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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[Doc. No. AMS–CN–25–0018]

Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2025 Amendments)

AGENCY: Agricultural Marketing Service, Department of Agriculture (USDA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to receipt of a significant adverse comment, the Agricultural Marketing Service (AMS) is withdrawing the direct final rule, ''Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2025 Amendments),'' that published on December 31, 2025.

DATES: Effective February 26, 2026, AMS withdraws the direct final rule published at 90 FR 61261, on December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Sue Coleman, Branch Chief, Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 3275 Appling Road, Memphis, Tennessee 38133; telephone (901) 384–3000; facsimile (901) 384–3033; or email at *CottonRP@usda.gov.*

SUPPLEMENTARY INFORMATION: On December 31, 2025, AMS published a direct final rule (90 FR 61261). The rule amended the Cotton Board Rules and Regulations, decreasing the value assigned to imported cotton for the purposes of calculating supplemental assessments collected for use by the Cotton Research and Promotion Program. That amendment is required each year to ensure that assessments collected on imported cotton and the cotton content of imported products will be the same as those paid on domestically produced cotton. In addition, in the direct final rule, AMS updated the Import Assessment Table to account for changes since the last assessment adjustment in 2024.

In the direct final rule, AMS stated that if significant adverse comment was received by January 30, 2026, AMS would withdraw the rule. Because AMS received a significant adverse comment on the rule, AMS is now withdrawing the direct final rule.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

■ Accordingly, as of February 26, 2026, AMS withdraws the direct final rule amending 7 CFR part 1205, which published at 90 FR 61261, on December 31, 2025.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2026–04115 Filed 2–26–26; 4:15 pm]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 5

[Docket ID OCC–2025–0768]

RIN 1557–AF47

National Bank Chartering

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

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is amending its rule related to chartering of national banks to clarify the longstanding authority of national banks limited to the operations of trust companies and activities related thereto to engage in non-fiduciary activities in addition to their fiduciary activities.

DATES: The final rule is effective on April 1, 2026.

FOR FURTHER INFORMATION CONTACT: Christopher Crawford, Acting Assistant Director; Marjorie Dieter, Counsel, Chief Counsel's Office, 202–649–5490, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background

The OCC charters national banks under the authority of the National Bank Act, 12 U.S.C. 1 *et seq.* The National Bank Act ''constitut[es] by itself a complete system for the establishment and government of national banks.'' [1] Congress's grant of authority to the OCC with regard to the establishment of national banks under the National Bank Act culminates in the OCC's issuance of formal certificates authorizing national banks to conduct business, which are generally referred as charters.[2] In 1978, Congress amended the National Bank Act to expressly provide: ''A National Bank Association, to which the Comptroller of the Currency has heretofore issued or hereafter issues such [charter] certificate, is not illegally constituted solely because its operations are or have been required by the Comptroller of the Currency to be limited to those of a trust company and activities related thereto.'' [3]

The OCC has referenced this express endorsement of its authority for nearly fifty years when chartering national banks whose operations are limited to those of a trust company and activities related thereto, which are commonly referred to as ''national trust banks.'' The OCC currently supervises approximately 60 national trust banks. The majority of the national trust banks are uninsured, but a few hold deposits and are insured by the Federal Deposit Insurance Corporation.

Section 5.20 provides for the general procedures for filing an application, the OCC's review, procedures for organizing the new bank, and other requirements. Since 1996, § 5.20(e)(1)(i) [4] has addressed certain statutory requirements for the OCC's chartering of a national bank. The regulation states that the OCC charters national banks under the authority of the National Bank Act and includes the requirement that a

[1] *Cook Cnty. Nat'l Bank* v. *United States,* 107 U.S. 445, 448 (1883).

[2] *See* 12 U.S.C. 27.

[3] Financial Institutions Regulatory and Interest Rate Control Act of 1978, sec. 1504, Public Law 95–630, 92 Stat. 3641, 3713 (1978).

[4] References to § 5.20(e)(1)(i) are to the current location of the provision. Before 2015, the relevant text was at § 5.20(e)(1).

national bank's name must include the word ''national.'' [5]

In 2003, the OCC proposed amendments to § 5.20(e)(1)(i) ''to clarify that a limited purpose national bank may exist with respect to activities other than fiduciary activities, provided the activities in question are within the business of banking.'' [6] This proposal included only the sentence: ''The bank may be a special purpose bank that limits its activities to fiduciary activities or to any other activities within the business of banking.'' [7]

Commenters on the 2003 proposal were concerned that the reference to the business of banking in the proposed rule was ''too broad.'' [8] In response to this concern, the 2003 final rule added another sentence to § 5.20(e)(1)(i): ''A special purpose bank that conducts activities other than fiduciary activities must conduct at least one of the following three core banking functions: Receiving deposits; paying checks; or lending money.'' [9] The OCC did so ''to provide further clarification of the scope of activities permissible for a limited purpose national bank, and . . . amended this provision to require limited purpose national banks to conduct at least one of the following core banking functions: (1) receiving deposits; (2) paying checks; or (3) lending money. These functions are based on 12 U.S.C. 36, which identifies activities that cause a facility to be considered a bank branch.'' [10] The operations of a national trust bank typically include performing fiduciary activities under the authority of 12 U.S.C. 92a,[11] a separate source of authority from those activities within the business of banking under 12 U.S.C. 24(Seventh).[12]

The OCC's addition of language to § 5.20(e)(1) was to address special purpose banks engaging in only activities within the business of banking. As noted in the preamble to the 2003 final rule, ''The purpose of this proposed change was to clarify that a limited purpose national bank may exist with respect to activities other than fiduciary activities, provided the activities in question are part of the business of banking.'' [13] In other words, the language in amended § 5.20(e)(1)(i) referencing a ''bank that conducts activities other than fiduciary activities'' was intended to clarify that the provision did not address national trust banks; the provision addressed special purpose banks that would engage in activities other than those of a trust company. The language was not intended, and has never been interpreted by the OCC, to circumscribe national trust bank activities, *i.e.,* to prohibit a national trust bank from engaging in non-fiduciary activities. The authority to charter national trust banks under 12 U.S.C. 27(a) is clear on its face.

Nonetheless, the OCC believes that the language added in 2003 has the potential to raise confusion about the scope of the OCC's chartering authority under 12 U.S.C. 27(a) and the activities of national trust banks. Because the language does not explicitly exclude all national trust bank activities (just fiduciary activities), it could be mistakenly read to also impose limits on the activities of national trust banks that are different than those articulated in the last sentence of section 27(a). Such a reading would conflict with the intent of the regulatory text added in 2003, which did not intend to circumscribe the OCC's authority to charter national trust banks.

Moreover, reading the regulation to apply to national trust bank charters would run contrary to the OCC's long-held interpretation and historical practice. The OCC has never interpreted § 5.20(e)(1) in a way that restricts national trust banks. Both before and after the 2003 final rule, the OCC has chartered national trust banks that engage in activities that are not fiduciary. For example, the OCC considers custody and safekeeping activities to be generally non-fiduciary and authorized for national banks as part of the business of banking under 12 U.S.C. 24(Seventh).[14] National trust banks also frequently conduct non-fiduciary custody activities and currently hold nearly $2 trillion in assets in custody or safekeeping accounts.[15]

To address these concerns, on January 12, 2026, the OCC published in the **Federal Register** a notice of proposed rulemaking to amend 12 CFR 5.20 to more closely align with its statutory authorization to charter national banks limited to the operations of a trust company and activities related thereto.[16] Specifically, the OCC proposed to amend § 5.20(e)(1)(i) to replace the term ''fiduciary activities'' with ''the operations of a trust company and activities related thereto,'' as stated in 12 U.S.C. 27(a). The OCC also proposed to make a conforming amendment to 12 CFR 5.20(l) by replacing the term ''fiduciary activities'' with ''the operations of a trust company and activities related thereto'' to align paragraph (l) with paragraph (e) and reflect consistent language with 12 U.S.C. 27(a). As explained in greater detail below, following review of the comments received on the proposal, the OCC is finalizing these proposed amendments without change.

II. Discussion of Comments Received

The OCC received in total 19 comments on the notice of proposed rulemaking. The OCC received three requests to extend the public comment period, asserting that additional time was needed for analysis and to solicit the commenters' members' feedback. The Administrative Conference of the United States has recognized that 30 days is generally an appropriate period for rulemakings, such as this one, that are not significant regulatory actions under Executive Order 12866.[17] Further, as discussed in the proposed rule's Supplementary Information, the 2003 rulemaking setting forth the limited purpose language currently in § 5.20(e)(1)(i) was not intended to provide any constraints on the powers of national trust banks. The proposal was merely to change the regulatory language to mimic the statutory language in 12 U.S.C. 27(a), which has been in place for nearly fifty years. Additionally, the OCC published its understanding of the scope of section 27(a) five years ago in Interpretive Letter 1176. Because the proposed change to the regulation is straightforward, the OCC's chartering authority under section 27(a) has not recently changed, and the proven ability of stakeholders to comment on the nature of the trust bank authority, the OCC believes that 30 days

[5] *See* 12 U.S.C. 22, 30(a).

[6] 68 FR 6363, 6370–71 (Feb. 7, 2003).

[7] 68 FR 6373.

[8] 68 FR 70122, 70126 (Dec. 17, 2003).

[9] 68 FR 70129.

[10] 68 FR 70126.

[11] *See* OCC Interpretive Letter No. 1170 (July 22, 2020); OCC Interpretive Letter No. 1078 (Apr. 19, 2007); OCC Interpretive Letter No. 1176 (Jan. 11, 2021).

[12] *Compare* 12 U.S.C. 24 (Seventh) *with* 12 U.S.C. 92a.

[13] 68 FR 70126.

[14] *See* 84 FR 17969 (Apr. 29, 2019); OCC Interpretive Letter No. 1078 at 4 (May 2007). National banks may also provide custody services in a fiduciary capacity when authorized in accordance with 12 U.S.C. 92a.

[15] This figure is derived from ''custody and safekeeping accounts'' information reported on Schedule RC–T of the Consolidated Reports of Condition and Income.

[16] 91 FR 1098. The OCC published a correction on January 14, 2026, to correct a docket number typographical error, fix a footnote citation, and clarify agency references. 91 FR 1464.

[17] *See* Administrative Conference of the United States, *Administrative Conference Recommendation 2011–2: Rulemaking Comments* at 3 (June 16, 2011). *See infra* for analysis under Executive Order 12866.

was appropriate for the public comment period.[18]

Five commenters expressed support for the proposed rule. One supportive commenter also requested that the OCC further indicate either through an amendment to § 5.20 or in an accompanying release that a national trust bank need not conduct any activities in a fiduciary capacity. As discussed in greater detail below, the OCC does not believe it is appropriate to amend the regulation further at this time with respect to the required scope of fiduciary activities for a national trust bank. The OCC will review all charter applications on their own merits and issue decisions in accordance with law, including the provisions of section 27(a).

One commenter, while not clearly voicing support for or opposition to the proposal, requested that the OCC prohibit national trust banks, other than those that are a subsidiary of a bank or bank holding company, from including the word ''bank'' in their names. The commenter noted that this would align with 12 CFR 5.20(f)(2)(i)(F), which prohibits banks from having a ''title that misrepresents the nature of the institution or the services it offers.'' The OCC declines to adopt this suggestion. As section 27(a) makes clear, a national trust bank is a national bank, albeit one limited to the ''operations . . . of a trust company and activities related thereto.'' [19] Although the precise language varies throughout the National Bank Act and other provisions of Federal law, statutes referencing national banks all clearly contain the word ''bank'' or ''banking.'' [20] Accordingly, a national trust bank is legally a ''bank'' that is permitted to engage in certain activities within the business of banking.

Multiple commenters asserted that the OCC is misconstruing the statutory authorization of section 27(a) and that the reference to ''operations . . . of a trust company'' must exclusively mean fiduciary powers. In support, commenters cite the 1979 opinion of the U.S. Court of Appeals for the Third Circuit in *National State Bank of Elizabeth* v. *Smith*.[21] The Third Circuit's decision was in response to litigation over the Comptroller's issuance of a limited purpose national trust bank charter. The court found that a charter limited by the Comptroller to ''the general business of a commercial bank trust department and to engage in such activities as are necessary, incident or related to such business'' was permissible under section 27(a).[22] The Third Circuit was not, however, required to analyze the scope of the authorization. Thus, the commenters' references are to dicta in the opinion. Moreover, the court was inconsistent in referring to the operations of a limited purpose trust bank authorized under section 27(a); at one point the opinion references ''the trust or fiduciary operations of'' a bank—*i.e.,* distinguishing the two concepts. At another, the court specifically focused on the fiduciary powers authorized under 12 U.S.C. 92a.[23]

The Third Circuit in *National State Bank of Elizabeth* is not alone in distinguishing between trust and fiduciary operations. In section 27(a), Congress provided for a national bank limited to ''operations . . . of a trust company and activities related thereto.'' By contrast, in 12 U.S.C. 92a, Congress specifically provided for the exercise of ''fiduciary powers'' by national banks.[24] If Congress had intended to use ''fiduciary'' in section 27(a), it would have done so. Further, in other statutes, Congress has expressly distinguished between trust and fiduciary operations. For example, in an exception from the definition of the term ''bank'' in the Bank Holding Company Act, Congress included certain ''institution[s] that function[ ] solely in a trust or fiduciary capacity.'' [25] As Congress is presumed to avoid surplusage, and every word of statute should be given meaning, ''trust'' and ''fiduciary'' must mean different things in the federal banking statutes.[26] Accordingly, the OCC is aligning the description of the authorization for national trust banks in § 5.20(e)(1)(i) with the statutory authorization in section 27(a), namely referring to trust operations.[27]

Relatedly, some commenters appear to misunderstand the scope of the proposal. Contrary to some commenters' assertions, the OCC has not proposed a new limited purpose national bank charter untethered from the national trust bank authorization in section 27(a). Further, section 27(a) does not provide a separate source of authority for fiduciary activities or other trust operations. As discussed above with respect to *National State Bank of Elizabeth,* the provisions of sections 27(a) and 92a are complementary. Section 27(a) relates to the OCC's chartering authority and sets forth provisions related to the organization of a national bank and the OCC's authorization for it to conduct business. A national trust bank is simply a national bank with articles of association that limit its activities to the operations of a trust company and activities related thereto. Any national bank, however, must rely on other statutes for its authority to conduct activities. Section 92a provides the powers authority for national banks, including national trust banks, to engage in fiduciary activities.[28] Other activities are generally authorized by 12 U.S.C. 24. Regardless of the scope of activities permissible for a national trust bank, any non-fiduciary activity must be authorized by separate statutory authority, such as section 24(Seventh)'s

[18] Further, the OCC has continued to review and accept comments filed after the formal close of the public comment period and has addressed all comments received prior to the submission of the final rule to the **Federal Register** in this Supplementary Information.

[19] *See* 12 U.S.C. 27(a) (last sentence) (specifically referring to ''National Bank Association'').

[20] *See, e.g.,* 12 U.S.C. 24 (''national bank'' and ''national banking association''), 221 (''national bank'' and ''national banking association'' expressly interchangeable), 1813 (''national bank'' and ''national banking association'').

[21] 591 F.2d 223 (3d Cir. 1979).

[22] *Id.* at 231–32.

[23] *Compare id.* at 231 (''It seems clear, therefore, that pursuant to this statutory mandate, the Comptroller's action limiting the business of City Trust to the operations of a commercial bank trust department must now be held to be valid if the statutory phrase ''trust company'' may be read as limited in meaning to the *trust or fiduciary operations* of such a company.'' (emphasis added)) *with id.* (''In other words, it was the fiduciary operations carried on in the trust department of such a company or of a commercial bank to which reference must have been intended.).

[24] The OCC recognizes that the heading of section 92a is ''Trust Powers.'' However, that term is not used within the text of section 92a itself. Further, although potentially indicative of meaning, headings of a section are not controlling. *See Bhd. of R.R. Trainmen* v. *Balt. & Ohio R.R.,* 331 U.S. 519, 529 (1947) (''For interpretative purposes, [section headings] are of use only when they shed light on some ambiguous word or phrase. They are but tools available for the resolution of a doubt. But they cannot undo or limit that which the text makes plain.'').

[25] 12 U.S.C. 1841(c)(2)(D); *see also* 12 U.S.C. 1971 (defining ''trust service'' for purposes of tying arrangements as ''any service customarily performed by a bank trust department'').

[26] *See Moskal* v. *United States,* 498 U.S. 103, 109 (1990) (citations omitted) (discussing ''established principle that a court should 'give effect, if possible, to every clause and word of a statute' '').

