CATEGORIES:

Some records contained within this system of records are exempt from the requirement that the record source categories be disclosed pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2). Non-exempt sources of information include: (1) Initiators of the correspondence; and (2) Federal Treasury personnel and records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosures of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose to appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law, or regulation;

(2) Disclose information to a federal, state, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when (a) the agency, or (b) any employee of the agency in their official capacity, or (c) any employee of the agency in their individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal law proceedings or in response to a subpoena where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of seeking legal advice;

(6) Provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(7) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(8) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(9) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 406 of the Inspector General Act of 1978, as amended, 5 U.S.C. 401–424;

(10) To appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the federal government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(11) To another federal agency or federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the federal government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by name of the correspondent and/or name of the individual to whom the record applies.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Paper records are maintained and disposed of in accordance with TIGTA Records Schedule 1, which has been approved by the National Archives Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to TIGTA personnel, all of whom have been the subject of background investigations, on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 901 D Street SW, Suite 600, Washington, DC 20024. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Some records contained within this system of records are exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). See 31 CFR 1.36.

HISTORY

November 11, 2022 (87 FR 68797).

May 4, 2020 (85 FR 26521).

November 7, 2016 (81 FR 78298).

TREASURY/DO .304

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .304—TIGTA General Training Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

National Headquarters, 901 D Street SW, Suite 600, Washington, DC 20024 and Federal Law Enforcement Training Center (FLETC), Glynco, GA 31524.

SYSTEM MANAGER(S):

(1) For records concerning Office of Investigations employees—Deputy Inspector General for Investigations; (2) For records concerning Office of Audit employees—Deputy Inspector General for Audit; (3) For Office of Chief Counsel employees—Chief Counsel; (4) For Office of Inspections and Evaluations—Deputy Inspector General for Inspections and Evaluations; (5) For Office of Information Technology employees—Chief Information Officer; (6) For Office of Mission Support/Chief Financial Officer employees—Deputy Inspector General for Mission Support/ Chief Financial Officer; and, (7) For Inspector General staff employees—Principal Deputy Inspector General —901 D Street SW, Suite 600, Washington, DC 20024, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 401–424 and 5 U.S.C. 301 and Ch. 41, and Executive Order 11348, as amended by Executive Order 12107.

PURPOSE(S) OF THE SYSTEM:

These records are collected and maintained to document training received by TIGTA employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) TIGTA employees; and (2) Other federal or non-government individuals who have participated in or assisted with training programs as instructors, course developers, or interpreters.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Course rosters; (2) Student registration forms; (3) Nomination forms; (4) Course evaluations; (5) Instructor lists; (6) Individual Development Plans (IDPs); (7) Counseling records; (8) Examination and testing materials; (9) Payment records; (10) Continuing professional education requirements; (11) Officer safety files and firearm qualification records; and, (12) Other training records necessary for reporting and evaluative purposes.

RECORD SOURCE CATEGORIES:

(1) The subject of the record; and (2) Treasury personnel and records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Records may be used to:

(1) Disclose to appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law, or regulation;

(2) Disclose information to a federal, state, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has equested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when (a) the agency, or (b) any employee of the agency in their official capacity, or (c) any employee of the agency in their individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of seeking legal advice;

(6) Provide information to third parties to the extent necessary to obtain information pertinent to the training request or requirements and/or in the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(10) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 406 of the Inspector General Act of 1978, as amended, 5 U.S.C. 401–424; and

(11) To appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the federal government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm and;

(12) To another federal agency or federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the federal government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by employee name, course title, date of training, and/or location of training.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed in accordance with National Archives and Records Administration General Records Schedule 2.6.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to TIGTA personnel, all of whom have been the subject of background investigations, on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORDS ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 901 D Street SW, Suite 600, Washington, DC 20024.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY

November 11, 2022 (87 FR 68797).
May 4, 2020 (85 FR 26521).
November 7, 2016 (81 FR 78298).

TREASURY/DO .305

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .305—TIGTA Personal Property Management Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Information Technology, TIGTA, 4800 Buford Hwy, Chamblee, GA.

SYSTEM MANAGER(S):

Deputy Inspector General for Mission Support/Chief Financial Officer, Office of Mission Support/Chief Financial Officer, 901 D Street SW, Suite 600, Washington, DC 20024, (202–622–6500).

AUTHORITY FOR MAINTENCE OF THE SYSTEM:

5 U.S.C. 401–424, 5 U.S.C. 301, and 41 CFR Subtitle C Ch. 101 and 102.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to maintain records concerning personal property, including but not limited to, laptop and desktop computers and other Information Technology and related accessories, fixed assets, motor vehicles, firearms and other law enforcement equipment, and communications equipment, for use in official duties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former TIGTA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information concerning personal property assigned to TIGTA employees including descriptions and identifying information about the property, maintenance records, and other similar records.

RECORDS SOURCE CATEGORIES:

(1) The subject of the record; (2) Treasury personnel and records; (3) Vehicle maintenance facilities; (4) Property manufacturer; and (5) Vehicle registration and licensing agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLDUING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be used to:

(1) Disclose to appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law, or regulation;

(2) Disclose information to a federal, state, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has

requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when: (a) the agency, or (b) any employee of the agency in their official capacity, or (c) any employee of the agency in their individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of seeking legal advice;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(10) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 406 of the Inspector General Act of 1978, as amended, 5 U.S.C. 401–424; and

(11) To appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or

TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the federal government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm and;

(12) To another federal agency or federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the federal government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and electronic media.

POLICIES AND PRACTICES FOR RETRIVAL OF RECORDS:

Records are indexed by name and/or identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedule 5.4.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to TIGTA personnel, all of whom have been the subject of background investigations, on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 901 D Street SW, Suite 600, Washington, DC 20024.

EXEMPTIONS PROMUGLATED FOR THE SYSTEM:

None.

HISTORY

November 11, 2022 (87 FR 68797).
May 4, 2020 (85 FR 26521).
November 7, 2016 (81 FR 78298).

TREASURY/DO .306

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .306—TIGTA Recruiting and Placement Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Mission Support/Chief Financial Officer, 901 D Street SW, Suite 600, Washington, DC 20024 and/or Bureau of the Fiscal Service, 200 Third Street, Parkersburg, WV 26106–1328.

SYSTEM MANAGER(S):

Deputy Inspector General for Mission Support/Chief Financial Officer, 901 D Street, SW, Suite 600, Washington, DC 20024, (202–622–6500).