[27] Even were the commenters correct that the reference in section 27(a) to ''trust company'' was intended to convey a concept fully congruent with ''fiduciary powers'' set forth in section 92a, it is unclear how that legal conclusion would militate against amending the OCC's regulatory text to incorporate the statutory standard in section 27(a). That is, amending the OCC's regulation to adhere to the statutory standard serves to adopt the statutory standard, whatever the courts determine it to be.

[28] The predecessor of section 92a was enacted to provide national banks with parity to state-chartered entities with respect to fiduciary activities, as these activities were not authorized for national banks before 1913. *See* H.R. Rep. No. 65–479, at 2–3 (1918).

authorization for national banks to engage in the business of banking.

The question of whether a limited purpose national bank chartered under section 27(a) must conduct fiduciary activities or whether there is any required quantum of fiduciary activities is therefore outside of the scope of this rulemaking. The purpose of the final rule is merely to align the OCC's regulations with the statutory authorization in section 27(a) to avoid any implication that national trust banks may not conduct any activities within the business of banking. These activities may be part of trust company operations, such as custody, or activities related thereto. The OCC will determine the source of authority for any proposed activities on a case-by-case basis as part of its ordinary review of licensing applications regarding national trust banks. To the extent there is any dispute by a party with standing over whether a particular national bank charter is authorized by the National Bank Act, it is the ''[c]ourts [that] must exercise their independent judgment in deciding whether [the OCC] has acted within its statutory authority, as the APA requires.'' [29]

One commenter asserted that the OCC would be acting in an arbitrary and capricious manner, and thus in violation of the Administrative Procedure Act (APA),[30] if it does not specify what constitutes non-fiduciary activities a national trust bank may conduct and the extent of required fiduciary activities. As explained above, national trust banks have long been authorized to engage in certain non-fiduciary activities under 12 U.S.C. 24(Seventh) such as non-fiduciary custody. The APA requires that the OCC engage in ''reasoned decisionmaking'' and that the action ''be within the scope of its lawful authority.'' [31] The OCC's process must also be ''logical and rational . . . rest[ing] on a consideration of the relevant factors.'' [32]

The OCC is authorized by 12 U.S.C. 93a to ''prescribe rules and regulations to carry out the responsibilities of the office.'' Section 5.20(e)(1)(i) sets forth the statutory authorization and requirements for the OCC to charter a national bank under the National Bank Act. As discussed above, current § 5.20(e)(1)(i) is unclear with respect to the statutory authorization in 12 U.S.C. 27(a). Thus, the OCC is revising its regulation to align more clearly with its statutory authorization to charter national trust banks. The proposed revisions did not seek to define the scope of fiduciary, non-fiduciary or other activities under the National Bank Act. Thus, the commenter's request is beyond the scope of the rulemaking. Rather, in faithfully following the Congress's statutory action in enacting 12 U.S.C. 27(a) and issuing the final rule after notice and considering comments, the OCC has followed the requirements of the APA.[33] The OCC will make appropriate determinations in the course of reviewing licensing applications whether, based on the information provided, the proposed bank may be chartered in accordance with the OCC's statutory authority.

Likewise, one commenter requested that the OCC provide the full scope of the extent of ''operations of a trust company,'' and two commenters requested that the OCC define or provide more guidance as to the scope of ''related thereto.'' As described above, the OCC will review proposed activities in the context of applications and determine whether they are within the operations of a trust company, related thereto, or neither.[34]

Finally, commenters made various requests and raised various policy concerns with respect to the OCC's chartering of national trust banks, such as requesting clear regulatory, supervisory, and resolution frameworks, claiming that the OCC's chartering is deviating from the OCC's core mission, asserting that the OCC should require a public interest framework, and requesting a moratorium on national trust bank applications. The comments are beyond the scope of the rulemaking, and OCC is not making any changes to the final rule with respect to these items. Rather, the OCC will continue to consider these items, as relevant, as part of its ongoing supervision of national trust banks and its review of applications, which will continue in the ordinary course. As discussed above, the proposed and final rule focus solely on the legal authorization for chartering a national bank limited to the operations of a trust company and activities related thereto.

III. Description of the Final Rule

As discussed above, the OCC is amending § 5.20(e)(1)(i) as proposed to replace the term ''fiduciary activities'' with ''the operations of a trust company and activities related thereto,'' as stated in 12 U.S.C. 27(a). The OCC believes that these amendments will eliminate potential confusion as to the intent, and the OCC's interpretation, of the existing regulation. The OCC also believes that these revisions will reinforce the OCC's reliance on the statutory terms of its chartering authorities.

The OCC is also making a conforming amendment to 12 CFR 5.20(l) by replacing the term ''fiduciary activities'' with ''the operations of a trust company and activities related thereto'' to align paragraph (l) with paragraph (e) and reflect consistent language with 12 U.S.C. 27(a).[35]

To be clear, through the above noted revisions in 12 CFR 5.20, the OCC intends to neither expand nor contract the OCC's authority to charter a national bank. As discussed above, the National Bank Act ''constitute[es] by itself a complete system for the establishment and government of national banks'' [36] and is ''the source of the Comptroller's powers and duties in the granting of a national bank charter.'' [37] Revising a potentially unclear provision of the OCC's regulations that purports to interpret its statutory authority will not deprive the public of information regarding the OCC's chartering and supervision authorities. As it always has, the OCC will evaluate all applications to charter a national bank within the confines of and consistent with the authority that Congress has granted to it under the National Bank Act.

IV. Regulatory Analyses

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 [38] (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

[29] *Loper Bright Enters.* v. *Raimondo,* 603 U.S. 369, 412 (2024).

[30] *See* 5 U.S.C. 706(2)(A).

[31] *Michigan* v. *EPA,* 576 U.S. 743, 750 (2015) (citations modified).

[32] *Id.*

[33] *See Vt. Yankee Nuclear Power Corp.* v. *Nat. Res. Def. Council,* 435 U.S. 519, 523–25 (1978).

[34] The OCC also notes that charter applications are subject to public notice and comment under 12 CFR 5.8 and 5.10. In its recent decisions conditionally approving national trust bank charters, the OCC has fulsomely and publicly addressed the comments received. *See* decisions cited in OCC News Release 2025–125, ''OCC Announces Conditional Approvals for Five National Trust Bank Charter Applications'' (Dec. 12, 2025).

[35] Paragraph (l), which also applies to special purpose Federal savings associations, was originally added in 1996 as part of the OCC's reorganization of 12 CFR part 5. *See* 61 FR 60342, 60346 (Nov. 27, 1996). In adding this paragraph, the OCC did not explain why it used the term ''fiduciary activities'' rather than referencing ''trust powers'' or ''trust business'' as used in the former 12 CFR 5.22. *See* 12 CFR 5.22 (1995). Further, the reference to special purpose banks in paragraph (l) is illustrative and not restrictive.

[36] *Cook Cnty. Nat'l Bank,* 107 U.S. at 448.

[37] *Webster Groves Tr. Co.* v. *Saxon,* 370 F.2d 381, 384 (8th Cir. 1966).

[38] 44 U.S.C. 3501–3521.

and Budget (OMB) control number. The OCC has reviewed this final rule and determined that it does not create any information collection or revise any existing collection of information. Accordingly, no PRA submissions to OMB will be made with respect to this final rule.

Regulatory Flexibility Act

In general, the Regulatory Flexibility Act (RFA) [39] requires an agency, in connection with a final rule, to prepare a final Regulatory Flexibility Analysis describing the impact of the rule on small entities (defined by the U.S. Small Business Administration for purposes of the RFA to include commercial banks and savings institutions with total assets of $850 million or less and trust companies with total assets of $47 million or less). However, under section 605(b) of the RFA, this analysis is not required if an agency certifies that the final rule would not have a significant economic impact on a substantial number of small entities and publishes its certification and a short explanatory statement in the **Federal Register** along with its final rule.

The OCC currently supervises 997 institutions (commercial banks, trust companies, Federal savings associations, and branches or agencies of foreign banks),[40] of which approximately 609 are small entities under the RFA.[41]

In general, the OCC classifies the economic impact on an individual small entity as significant if the total estimated impact in one year is greater than 5 percent of the small entity's total annual salaries and benefits or greater than 2.5 percent of the small entity's total non-interest expense. Furthermore, the OCC considers 5 percent or more of OCC-supervised small entities to be a substantial number, and at present, 30 OCC-supervised small entities would constitute a substantial number. This final rule would impose no new mandates, and thus no direct costs, on affected OCC-supervised institutions. Therefore, the OCC certifies that this final rule would not have a significant economic impact on a substantial number of small entities. A Regulatory Flexibility Analysis is thus not required.

Unfunded Mandates Reform Act

The OCC has analyzed the final rule under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA).[42] Under this analysis, the OCC considered whether the final 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,[43] if a final rule meets this UMRA threshold, the OCC would need to prepare a written statement that includes, among other things, a cost-benefit analysis of the proposal. The UMRA does not apply to regulations that incorporate requirements specifically set forth in law.

This final rule would impose no new mandates, and thus no direct costs, on affected OCC-supervised institutions. The OCC, therefore, concludes that the final rule would not result in an expenditure of $187 million or more annually by state, local, and tribal governments, or by the private sector. Accordingly, the OCC has not prepared the written statement described in section 202 of the UMRA.

Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994, 12 U.S.C. 4802(a), in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, the 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. In addition, section 302(b) of RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on insured depository institutions generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form.

The OCC has considered the changes made by this final rule and believes that the overall effective date of April 1, 2026, will provide OCC-regulated institutions with adequate time to comply with the rule. The final rule will not impose any new administrative compliance requirements for OCC-regulated institutions.

Executive Order 12866

Executive Order 12866, titled ''Regulatory Planning and Review,'' as amended, requires the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) to determine whether a final rule is a ''significant regulatory action'' prior to the disclosure of the final rule to the public. If OIRA determines the final rule to be a ''significant regulatory action,'' Executive Order 12866 requires the OCC to conduct a cost-benefit analysis of the final rule. Executive Order 12866 defines a ''significant regulatory action'' as a regulatory action that is likely to (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

OMB has determined that this final rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866.

Executive Order 14192

Executive Order 14192, titled ''Unleashing Prosperity Through Deregulation,'' requires that an agency, unless prohibited by law, identify at least 10 existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation with total costs greater than zero. Executive Order 14192 further requires that new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated

[39] 5 U.S.C. 601 *et seq.*

[40] Based on data accessed using the OCC's Financial Institutions Data Retrieval System on February 18, 2026.

[41] The OCC bases its estimate of the number of small entities on the Small Business Administration's size thresholds for commercial banks and savings institutions, and trust companies, which are $850 million and $47 million, respectively. Consistent with the General Principles of Affiliation, 13 CFR 121.103(a), the OCC counted the assets of affiliated financial institutions when determining if it should classify an OCC-supervised institution as a small entity. The OCC used average quarterly assets on 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.*

[42] 2 U.S.C. 1531 *et seq.*

[43] *Id.* 1532.

with at least ten prior regulations. This rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866.

Congressional Review Act

For purposes of the Congressional Review Act, OMB makes a determination as to whether a final rule constitutes a ''major rule.'' [44] If a rule is deemed a ''major rule'' by OMB, the Congressional Review Act generally provides that the rule may not take effect until at least 60 days following its publication.[45]

The Congressional Review Act defines a ''major rule'' as any rule that the Administrator of the Office of Information and Regulatory Affairs of the OMB finds has resulted in or is likely to result in: (1) an annual effect on the economy of $100,000,000 or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.[46]

OMB has determined that the final rule is not a major rule for purposes of the Congressional Review Act. As required, the OCC will submit the final rule and other appropriate reports to Congress and the Government Accountability Office for review.

List of Subjects in 12 CFR Part 5

Administrative practice and procedure, National banks, Reporting and recordkeeping requirements, Savings associations, Securities.

Authority and Issuance

For the reasons set forth in the preamble, and under the authority of 12 U.S.C. 93a, the OCC amends chapter I of title 12 of the Code of Federal Regulations as follows:

PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

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

Authority: 12 U.S.C. 1 *et seq.,* 24a, 35, 93a, 214a, 215, 215a, 215a–1, 215a–2, 215a–3, 215c, 371d, 481, 1462a, 1463, 1464, 1817(j), 1831i, 1831u, 2901 *et seq.,* 3101 *et seq.,* 3907, and 5412(b)(2)(B).

■ 2. Amend § 5.20 by revising paragraphs (e)(1)(i) and (l)(1) to read as follows:

§ 5.20 Organizing a national bank or Federal savings association

* * * * *

(e) * * *

(1) * * *

(i) The OCC charters a national bank under the authority of the National Bank Act of 1864, as amended, 12 U.S.C. 1 *et seq.* The bank may be a special purpose bank that limits its activities to the operations of a trust company and activities related thereto or to any other activities within the business of banking. A special purpose bank that conducts activities other than the operations of a trust company and activities related thereto must conduct at least one of the following three core banking functions: Receiving deposits; paying checks; or lending money. The name of a proposed national bank must include the word ''national.''

* * * * *

(l) * * *

(1) *In general.* A filer for a national bank or Federal savings association charter that will limit its activities to the operations of a trust company and activities related thereto, credit card operations, or another special purpose must adhere to established charter procedures with modifications appropriate for the circumstances as determined by the OCC. A filer for a national bank or Federal savings association charter that will have a community development focus must also adhere to established charter procedures with modifications appropriate for the circumstances as determined by the OCC. A national bank that seeks to invest in a bank or savings association with a community development focus must comply with applicable requirements of 12 CFR part 24. A Federal savings association that seeks to invest in a bank or savings association with a community development focus must comply with § 160.36 or any other applicable requirements.

* * * * *

Jonathan V. Gould,

Comptroller of the Currency.

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BILLING CODE 4810–33–P

[44] 5 U.S.C. 801 *et seq.*

[45] 5 U.S.C. 801(a)(3).

[46] 5 U.S.C. 804(2).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–2421; Airspace Docket No. 26–AEA–4]

RIN 2120–AA66

Amendment of Class D Airspace; Farmingdale, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action updates the geographic coordinates for Republic Airport, Farmingdale, NY. This action also replaces the reference to ''Airport/Facility Directory'' within the airspace legal description with ''Chart Supplement.'' This action does not change the airspace boundaries or operating requirements.

DATES: Effective date 0901 UTC, July 9, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: 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 the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the legal description for Class D airspace extending upward from the surface at Republic Airport, Farmingdale, NY.

Incorporation by Reference

Class D airspace is published in paragraph 5000 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These amendments will 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 Rule

An airspace review revealed that administrative updates were needed for both the geographic coordinates and the FAA publication referenced in the Class D airspace legal description at Republic Airport, Farmingdale, NY. Accordingly, this action amends 14 CFR part 71 by updating the airport's geographic coordinates and replacing ''Airport/Facility Directory'' with ''Chart Supplement'' to comply with current FAA policy.

Good Cause for Bypassing Notice and Comment

The Administrative Procedure Act (APA) authorizes agencies to dispense with ordinary notice and comment requirements for rules when the agency for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B). Under this section, an agency, upon finding good cause, may issue a final rule without first publishing a proposed rule subject to public notice and comment. This rule constitutes an administrative change that constitutes ''a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.'' *Mack Trucks, Inc.* v. *EPA,* 682 F.3d 87, 94 (D.C. Cir. 2012) (quoting *Util. Solid Waste Activities Grp.* v. *EPA,* 236 F.3d 749, 755 (D.C. Cir. 2001)); see also Attorney General's Manual on the Administrative Procedure Act (1947), at 31; U.S. Department of Transportation (DOT) Order 2100.6B, paragraph 11.j(1)(b) (saying proposed rules are not required for ''[r]ules for which notice and comment is unnecessary to inform the rulemaking, such as rules correcting de minimis technical or clerical errors or rules addressing other minor and insubstantial matters, provided the reasons to forgo public comment are explained in the preamble to the final rule''.).

This amendment will not impose any additional or amended substantive restrictions or requirements on the persons affected by these regulations as it does not affect the airspace boundaries or operating requirements. The changes are ministerial in nature only. Accordingly, the FAA finds good cause that notice and public comment under 5 U.S.C. 553(b) is unnecessary.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures'' paragraph B–2.5(a). This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace

* * * * *

AEA NY D Farmingdale, NY [Amended]

Republic Airport, NY
(Lat. 40°43′45″ N, long. 73°24′48″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.2-mile radius of Republic Airport extending clockwise from the 065° bearing to the 270° bearing and within a 5.3-mile radius of Republic Airport extending clockwise from the 270° to the 065° bearing from the airport. This Class D airspace area is effective during the times and dates established in advance by a Notice to Airmen. The date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Issued in College Park, Georgia, on February 26, 2026.

Patrick Young,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2026–04082 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–2023; Airspace Docket No. 25–ANM–137]

RIN 2120–AA66

Establishment of United States Area Navigation (RNAV) Route Q–151 and Revocation of Jet Route J–517 in the Northern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published by the FAA in the **Federal Register** on February 24, 2026, establishing United States Area Navigation (RNAV) Route Q–151 and revoking Jet Route J–517 in the northern United States. Specifically, this action administratively corrects an error in the effective date of this rule by updating it from May 19, 2026, to May 14, 2026, to coincide with the publication dates of aeronautical charts.

DATES: The effective date of the final rule published in the **Federal Register** on February 24, 2026, is changed to 0901 UTC, May 14, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

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

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (91 FR 8729; February 24, 2026) establishing United States Area Navigation (RNAV) Route Q–151 and revoking Jet Route J–517 in the northern United States due to the lack of navigational signal coverage, restricting usage of J–517. After the publication of that final rule, the FAA discovered that the effective date in the rule was incorrect. The effective date listed in the final rule was listed as May 19, 2026, and should have been listed as May 14, 2026. This rule corrects this error.

Correction to the Final Rule

Accordingly, pursuant to the authority delegated to me, the effective date of the final rule for Docket No. FAA–2025–2023 as published in the **Federal Register** on February 24, 2026 (91 FR 8729), FR Doc. 2026–03649, is corrected as follows:

■ 1. On page 8729, in the second column, in the section titled **'DATES'**, delete the text ''Effective date 0901 UTC, May 19, 2026.'' and replace it with ''Effective date 0901 UTC, May 14, 2026.''

Issued in Washington, DC, on February 25, 2026.

Alex W. Nelson,

Manager, Rules and Regulations Group.

[FR Doc. 2026–04028 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 107

[Docket No. FAA–2025–2473]

Accepted Means of Compliance for Small Unmanned Aircraft (sUA) Category 2 and Category 3 Operations Over Human Beings; ParaZero Technologies Ltd. (ParaZero)

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notification of availability.

SUMMARY: This document announces the acceptance of a means of compliance with FAA regulations for sUA Category 2 and Category 3 operations over human beings. The Administrator finds that ParaZero's ''ParaZero Part 107 Operations Over People Means of Compliance,'' version 1.5, dated February 4, 2026, provides an acceptable means, but not the only means, of showing compliance with FAA regulations.

DATES: The means of compliance are accepted effective March 2, 2026.

FOR FURTHER INFORMATION CONTACT:

FAA Contact: Mike Thompson, Cabin Safety Section, AIR–624, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone (206) 231–3188; email *Michael.T.Thompson@faa.gov.*

ParaZero Contact: Boaz Shetzer, CEO, 1 Hatachna Street, Kfar Saba, Israel 4453001, +972 50 275 3666; email *contact@parazero.com.*

SUPPLEMENTARY INFORMATION:

Background

Title 14, Code of Federal Regulations, part 107, subpart D, prescribes the eligibility and operating requirements for civil sUA to operate over human beings in the United States. To be eligible for use, the sUA must meet the requirements of § 107.120(a) for Category 2 operations or § 107.130(a) for Category 3 operations. These sections require the sUA to be designed, produced or modified such that it will not cause injury to a human being above a specified severity limit, does not contain any exposed rotating parts that would lacerate human skin, and does not contain any safety defects. Section 107.155 requires that means of compliance with § 107.120(a) or § 107.130(a) be established and FAA-accepted. Section 107.160 requires an applicant to declare that sUA for Category 2 or Category 3 operations meet an FAA-accepted means of compliance.

Means of Compliance Accepted

This notification of availability serves as a formal acceptance by the FAA of ParaZero's ''ParaZero Part 107 Operations Over People Means of Compliance,'' version 1.5, as an acceptable means of compliance, but not the only means of compliance with §§ 107.120(a) and 107.130(a). Applicants may also propose alternative means of compliance for FAA review and possible acceptance.

Revisions

Revisions to ParaZero's ''ParaZero Part 107 Operations Over People Means of Compliance,'' version 1.5, will not be automatically accepted and will require further FAA acceptance for any revisions to be considered an accepted means of compliance. Issued in Kansas City, Missouri, on February 25, 2026.

Patrick R. Mullen,

Manager, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service.

[FR Doc. 2026–04077 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–989]

Schedules of Controlled Substances: Placement of Clonazolam, Diclazepam, Etizolam, Flualprazolam, and Flubromazolam in Schedule I of the Controlled Substances Act

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: With the issuance of this final rule, the Drug Enforcement Administration places clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam and their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, in schedule I of the Controlled Substances Act. These five substances were temporarily scheduled in an order dated July 26, 2023, and subsequently extended until July 26, 2026, pursuant to an extension published elsewhere in this issue of the **Federal Register**. This action also enables the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. This action makes permanent the existing regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle these five specific controlled substances.

DATES: Effective date: April 1, 2026.

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

SUPPLEMENTARY INFORMATION: In this final rule, the Drug Enforcement Administration (DEA) permanently places clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam and their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, in schedule I of the Controlled Substances Act (CSA).

Legal Authority

The United States is a party to the 1971 United Nations Convention on Psychotropic Substances (1971 Convention), Feb. 21, 1971, 32 U.S.T. 543, 1019 U.N.T.S. 175, as amended. Procedures respecting changes in drug schedules under the 1971 Convention are governed domestically by 21 U.S.C. 811(d)(2)–(4). When the United States receives notification of a scheduling decision pursuant to Article 2 of the 1971 Convention indicating that a drug or other substance has been added to a schedule specified in the notification, the Secretary of the Department of Health and Human Services (HHS),[1] after consultation with the Attorney General, shall first determine whether existing legal controls under subchapter I of the CSA and the Federal Food, Drug, and Cosmetic Act [2] meet the requirements of the schedule specified in the notification with respect to the specific drug or substance.[3] In the event that the Secretary did not so consult with the Attorney General, and the Attorney General did not issue a temporary order, as provided under 21 U.S.C. 811(d)(4), the procedures for permanent scheduling set forth in 21 U.S.C. 811(a) and (b) control.

Pursuant to 21 U.S.C. 811(a)(1) and (2), the Attorney General (as delegated to the Administrator of DEA pursuant to 28 CFR 0.100) may, by rule, and upon the recommendation of the Secretary, add to such a schedule or transfer between such schedules any drug or other substance, if she finds that such drug or other substance has a potential for abuse, and makes with respect to such drug or other substance the findings prescribed by 21 U.S.C. 812(b) for the schedule in which such drug or other substance is to be placed.

Background

Clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam are central nervous system depressants that are structurally and pharmacologically related to classical benzodiazepines, such as alprazolam. On May 7, 2020, the Secretariat of the United Nations advised the Secretary of State of the United States that the Commission on Narcotic Drugs (CND), during its 63rd Session on March 4, 2020, voted to place etizolam and flualprazolam in Schedule IV of the 1971 Convention (CND Decisions 63/12, 63/13). On June 10, 2021, the Secretariat advised the Secretary of State that the CND, during its 64th Session, voted to place clonazolam, diclazepam, and flubromazolam in Schedule IV of the 1971 Convention (CND Decisions 64/6, 64/7, 64/8). As a signatory to the 1971 Convention, the United States is required, by scheduling under the CSA, to place appropriate controls on these five designer benzodiazepines to meet the requirements of this treaty.

To meet the minimum requirements of this treaty and to confront these emerging substances, DEA published an order in the **Federal Register** on July 26, 2023, temporarily placing clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam in schedule I of the CSA based upon a finding that these substances pose an imminent hazard to the public safety under 21 U.S.C. 811(h)(1).[4] That temporary order was effective upon the date of publication. On July 25, 2025, DEA published a temporary scheduling order to extend the temporary schedule I status of these five substances for one year, or until the permanent scheduling action for these substances is completed, whichever occurs first.[5]

DEA and HHS Eight-Factor Analyses

In letters dated March 17 and 24, 2022, in accordance with 21 U.S.C. 811(b), the former Administrator requested that the former Assistant Secretary for Health of HHS provide DEA with a scientific and medical evaluation of available information and a scheduling recommendation for clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam. In a letter dated June 18, 2025, HHS provided DEA with a scientific and medical evaluation of available information for these five substances and a scheduling recommendation for schedule I placement of these substances under the CSA.

[1] As discussed in a memorandum of understanding entered into by the U.S. Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), FDA acts as the lead agency within HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. *Memorandum of Understanding with the National Institute on Drug Abuse,* 50 FR 9518 (Mar. 8, 1985). The Secretary has delegated to the Assistant Secretary for Health of HHS the authority to make domestic drug scheduling recommendations. *Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91–513, As Amended; Delegation of Authority,* 58 FR 35460 (July 1, 1993).

[2] 21 U.S.C. 355.

[3] 21 U.S.C. 811(d)(3).

[4] *Schedules of Controlled Substances: Temporary Placement of Etizolam, Flualprazolam, Clonazolam, Flubromazolam, and Diclazepam in Schedule I,* 88 FR 48112 (July 26, 2023).

[5] *Schedules of Controlled Substances: Placement of Clonazolam, Diclazepam, Etizolam, Flualprazolam, and Flubromazolam in Schedule I of the Controlled Substances Act,* 90 FR 35236 (July 25, 2025).

DEA reviewed HHS's scientific and medical evaluation and scheduling recommendation, as well as all other relevant data, pursuant to 21 U.S.C. 811(b) and (c), and conducted its own analysis under the eight factors stipulated in 21 U.S.C. 811(c). DEA found, under 21 U.S.C. 812(b)(1), that these substances warrant control in schedule I. Both DEA's and HHS's eight-factor analyses are available in their entirety under the tab Supporting Documents of the public docket for this action at *https://www.regulations.gov* under docket number DEA–989.

Notice of Proposed Rulemaking To Schedule Clonazolam, Diclazepam, Etizolam, Flualprazolam, and Flubromazolam

On July 25, 2025, DEA published a notice of proposed rulemaking (NPRM) to permanently control clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam in schedule I.[6] Specifically, DEA proposed to add clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam to the list of depressant substances under 21 CFR 1308.11(e). The NPRM provided an opportunity for interested persons to file a request for a hearing, in accordance with DEA regulations, on or before August 25, 2025. DEA did not receive any requests for such a hearing. The NPRM also provided an opportunity for interested persons to submit comments on or before August 25, 2025.

Comments Received

DEA received 19 comments in response to the NPRM for the placement of clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam into schedule I of the CSA. The submissions were from individuals or anonymous commenters. Of these 19 submissions, 5 commenters provided support for the NPRM; 6 commenters were against the placement of clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam in schedule I of the CSA; 2 commenters requested placement in another schedule; and 6 commenters provided statements that were neither explicitly for nor against the proposed rule.

Support of rulemaking: DEA received five comments, including from medical professionals, in support of the placement of clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam in schedule I of the CSA.

DEA response: DEA appreciates these comments in support of this rulemaking.

Opposition to rulemaking: DEA received six comments explicitly against the placement of clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam in schedule I of the CSA. Of these six comments, three commentors asserted that these five substances are analogues of benzodiazepines with therapeutic use; four commentors noted that etizolam is prescribed clinically in other countries; and two commentors expressed concerns that research would be restricted due to schedule I status. The following is DEA's response to the comments against the proposed rulemaking.

DEA response: DEA appreciates these comments and would like to provide further clarification regarding the control of clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam. These five substances have been internationally controlled. To comply with treaty obligations, DEA must place these five substances under the most appropriate schedule, taking into consideration all appropriate scientific data. As set forth in the NPRM, these five substances have no currently accepted medical use in treatment in the United States, nor were there any New Drug Applications. Regarding etizolam specifically, HHS noted in its scientific and medical evaluation that etizolam is used as an approved medical drug in other countries for the treatment of anxiety disorders, insomnia, and neurosis. Nevertheless, HHS concluded that etizolam lacked a currently accepted medical use in the United States, finding that the few published clinical studies on etizolam in particular (1) had important limitations, (2) did not address the human abuse potential of etizolam, and (3) did not meet the threshold for findings of safety or efficacy of etizolam for any medical uses. HHS also stated that no qualified experts or groups have been identified in the United States who have asserted or supported that etizolam has a currently accepted medical use in treatment in the United States. Therefore, these five substances must be placed in schedule I of the CSA, alongside other substances that have no currently accepted medical use, lack accepted safety for use under medical supervision, and possess high potential for abuse. With respect to research for potential for medical use, the placement of substances in schedule I of the CSA does not preclude academic research on these substances.[7] Those wishing to conduct research on clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam must seek permission to do so with DEA.[8]

Considerations for rulemaking: DEA received two comments that did not oppose scheduling clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam under the CSA. Of these two comments, one commentor requested placement of these five substances in another schedule, such that research on the therapeutic potential of these substances may be accomplished; and the other commenter did not oppose placement of four of the five substances in schedule I, requesting a different schedule for etizolam specifically. The following is DEA's response to the comments requesting modifications to the proposed rulemaking.

DEA response: DEA appreciates these comments and would like to provide further clarification regarding the control of clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam. As noted above, DEA must place these five substances under the most appropriate schedule, taking into consideration all appropriate scientific data, to comply with treaty obligations. These five substances have no currently accepted medical use in treatment in the United States, nor were there any New Drug Applications. Therefore, these five substances must be placed in schedule I of the CSA, which does not preclude academic research, and those who wish to conduct research on the therapeutic potential of clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam must seek permission to do so with DEA.

General comments: DEA received six comments that were neither explicitly for nor against the proposed rule.

DEA response: DEA appreciates these comments.

Scheduling Conclusion

After consideration of the public comments, scientific and medical evaluation and accompanying scheduling recommendation from HHS, and its own eight-factor evaluation, DEA finds that these facts and all relevant data constitute substantial evidence of potential for abuse of clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam. As such, DEA is permanently scheduling clonazolam,

[6] *Schedules of Controlled Substances: Placement of Clonazolam, Diclazepam, Etizolam, Flualprazolam, and Flubromazolam in Schedule I of the Controlled Substances Act,* 90 FR 35253 (July 25, 2025).

[7] 21 U.S.C. 822(h); 21 U.S.C. 823(g)(2)(A); 21 U.S.C. 823(n); *see also Grinspoon* v. *Drug Enforcement Admin.,* 828 F.2d 881, 897 (1st Cir. 1987).

[8] *https://apps.deadiversion.usdoj.gov/webforms2/spring/login?execution=e1s1.*

diclazepam, etizolam, flualprazolam, and flubromazolam as controlled substances under schedule I of the CSA. The permanent scheduling of these five benzodiazepines fulfills the United States' obligations as a party to the 1971 Convention.

Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also specifies the findings required to place a drug or other substance in any particular schedule.[9] After consideration of the interested persons' comments above, analysis and recommendation of the Assistant Secretary for Health of HHS, and all other available data, the Administrator of DEA, pursuant to 21 U.S.C. 812(b)(1), finds that:

(1) Clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam have a high potential for abuse. These five substances are pharmacologically similar to classical benzodiazepines (*e.g.,* diazepam), which have been shown to produce dependence and are abused by millions of individuals in the United States. In vitro binding affinity and functional activity studies, as well as in vivo drug discrimination studies, demonstrate that these substances are highly potent positive allosteric modulators of $GABA_A$ receptors—a mechanism of action that accounts for the inhibitory effects of GABA, decreased neuronal activity, and result in the pharmacological properties of the benzodiazepine class. These pharmacological properties include CNS depressant effects, such as anxiolytic, amnesic, anticonvulsant, sedative-hypnotic, respiratory depressant, and muscle relaxant effects. This finding is consistent with drug abuse patterns and adverse outcomes from epidemiological data sources.

(2) Clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam have no currently accepted medical use in treatment in the United States. According to HHS, FDA has not approved a marketing application for clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam. In addition, these five substances have no known therapeutic applications in the United States. DEA is not aware of any evidence suggesting that these five substances have a currently accepted medical use in treatment in the United States.[10]

(3) There is a lack of accepted safety for use of clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam under medical supervision. As stated by HHS, because these five substances have no approved medical use and have not been investigated as new drugs, their safety for use under medical supervision has not been determined.

Based on these findings, the Administrator of DEA concludes that clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, warrant continued control in schedule I of the CSA.