AUTHORITY FOR MAINTENCE OF THE SYSTEM:

5 U.S.C. 401–424, 5 U.S.C. 301 and Ch. 33, and Executive Orders 10577 and 11103.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to maintain records received from applicants applying for positions with TIGTA and relating to determining eligibility for employment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Applicants for employment; and (2) Current and former TIGTA employees.

CATEGORIES OF RECORDS COVERED BY THE SYSTEM:

(1) Application packages and resumes; (2) Related correspondence; and (3) Documents generated as part of the recruitment and hiring process.

RECORD SOURCE CATEGORIES:

(1) The subject of the record; (2) Office of Personnel Management; and (3) Treasury personnel and records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose to appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law, or regulation;

(2) Disclose information to a federal, state, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when: (a) the agency, or (b) any employee of the agency in their official capacity, or (c) any employee of the agency in their individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of seeking legal advice;

(6) Provide information to third parties to the extent necessary to obtain information pertinent to the recruitment, hiring, and/or placement

determination and/or during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(10) Disclose information to officials of federal agencies for purposes of consideration for placement, transfer, reassignment, and/or promotion of TIGTA employees;

(11) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 406 of the Inspector General Act of 1978, as amended, 5 U.S.C. 401–424; and

(12)) To appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the federal government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm and;

(13) To another federal agency or federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the federal government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are indexed by name, Social Security Number, and/or vacancy announcement number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are maintained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedule 2.1 Item 060.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to personnel on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access disposal.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 901 D Street SW, Suite 600, Washington, DC 20024. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(k)(5) and (k)(6).

EXEMPTIONS PROMUGLATED FOR THE SYSTEM:

Some records in this system have been designated as exempt from 5 U.S.C. 552a(c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G), (H), and (I), and (f) pursuant to 5 U.S.C. 552a(k)(5) and (k)(6). See 31 CFR 1.36.

HISTORY

November 11, 2022 (87 FR 68797).
May 4, 2020 (85 FR 26521).
November 7, 2016 (81 FR 78298).

TREASURY/DO .307

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .307—TIGTA Employee Relations Matters, Appeals, Grievances, and Complaint Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Mission Support/Chief Financial Officer, TIGTA, 901 D Street SW, Suite 600, Washington, DC 20024.

SYSTEM MANAGER(S):

Deputy Inspector General for Mission Support/Chief Financial Officer, 901 D Street SW, Suite 600, Washington, DC 20024, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 401–424 and 5 U.S.C. 301 and Ch. 13, 31, 33, 73, and 75.

PURPOSE(S) OF THE SYSTEM:

This system consists of records compiled for administrative purposes concerning personnel matters affecting current, former, and/or prospective TIGTA employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current, former, and prospective TIGTA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Requests, (2) Appeals, (3) Complaints, (4) Letters or notices to the subject of the record, (5) Materials relied upon in making any decision or determination, (6) Affidavits or statements, (7) Investigative reports, and (8) Documents effectuating any decisions or determinations.

(1) The subject of the records; (2) Treasury personnel and records; (3) Witnesses; (4) Documents relating to the appeal, grievance, or complaint; and (5) EEOC, MSPB, and other similar organizations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose to appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for

enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law, or regulation;

(2) Disclose information to a federal, state, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when (a) the agency, or (b) any employee of the agency in their official capacity, or (c) any employee of the agency in their individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of seeking legal advice;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Provide information to Executive agencies, including, but not limited to the Office of Personnel Management, Office of Government Ethics, and Government Accountability Office in order to obtain legal and/or policy guidance;

(10) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(11) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 406 of the Inspector General Act of 1978, as amended, 5 U.S.C. 401–424; and

(12) To appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the federal government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm and;

(13) To another federal agency or federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the federal government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by indexed by the name of the individual and case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed of in accordance with National Archives and Records Administration General Record Schedule 2.3.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to TIGTA personnel on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 901 D Street SW, Suite 600, Washington, DC 20024. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

EXEMPTIONS PROMUGLATED FOR THE SYSTEM:

This system may contain investigative records that are exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

(See 31 CFR 1.36.)

HISTORY

November 11, 2022 (87 FR 68797).
May 4, 2020 (85 FR 26521).
November 7, 2016 (81 FR 78298).

TREASURY/DO .308

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .308—TIGTA Data Extracts.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

National Headquarters, 1401 H Street NW, Washington, DC 20005, Office of Information Technology, 4800 Buford Highway, Chamblee, GA 30341, and Office of Investigations, Frauds and Schemes Division, 550 Main Street, Cincinnati, OH 45202.

SYSTEM MANAGER(S):

Deputy Inspector General for Investigations, TIGTA and Deputy Inspector General for Audit, 901 D Street SW, Suite 600, Washington, DC 20024, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 401–424 and 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

This system consists of data extracts from various electronic systems of records maintained by governmental agencies and other entities. The data extracts generated by TIGTA are used for audit and investigative purposes and are necessary to identify and deter fraud, waste, and abuse in the programs and operations of the IRS and related entities as well as to promote economy, efficiency, and integrity in the administration of the internal revenue laws and detect and deter wrongdoing by IRS and TIGTA employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) The subjects or potential subjects of investigations; (2) Individuals who have filed, are required to file tax returns, or are included on tax returns, forms, or other information filings; (3) Entities who have filed or are required to file tax returns, Internal Revenue (IRS) forms, or information filings as well as any individuals listed on the returns, forms and filings; and (4) Taxpayer representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data extracts from various databases maintained by the IRS consisting of records collected in performance of its tax administration responsibilities, *e.g.,* personnel and payroll records, returns and return information, audit trail information, applications for Employer Identification Numbers (EINs), etc., as well as records maintained by other governmental agencies, entities, and public record sources *e.g.,* law enforcement records (*e.g.,* criminal history, arrest and investigation records), address and location records, corporate entity and business records, etc. This system also contains information obtained via TIGTA's program of computer matches to perform its mission as an Inspector General of conducting audits and investigations.

RECORD SOURCE CATEGORIES:

Some records contained within this system of records are exempt from the requirement that the record source categories be disclosed pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2). Non-exempt record source categories include the following: Department of the Treasury personnel and records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose to appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law, or regulation;

(2) Disclose information to a federal, state, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when (a) the agency, or (b) any employee of the agency in their official capacity, or (c) any employee of the agency in their individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of seeking legal advice;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(10) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 406 of the Inspector General Act of 1978, as amended, 5 U.S.C. 401–424; and

(11) To appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the federal government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm and;

(12) To another federal agency or federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or

remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the federal government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records and electronic media.