Requirements for Handling Clonazolam, Diclazepam, Etizolam, Flualprazolam, and Flubromazolam

Clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam are subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, import, export, engagement in research, conduct instructional activities or chemical analysis with, and possession of schedule I controlled substances, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, reverse distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses), or who desires to handle, clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam must be registered with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958 and in accordance with 21 CFR parts 1301 and 1312. Any person who currently handles clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam and is not registered with DEA must submit an application for registration and may not continue to handle clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam, unless DEA has approved that application for registration pursuant to 21 U.S.C. 822, 823, 957, 958, and in accordance with 21 CFR parts 1301 and 1312. Retail sales of schedule I controlled substances to the general public are not allowed under the CSA. Possession of any quantity in a manner not authorized by the CSA is unlawful and those in possession of any quantity may be subject to prosecution pursuant to the CSA.

2. *Disposal of stocks.* Any person unwilling or unable to obtain a schedule I registration must surrender or transfer all quantities of currently held clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam to a person registered with DEA before the effective date of a final scheduling action in accordance with all applicable Federal, State, local, and Tribal laws. Clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam must be disposed of in accordance with 21 CFR part 1317, in addition to all other applicable Federal, State, local, and Tribal laws.

3. *Security.* Clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam are subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 823 and in accordance with 21 CFR 1301.71–1301.76, as of the effective date of this final scheduling action. Non-practitioners handling these five substances also must comply with the screening requirements of 21 CFR 1301.90–1301.93.

[9] 21 U.S.C. 812(b).

[10] When placing a drug or other substance in schedule I of the CSA, DEA must consider whether the substance has a currently accepted medical use in treatment in the United States. 21 U.S.C. 812(b)(1)(B). There is no evidence suggesting that clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam have a currently accepted medical use in the United States. To determine whether a drug or other substance has a currently accepted medical use, DEA has traditionally applied a five-part test to a drug or substance that has not been approved by the FDA: (1) the drug's chemistry must be known and reproducible; (2) there must be adequate safety studies; (3) there must be adequate and well-controlled studies proving efficacy; (4) the drug must be accepted by qualified experts; and (5) the scientific evidence must be widely available. *See Marijuana Scheduling Petition; Denial of Petition; Remand,* 57 FR 10499 (Mar. 26, 1992), pet. for rev. denied, *Alliance for Cannabis Therapeutics* v. *Drug Enforcement Admin.,* 15 F.3d 1131, 1135 (D.C. Cir. 1994). DEA and HHS applied the traditional five-part test for currently accepted medical use in this matter and concluded the test was not satisfied. In a recent published letter in a different context, HHS applied an additional two-part test to determine currently accepted medical use for substances that do not satisfy the five-part test: (1) whether there exists widespread, current experience with medical use of the substance by licensed health care practitioners operating in accordance with implemented jurisdiction-authorized programs, where medical use is recognized by entities that regulate the practice of medicine, and, if so, (2) whether there exists some credible scientific support for at least one of the medical conditions for which the part (1) is satisfied. On April 11, 2024, the Department of Justice's Office of Legal Counsel (OLC) issued an opinion, which, among other things, concluded that HHS's two-part test would be sufficient to establish that a drug has a currently accepted medical use. Office of Legal Counsel, Memorandum for Merrick B. Garland Attorney General Re: Questions Related to the Potential Rescheduling of Marijuana at 3 (Apr. 11, 2024). For purposes of this final rule, there is no evidence that health care providers have widespread experience with medical use of clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam or that the use of clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam is recognized by entities that regulate the practice of medicine, so the two-part test also is not satisfied.

4. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam must comply with 21 U.S.C. 825 and be in accordance with 21 CFR part 1302.

5. *Quota.* Generally, only registered manufacturers are permitted to manufacture clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303.

6. *Inventory.* Every DEA registrant who possesses any quantity of clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam must take an inventory of these substances on hand, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11(a) and (d).

Any person who registers with DEA must take an initial inventory of all stocks of controlled substances (including these five substances) on hand on the date the registrant first engages in the handling of controlled substances, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11(a) and (b).

After the initial inventory, every DEA registrant must take an inventory of all controlled substances (including these five substances) on hand every two years, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

7. *Records and Reports.* Every DEA registrant must maintain records and submit reports with respect to clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1301.74(b) and (c), 1301.76(b), and parts 1304, 1312, and 1317. Manufacturers and distributors must submit reports regarding clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam to the Automation of Reports and Consolidated Order System pursuant 21 U.S.C. 827, and in accordance with 21 CFR parts 1304 and 1312.

8. *Order Forms.* Every DEA registrant who distributes clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam must comply with the order form requirements pursuant to 21 U.S.C. 828 and 21 CFR part 1305.

9. *Importation and Exportation.* All importation and exportation of clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam must comply with 21 U.S.C. 952, 953, 957, and 958 and in accordance with 21 CFR parts 1304 and 1312.

10. *Liability.* Any activity involving clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam not authorized by, or in violation of, the CSA or its implementing regulations, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866, 13563, 14192, and 14294

In accordance with 21 U.S.C. 811(a), this final scheduling action is subject to formal rulemaking procedures performed ''on the record after opportunity for a hearing,'' which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the procedures and criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order (E.O.) 12866 and the principles reaffirmed in E.O. 13563. DEA scheduling actions are not subject to either E.O. 14192, Unleashing Prosperity Through Deregulation, or E.O. 14294, Overcriminalization in Federal Regulations.

Executive Order 12988, Civil Justice Reform

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

Executive Order 13132, Federalism

This rulemaking does not have federalism implications warranting the application of E.O. 13132. The rule does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This rule does not have tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Paperwork Reduction Act of 1995

This action does not impose a new collection or modify an existing collection of information under the Paperwork Reduction Act of 1995.[11] Also, this rule does not impose new or modify existing recordkeeping or reporting requirements on state or local governments, individuals, businesses, or organizations. However, this rule would require compliance with the following existing OMB collections: 1117–0003, 1117–0004, 1117–0006, 1117–0008, 1117–0009, 1117–0010, 1117–0012, 1117–0014, 1117–0021, 1117–0023, 1117–0029, and 1117–0056. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Regulatory Flexibility Act

The Administrator of DEA, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–612, has reviewed this final rule, and by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities.

DEA is placing clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam, including its salts, isomers, and salts of isomers, in schedule I of the CSA on a permanent basis to enable the United States to meet its obligations under the 1971 Convention. This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam.

Based on DEA's review of HHS's scientific and medical evaluation and all other relevant data, DEA determined that, in agreement with HHS, the five designer benzodiazepines—clonazolam, diclazepam, etizolam, flualprazolam, and flubromazolam—have a high potential for abuse, have no currently accepted medical use in treatment in the United States, and lack accepted safety for use under medical supervision. There appear to be no legitimate sources for clonazolam, diclazepam, etizolam, flualprazolam, or flubromazolam as a marketed drug in the United States, but DEA notes that these substances are available for purchase from legitimate suppliers for scientific research. Significant diversion of these five substances from legitimate suppliers is not evident. Therefore, this final rule

[11] 44 U.S.C. 3501–3521.

will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1532, DEA has determined that this final rule would not result in any Federal mandate that may result ''in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year . . . .'' Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Congressional Review Act

The Office of Information and Regulatory Affairs has determined that this rule is not a major rule as defined by the Congressional Review Act (CRA), 5 U.S.C. 804. However, pursuant to the CRA, DEA is submitting a copy of the final rule to both Houses of Congress and to the Comptroller General.

List of Subjects in 21 CFR Part 1308

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

For the reasons set out above, 21 CFR part 1308 is amended as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

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

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

■ 2. In § 1308.11:
■ a. Redesignate paragraphs (e)(1) through (3) as paragraphs (e)(6) through (8);
■ b. Add new paragraphs (e)(1) through (5); and
■ c. Remove and reserve paragraphs (h)(57) through (61).

The addition reads as follows:

§ 1308.11 Schedule I.

* * * * *

(e) * * *

(1) Clonazolam (Other name: 6-(2-chlorophenyl)-1-methyl-8-nitro-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine)	2786
(2) Diclazepam (Other name: 7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2*H*-benzo[*e*][1,4]diazepin-2-one)	2789
(3) Etizolam (Other name: 4-(2-chlorophenyl)-2-ethyl-9-methyl-6*H*-thieno[3,2-*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine)	2780
(4) Flualprazolam (Other name: 8-chloro-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine)	2785
(5) Flubromazolam (Other name: 8-bromo-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine)	2788

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Signing Authority

This document of the Drug Enforcement Administration was signed on February 24, 2026, by Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–04112 Filed 2–27–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

28 CFR Part 68

[Docket No. EOIR–26–AB23; Dir. Order No. 04–2026]

RIN 1125–AB23

Office of the Chief Administrative Hearing Officer Electronic Filing

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Interim final rule; request for comments.

SUMMARY: The Executive Office for Immigration Review (''EOIR'') is implementing electronic filing and records applications for all cases before the Office of the Chief Administrative Hearing Officer (''OCAHO''). This interim final rule (''IFR'') updates the relevant regulations necessary to implement these electronic filing and records applications, including by requiring certain users to file documents electronically and changing service of process methods. This IFR also includes several additional minor changes to OCAHO's rules of practice and procedure to clarify and improve upon the existing regulatory language.

DATES:

Effective date: This IFR is effective March 2, 2026.

Comments due date: Electronic comments must be submitted and written comments must be postmarked or otherwise indicate a shipping date on or before April 1, 2026. The electronic Federal Docket Management System (''FDMS'') at *https://www.regulations.gov* will accept electronic comments until 11:59 p.m. Eastern Time on that date.

ADDRESSES: You may submit comments on this rulemaking, identified by the agency name and reference RIN 1125–AB23 or EOIR Docket No. EOIR–26–AB23, by one of the two methods below.

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the website's instructions for submitting comments.

• *Mail:* Please direct your correspondence to: Jamee E. Comans, Acting Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041. To ensure proper handling, please reference the agency name and RIN 1125–AB23 or EOIR Docket No. EOIR–26–AB23 on your correspondence. Mailed items must be postmarked or otherwise indicate a shipping date on or before the submission deadline. Paper comments that duplicate an electronic submission are unnecessary.

FOR FURTHER INFORMATION CONTACT: Jamee E. Comans, Acting Assistant

Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone (703) 305–0289 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of this IFR via one of the methods and by the deadline stated above. All comments must be submitted in English, or accompanied by an English translation. The Department of Justice (''DOJ'' or the ''Department'') also invites comments that relate to the economic, environmental, or federalism effects that might result from this IFR. Comments that will provide the most assistance to the Department will reference a specific portion of the IFR; explain the reason for any recommended change; and include data, information, or authority that support such recommended change.

Please note that all comments received are considered part of the public record and made available for public inspection at *https://www.regulations.gov.* Such information includes personally identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

If you want to submit personally identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online, you must include the phrase ''PERSONALLY IDENTIFYING INFORMATION'' in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment but do not want it to be posted online, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You also must prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted on *https://www.regulations.gov.*

Personally identifying information located as set forth above will be placed in the agency's public docket file, but not posted online. Confidential business information identified and located as set forth above will not be placed in the public docket file. The Department may withhold from public viewing information provided in comments that they determine may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *https://www.regulations.gov.* To inspect the agency's public docket file in person, you must make an appointment with the agency. Please see the **FOR FURTHER INFORMATION CONTACT** paragraph above for agency contact information.

II. Background

A. Introduction

In May 2014, OCAHO began piloting a voluntary program in which parties may file and serve case-related documents by email in cases before OCAHO. *See* Office of the Chief Administrative Hearing Officer Electronic Filing Pilot Program, 79 FR 31143 (May 30, 2014). That successful pilot was extended indefinitely while EOIR developed a complete electronic filing application. *See* EOIR, *OCAHO Filing* (June 4, 2021), *https://www.justice.gov/eoir/ocaho-filing* [*https://perma.cc/8HPG-QFR2*].

EOIR has now developed an electronic filing application, known as the OCAHO Portal, through which parties can file and receive service of case documents electronically and view all documents in their OCAHO cases online. *See* EOIR, *OCAHO Portal, https://ocaho.eoir.justice.gov/.* With its release, EOIR is amending the regulatory sections necessary to effectively implement this electronic filing application, including by mandating electronic filing for most users. This IFR also includes several additional minor changes to OCAHO's rules of practice and procedure to clarify and improve upon the existing regulatory language.

B. History

OCAHO is one of three EOIR adjudicatory components, along with the Immigration Courts and the Board of Immigration Appeals (''Board''). Beginning in 2003, EOIR engaged in a long-term effort to develop and implement electronic case access and filing applications for the Immigration Courts and the Board, which was completed with the full implementation of the EOIR Courts & Appeals System (''ECAS''). *See generally* Executive Office for Immigration Review Electronic Case Access and Filing, 85 FR 78240, 78241 (Dec. 4, 2020) (detailing the history of EOIR's efforts in this area). In addition to and in concert with this broader effort, EOIR has been working to implement a fully electronic case access and filing system for cases before OCAHO.

First, as previously noted, in May 2014, OCAHO began operating a voluntary email-based electronic filing pilot program. *See* 79 FR 31143–44. Under this pilot program, parties in enrolled cases could file case documents with OCAHO by email, and would similarly receive service by email of orders and decisions issued by OCAHO's Administrative Law Judges (''ALJs'') and the Chief Administrative Hearing Officer (''CAHO''). 79 FR 31144. This email-based pilot program was intended to be temporary in nature, with a goal of using the experience gained to develop a ''more comprehensive and permanent electronic filing system.'' 79 FR 31143.

Next, EOIR successfully implemented ECAS before the Immigration Courts and the Board, which allowed the agency to gain significant experience in developing and implementing electronic filing and records applications. *See generally* EOIR, *ECAS: Attorneys and Accredited Representatives, https://www.justice.gov/eoir/ecas-attorneys-and-accredited-representatives* [*https://perma.cc/5E6X-GGEL*] (program overview and FAQs).

With the benefit of the experience gained from these projects, EOIR has developed the OCAHO Portal, a secure public application with case access and electronic filing capabilities for OCAHO, to integrate with OCAHO's internal case management system. EOIR has deployed the OCAHO Portal for all cases before OCAHO. The OCAHO Portal will take the place of OCAHO's email filing pilot program.

III. Explanation of IFR Changes

This IFR provides for implementation of the OCAHO Portal for electronic case access and filing in OCAHO cases. Under this IFR, electronic filing through the OCAHO Portal is mandatory for all attorneys and other authorized representatives in OCAHO cases. *See* 28 CFR 68.6(b)(1). This includes, for example, mandatory electronic filing of new complaints by the Department of Homeland Security (''DHS'') in cases under sections 274A and 274C of the Immigration and Nationality Act (''INA''), 8 U.S.C. 1324a and 1324c, or by the Department's Immigrant and Employee Rights Section (''IER'') or private attorneys or authorized representatives, when applicable, in cases under section 274B of the INA, 8 U.S.C. 1324b. In order to complete implementation of this electronic filing application, EOIR is making the following changes to OCAHO's regulations.

A. Eligibility, Registration, and Other Requirements for Electronic Filing

1. Who May File Electronically

This IFR makes electronic filing through the OCAHO Portal mandatory for DHS, IER, and attorneys and other authorized representatives who represent complainants or respondents in OCAHO cases, and applies to both new cases and cases currently pending before OCAHO. *See* 28 CFR 68.6(b)(1).

By mandating electronic filing for attorneys and authorized representatives, OCAHO will eventually be able to maintain a complete electronic record for many cases from beginning to end. Similar to EOIR's experience with electronic filings and records through ECAS, OCAHO anticipates that this will create significant efficiencies for the parties and OCAHO. For example, registered parties will be able to file documents electronically from any location with internet access, and will be able to view all of the documents filed in their case online and on-demand. Furthermore, electronic filing will allow for near-instantaneous delivery and receipt of case filings, without the delays associated with delivery times for filings sent by physical mail. Similarly, OCAHO will be able to quickly process electronic filings and maintain case records through an electronic system.

OCAHO is also making electronic filing available on a voluntary basis to unrepresented (''pro se'') complainants and respondents because all of the efficiencies listed above may also flow to those individuals if they choose to use electronic filing. *See* 28 CFR 68.6(b)(2). Although opting in to electronic filing is voluntary for pro se complainants and respondents, individuals who choose to opt in will do so for the life of their case and may not opt out without leave from the presiding ALJ or the CAHO. *Id.*

Voluntary electronic filing for pro se complainants and respondents is subject to one exception. *See* 28 CFR 68.6(b)(1). Specifically, ALJs or the CAHO may require pro se complainants and respondents to electronically file documents where paper filing is infeasible or impracticable. This authority only applies to individual cases and in limited scenarios, such as where there are issues with mail delivery or there is a need for the expedited exchange of documents, particularly where parties reside outside the continental United States.

2. Registration Process

In order to file electronically with OCAHO, an attorney, authorized representative, or pro se complainant or respondent must register with OCAHO using a DOJ authentication application—currently DOJ Login—similar to the process for ECAS registration. *See, e.g.,* EOIR, *ECAS: Attorneys and Accredited Representatives, https://www.justice.gov/eoir/ecas-attorneys-and-accredited-representatives* [*https://perma.cc/5E6X-GGEL*] (under the heading ''Frequently Asked Questions'' and the subheading ''DOJ Login and ECAS Account Creation,'' answering the question ''What is DOJ Login?'' by stating that ''DOJ Login is a cloud-based identity management and authentication service. The Department of Justice authenticates the identity of end users for access to DOJ applications and networks, including remote access.''). The registration process requires each individual to provide basic identifying and contact information, including the user's name, email address, phone number, and user type (DHS, IER, or private individual). The registration system then uses a multi-factor authentication tool to validate the user's identity and allow the user to log in to the application. Users with existing DOJ Login accounts for ECAS may also use those accounts.

3. Cases Eligible for Electronic Filing

All OCAHO cases will be eligible for electronic filing, regardless of whether the case is filed by DHS, IER, or by a private complainant. *See* 28 CFR 68.6(a). Electronic filing will be available for users regardless of whether the opposing party or parties in the case have elected to participate in electronic filing. However, for those cases in which one or more parties to the case have chosen not to participate in electronic filing, those parties who are enrolled in electronic filing will be required to serve electronically filed documents on parties not enrolled in electronic filing by another approved method of service, as discussed further in Section III.B of this preamble. *See* 28 CFR 68.6(c)(2).

4. Electronic Filing Application Availability

This IFR provides guidance for how a party subject to electronic filing requirements should proceed if OCAHO's electronic filing application is unavailable. *See* 28 CFR 68.6(b)(3). If OCAHO's electronic filing application is unavailable due to an unplanned system outage on the last day for filing in a specific case, OCAHO will evaluate the overall impact and make appropriate filing deadline adjustments (*e.g.,* extension of filing deadlines to the next business day that the electronic filing application becomes accessible). *Id.* OCAHO will determine whether the electronic filing application is unavailable due to a system outage sufficient to trigger the extended filing deadline, and OCAHO will communicate such outages to external users through email, EOIR's website, or other methods of communication, as available. *Id.*

Parties will maintain the ability to request an extension of deadlines from the ALJ or the CAHO, as appropriate, or to submit a motion to accept an untimely filing. *See, e.g., Tingling* v. *City of Richmond, Va.,* 13 OCAHO no. 1324c (2021) (discussing standards for granting extensions of time in OCAHO cases). Both the ALJs and the CAHO have the discretion to accept untimely filings. *See, e.g., United States* v. *Bhattacharya,* 14 OCAHO no. 1380b, 3 n.3, 5–6, 6 n.8 (2021) (discussing the authority of OCAHO adjudicators to accept filings that were untimely or improperly filed or served). Additionally, in the event that OCAHO's electronic filing application is unavailable, parties are permitted to file paper or email motions or requests for extension of time.

This unplanned unavailability policy tracks the policy of the Immigration Courts and the Board for ECAS, *see* 85 FR 78244–45, and is similar to the Federal courts' policy for their electronic filing system, *see* Fed. R. Civ. P. 6(a)(3)(A); Fed. R. App. P. 26(a)(3)(A).

On the other hand, if OCAHO's electronic filing application is unavailable due to a planned, previously announced system outage on the last day for filing in a specific case, this IFR provides that the user must plan accordingly to electronically file their documents during system availability or be prepared to file the documents in paper or email form with OCAHO in order to meet any applicable filing deadlines. *See* 28 CFR 68.6(b)(3). OCAHO will communicate these planned outages to external users through email, EOIR's website, or other methods of communication, as available. *Id.* This IFR will not change the authority of the ALJs or the CAHO to determine how to treat an untimely filing, nor will it prevent parties from making a motion to accept an untimely filing.

Lastly, in all cases, the IFR also provides ALJs and the CAHO with the authority to accept paper or email filings at their discretion.

5. Filing Classified Information

OCAHO's electronic filing application is not rated for classified information.

See 28 CFR 68.6(b)(6). Users should not file classified information through OCAHO's electronic filing application, and the application does not change the users' or the agency's responsibilities related to classified information. *Id.* Users will need to file any classified information by paper and follow existing procedures for the filing of classified information. *See* 28 CFR 68.42(b) (detailing procedures for filing classified or sensitive information in OCAHO cases). OCAHO staff will maintain a paper record for any case that contains classified information.

6. Misuse

This IFR includes language allowing OCAHO to suspend a user's access to the OCAHO electronic filing application for repeated misuse or abuse of the system. *See* 28 CFR 68.6(b)(8). This will ensure that OCAHO has the ability to address repeated violations of the system, such as inappropriate or harassing filings, ''spamming'' large numbers of filings, or fraudulent activity, among others. *See, e.g., Ravines de Schur* v. *Easter Seals-Goodwill Northern Rocky Mountain, Inc.,* 15 OCAHO no. 1388a (2021) (detailing a party's inability or unwillingness to comply with the terms of the OCAHO email filing pilot); *United States* v. *Pasquel Hermanos, Inc.,* 18 OCAHO no. 1506a (2024) (same). In lieu of electronic filings through the OCAHO electronic filing application, suspended users may, for example, paper file documents with OCAHO. *See* 28 CFR 68.6(b)(4).

B. Filing and Service

This IFR also changes and clarifies how filing and service of process is accomplished in cases before OCAHO. *See generally* 28 CFR 68.6. In this IFR, EOIR is updating OCAHO's regulations to expressly allow for electronic filing and service of all pleadings by adding electronic filing to the list of permissible methods of filing and service in OCAHO cases. *See* 28 CFR 68.6(a)(2). Moreover, as explained in Section III.A.1 of this preamble, EOIR is amending OCAHO's regulations to require all represented parties to file all case documents (including complaints) electronically. *See* 28 CFR 68.6(b)(1).

In order to simplify the filing and service process, OCAHO will also complete service electronically on behalf of the parties for all cases in which all parties are using electronic filing. *See* 28 CFR 68.6(c)(1). When a party successfully uploads a document to OCAHO's electronic filing application and all parties are using electronic filing, OCAHO's electronic filing application will send the parties an electronic notification of the new filing. *Id.* This will simplify the filing process for electronic filers by only requiring them to file their documents with OCAHO in eligible cases rather than needing to execute multiple mailings to complete service requirements.

However, if one or more parties to an OCAHO case are not participating in electronic filing for that particular case, the electronic filer will have to complete service of process on the opposing party by another authorized means of service. *See* 28 CFR 68.6(c)(2). Similarly, in circumstances where the filer is otherwise allowed to file outside of OCAHO's electronic filing application, either due to system unavailability or pursuant to OCAHO's discretion, the filer will need to complete service on the opposing party. *See* 28 CFR 68.6(b)(3)–(4).

In all cases, consistent with existing practice, all filers must include a certificate of service with each filing as proof of completed service on the opposing party or parties. *See* 28 CFR 68.6(c)(1)–(2). For example, if all parties are using OCAHO's electronic filing application, then electronic filers can include a certificate of service that states: ''This document was electronically filed through OCAHO's electronic filing application and both parties are participating in electronic filing. Therefore, no separate service was completed.''

When parties need to complete service themselves, this IFR will also provide parties with the option to complete service electronically. *See* 28 CFR 68.6(c)(2)(iii). Under this IFR, in situations where the parties need to complete service outside of the OCAHO electronic filing application, the parties may complete service by email, by postal mail, or by personal delivery. 28 CFR 68.6(c)(2). In doing so, this IFR removes the current, limited ability to file by facsimile in certain circumstances, which is now unnecessary in light of the ability to file electronically through OCAHO's electronic filing application, or by email where allowed.

OCAHO will also serve notices, orders, and decisions issued by OCAHO ALJs or the CAHO by email notification to parties that are participating in electronic filing. *See* 28 CFR 68.3(a)(4). This notification will constitute completed service and begin the administrative review or appeal period, if applicable. *Id.* If a party is not participating in electronic filing, OCAHO will continue to serve such notices, orders, and decisions on that party by mail or other personal delivery. *See* 28 CFR 68.3(a)(1)–(3). In cases where one party is participating in electronic filing and another party is not, OCAHO will serve the participating party electronically and the non-participating party by mail or other personal delivery.

In order for OCAHO to effectuate electronic service, the parties must maintain a valid email address within the OCAHO electronic filing application. 28 CFR 68.6(c)(3). If a user's email address changes, the user must immediately contact EOIR to update their account. *Id.*

OCAHO considers service completed when the electronic notification is delivered to the last email address on file provided by the user. *Id.*

C. Signatures

This IFR also provides standards for signatures on pleadings and other documents submitted in OCAHO cases. *See* 28 CFR 68.6(b)(7), 68.7(a)(2). Under this IFR, OCAHO will allow four different types of signatures, depending on the type of document being filed and the method by which the document is being filed: (1) original, handwritten ink signatures; (2) encrypted, digital signatures; (3) electronic signatures; and (4) conformed signatures.[1] *Id.*

First, whether filing electronically or on paper, OCAHO will accept documents with original, handwritten ink signatures; encrypted, digital signatures; or electronic signatures. *Id.* If filed electronically, the document may be signed with an encrypted, digital signature; an electronic signature; or an original, handwritten ink signature which is then scanned for upload to the OCAHO electronic filing application. 28 CFR 68.6(b)(7). If a user signs a document using an encrypted digital signature but the OCAHO electronic filing application is unavailable, the user may print the document with the digital signature and paper file the document with OCAHO. Paper documents filed by OCAHO may also be signed by electronic signature or original, handwritten ink signature.

Second, for documents filed through the OCAHO electronic filing application, this IFR will allow users to

[1] As explained in EOIR's notice of proposed rulemaking regarding ECAS: ''Digital signatures are defined as signatures performed via a recognized system that provides Personal Key Infrastructure (PKI) from the signer at the time of signing . . . . Electronic signatures are defined as signatures performed using a device that does not provide PKI at the time of signing (*e.g.,* stylus and touchpad).'' 85 FR 78246 n.15 (citing EOIR Policy Memorandum 20–11, *Filings and Signatures* (Apr. 3, 2020), *https://www.justice.gov/eoir/page/file/1266411/dl?inline=* [*https://perma.cc/W3DA-4PVL*]).

sign their own name with a conformed signature. 28 CFR 68.6(b)(7). Conformed signatures will not be accepted for anyone other than the user who is submitting the document. Conformed signatures typically consist of the user typing ''/s/'' followed by the user's name into the signature block. By signing into the electronic filing application, the user has demonstrated that they have completed the registration and identity verification process for the electronic filing application, thereby allowing the use of a conformed signature.

These signature rules are subject to any specific form, application, or document signature requirements. 28 CFR 68.6(b)(7), 68.7(a)(2). For example, if an application's instructions require an original, handwritten ink signature, then the user must follow the application instructions instead of the signature allowances provided for in this IFR. In practice, if the user was electronically filing, the user would sign the application in ink and then scan and electronically file the application with EOIR. The user is also required to make the original available upon request.

D. Duplicate Copies

This IFR updates OCAHO's regulations to clarify that parties are not required to submit extra copies of pleadings (including the complaint) if they are filing electronically. *See* 28 CFR 68.6(a). However, parties are required to file the requisite number of copies of each pleading if filing by paper. *Id.*

E. Other Amendments

This IFR also makes a number of other minor amendments to OCAHO's regulations.

First, the IFR adds a definition of ''notice of hearing'' to 28 CFR 68.2 to reflect the document's current name in OCAHO's practice as well as to provide flexibility to OCAHO in the event the document changes title in the future.

Second, the IFR revises 28 CFR 68.5 (regarding notices of hearings) to allow ALJs increased flexibility in the scheduling of hearings and prehearing conferences, and to expressly allow for OCAHO hearings to be conducted by video teleconference in appropriate circumstances. In particular, the IFR removes the requirement that an ALJ schedule a hearing, a pre-hearing conference, or both within 30 days of receiving a respondent's answer to a complaint. With rare exceptions, nearly all OCAHO cases are decided through dispositive motions or settlements, making the setting of a hearing date at such an early stage of the case—and typically before discovery has commenced—inefficient for case processing. Further, OCAHO's usual practice is to issue a general scheduling order and seek prehearing statements from the parties, *see* 28 CFR 68.12, before scheduling a prehearing conference, making the setting of a prehearing conference at the stage contemplated by 28 CFR 68.5 similarly inefficient. The revision to 28 CFR 68.5 simply removes the 30-day requirement to provide full flexibility for OCAHO ALJs to manage their cases in the most efficient manner based on the particular circumstances of each case.

Third, the IFR revises 28 CFR 68.13 (regarding conferences) to expressly include the authority for ALJs to refer appropriate cases to a settlement officer, in accordance with OCAHO's Settlement Officer Program. *See* OCAHO Practice Manual, Chapter 4.7 (Apr. 3, 2025), *https://www.justice.gov/eoir/reference-materials/ocaho/chapter-4/7* [*https://perma.cc/44ZU-UTRK*].

Fourth, the IFR clarifies that discovery requests, answers, or responses should not be filed with the ALJ. Rather, upon motion of a party or on the ALJ's own initiative, the ALJ may order that such requests for discovery, answers, or responses thereto be filed. 28 CFR 68.18(a).

Fifth, the IFR replaces the outdated reference to providing a copy of a proposed final order to the ALJ ''on a 3.5'' microdisk'' in 28 CFR 68.52.

Finally, the IFR clarifies the requirements in 28 CFR 68.54 for filing a request for administrative review and related documents by adding an electronic filing option and removing a cross-reference to 28 CFR 68.6(c) in favor of simply stating the filing and service requirements for documents related to administrative review in that section.

IV. Regulatory Requirements

A. Administrative Procedure Act

The Administrative Procedure Act (''APA'') generally requires agencies to publish notice of a proposed rulemaking in the **Federal Register** and, after such notice, ''give interested persons an opportunity to participate in the rulemaking through submission of written data, views, or arguments.'' 5 U.S.C. 553(b) and (c). The APA further provides that the required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except in certain circumstances. *Id.* 553(d). However, the APA provides exceptions to these general requirements, as explained in more detail below.

Consistent with the APA and for the reasons explained below, this IFR is exempt from notice-and-comment procedures and the delayed-effective-date requirement, because it is a rule of agency procedure and practice. 5 U.S.C. 553(b)(A), (d)(3). At the same time, the Department seeks and welcomes post-promulgation comments on this IFR.

The APA's notice-and-comment requirements do not apply to ''rules of agency organization, procedure, or practice.'' 5 U.S.C. 553(b)(A). Courts ''have used the term 'procedural exception' as shorthand for that exemption.'' *AFL–CIO* v. *NLRB,* 57 F.4th 1023, 1034 (D.C. Cir. 2023) (cleaned up). ''[T]he critical feature of a rule that satisfies the . . . procedural exception is that it covers agency actions that do not themselves alter the rights or interests of parties, although it may alter the manner in which the parties present themselves or their viewpoints to the agency.'' *Id.* (cleaned up); *cf. Texas* v. *United States,* 809 F.3d 134, 176 (5th Cir. 2015) (holding that a rule is not procedural when it ''modifies substantive rights and interests'' (quoting *U.S. Dep't of Lab.* v. *Kast Metals Corp.,* 744 F.2d 1145, 1153 (5th Cir. 1984))).

The Department has determined that this rule regulates agency procedure and is therefore exempt from notice-and-comment procedures under the APA. *See* 5 U.S.C. 553(b)(A). The changes in this IFR do not affect the substantive legal requirements for OCAHO cases; rather, the IFR merely makes procedural changes to provide for electronic filing, and thus focuses on ''the manner in which the parties present themselves or their viewpoints to the agency.'' *See AFL–CIO,* 57 F.4th at 1034. This IFR is also consistent with prior OCAHO procedural rulemakings pertaining solely to agency procedures and practices regarding the processing of cases before OCAHO. *See, e.g.,* Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens and Unfair Immigration-related Employment Practices, 56 FR 50049, 50052 (Oct. 3, 1991); Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens, Unfair Immigration-Related Employment Practices, and Document Fraud, 64 FR 7066, 7072 (Feb. 12, 1999).