POLICIES AND PRACTICES FOR RETRIVAL OF RECORDS:

Records are retrieved by name, Social Security Number, Taxpayer Identification Number, and/or employee identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Paper records are maintained and disposed of in accordance with TIGTA Records Schedule 1 approved by the National Archives Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to TIGTA personnel on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 901 D Street SW, Suite 600, Washington, DC 20024. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

EXEMPTIONS PROMUGLATED FOR THE SYSTEM:

Some records contained within this system of records are exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). (See 31 CFR 1.36.)

HISTORY

November 11, 2022 (87 FR 68797).
May 4, 2020 (85 FR 26521).
November 7, 2016 (81 FR 78298).

TREASURY/DO .309

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .309—TIGTA Chief Counsel Case Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Chief Counsel, 901 D Street SW, Suite 600, Washington, DC 20024.

SYSTEM MANAGER(S):

Deputy Chief Counsel, TIGTA, 901 D Street SW, Suite 600, Washington, DC 20024, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 401–424 and 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

This system contains records created and maintained by the Office of Chief Counsel for purposes of providing legal and programmatic service to TIGTA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parties to and persons involved in litigations, actions, personnel matters, administrative claims, administrative appeals, complaints, grievances, advisories, and other matters assigned to, or under the jurisdiction of, the Office of Chief Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Memoranda, (2) Complaints, (3) Claim forms, (4) Reports of Investigations, (5) Accident reports, (6) Witness statements and affidavits, (7) Pleadings, (8) Correspondence, (9) Administrative files, (10) Case management documents, and (11) Other records collected or generated in response to matters assigned to the Office of Chief Counsel.

RECORD SOURCE CATEGORIES:

Some records in this system are exempt from the requirement that the record source categories be disclosed pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2). Non-exempt record source categories include the following: (1) Department of Treasury personnel and records, (2) The subject of the record, (3) Witnesses, (4) Parties to disputed matters of fact or law, (5) Congressional inquiries, and (6) Other federal agencies including, but not limited to, the Office of Personnel Management, the Merit Systems Protection Board, and the Equal Employment Opportunities Commission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose to appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law, or regulation;

(2) Disclose information to a federal, state, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to, or necessary to, the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when (a) the agency, or (b) any employee of the agency in their official capacity, or (c) any employee of the agency in their individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purposes of seeking legal advice;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to an investigation or matter under consideration;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Provide information to Executive agencies, including, but not limited to the Office of Personnel Management, Office of Government Ethics, and Government Accountability Office;

(10) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(11) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 406 of the Inspector General Act of 1978, as amended, 5 U.S.C. 401–424; and

(12) To appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the federal government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(13) To another federal agency or federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the federal government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by the name of the person to whom they apply and/or by case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Paper records are maintained and disposed of in accordance with TIGTA Record Schedule 1 which has been approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHINCAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies. Access to the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 901 D Street SW, Suite 600, Washington, DC 20024. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

EXEMPTIONS PROMUGLATED FOR THE SYSTEM:

Some of the records in this system are exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5)(e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). (See 31 CFR 1.36.)

HISTORY

November 11, 2022 (87 FR 68797).
May 4, 2020 (85 FR 26521).
November 7, 2016 (81 FR 78298).

TREASURY/DO .310

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .310—TIGTA Chief Counsel Disclosure Branch Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Chief Counsel, Disclosure Branch, TIGTA, 901 D Street SW, Suite 600, Washington, DC 20024.

SYSTEM MANAGER(S):

Chief Counsel, TIGTA, 901 D Street SW, Suite 600, Washington, DC 20024, (202–622–4068).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 552a, 26 U.S.C. 6103, and 31 CFR 1.11.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to enable compliance with applicable federal disclosure laws and regulations, including statutory record-keeping requirements. In addition, this system will be utilized to maintain records obtained and/or generated for purposes of responding to requests for access, amendment, and disclosure of TIGTA records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Requestors for access and amendment pursuant to the Privacy Act of 1974, 5 U.S.C. 552a; (2) Subjects of requests for disclosure of records; (3) Requestors for access to records pursuant to 26 U.S.C. 6103; (4) TIGTA employees who have been subpoenaed or requested to produce TIGTA documents or testimony on behalf of TIGTA in judicial or administrative proceedings; (5) Subjects of investigations who have been referred to another law enforcement authority; (6) Subjects of investigations who are parties to a judicial or administrative proceeding in which testimony of TIGTA employees or production of TIGTA documents has been sought; and,

(7) Individuals initiating correspondence or inquiries processed or controlled by the Disclosure Branch.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Requests for access to and/or amendment of records, (2) Responses to such requests, (3) Records processed and released in response to such requests, (4) Processing records, (5) Requests or subpoenas for testimony, (6) Testimony authorizations, (7) Referral letters, (8) Documents referred, (9) Record of disclosure forms, and (10) Other supporting documentation.

RECORD SOURCE CATEGORIES:

Some records in this system are exempt from the requirement that the record source categories be disclosed pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2). Non-exempt record source categories include the following: (1) Department of Treasury personnel and records, (2) Incoming requests, and (3) Subpoenas and requests for records and/or testimony.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES FOR SUCH USE:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose to appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law, or regulation;

(2) Disclose information to a federal, state, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when: (a) the agency, or (b) any employee of the agency in their official capacity, or (c) any employee of the agency in their individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of seeking legal advice;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to an investigation or matter under consideration.

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 406 of the Inspector General Act of 1978, as amended, 5 U.S.C. 401–424; and

(10) To appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the federal government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm and;

(11) To another federal agency or federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the federal government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records and/or electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by name of the requestor, name of the subject of the investigation, and/or name of the employee requested to produce documents or to testify.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Paper records are maintained and disposed of in accordance with TIGTA Record Schedule 1, which has been approved by the National Archives and Records

ADMINISTRATIVE, TECHNICAL AND PHYSICAL RECORDS:

The records are accessible to TIGTA personnel, all of whom have been the subject of background investigations, on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 901 D Street SW, Suite

600, Washington, DC 20024. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

EXEMPTIONS PROMUGLATED FOR THE SYSTEM:

This system may contain records that are exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2),(e)(3),(e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). (See 31 CFR 1.36.)

HISTORY

November 11, 2022 (87 FR 68797).
May 4, 2020 (85 FR 26521).
November 7, 2016 (81 FR 78298).

TREASURY/DO .311

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .311—TIGTA Office of Investigations Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

National Headquarters, Office of Investigations, 901 D Street SW, Suite 600, Washington, DC 20024 and Field Division offices listed in Appendix A.

SYSTEM MANAGER(S):

Deputy Inspector General for Investigations, Office of Investigations, TIGTA
901 D Street SW, Suite 600, Washington, DC 20024, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 401–424 and 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to maintain information relevant to complaints received by TIGTA and collected as part of investigations conducted by TIGTA's Office of Investigations. This system also includes investigative material compiled by the IRS's Office of the Chief Inspector, which was previously maintained in the following systems of records: Treasury/IRS 60.001–60.007 and 60.009–60.010.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) The subjects or potential subjects of investigations; (2) The subjects of complaints received by TIGTA; (3) Persons who have filed complaints with TIGTA; (4) Confidential informants; and (5) TIGTA Special Agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Reports of investigations, which may include, but are not limited to, witness statements, affidavits, transcripts, police reports, photographs, documentation concerning requests and approval for consensual telephone and consensual non-telephone monitoring, the subject's prior criminal record, vehicle maintenance records, medical records, accident reports, insurance policies, and other exhibits and documents collected during an investigation; (2) Status and disposition information concerning a complaint or investigation including prosecutive action and/or administrative action; (3) Complaints or requests to investigate; (4) General case materials and documentation including, but not limited to, Chronological Case Worksheets (CCW), fact sheets, agent work papers, Record of Disclosure forms, and other case management documentation; (5) Subpoenas and evidence obtained in response to a subpoena; (6) Evidence logs; (7) Pen registers; (8) Correspondence; (9) Records of seized money and/or property; (10) Reports of laboratory examination, photographs, and evidentiary reports; (11) Digital image files of physical evidence; (12) Documents generated for purposes of TIGTA's undercover activities; (13) Documents pertaining to the identity of confidential informants; and (14) Other documents collected and/or generated by the Office of Investigations during the course of official duties.

RECORD SOURCE CATEGORIES:

Some records contained within this system of records are exempt from the requirement that the record source categories be disclosed pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2). Non-exempt record source categories include the following: Department of the Treasury personnel and records, complainants, witnesses, governmental agencies, tax returns and related documents, subjects of investigations, persons acquainted with the individual under investigation, third party witnesses, Notices of Federal Tax Liens, court documents, property records, newspapers or periodicals, financial institutions and other business records, medical records, and insurance companies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSED OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose to appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law, or regulation;

(2) Disclose information to a federal, state, local, or other public authority maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when (a) the agency, or (b) any employee of the agency in their official capacity, or (c) any employee of the agency in their individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of seeking legal advice;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's

functions relating to civil and criminal proceedings;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing personnel actions or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties;

(10) In situations involving an imminent danger of death or physical injury, disclose relevant information to an individual or individuals who are in danger; and

(11) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 406 of the Inspector General Act of 1978, as amended, 5 U.S.C. 401–424; and,

(12) Disclose information to complainants, victims, or their representatives (defined for purposes here to be a complainant's or victim's legal counsel or a Senator or Representative whose assistance the complainant or victim has solicited) concerning the status and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim, including, once the investigative subject has exhausted all reasonable appeals, any action taken. Information concerning the status of the investigation or case is limited strictly to whether the investigation or case is open or closed. Information concerning the results of the investigation or case is limited strictly to whether the allegations made in the complaint were substantiated or were not substantiated and, if the subject has exhausted all reasonable appeals, any action taken.

(13) To appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the federal government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm and;

(14) To another federal agency or federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the federal government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by name, Social Security Number, and/or case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records in this system are maintained and disposed of in accordance with TIGTA Records Schedule 1 which has been approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHINCAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to TIGTA personnel on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PREOCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 901 D Street SW, Suite 600, Washington, DC 20024. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Some records contained within this system of records are exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). (See 31 CFR 1.36)

HISTORY

November 11, 2022 (87 FR 68797).
May 4, 2020 (85 FR 26521).
November 7, 2016 (81 FR 78298).

Appendix A—Office of Investigations, TIGTA

Field Division SAC/Directors Offices

Treasury IG for Tax Administration, 1919 Smith Street, Room 2270, Stop 3300, Houston, TX 77002.

Treasury IG for Tax Administration, 1999 Broadway, Suite 2406, MS3300DEN, Denver, CO 80202.

Treasury IG for Tax Administration, 201 Varick Street, Room 1050, New York, NY 10014.

Treasury IG for Tax Administration, Ronald Dellums Federal Bldg., 300 N Los Angeles Street, Suite 4334, Los Angeles, CA 912.

Treasury IG for Tax Administration, 400 N 8th Street, Room 516, Richmond, VA, 23219.

Treasury IG for Tax Administration, 12119 Indian Creek Court, Beltsville, MD 20705.

Treasury IG for Tax Administration, 550 Main Street, Room 5610, Cincinnati, OH, 45202.

Treasury IG for Tax Administration, 5333 Getwell Road, Stop 73, Memphis, TN 38118.

Treasury IG for Tax Administration, 100 Dey Place, Edison, NJ 08817.

Treasury IG for Tax Administration, 801 Broadway, Suite 260, Nashville, TN 37203.

Treasury IG for Tax Administration, 401 W Peachtree St. NW, Room 513, Stop 1300–D, Atlanta, GA 30308.

Appendix B—Audit Field Offices, TIGTA

Treasury IG for Tax Administration, 310 Lowell Street, Stop 903, Andover, MA 01812.

Treasury IG for Tax Administration, 401 W Peachtree St., Room 540 Stop 190–R, Atlanta, GA 30308–3539.

Treasury IG for Tax Administration, Atlanta Service Center, 4800 Buford Highway, Mail Stop 15, Chamblee, GA 39901.

Treasury IG for Tax Administration, 3651 South Interstate 35, Mail Stop 3200 AUSC, Austin, TX 78741.

Treasury IG for Tax Administration, 31 Hopkins Plaza, Fallon Federal Building, Suite 1410, Baltimore, MD 21201.

Treasury IG for Tax Administration, Peck Federal Office Bldg., 550 Main Street, Room 5461, Cincinnati, OH 45201.

Treasury IG for Tax Administration, 4050 Alpha Road, Mail Stop 3200 NDAL, Farmers Branch, TX 75244.

Treasury IG for Tax Administration, 1999 Broadway, Suite 2406 MS 3300DEN, Denver, CO 80202.

Treasury IG for Tax Administration, Fresno Service Center, 855 M Street, Suite 250, Fresno, CA 93721.