Furthermore, the Department has determined that, this rule relates solely to agency procedure and practice and thus is not subject to the 30-day-

delayed-effective-date requirement for ''substantive rules'' under 5 U.S.C. 553(d). *See* 5 U.S.C. 553(d)(3) (providing that ''[t]he required publication or service of a *substantive* rule shall be made not less than 30 days before its effective date . . . except as otherwise provided by the agency for good cause found and published with the rule'') (emphasis added).

B. Regulatory Flexibility Act

The Department has reviewed this IFR in accordance with the Regulatory Flexibility Act and has determined that this IFR does not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b). This rulemaking regulates attorneys and other authorized representatives, most of whom qualify as ''small entities'' under the Regulatory Flexibility Act. *See* 5 U.S.C. 601(3)–(4), (6).

However, the Department anticipates that the adoption of electronic filing in OCAHO cases will lead to net cost savings for these attorneys and authorized representatives because they will no longer be required to bear the burdens and expenses of mailing or serving paper copies in each of their cases for filings submitted to OCAHO or for service of process on opposing counsel. Therefore, this IFR will not have an adverse economic effect on attorneys or authorized representatives, but instead is expected to result in cost savings. A more detailed analysis of the costs and benefits of this IFR is provided in Section IV.E of this preamble.

C. Unfunded Mandates Reform Act of 1995

This IFR 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 in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

D. Congressional Review Act

This IFR is not a major rule as defined by section 804 of the Congressional Review Act. 5 U.S.C. 804(2). This IFR will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

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

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of using the best available methods to quantify costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

The Office of Information and Regulatory Affairs of the Office of Management and Budget (''OMB'') has determined that this IFR is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866. It will neither result in an annual effect on the economy greater than $100 million nor adversely affect the economy or sectors of the economy. It does not pertain to entitlements, grants, user fees, or loan programs, nor does it raise novel legal or policy issues. It does not create inconsistencies or interfere with actions taken by other agencies. Accordingly, this IFR is not a significant regulatory action subject to review by OMB pursuant to Executive Order 12866. Moreover, the Department certifies that this IFR has been drafted in accordance with the principles of Executive Order 13563.

This rule is separately exempt from the requirements of Executive Order 14192 beccause it relates to the immigration-related functions of the United States. *See* Exec. Order 14192, Sec. 5(a).

1. Costs and Savings Associated With Electronic Filing

Although a cost-benefit analysis is not required under Executive Order 12866, the Department has nevertheless weighed the costs and benefits of this IFR and believes that the rule will provide significant efficiency-related savings, which outweigh any potential costs. The main costs of the rule are expected to be de minimis, and largely focused on any familiarization costs by users of OCAHO's electronic filing application. Additionally, any costs associated with developing or maintaining the OCAHO electronic filing application are already being borne by the agency and are separate from this rulemaking, which focuses on providing standards for, and in most cases mandating use of, the application.

In contrast, the Department anticipates that this IFR will result in significant efficiency gains for OCAHO through the usage of electronic filing, records, and service of process. Under this IFR, OCAHO will be able to efficiently: (1) intake electronic documents, which will be automatically added to an electronic record of proceeding; (2) maintain and review fully electronic records of proceeding;[2] and (3) issue electronic orders and decisions that will be electronically served on participating parties.

EOIR similarly realized all of these efficiency gains at the Immigration Courts and the Board through the full implementation of ECAS. *See, e.g.,* 86 FR 70714 (explaining for example that, in the initial ECAS pilot program, the agency processed charging documents ''nearly 10 times faster'' and non-charging documents ''approximately 25 percent faster'' than paper filings).

In addition to ECAS's resounding success, OCAHO has also piloted electronic filing through an email-based pilot program. Although that pilot was more limited—for instance, by not having automatic service of process—OCAHO has reported noticeable efficiency gains from the email pilot, which will only further increase with the implementation of OCAHO's electronic filing application. Now that the OCAHO electronic filing application has been implemented and this IFR has been issued, OCAHO will be able to move towards electronically intaking documents and maintaining the record of proceeding fully electronically, which will save significant labor costs associated with printing, scanning, storing, and otherwise using paper case files.

Replacing paper mail filing with electronic filing will also address a number of issues currently faced by OCAHO. For instance, instantaneous electronic filing will eliminate most mail delays, including those involving parties located outside of the continental United States. *See, e.g., Zajradhara* v. *Kang Corp.,* 19 OCAHO no. 1555 (2024) (describing the ''significant delays inherent with mail filing'' for case based out of Saipan). Case deadlines can also be set quickly, as deadlines in cases with electronic

[2] In parallel and separate from this rulemaking, EOIR is working with the National Archives and Records Administration to schedule OCAHO case files as media neutral, allowing for electronic maintenance, retention, and disposition of such records.

filing do not require additional time to account for paper mail delivery. *See* 28 CFR 68.8(c)(3) (requiring the addition of five days to relevant response deadlines whenever documents are sent by ordinary mail). Electronic filing will also resolve ambiguities and confusion surrounding filing dates and deadlines. *See, e.g., Y.Y.* v. *Zuora, Inc.,* 15 OCAHO no. 1402 (2021) (discussing uncertainty and delay in a party's receipt of a copy of the complaint when it was sent by mail); *United States* v. *Terrapower, LLC,* 19 OCAHO no. 1548e (2025) (''It is possible, or perhaps even likely, that registration in e-filing would minimize instances of motions arriving after a matter has already been adjudicated.''); *United States* v. *Silverado Stages, Inc.,* 10 OCAHO no. 1185 (2013) (CAHO order finding that ''[t]he date on the certificate of service is contradicted by the actual date on which filing and service was made''); *In re Investigation of Space Expl. Techs. Corp.,* 14 OCAHO no. 1378 (2020) (finding a petition to modify or revoke a subpoena untimely where it was emailed to the other party by the deadline but mailed to OCAHO and thus not received and considered filed until after the deadline).

As such, based on the significant experience gained from these projects, the Department anticipates similar benefits to OCAHO with the implementation of OCAHO's electronic filing application.

The Department similarly anticipates costs savings for the public, mainly for attorneys and authorized representatives—including DHS and IER—who will be required to electronically file with OCAHO under this rule. Primarily, these parties will be able to forgo paper filings and any attendant mailing or courier costs. Pro se parties will similarly benefit from the availability of electronic filing. *See Zajradhara* v. *Costa World Corp.,* 19 OCAHO no. 1546c (2024) (ALJ order allowing a pro se complainant to electronically file a document because ''he was experiencing financial difficulty, which could impact his ability to mail a filing'').

Additionally, the Department anticipates that any costs related to familiarization with OCAHO's electronic filing application will be de minimis, as the application is straightforward and most users should be generally familiar with electronically uploading documents online. Moreover, EOIR has published step-by-step guidance on its website explaining the online registration and electronic filing process. *See* EOIR, *OCAHO Portal for E-Filing User Guide* (June 13, 2025), *https://ocaho.eoir.justice.gov/Content/OCAHOPortalUserGuide.pdf* [*https://perma.cc/63PD-RVN7*].

2. Costs and Savings Related to Other Changes

Finally, the Department believes any costs related to the IFR's minor changes contained in Section III.E of this preamble to be de minimis, and are outweighed by the benefits described in that section. Perhaps most significantly, the IFR codifies procedures for the use of settlement conferences in cases before OCAHO. However, such settlement conferences are voluntary and require the consent of all parties. Therefore, the Department does not anticipate any additional costs on the parties but, rather, potential efficiency savings by engaging in the settlement process rather than proceeding through a full adjudication before OCAHO.

F. Executive Order 13132 (Federalism)

This IFR will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this IFR does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

G. Executive Order 12988 (Civil Justice Reform)

This IFR meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

H. Paperwork Reduction Act

This IFR does not include new or revisions to existing ''collection[s] of information'' as that term is defined in the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320. As most relevant here, the OCAHO electronic filing application is a previously approved collection of information under OMB Control No. 1125–0019.

List of Subjects in 28 CFR Part 68

Administrative practice and procedure, Aliens, Citizenship and naturalization, Civil rights, Employment, Equal employment opportunity, Immigration.

Accordingly, for the reasons set forth in the preamble, and by the authority vested in the Director, Executive Office for Immigration Review, by the Attorney General Order Number 6260–2025, the Department amends part 68 of title 28 of the Code of Federal Regulations as follows:

PART 68—RULES OF PRACTICE AND PROCEDURE FOR ADMINISTRATIVE HEARINGS BEFORE ADMINISTRATIVE LAW JUDGES IN CASES INVOLVING ALLEGATIONS OF UNLAWFUL EMPLOYMENT OF ALIENS, UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES, AND DOCUMENT FRAUD

■ 1. The authority citation for part 68 continues to read as follows:

Authority: 5 U.S.C. 301, 554, 557(b); 8 U.S.C. 1103, 1324a, 1324b, and 1324c; 28 U.S.C. 509, 510, and 2461 note.

■ 2. Amend § 68.2 by adding a definition for ''Notice of hearing'' in alphabetical order to read as follows:

§ 68.2 Definitions

* * * * *

Notice of hearing means the Notice of Case Assignment or other, similar document served by the Office of the Chief Administrative Hearing Officer on the parties to a case.

* * * * *

■ 3. Revise § 68.3 to read as follows:

§ 68.3 Service of complaints, notices, written orders, and decisions.

(a) Service of complaints, notices, written orders, and decisions shall be made by the Office of the Chief Administrative Hearing Officer or the Administrative Law Judge to whom the case is assigned either:

(1) By delivering a copy to the individual, party, partner of a party, officer of a corporate party, registered agent for service of process of a corporate party, or attorney or representative of record of a party;

(2) By leaving a copy at the principal office, place of business, or residence of a party;

(3) By mailing to the last known address of such individual, partner, officer, or attorney or representative of record; or

(4) By delivering a copy or providing notification by email to such individual, party, partner of a party, officer, registered agent for service of process, or attorney or representative of record of a party.

(b) Service of the complaint and notice of hearing is complete upon receipt by the addressee.

(c) In circumstances where the Office of the Chief Administrative Hearing Officer or the Administrative Law Judge encounters difficulty with perfecting service, the Chief Administrative Hearing Officer or the Administrative

Law Judge may direct that a party execute service of process.

■ 4. Amend § 68.5 by:

■ a. Removing the words ''within thirty (30) days of receipt of respondent's answer to the complaint'' in paragraph (a); and

■ b. Revising paragraph (b) to read as follows:

§ 68.5 Notice of date, time, and place of hearing.

* * * * *

(b) *Place of hearing.* In cases under sections 274A and 274C of the INA, pursuant to sections 274A(e)(3)(B) and 274C(d)(2)(B) of the INA, hearings shall be held at the nearest practicable place to the place where the person or entity resides or to the place where the alleged violation occurred. In cases under section 274B of the INA, pursuant to section 554 of title 5, United States Code, due regard shall be given to the convenience of the parties and the witnesses in selecting a place for a hearing. Hearings under sections 274A, 274B, and 274C of the INA may be conducted by video teleconference.

■ 5. Revise § 68.6 to read as follows:

§ 68.6 Filing and service of documents.

(a) *Filing generally.* This section applies to the filing of all documents in cases before OCAHO.

(1) *Filing a complaint.* Subject to the electronic filing requirements of paragraph (b) of this section, a party must file a complaint either:

(i) Electronically through OCAHO's electronic filing application; or

(ii) By filing an original and four copies with the Chief Administrative Hearing Officer.

(2) *Filing pleadings and documents other than the complaint.* Subject to the electronic filing requirements of paragraph (b) of this section, a party must file pleadings and documents, including any attachments, other than the complaint either:

(i) Electronically through OCAHO's electronic filing application; or

(ii) By filing an original and two copies with the Administrative Law Judge assigned to the case.

(b) *Electronic filing*—(1) *Mandatory electronic filing.* The Department of Homeland Security, the Department of Justice, and all attorneys or authorized representatives are required to electronically file all documents, including complaints, with OCAHO through OCAHO's electronic filing application. In individual cases, an Administrative Law Judge or the Chief Administrative Hearing Officer may require unrepresented complainants and respondents to electronically file documents where paper filing is infeasible or impracticable.

(2) *Voluntary electronic filing.* Subject to paragraph (b)(1) of this section, although not required, unrepresented complainants and respondents may electronically file documents with OCAHO through OCAHO's electronic filing application. If an unrepresented complainant or respondent opts to use OCAHO's electronic filing application for a case, the individual must electronically file all documents through OCAHO's electronic filing application for the duration of that case, unless the presiding Administrative Law Judge or the Chief Administrative Hearing Officer grants leave to opt out of electronic filing.

(3) *Unavailability of electronic filing application.* If OCAHO's electronic filing application is unavailable due to an unplanned system outage on the last day for filing in a specific case, the filing deadline will be extended to the first day that the electronic filing application becomes accessible that is not a Saturday, Sunday, or legal holiday. For planned system outages, parties must electronically file documents during system availability within the applicable filing deadline, or paper or email file documents within the applicable filing deadline. EOIR will issue public communications for planned system outages ahead of the scheduled outage. Any planned system outage announced five or fewer business days prior to the start of the outage will be treated as an unplanned outage.

(4) *Discretion to accept paper or email filings.* The Administrative Law Judges and the Chief Administrative Hearing Officer retain discretion to accept paper or email filings in all cases.

(5) *Originals.* Parties must make the originals of all filed documents available to OCAHO or the opposing party for review upon request.

(6) *Classified information.* Notwithstanding any other provisions of this part, classified information is never allowed to be electronically filed.

(7) *Signatures on electronically filed documents.* All documents filed electronically with OCAHO must have an original, handwritten ink signature; an encrypted, digital signature; an electronic signature; or a conformed signature. This paragraph (b)(7) is subject to the signature requirements of the application or document being submitted.

(8) *Misuse.* OCAHO retains the right to suspend a user's access to the OCAHO electronic filing application for repeated misuse or abuse of the system.

(c) *Service of filings.* The service of filings with OCAHO depends on whether all parties are using OCAHO's electronic filing application.

(1) *When all parties are using the electronic filing application.* If all parties in a specific case are using OCAHO's electronic filing application, the parties do not need to serve a document that is filed through OCAHO's electronic filing application on the opposing party. The OCAHO electronic filing application will effectuate service by providing a notification of all electronically filed documents on all parties to a case by email. The filing party must include a certificate of service stating that all parties are using OCAHO's electronic filing application and, therefore, no separate service was completed.

(2) *When not all parties are using the electronic filing application.* If one or more parties in a specific case are not using OCAHO's electronic filing application, or when the electronic filing application is unavailable, parties must serve a copy of all documents filed with OCAHO—except for the complaint as detailed in § 68.3—on all parties of record by one of the means specified in this paragraph (c)(2), regardless of whether the document is filed electronically or in paper with OCAHO. The filing party must include a certificate of service that specifies the date and manner of service on the other party or parties. When a party is represented by an attorney, service must be made upon the attorney. Service under this paragraph (b)(2) may be made:

(i) By personal delivery;

(ii) By mailing a copy to the last known address of the party or representative; or

(iii) By email, if the party being served has consented to receive electronic service of documents.

(3) *Valid email address.* Use of OCAHO's electronic filing application requires a valid email address for electronic service. OCAHO will use the email address provided by the parties when they register for the electronic filing application for electronic service on participating parties. Users must immediately update their electronic filing application account if their email address changes. OCAHO will consider service completed when the electronic notification is delivered to the last email address on file provided by the user.

■ 6. Amend § 68.7 by revising paragraph (a) to read as follows:

§ 68.7 Form of pleadings.

(a) *Requirements for all pleadings*—(1) *Caption.* Every pleading must contain a caption setting forth the statutory provision under which the

proceeding is instituted, the title of the proceeding, the case number assigned by the Office of the Chief Administrative Hearing Officer, the names of all parties (or, after the complaint, at least the first party named as a complainant or respondent), and a designation of the type of pleading (*e.g.,* complaint, motion to dismiss).

(2) *Signatures.* Every pleading must be signed by the party or person representing the party who is submitting the pleading. For pleadings filed by paper, the pleading must have an original, handwritten ink signature; an encrypted, digital signature; or an electronic signature. For pleadings filed through OCAHO's electronic filing application, the pleading must have an original, handwritten ink signature; an encrypted, digital signature; an electronic signature; or a conformed signature. This paragraph (a)(2) is subject to the requirements of the application or document being submitted.

(3) *Date and contact information.* All pleadings must contain the date the pleading is being filed, and must contain the mailing address, email address (if available), and telephone number of the party or person representing the party.