Treasury IG for Tax Administration, University Professional Center, 1248 N University Drive, Suite A–100, Plantation, FL 33324.

Treasury IG for Tax Administration, 333 West Pershing Road, P–L Mail Stop 3000, Kansas City, MO 64108.

Treasury Inspector General for Tax Administration—Audit, Pacific Vista, 25550 Commercentre Drive, Mail Stop 2509, Lake Forest, CA, 92630.

Treasury IG for Tax Administration, 1160 West 1200 South, MS 3400, Ogden, Utah 84201.

Treasury IG for Tax Administration, Federal Office Building, 600 Arch Street, Room 4218, Philadelphia, PA 19106.

Treasury IG for Tax Administration, 915 2nd Avenue, Room 2640 MS 690, Seattle, WA 98174.

Treasury IG for Tax Administration, 1222 Spruce, Room 2 102F2 Stop, St. Louis, MO 63103.

Treasury IG for Tax Administration, Ronald Dellums Federal Bldg., 1301 Clay Street, Suite 1120S North, Oakland, CA 94612.

Treasury IG for Tax Administration, 5000 Ellin Road, Room B2–203, Lanham, MD 20706.

Treasury IG for Tax Administration, 801 Broadway, Nashville, TN 37203.

Treasury IG for Tax Administration, 615 S Main St., Jonesboro, AR 72401.

Treasury IG for Tax Administration, 1000 Liberty Avenue, Pittsburgh, PA 15222.

Appendix C—Inspections and Evaluations Field Offices, TIGTA

Treasury IG for Tax Administration, 1301 Clay St., Oakland, CA 94612.

Treasury IG for Tax Administration, 135 High St., Hartford, CT 06118.

Treasury IG for Tax Administration, 901 D Street SW, Washington, DC 20024.

Treasury IG for Tax Administration, 15 New Sudbury Street, Boston, MA 02203.

Treasury IG for Tax Administration, 5000 Ellin Road, Lanham, MD 20706.

Treasury IG for Tax Administration, 200 N High St., Columbus, OH 43215.

Treasury IG for Tax Administration, 4050 Alpha Road, Dallas, TX 75244.

[FR Doc. 2026–02983 Filed 2–13–26; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

Cost of Living Adjustments for Service-Connected Benefits

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: As required by the Veterans' Compensation Cost-of-Living Adjustment Act of 2025, Public Law 119–42, the VA is hereby giving notice of adjustments in certain benefit rates. These adjustments affect the compensation program.

DATES: These adjustments became effective on December 1, 2025, the date provided by Public Law 119–42.

FOR FURTHER INFORMATION CONTACT: Jadine Piper, Acting Assistant Director, Policy Staff, Compensation Service, Veterans Benefits Administration, 202–461–9700.

SUPPLEMENTARY INFORMATION: Section 2 of Public Law 119–42 provides for an increase in each of the rates in §§ 1114, 1115(1), and 38 U.S.C. 1162. VA is required to increase these benefit rates by the same percentage as increases in the benefit amounts payable under title II of the Social Security Act. The increased rates are required to be published in the **Federal Register**.

The Social Security Administration has announced that there will be a 2.8% cost-of-living increase in Social Security benefits for 2026. Therefore, applying the same percentage, the following rates for VA's compensation program became effective on December 1, 2025:

Disability evaluation percent	Monthly rate
Disability Compensation [38 U.S.C. § 1114]	
10	$180.42
20	356.66
30	552.47
40	795.84
50	1132.90
60	1435.02
70	1808.45
80	2102.15
90	2362.30
100	3938.58
(38 U.S.C. § 1114(k) through (t)):	
38 U.S.C. § 1114(k)	$139.87
38 U.S.C. § 1114(l)	4900.83
38 U.S.C. § 1114(m)	5408.55
38 U.S.C. § 1114(n)	6152.64
38 U.S.C. § 1114(o)	6877.12
38 U.S.C. § 1114(p)	6877.12
38 U.S.C. § 1114(r)	2949.76; 4394.55
38 U.S.C. § 1114(s)	4408.53
38 U.S.C. § 1114(t)	4394.55
Additional Compensation for Dependents [38 U.S.C. § 1115(1)]	
38 U.S.C. § 1115(1):	
38 U.S.C. § 1115(1)(A)	$219.59
38 U.S.C. § 1115(1)(B)	380.41; 109.11
38 U.S.C. § 1115(1)(C)	146.85; 109.11
38 U.S.C. § 1115(1)(D)	176.24
38 U.S.C. § 1115(1)(E)	421.00
38 U.S.C. § 1115(1)(F)	352.45
Clothing Allowance	
[38 U.S.C. § 1162]	
$1053.19 per year	

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on February 10, 2026 and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Nicole R. Cherry,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

[FR Doc. 2026–02997 Filed 2–13–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0021]

Agency Information Collection Activity: VA Loan Electronic Reporting Interface (VALERI) System and Title Requirements for Conveyance of Real Property to the Secretary

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before April 20, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra McCleave, 202 461–9760, *Kendra.McCleave@va.gov.*

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed

collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: VA Loan Electronic Reporting Interface (VALERI) System And Title Requirements For Conveyance Of Real Property To The Secretary.

OMB Control Number: 2900–0021. https://www.reginfo.gov/public/do/PRASearch (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of currently approved collection.

Abstract: The information collection for the VA Loan Electronic Reporting Interface (VALERI) System and Title Requirements For Conveyance Of Real Property To The Secretary is used by VA in cases where loss mitigation efforts are unsuccessful and a VA-guaranteed loan goes into foreclosure. Statutory requirements for conveyance of properties to the Secretary are found in chapter 37 of title 38, United States Code. The implementing regulations are found in part 36 of title 38, Code of Federal Regulations (CFR). In 38 CFR 36.4323, titled ''Election to convey security'', VA explains that each conveyance or transfer of real property to the Secretary pursuant to this section shall be acceptable if:

The holder thereby covenants or warrants against the acts of the holder and those claiming under the holder (*e.g.,* by special warranty deed); and It vests in the Secretary or will entitle the Secretary to such title as is or would be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community in which the property is situated.

Affected Public: Individuals and households.

Estimated Annual Burden: 11,977 hours.

Estimated Average Burden per Respondent: 41 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 17,527.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dorothy Glasgow,

Acting, VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–03000 Filed 2–13–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

National Research Advisory Council, Amended, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch. 10, that the National Research Advisory Council (NRAC) will hold a meeting on Tuesday, March 24, 2026, at 811 Vermont Avenue NW, Washington, DC 20571, in Room 4042. A virtual attendance option is available via Teams. The teleconference number is 1–872–701–0185, Phone Conference ID: 431 546 419# or the meeting link is: *https://teams.microsoft.com/l/meetup-join/19%3ameeting_MmIxNWJlMWYtZWEyYS00MDEyLWIzYzQtNWRiNmJlZWM0OTY2%40thread.v2/0?context=%7b%22Tid%22%3a%22e95f1b23-abaf-45ee-821d-b7ab251ab3bf%22%2c%22Oid%22%3a%22bbe000de-64c3-4465-99a0-83e8fddd9836%22%7d.*

The meeting will convene at 10:00 a.m. and end at approximately 4:00 p.m. Eastern Standard Time. This meeting is open to the public and will include time reserved for public comments at the end of the meeting. The public comment period will be 30 minutes. Individual stakeholders will be given up to 5 minutes to express their comments.

The purpose of NRAC is to advise the Secretary on research conducted by the Veterans Health Administration, including policies and programs targeting the high priority of Veterans' health care needs.

On March 24, 2026, the agenda will include a summary of the previous meeting, next steps for the Council regarding possible recommendations related to research partnerships between the Department of Veterans Affairs and Department of Defense; presentations from the VA Office of Research and Development; and public comments.

Members of the public may submit written statements for review by the NRAC in advance of the meeting. Public comments may be received no later than close of business March 18, 2026, for inclusion in the official meeting record. Please send statements to Amanda Garcia, Designated Federal Officer, Office of Research and Development (14RD), Department of Veterans Affairs, 810 Vermont Avenue NW, MS: 14RD, Washington, DC 20420, at 202–304–3540, or *Amanda.Garcia@va.gov.* Any member of the public seeking additional information should contact Amanda Garcia at the phone number or email address noted above.

Dated: February 12, 2026.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2026–03079 Filed 2–13–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[Docket No. VA–2026–VACO–0001]

Veterans and Survivors Pension and Parents' Dependency and Indemnity Compensation (DIC) Cost-of-Living Adjustments (COLA)

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: As required by law, VA is hereby giving notice of COLA in certain benefit rates and income limitations. These COLAs affect the Pension and Parents' DIC programs. The rate of the adjustment is tied to the increase in Social Security benefits effective December 1, 2025, as announced by the Social Security Administration (SSA). SSA has announced an increase of 2.8%.

DATES: The COLAs became effective December 1, 2025.

FOR FURTHER INFORMATION CONTACT: Janel Keyes, Assistant Director, Pension and Fiduciary Service, Veterans Benefits Administration, 202–632–8863.

SUPPLEMENTARY INFORMATION: Under the provisions of 38 U.S.C. 5312 and The Veterans' and Survivors' Pension Improvement Act of 1978, Sec. 306, Public Law 95–588, 92 Stat. 2497, 2508–10 (1978), VA is required to increase the benefit rates and income limitations in the Pension and Parents' DIC programs by the same percentage, and effective the same date, as increases in the benefit amounts payable under Title II of the Social Security Act. VA is required to publish the increased rates and income limitations in the **Federal Register**.

The Social Security Administration announced a 2.8% COLA increase in Social Security benefits effective December 1, 2025. 90 FR 49047. Therefore, applying the same percentage and rounding in accordance with 38

CFR 3.29, the following increased rates and income limitations for the VA Pension and Parents' DIC programs became effective December 1, 2025:

Pension

Maximum Annual Rates—Veterans

(1) Veterans permanently and totally disabled (38 U.S.C. 1521):

Veteran with no dependents, $17,441.

Veteran with one dependent, $22,839.

For each additional dependent, $2,984.

(2) Veterans in need of aid and attendance (38 U.S.C. 1521):

Veteran with no dependents, $29,093.

Veteran with one dependent, $34,488.

For each additional dependent, $2,984.

(3) Veterans who are housebound (38 U.S.C. 1521):

Veteran with no dependents, $21,313.

Veteran with one dependent, $26,710.

For each additional dependent, $2,984.

(4) Two veterans married to one another, combined rates (38 U.S.C. 1521):

Neither veteran in need of aid and attendance or housebound, $22,839.

Either veteran in need of aid and attendance, $34,488.

Both veterans in need of aid and attendance, $46,143.

Either veteran housebound, $26,710.

Both veterans housebound, $30,580.

One veteran housebound and one veteran in need of aid and attendance, $38,350.

For each dependent child, $2,984.

(5) Net worth limit under 38 CFR 3.274(a):

For purposes of entitlement to VA pension, the net worth limit effective December 1, 2025, is $163,699.

(6) Monthly Penalty Rate under 38 CFR 3.276(e)(1):

The monthly penalty rate is $2,874.

(7) Mexican border period and World War I veterans (38 U.S.C. 1521(g)): The applicable maximum annual rate payable to a Mexican border period or World War I veteran shall be increased by $3,965.

Maximum Annual Rates—Survivor Beneficiaries

(8) Surviving spouse alone and with a child or children of the deceased veteran in custody of the surviving spouse (38 U.S.C. 1541):

Surviving spouse alone, $11,699.

Surviving spouse and one child in his or her custody, $15,311.

For each additional child in his or her custody, $2,984.

(9) Surviving spouses in need of aid and attendance (38 U.S.C. 1536, 1541):

Surviving spouse alone, $18,697.

Surviving spouse with one child in custody, $22,304.

Surviving Spouse of Spanish-American War veteran alone, $19,453.

Surviving Spouse of Spanish-American War veteran with one child in custody, $22,979.

For each additional child in his or her custody, $2,984.

(10) Surviving spouses who are housebound (38 U.S.C. 1541):

Surviving spouse alone, $14,298.

Surviving spouse and one child in his or her custody, $17,902.

For each additional child in his or her custody, $2,984.

(11) Surviving child alone (38 U.S.C. 1542), $2,984.

(12) Net worth limit under 38 CFR 3.274(a):

For purposes of entitlement to VA pension, the net worth limit effective December 1, 2025, is $163,699.

(13) Monthly Penalty Rate under 38 CFR 3.276(e)(1):

If we determine you're subject to a pension penalty, we wouldn't pay pension benefits during the penalty period.

Section 306 Pension Income Limitations

Veteran or surviving spouse with no dependents, $19,836 (Sec. 306(a), Public Law 95–588, 92 Stat. 2497, 2508 (1978).

Veteran in need of aid and attendance with no dependents, $20,550 (38 U.S.C. 521(d) as in effect on December 31, 1978).