(4) *Size and format of pleadings.* Unless otherwise permitted by the Administrative Law Judge or the Chief Administrative Hearing Officer, all pleadings must be submitted on standard size (8½ x 11) pages, whether filed electronically or in paper. The Administrative Law Judge or the Chief Administrative Hearing Officer may require that exhibits and other written material presented be indexed, paginated, and accompanied by a table of contents.

* * * * *

■ 7. Amend § 68.8 by revising paragraphs (b) and (c) to read as follows:

§ 68.8 Time computations.

* * * * *

(b) *Computation of time for filing.* Pleadings are not deemed filed until received by the Office of the Chief Administrative Hearing Officer or the Administrative Law Judge assigned to the case.

(c) *Computation of time for service.* (1) When service of pleadings (other than the complaint) is accomplished by mail, service is deemed effective at the time of mailing.

(2) When service of pleadings is accomplished by electronic filing through OCAHO's electronic filing application, service is deemed effective at the time that the electronic filing application provides a notification to all parties of the electronically filed pleading.

(3) Whenever a party has the right or is required to take some action within a prescribed period of time after the service upon such party of a pleading, notice, or other document (other than a complaint or a subpoena) and the pleading, notice, or other document is served by ordinary mail, five (5) days will be added to the prescribed period, unless the compliance date is otherwise specified by the Chief Administrative Hearing Officer or the Administrative Law Judge.

■ 8. In § 68.13, add paragraph (d) to read as follows:

§ 68.13 Conferences.

* * * * *

(d) *Settlement officers and conferences.* With the consent of all parties to a case, the presiding Administrative Law Judge may refer a case to another Administrative Law Judge—or, in cases under section 274B of the INA, to the Chief Administrative Hearing Officer—to act as a settlement officer in order to facilitate settlement negotiations between the parties.

(1) The settlement officer shall convene and preside over settlement conferences by video teleconference, in person, or by telephone.

(2) The settlement officer may require that a representative for each party be present at or participate in settlement conferences, and may require that the parties or agents of the parties with full settlement authority be present or available by telephone or video teleconference.

(3) Settlement proceedings under this paragraph shall be conducted in accordance with the confidentiality provisions outlined in 5 U.S.C. 574. The settlement officer shall not discuss any aspect of the case with the presiding Administrative Law Judge. Furthermore, any evidence regarding statements, conduct, offers of settlement, and concessions of the parties made in proceedings before the settlement officer shall be inadmissible in any proceeding before the presiding Administrative Law Judge, except by stipulation of the parties.

■ 10. Amend § 68.18 by revising paragraph (a) to read as follows:

§ 68.18 Discovery—general provisions.

(a) *General.* The parties shall not file requests for discovery, answers, or responses thereto with the Administrative Law Judge. The Administrative Law Judge may, however, upon motion of a party or on his or her own initiative, order that such requests for discovery, answers, or responses thereto be filed. Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things, or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admissions. The frequency or extent of these methods may be limited by the Administrative Law Judge upon his or her own initiative or pursuant to a motion under paragraph (c) of this section.

* * * * *

§ 68.52 [Amended]

■ 10. Amend § 68.52(a)(2) by removing the text ''on a 3.5'' microdisk'' and adding in its place the text ''in an electronic format''.

■ 11. Amend § 68.54 by revising paragraph (c) to read as follows:

§ 68.54 Administrative review of a final order of an Administrative Law Judge in cases arising under section 274A or 274C.

* * * * *

(c) *Filing and service of documents relating to administrative review.* All requests for administrative review, briefs, and other filings relating to review by the Chief Administrative Hearing Officer must be filed and served electronically through OCAHO's electronic filing application consistent with § 68.6. If electronic filing is not possible, a request for administrative review, brief, or other filing relating to administrative review must be filed and served by email, same-day hand delivery, or overnight delivery. A notification of administrative review by the Chief Administrative Hearing Officer will also be served by email, same-day hand delivery, or overnight delivery.

* * * * *

Daren K. Margolin,

Director, Executive Office for Immigration Review, Department of Justice.

[FR Doc. 2026–04136 Filed 2–27–26; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

30 CFR Part 250

[Docket ID: BSEE–2025–0134; EEEE500000—256E1700D2—ET1SF0000.EAQ000]

RIN 1014–AA68

Offshore Downhole Commingling Regulatory Updates

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Direct final rule; response to comments.

SUMMARY: The Department of the Interior (DOI or Department), through the Bureau of Safety and Environmental Enforcement (BSEE), is revising the Outer Continental Shelf (OCS) downhole commingling regulations consistent with the One Big Beautiful Bill Act (OBBB). These revisions update the regulations to ensure consistency with the OBBB when BSEE reviews a request for downhole commingling.

DATES: Effective March 2, 2026.

FOR FURTHER INFORMATION CONTACT: Kirk Malstrom, Regulations and Standards Branch, (202) 258–1518, or by email: *regs@bsee.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Department published a direct final rule (DFR), ''Offshore Downhole Commingling Regulatory Updates,'' in the **Federal Register** on August 13, 2025 (90 FR 38935). The final rule became effective on October 14, 2025. In relevant part, the DFR stated that, if significant adverse comments were received by September 12, 2025, the Department would publish notice in the **Federal Register** and either withdraw the rule or issue a new rule that responded to the comments. The Department is hereby providing notice that it received a significant adverse comment regarding the DFR and is responding to that comment in this DFR.

Executive Summary

This DFR revises the regulatory provisions in 30 CFR 250.1158 in response to the applicable OBBB provisions, Public Law 119–21, which the President signed into law on July 4, 2025. The Outer Continental Shelf Lands Act (OCSLA) authorizes the Secretary of the Interior (Secretary) to promulgate regulations that carry out the provisions in OCSLA. Those regulations include provisions that require lessees to safely produce any oil, gas, or both at rates consistent with applicable law and orders to assure the maximum rate of production that may be sustained without loss of ultimate recovery of oil, gas, or both under sound engineering and economic principles. BSEE performs technical analyses for downhole commingling to ensure that production methods meet OCSLA's requirement for ultimate recovery and safety. This rule revises BSEE regulations to reflect the offshore commingling language in the OBBB regarding safety and ultimate recovery and to clarify how BSEE will apply the OBBB's standards when reviewing commingling requests.

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I. Background

A. Statutory and Regulatory Authority and Responsibilities

The Department's authority for this DFR is derived from OCSLA, codified at 43 U.S.C. 1331–1356a. OCSLA, enacted in 1953 and substantially revised in 1978, authorizes the Secretary to regulate and administer mineral and oil and gas exploration, development, and production operations on the OCS. The Secretary has delegated authority to perform certain of these functions to BSEE under Secretary's Order 3299.[1]

To carry out its responsibilities, BSEE regulates offshore oil and gas and mineral operations to enhance the safety of oil and gas and mineral exploration, development, and production on the OCS, and to implement advancements in technology. BSEE also conducts onsite inspections to ensure compliance with regulations, lease terms, and approved plans and permits. Detailed information concerning the BSEE-administered regulations and guidance to the offshore oil and gas and mineral industries may be found on BSEE's website at: *https://www.bsee.gov/protection.*

BSEE administers a regulatory program that covers a wide range of OCS facilities and activities that offshore operators [2] perform throughout the OCS. *See* 30 CFR part 250. This DFR is applicable to requests for BSEE approval of downhole commingling operations.

B. Purpose and Summary of the Rulemaking

OCSLA authorizes the Secretary to promulgate regulations that carry out the provisions in OCSLA. In part, OCSLA requires lessees to safely produce any oil, gas, or both at rates consistent with applicable law and orders to assure the maximum rate of production that may be sustained without loss of ultimate recovery of oil, gas, or both under sound engineering and economic principles. 43 U.S.C. 1344(a) and (g).

Under OBBB section 50102, the ''Secretary of the Interior shall approve a request of an operator to commingle oil or gas production from multiple reservoirs within a single wellbore completed on the outer Continental Shelf in the Gulf of America Region unless the Secretary of the Interior determines that conclusive evidence establishes that the commingling—(1) could not be conducted by the operator in a safe manner; or (2) would result in an ultimate recovery from the applicable reservoirs to be reduced in comparison to the expected recovery of those reservoirs if they had not been commingled.''

BSEE performs technical analyses for downhole commingling to ensure that production methods meet OCSLA's requirement for ultimate recovery. This rule revises the BSEE regulations to align with the offshore commingling language in the OBBB to ensure that commingling will be conducted in a safe manner and the operation will not reduce ultimate recovery.

C. Response to Comments on Direct Final Rule

Comment Summary

BSEE received a comment expressing concern with its decision to issue a DFR rather than a notice of proposed

[1] *https://www.doi.gov/sites/doi.gov/files/elips/documents/3299a2-establishment_of_the_bureau_of_ocean_energy_management_the_bureau_of_safety_and_environmental_enforcement_and_the_office_of_natural_resources_revenue.pdf.*

[2] The regulations at 30 CFR part 250 generally apply to ''a lessee, the owner or holder of operating rights, a designated operator or agent of the lessee(s)'' (30 CFR 250.105 (definition of ''you'') and ''the person actually performing the activity to which the requirement applies'' (30 CFR 250.146(c)). For convenience, this preamble will refer to these regulated entities as ''operators'' unless otherwise indicated.

rulemaking, which provides for the traditional opportunity for public notice and comment. The commenter expressed concern with the OBBB. The comment specifically stated that OBBB section 50102 shifts or eliminates the operator's responsibility to ensure proposed commingling operations demonstrate that safety, environmental, and resource conservation risks have been fully considered and effectively mitigated by requiring BSEE approval unless BSEE proves conclusively that the operation could not be conducted safely or that resource recovery would be reduced.

The commenter asserted that an opportunity for notice and comment is necessary to ensure that section 50102 is implemented in a manner that minimizes safety, environmental, and resource conservation risks. The commenter cited BSEE's commingling fact sheet that acknowledges that crossflow risks may exist when there are large pressure differences between commingled reservoirs or fluid compatibility risks that may be present if fluids from different reservoirs are unsafely mixed, causing well integrity and efficiency issues. The commenter questioned whether an independent assessment of Gulf of America downhole commingling safety and resource recovery risks should be conducted before finalizing a rule that mandates approval of all applications. The commenter also questioned what criteria BSEE will use in determining that there is ''conclusive evidence'' that a commingling request would be unsafe or would reduce ultimate resource recovery.

Aside from these risk concerns, the commenter also referenced an April 2025 commingling policy whose development was informed by a University of Texas (UT) study of the unique Paleogene fields in the Gulf of America. The policy implemented new parameters for downhole commingling in the Paleogene (Wilcox) reservoirs, expanding the allowable pressure differential between commingled intervals from 200 psi to 1500 psi. The commenter posed certain questions in relation to that study. For example, does BSEE have evidence that supports the applicability of the study results to other fields? What are BSEE's plans for such a study and other related research? What operational boundaries does the rule impose, like the 1500 psi pressure differential threshold in the April 2025 policy, for safe downhole commingling and optimal reservoir management?

Finally, the commenter also posed general questions about BSEE's commingling program. For example, how will BSEE ensure that production from each interval is accurately measured and accounted for? How will BSEE ensure that long term production benefits are not sacrificed in the interest of accelerated downhole commingling payouts?

The commenter believed that the public should provide input on both the technical issues and regulatory policy implications of the OBBB mandate, including recommending implementation policies that would most effectively mitigate operational risks.

Therefore, the commenter recommended that the downhole commingling rule should be published in draft form with a comment period of at least 90 days. The commenter also recommended that BSEE consider hosting a public forum during the comment period to present research on downhole commingling and to accept input on mitigations and implementation policies.

BSEE Response

BSEE disagrees with the commenter's assertion about the overall effect and impact this final rule will have on safety or resource conservation. The rule does not eliminate operator responsibility. Instead, it aligns existing regulations with the statutory mandate of OBBB section 50102, which requires approval of commingling requests unless conclusive evidence shows the operation would be unsafe or reduce ultimate recovery.

Operators must still ensure proposed commingling operations demonstrate that safety, environmental, and resource conservation risks have been fully considered and effectively mitigated. More specifically, this final rule does not change requirements in § 250.1167 related to the technical data operators must submit to obtain BSEE's approval for downhole commingling. The operator must submit various types of information about its commingling proposal, including maps (*e.g.,* geologic and geographic), seismic data, well logs, engineering data, and other types of information about the proposal (*e.g.,* economic analysis and explanation for how maximum recovery will be achieved). Operators must also comply with all other applicable regulations in 30 CFR part 250, including, but not limited to, regulations that address drilling operations (subpart D), well-completion operations (subpart E), and production safety systems (subpart H), all of which address operational safety and environmental protection.

In addition, this DFR does not relieve the operator from complying with § 250.107, ''What must I do to protect health, safety, property, and the environment?,'' which addresses the need to protect health, safety, property, and the environment by performing all operations in a safe and workmanlike manner, maintaining all equipment and work areas in a safe condition, and utilizing recognized engineering practices that reduce risks to the lowest level practicable. Operators also must still comply with § 250.106. ''What standards will the Director use to regulate lease operations?,'' which addresses the need to promote orderly exploration, development, and production, prevent injury or loss of life, and prevent damage to or waste of any natural resource, property, or the environment. Collectively, compliance with these regulations help ensure operators demonstrate, and BSEE confirms, that a commingling proposal is safe, protects the environment, and ensures resource conservation.

BSEE disagrees with the commenter's suggestion that an independent assessment of Gulf of America downhole commingling safety and resource recovery risks be performed before issuing a final rule. This DFR only revises the regulations to conform to the statutory requirement in the OBBB. The OBBB's mandate remains in effect regardless of whether this DFR is issued. Therefore, conducting an independent assessment will not change the statutory mandate. As outlined in the OBBB and BSEE regulations, BSEE will continue its mission to ensure safe operations and welcomes the suggestion to conduct an independent assessment, which it will consider in the future. BSEE will also continue to evaluate commingling risks and ensure the commingling request comply with applicable regulations.

With respect to the UT study that helped inform the development of the April 2025 commingling policy, BSEE is not applying the results of that study outside of the Paleogene (Wilcox) reservoirs, which was the limit of the study's scope. However, BSEE is interested in evaluating the study's applicability or methodology to other geologic provinces. As referenced in BSEE's downhole commingling fact sheet,[3] $500,000 has been allocated for further study to ensure commingling policies remain effective and aligned with the latest science and industry practices. And while the UT study was helpful in establishing implementation policies that address specific developments, it would not be

[3] *https://www.bsee.gov/sites/bsee.gov/files/2025-05/Commingling%20Fact%20Sheet%202025.pdf.*

beneficial to incorporate such a prescription in the regulations as circumstances may be different in other development areas. It is more appropriate for BSEE to evaluate each commingling request on a case-by-case basis to address site-specific conditions for safe downhole commingling and optimal reservoir management.

With respect to accurate production measurements, BSEE will still apply its oil and gas measurement requirements in 30 CFR subpart L, which address ongoing well-monitoring, surveillance, and reporting to ensure accurate production accounting. Operators must obtain measurement approval from BSEE before commencing production. BSEE will continue to ensure appropriate measurement for royalty purposes and reporting.

With respect to concerns about the lack of opportunity to provide public input, BSEE did not use notice and comment rulemaking consistent with the Administrative Procedure Act, which allows agencies to skip notice-and-comment procedures if the rule is deemed noncontroversial and technical in nature. This DFR's scope was to ensure consistency with the OBBB when BSEE reviews a request for downhole commingling.

As discussed above, this rule does not relieve BSEE of its obligation to carry out the provisions in OCSLA, including provisions that require lessees to safely produce any oil, gas, or both at rates consistent with applicable law and orders to assure the maximum rate of production that may be sustained without loss of ultimate recovery of oil, gas, or both under sound engineering and economic principles. Nor does it relieve the operator's obligation to comply with other requirements in BSEE's regulations for lease operations. BSEE has evaluated the commenter's concerns about public comment and, due to the nature of the updates in this rule to be consistent with the OBBB, BSEE will not withdraw the rule. However, BSEE agrees that a public forum or workshop may improve stakeholder overall understanding of commingling operations and may consider hosting downhole commingling outreach at a later time.

Comment Summary

Another commenter generally supported the alignment with the OBBB and recommended that BSEE ensure that safety standards and environmental protections remain the highest priority in all commingling approvals. The commenter also suggested that clear guidance for industry compliance and transparent public reporting would also strengthen confidence in this rule.