Veteran or surviving spouse with one or more dependents, $26,663 (Sec, 306(a), Public Law 95–588, 92 Stat. 2497, 2508 (1978)).

Veteran in need of aid and attendance with one or more dependents, $27,374 (38 U.S.C. 521(d) as in effect on December 31, 1978).

Child (no entitled veteran or surviving spouse), $16,220 (Sec. 306(a), Public Law 95–588 92 Stat. 2497, 2508 (1978).

Spouse income exclusion (38 CFR 3.262), $6,337 (Sec. 306(a)(2)(B), Public Law 95–588, 92 Stat. 2497, 2508 (1978)).

Old-Law Pension Income Limitations

Veteran or surviving spouse without dependents or an entitled child, $17,372 (Sec. 306(b), Public Law 95–588, 92 Stat. 2497, 2509 (1978)).

Veteran or surviving spouse with one or more dependents, $25,033 (Sec. 306(b), Public Law 95–588, 92 Stat. 2497, 2508 (1978)).

Parents' Dependency and Indemnity Compensation (DIC)

DIC shall be paid monthly to parents of a deceased veteran in the following amounts (38 U.S.C. 1315):

One parent (38 U.S.C. 1315(b); 38 CFR 3.25(a)): If there is only one parent, the monthly rate of DIC paid to such parent shall be $842, reduced on the basis of the parent's annual income according to the following formula:

For each $1 of annual income which is more than $0.00 but not more than $800, the $842 monthly rate shall not be reduced.

For each $1 of annual income which is more than $800 but not more than $11,262, the monthly rate shall be reduced by $0.08.

For each $1 of annual income which is more than $11,263, the monthly rate will not be reduced.

No Parents' DIC is payable if annual income exceeds $19,836.

One parent who has remarried: (38 U.S.C. 1315, 38 CFR 3.25) If there is only one parent and the parent has remarried and is living with the parent's spouse, DIC shall be paid under 38 U.S.C. 1315(b) or under 38 U.S.C. 1315(d), whichever shall result in the greater benefit being paid to the veteran's parent. In the case of remarriage, the total combined annual income of the parent and the parent's spouse shall be counted in determining the monthly rate of DIC.

One of two parents not living with spouse (38 U.S.C. 1315(c); 38 CFR 3.25(c)): The rates below apply to (1) two parents who are not living together, or (2) an unmarried parent when both parents are living and the other parent has remarried. The monthly rate of DIC paid to each such parent shall be $611 reduced on the basis of each parent's annual income, according to the following formula:

For each $1 of annual income which is more than $0 but not more than $800, the $611 monthly rate shall not be reduced.

For each $1 of annual income which is more than $800 but not more than $8,374, the monthly rate shall be reduced by $0.08.

For each $1 of annual income which is more than $8,375, the monthly rate shall not be reduced.

No Parents' DIC is payable if annual income exceeds $19,836.

One of two parents living with spouse or other parent (38 U.S.C. 1315(d), 38 CFR 3.25(d)): The rates below apply to each parent living with another parent; and each remarried parent, when both parents are living. The monthly rate of DIC paid to such parents will be $576 reduced on the basis of the combined annual income of the two parents living together or the remarried parent or parents and spouse or spouses, as computed under the following formula:

For each $1 of annual income which is more than $0 but not more than $1,000, the $576 monthly rate shall not be reduced.

For each $1 of annual income which is more than $1,000 but not more than $8,137, the monthly rate shall be reduced by $0.08.

For each $1 of annual income which is more than $8,138, the monthly rate shall not be reduced.

No Parents' DIC is payable if the annual income exceeds $26,663.

These rates are also applicable in the case of one surviving parent who has remarried, computed on the basis of the combined income of the parent and spouse, if this would be a greater benefit than that specified in the rates for 38 U.S.C. 1315(b) for one parent.

Aid and attendance (38 U.S.C. 1315(g); 38 CFR 3.25(e)): The monthly rate of DIC payable to a parent per the guidelines above shall be increased by $458 if such parent is (1) a patient in a nursing home, or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

Minimum rate: The monthly rate of DIC payable to any parent shall not be less than $5.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on February 10, 2026, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Gabriela DeCuir,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

[FR Doc. 2026–02993 Filed 2–13–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Tuesday,

No. 31 February 17, 2026

Part II

The President

Executive Order 14386—Strengthening United States National Defense With America's Beautiful Clean Coal Power Generation Fleet

Federal Register
Vol. 91, No. 31
Tuesday, February 17, 2026

Presidential Documents

Title 3—

The President

Executive Order 14386 of February 11, 2026

Strengthening United States National Defense With America's Beautiful Clean Coal Power Generation Fleet

Section 1. *Purpose.* The United States must ensure that our electric grid—upon which military installations, operations, and defense-industrial production depend—remains resilient and reliable, and not reliant on intermittent energy sources. The grid is the foundation of our national defense as well as our economic stability. Any prolonged disruption caused by energy shortages, foreign supply dependencies, or intermittent generation threatens the operational readiness of our Armed Forces and the safety of the American people.

Given our Nation's vast coal resources and the proven reliability of our coal-fired generation fleet in providing continuous, on-demand baseload power, it is imperative that the Department of War (DOW) prioritize the preservation and strategic utilization of coal-based energy assets. Coal generation ensures that military installations, command centers, and defense-industrial bases remain fully powered under all conditions—including natural disasters, or wartime contingencies. Maintaining this capability is a matter of national security, strategic deterrence, and American energy dominance.

Sec. 2. *Policy.* Pursuant to Executive Order 14261 of April 8, 2025 (Reinvigorating America's Beautiful Clean Coal Industry and Amending Executive Order 14241), and Executive Order 14262 of April 8, 2025 (Strengthening the Reliability and Security of the United States Electric Grid), it is the policy of the United States that coal is essential to our national and economic security, and that our electric grid must use power generation resources that have abundant fuel supplies capable of extended operations to address the national emergency declared pursuant to Executive Order 14156 of January 20, 2025 (Declaring a National Energy Emergency).

Sec. 3. *Power Purchase Agreements with Federal Installations.* The Secretary of War, in coordination with the Secretary of Energy, shall seek to procure power from the United States coal generation fleet by approving long-term Power Purchase Agreements, or entering into any similar contractual agreements, with coal-fired energy production facilities to serve DOW installations or other mission-critical facilities, with priority given to projects that enhance:

(a) grid reliability and blackout prevention;

(b) on-site fuel security; and

(c) mission assurance for defense and intelligence capabilities.

Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

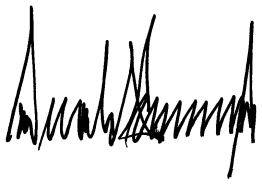
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the DOW.



THE WHITE HOUSE,
February 11, 2026.

[FR Doc. 2026–03156
Filed 2–13–26; 11:15 am]
Billing code 6001–FR–P

Reader Aids

Federal Register

Vol. 91, No. 31

Tuesday, February 17, 2026

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, FEBRUARY

4427–4842	2
4843–5090	3
5091–5212	4
5213–5266	5
5267–5664	5
5665–5804	9
5805–6134	10
6135–6506	11
6507–6736	12
6737–7112	13
7113–7394	17

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
10287 (revoked by Proc. 11009) 6489
11006.....4841
11007.....5077
11008.....5661
11009.....6489
11010.....7107

Executive Orders:
13637 (amended by EO 14383).....6497
14379.....5081
14380.....5085
14381.....5211
14382.....6493
14383.....6497
14384.....6501
14385.....6505
14386.....7393

5 CFR

Proposed Rules:
351.....5861
831.....5095
842.....5095
890.....4857

6 CFR

139.....5665

Proposed Rules:
226.....6794

7 CFR

205.....5666

Proposed Rules:
958.....5877

8 CFR

214.....5040

9 CFR

Proposed Rules:
3.....7162

10 CFR

2.....4843
19.....4843
20.....4843
21.....4843
25.....4843
26.....4843
30.....4843
31.....4843
32.....4843
34.....4843
35.....4843
36.....4843
37.....4843
39.....4843
40.....4843
50.....4843
51.....4843
52.....4843
54.....4843
55.....4843
60.....4843
61.....4843
62.....4843
63.....4843
70.....4843
71.....4843
72.....4427, 4843
73.....4843
74.....4843
75.....4843
76.....4843
81.....4843
95.....4843
110.....4843
140.....4843
150.....4843
160.....4843
170.....4843
171.....4843
431.....6737, 6743

12 CFR

Proposed Rules:
4.....7163
303.....6138
701.....6138
706.....6531
708a.....6141
708b.....6144

13 CFR

120.....5805

14 CFR

39 .....4428, 4431, 4434, 4438, 4442, 4445, 4843, 7113
71.....6751
91.....4447
97.....5213, 5214
121.....4447
125.....4447
135.....4447

Proposed Rules:
36.....5880
39 .....4857, 6147, 6795, 6798, 6801, 7180, 7183
43.....5880
45.....5880
48.....5880
71 .....5690, 6150, 6152, 6803, 6805, 6807, 6808, 7186
89.....5880
91.....5880
107.....5880
108.....5880
119.....5880
133.....5880
135.....5880
137.....5880

141.....4464, 4465
146.....5880

15 CFR

4.....7115
740.....5091

16 CFR

425.....6507
463.....6507
910.....6507
1241.....6510

18 CFR

375.....4462

19 CFR

Proposed Rules:
4.....6074, 6985
10.....6985
11.....6985
12.....6985
18.....6985
19.....6985
24.....6985
54.....6985
103.....6074
112.....6985
113.....6074, 6985
118.....6985
122.....6985
123.....6985
125.....6985
127.....6985
128.....6985
132.....6985
133.....6985
134.....6985
141.....6985
142.....6985
144.....6985
146.....6985
147.....6985
148.....6985
149.....6985
151.....6985
162.....6985
163.....6985
190.....6985
191.....6985

20 CFR

655.....5040

Proposed Rules:
703.....5691

21 CFR

1300.....5216
1301.....5216
1304.....5216
1306.....5216
1307.....5216

23 CFR

Proposed Rules:
450.....4465

24 CFR

75.....6752
594.....6756

26 CFR

Proposed Rules:
1.....5160
48.....5160
58.....6135
301.....6810

27 CFR

Proposed Rules:
70.....6810

28 CFR

16.....6757

29 CFR

1910.....6760

30 CFR

926.....6760
934.....6770

31 CFR

Proposed Rules:
800.....5694
802.....5694

33 CFR

100.....6773
117.....4846, 6135
165 .....4848, 5668, 5669, 5805

Proposed Rules:
100.....6153, 6155
110.....6155
165.....6155, 7188
166.....7190

34 CFR

Proposed Rules:
602.....7199

36 CFR

7.....5669

Proposed Rules:
7.....5700
242.....6552, 6810

38 CFR

4.....7118
71.....6774

39 CFR

Proposed Rules:
3010.....5880
3012.....5880

40 CFR

52 .....5675, 5686, 6517
180 .....6777, 6781, 6785, 6789, 7120
257.....5806
300.....6524

Proposed Rules:
52 .....6557, 6561, 6568, 6575, 6581, 7204
62.....6604
174.....4466
180.....4466
770.....6161

42 CFR

433.....4794

Proposed Rules:
600.....6292

43 CFR

Proposed Rules:
51.....6552, 6810

45 CFR

Proposed Rules:
84.....4467
153.....6292
154.....6292
155.....6292
156.....6292
158.....6292

46 CFR

401.....7121
403.....7121
404.....7121

47 CFR

1.....5242
2.....7148
52.....7153
64.....5242
73.....6524, 7159

Proposed Rules:
2.....5245, 7222
52.....6608
73.....5881

48 CFR

Proposed Rules:
1.....7223
2.....7223
9.....7223
12.....7223
13.....7223
39.....7223
40.....7223
52.....7223

49 CFR

383.....7044
384.....7044
1002.....4849
1007.....4849
1011.....4849
1012.....4849
1018.....4849
1019.....4849
1021.....4849
1102.....4849
1103.....4849
1104.....4849
1105.....4849
1109.....4849
1110.....4849
1113.....4849
1114.....4849
1115.....4849
1116.....4849
1130.....4849
1132.....4849
1150.....4849
1151.....4849
1152.....4849
1155.....4849
1177.....4849
1180.....4849
1253.....4849
1500.....7160
1552.....7160
1570.....7160

Proposed Rules:
171.....5996
172.....5996
173.....5996
175.....5996
176.....5996
178.....5996
180.....5996

50 CFR

17.....5826
635.....5855
622.....5092, 5243
679 .....4856, 5093, 5243, 5244, 5688, 5858, 6525

Proposed Rules:
17.....5103
217.....4468
600.....5245
660.....4485, 5245
679.....6811
680.....4492

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List February 12, 2026

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly enacted public laws. To subscribe, go to *https://portalguard.gsa.gov/__* layouts/PG/register.aspx.

Note: This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.