BSEE Response

BSEE agrees with the commenter's concerns. BSEE is committed to maintaining the highest standards of safety and environmental stewardship. As previously discussed, BSEE will continue to review each commingling request on a case-by-case basis to ensure that each operator's proposal maximizes resource recovery while minimizing risks to human safety and the environment. As part of that review process, BSEE will consider how advanced monitoring technologies, such as intelligent completions, which allow for real-time control of each reservoir zone, could enable operators to independently monitor each reservoir's performance, ensuring that higher-pressure zones do not suppress lower-pressure ones, which could cause inefficiency or well damage. And looking ahead, BSEE is working to update its overall downhole commingling guidance to ensure that all stakeholders are involved in the ongoing dialogue regarding best practices. BSEE will consider how this collaborative approach may achieve greater transparency to the public.

II. Procedural Matters

Regulatory Planning and Review (E.O. 12866) and Improving Regulation and Regulatory Review (E.O. 13563)

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this DFR is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866, while calling for improvements in the Nation's regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that agencies must base regulations on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. BSEE developed this DFR in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA, 5 U.S.C. 601–612) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish notice of a proposed rule. See 5 U.S.C. 603(a) and 604(a). The RFA does not apply because the Department is not required to publish a notice of proposed rulemaking for this DFR.

Congressional Review Act

This DFR is not a major rule under the Congressional Review Act, 5 U.S.C. 804(2). Specifically, the DFR: (1) will not have an annual effect on the economy of $100 million or more; (2) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Unfunded Mandates Reform Act of 1995

This DFR would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The rule would not have a significant or unique effect on State, local, or Tribal governments or the private sector. The rule merely revises the offshore commingling regulations to implement requirements in the OBBB. Therefore, a statement containing the information required by Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings Implication Assessment (E.O. 12630)

Under the criteria in E.O. 12630, this DFR does not have significant takings implications. The rule is not a governmental action capable of interference with constitutionally protected property rights. Therefore, a takings implication assessment is not required.

Federalism (E.O. 13132)

Under the criteria in E.O. 13132, this DFR will not have federalism implications. This rule will not substantially and directly affect the relationship between the Federal and State governments. To the extent that State and local governments have a role

in OCS activities, this rule will not affect that role. Therefore, a federalism assessment is not required.

Civil Justice Reform (E.O. 12988)

This DFR complies with the requirements of E.O. 12988. Specifically, this rule:

(1) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(2) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (E.O. 13175)

BSEE strives to strengthen its government-to-government relationships with federally recognized Indian Tribes through a commitment to consultation with the Tribes and recognition of their right to Tribal self-governance and sovereignty. We are also respectful of our responsibilities for consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations and the Native Hawaiian Community. BSEE is committed to compliance with E.O. 13175, ''Consultation and Coordination with Indian Tribal Governments'' (dated November 6, 2000), and DOI's policies and procedures on consultation with Indian Tribes, Alaska Native Claims Settlement Act corporations, and the Native Hawaiian Community (512 Departmental Manual 4, dated November 30, 2022, 512 Departmental Manual 6, dated November 30, 2022, 513 Departmental Manual 1, dated January 16, 2025, 512 Departmental Manual 5, dated November 30, 2022, Departmental Manual 7, dated November 30, 2022, and 513 Departmental Manual 2, dated January 16, 2025, respectively).

BSEE evaluated this DFR under E.O. 13175 and the Department's consultation policies and procedures. BSEE determined that this DFR has no substantial direct effects on federally recognized Indian Tribes, ANCSA corporations, or the Native Hawaiian Community and that consultation under the Department's consultation policies is not required.

Paperwork Reduction Act (PRA) of 1995

This rule does not contain any new information collection requirements. Thus, a submission to OMB under the PRA, 44 U.S.C. 3501 et seq, is not required. BSEE may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. Please reference OMB Control Number 1014–0019 which covers BSEE's Information Collection under 30 CFR part 250; Subpart K, ''Oil and Gas Production Requirements.''

National Environmental Policy Act of 1969 (NEPA)

This DFR does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under NEPA (42 U.S.C. 4321 *et seq.*) is not required because this rule is covered by a categorical exclusion applicable to regulatory functions ''that are of an administrative, financial, legal, technical, or procedural nature.'' 43 CFR 46.210(i). In addition, BSEE determined that this DFR does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

Data Quality Act

In developing this DFR, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554, app. C, sec. 515, 114 Stat. 2763, 2763A–153–154).

Effects on the Nation's Energy Supply (E.O. 13211)

This DFR is not a significant energy action under the definition in E.O. 13211 because the rule is not a significant regulatory action under E.O. 12866, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a statement of energy effects is not required.

Clarity of This Regulation

We are required by E.O. 12866, E.O. 12988, and by the Presidential memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, or the sections where you feel lists or tables would be useful.

List of Subjects in 30 CFR Part 250

Administrative practice and procedure, Continental shelf, Environmental impact statements. Environmental protection, Government contracts, Investigations, Mineral resources, Oil and gas exploration, Penalties, Pipelines, Outer Continental Shelf—mineral resources, Outer Continental Shelf—rights-of-way, Reporting and recordkeeping requirements, Sulphur operations.

Lanny E. Erdos,

Director, Office of Surface Mining, Reclamation, and Enforcement Exercising Authority of the Assistant Secretary, Land and Minerals Management

For the reasons stated in the preamble, the Bureau of Safety and Environmental Enforcement amends 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

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

Authority: 30 U.S.C. 1751, 31 U.S.C. 9701, 33 U.S.C. 1321(j)(1)(C), 43 U.S.C. 1334.

■ 2. Amend § 250.1158 by revising paragraph (a) to read as follows:

§ 250.1158 How do I receive approval to downhole commingle hydrocarbons?

(a) Before you perforate a well, you must request and receive approval from the Regional Supervisor to commingle hydrocarbons produced from multiple reservoirs within a common wellbore. The Regional Supervisor will approve a request of an operator to commingle hydrocarbons unless he or she finds, based on conclusive evidence, that the commingling could not be conducted by the operator in a safe manner or that the commingling would reduce ultimate recovery from the applicable reservoirs. You must also include the service fee listed in § 250.125, according to the instructions in § 250.126, and the supporting information, as listed in the table in § 250.1167, with your request.

* * * * *

[FR Doc. 2026–04135 Filed 2–27–26; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 548

Publication of a Belarus Sanctions Regulations Web General License

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing a general license (GL) issued pursuant to the Belarus Sanctions Regulations: GL 13. This GL was previously made available on OFAC's website.

DATES: GL 13 was issued on December 15, 2025. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On December 15, 2025, OFAC issued GL 13 to authorize certain transactions otherwise prohibited by the Belarus Sanctions Regulations, 31 CFR part 548. GL 13 was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. The text of this GL is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

GENERAL LICENSE NO. 13

Authorizing Transactions Involving Joint Stock Company Belarusian Potash Company, Agrorozkvit LLC, and Belaruskali OAO

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by the Belarus Sanctions Regulations, 31 CFR part 548 (BSR), involving the following entities are authorized:

(1) Joint Stock Company Belarusian Potash Company;

(2) Agrorozkvit LLC;

(3) Belaruskali OAO; or

(4) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(b) This general license does not authorize:

(1) The unblocking of any property blocked pursuant to any part of 31 CFR chapter V; or

(2) Any transactions otherwise prohibited by the BSR, including transactions involving the property or interests in property of any person blocked pursuant to the BSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: December 15, 2025.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Editorial Note: This document was received by the Office of the Federal Register on February 26, 2026.

[FR Doc. 2026–04092 Filed 2–27–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 548

Publication of a Belarus Sanctions Regulations Web General License

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing a general license (GL) issued pursuant to the Belarus Sanctions Regulations: GL 12. This GL was previously made available on OFAC's website.

DATES: GL 12 was issued on November 4, 2025. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On November 4, 2025, OFAC issued GL 12 to authorize certain transactions otherwise prohibited by the Belarus Sanctions Regulations, 31 CFR part 548. GL 12 was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. The text of this GL is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

GENERAL LICENSE NO. 12

Authorizing Transactions Related to Certain Blocked Aircraft

(a) Except as provided in paragraph (c) of this general license, all transactions prohibited by the Belarus Sanctions Regulations, 31 CFR part 548 (BSR), related to the following aircraft are authorized:

(1) aircraft with tail number EW–001PA and serial number 33079;

(2) aircraft with tail number EW–001PB and serial number 33968; or

(3) aircraft with tail number EW–001PH and serial number 31835.

Note to paragraph (a). The authorization in paragraph (a) of this general license includes transactions related to the use of the aircraft by Alyaksandr Lukashenka or Foreign Limited Liability Company Slavkali, persons blocked pursuant to the BSR that have an interest in such aircraft.

(b) Except as provided in paragraph (c) of this general license, the aircraft identified in paragraph (a) of this general license are unblocked.

(c) This general license does not authorize:

(1) The unblocking of any funds that were blocked on or before 12:01 a.m. eastern standard time, November 4, 2025; or

(2) Any transactions otherwise prohibited by the BSR, including transactions involving any person blocked pursuant to the BSR other than those persons and transactions described in the note to paragraph (a) of this general license.

Note to General License No. 12. Nothing in this general license relieves any person from compliance with any other Federal laws or requirements of other Federal agencies, including the International Traffic in Arms Regulations (ITAR) administered by the Department of State and the Export Administration Regulations (EAR) administered by the Department of Commerce.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: November 4, 2025.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Editorial Note: This document was received by the Office of the Federal Register on February 26, 2026.

[FR Doc. 2026–04091 Filed 2–27–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 587

Publication of Russian Harmful Foreign Activities Sanctions Regulations Web General Licenses 124B, 128A, 130, and 131

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing four general licenses (GLs) issued pursuant to the Russian Harmful Foreign Activities Sanctions Regulations: GLs 124B, 128A, 130, and 131, each of which was previously made available on OFAC's website.

DATES: GL 124B was issued on November 14, 2025. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On November 14, 2025, OFAC issued GLs 124B, 128A, 130, and 131 to authorize certain transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587. These GLs were made available on OFAC's website (*https://ofac.treasury.gov*) when they were issued. GLs 128A and 131 are now expired. GL 130 has an expiration date of April 29, 2026. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 124B

Authorizing Petroleum Services and Other Transactions Related to the Caspian Pipeline Consortium, Tengizchevroil, and Karachaganak Projects

(a) Except as provided in paragraph (c) of this general license, all transactions prohibited by the determination of January 10, 2025 made pursuant to section 1(a)(ii) of Executive Order (E.O.) 14071 (''Prohibition on Petroleum Services'') that are related to the operation of the Caspian Pipeline Consortium, Tengizchevroil, or Karachaganak projects are authorized.

(b) Except as provided in paragraph (c) of this general license, all transactions prohibited by E.O. 14024 involving one or more of the following blocked persons that are related to the operation of the Caspian Pipeline Consortium, Tengizchevroil, or Karachaganak projects are authorized:

(1) Rosneft Oil Company;

(2) Public Joint-Stock Company Oil Company Lukoil; or

(3) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(c) This general license does not authorize:

(1) Any transactions for the sale, disposition, or transfer of any interest in the Caspian Pipeline Consortium, Tengizchevroil, or Karachaganak projects; or

(2) Any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR, other than the blocked persons described in paragraph (b), unless separately authorized.

(d) Effective November 14, 2025, General License No. 124A, dated October 22, 2025, is replaced and superseded in its entirety by this General License No. 124B.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: November 14, 2025.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 128A

Authorizing Certain Transactions Involving Lukoil Retail Service Stations Located Outside of Russia

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the purchase of goods and services from, or the maintenance, operation, or wind down of Lukoil retail service stations located outside of the Russian Federation (''Lukoil Retail Service Stations''), are authorized through 12:01 a.m. eastern standard time, December 13, 2025, provided that any payment, directly or indirectly, to a blocked person—other than blocked Lukoil Retail Service Stations—is made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR).

Note to paragraph (a): For the purpose of this general license, the term ''Lukoil Retail Service Stations'' means physical retail service stations located outside the Russian Federation and in existence on or before October 22, 2025 in which (1) Public Joint-Stock Company Oil Company Lukoil (''Lukoil'') has an interest, or (2) any entity in which Lukoil owns, directly or indirectly, a 50 percent or greater interest, has an interest.

(b) Paragraph (a) of this general license does not authorize:

(1) Any transactions prohibited by Directive 2 under E.O. 14024, Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions;

(2) Any transactions prohibited by Directive 4 under E.O. 14024, Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation; or

(3) Any transactions otherwise prohibited by the RuHSR, unless separately authorized.

(c) Effective November 14, 2025, General License No. 128, dated October 22, 2025, is replaced and superseded in its entirety by this General License No. 128A.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: November 14, 2025.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 130

Authorizing Transactions Involving Certain Lukoil Entities in Bulgaria

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 involving the following entities are authorized through 12:01 a.m. eastern daylight time, April 29, 2026:

(1) Lukoil Neftohim Burgas JSC;

(2) Lukoil Bulgaria EOOD;

(3) Lukoil Aviation Bulgaria EOOD;

(4) Lukoil Bulgaria Bunker EOOD; or

(5) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(b) This general license does not authorize any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR, including any other blocked affiliates of Public Joint-Stock Company Oil Company Lukoil, other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: November 14, 2025

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 131

Authorizing Certain Transactions for the Negotiation of and Entry Into Contingent Contracts for the Sale of Lukoil International GmbH and Related Maintenance Activities

(a) Except as provided in paragraph (c) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the negotiation of and entry into contracts with Public Joint-Stock Company Oil Company Lukoil or any of its affiliates for the sale, disposition, or transfer of Lukoil International GmbH (''LIG'') or any entity in which LIG owns, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest (collectively, ''LIG Entities'') are authorized through 12:01 a.m. eastern standard time, December 13, 2025, provided that the performance of any such contract is made expressly contingent upon the receipt of separate authorization from the Office of Foreign Assets Control (''contingent contracts'').

Note to Paragraph (a). For purposes of this general license, the term ''contingent contracts'' includes executory contracts, executory pro forma invoices, agreements in principle, executory offers capable of acceptance such as bids or proposals in response to public tenders, binding memoranda of understanding, or any other similar agreement.

(b) Except as provided in paragraph (c) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the maintenance or wind down of operations, contracts, or other agreements of LIG Entities are authorized through 12:01 a.m. eastern standard time, December 13, 2025, provided that any payment, directly or indirectly, to LIG Entities or any other blocked person is made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR).

(c) This general license does not authorize:

(1) The unblocking of any property blocked pursuant to any part of 31 CFR chapter V; or

(2) Any transactions otherwise prohibited by the RuHSR, including transactions involving any person blocked pursuant to the RuHSR, other than blocked persons described in paragraph (a) of this general license, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: November 14, 2025.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Editorial Note: This document was received by the Office of the Federal Register on February 26, 2026.

[FR Doc. 2026–04090 Filed 2–27–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 587

Publication of Russian Harmful Foreign Activities Sanctions Regulations Web General Licenses 124A, 126, 127, and 128

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing four general licenses (GLs) issued pursuant to the Russian Harmful Foreign Activities Sanctions Regulations: GLs 124A, 126, 127, and 128, each of which was previously made available on OFAC's website.

DATES: GL 124A was issued on October 22, 2025. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On October 22, 2025, OFAC issued GLs 124A, 126, 127, and 128 to authorize certain transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587. These GLs were made available on OFAC's website (*https://ofac.treasury.gov*) when they were issued. GL 124A replaced and superseded GL 124. GLs 126, 127, and 128 are now expired. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 124A

Authorizing Petroleum Services and Other Transactions Related to the Caspian Pipeline Consortium and Tengizchevroil Projects

(a) Except as provided in paragraph (c) of this general license, all

transactions prohibited by the determination of January 10, 2025 made pursuant to section 1(a)(ii) of Executive Order (E.O.) 14071 (''Prohibition on Petroleum Services'') that are related to the Caspian Pipeline Consortium or Tengizchevroil projects are authorized.

(b) Except as provided in paragraph (c) of this general license, all transactions prohibited by E.O. 14024 involving one or more of the following blocked persons that are related to the Caspian Pipeline Consortium or Tengizchevroil projects are authorized:

(1) Rosneft Oil Company;

(2) Public Joint-Stock Company Oil Company Lukoil; or

(3) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(c) This general license does not authorize any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR, other than the blocked persons described in paragraph (b), unless separately authorized.

(d) Effective October 22, 2025, General License No. 124, dated May 15, 2025, is replaced and superseded in its entirety by this General License No. 124A.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: October 22, 2025.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 126

Authorizing the Wind Down of Transactions Involving Rosneft or Lukoil

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the wind down of any transaction involving one or more of the following blocked persons are authorized through 12:01 a.m. eastern standard time, November 21, 2025, provided that any payment to a blocked person is made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR):

(1) Rosneft Oil Company;

(2) Public Joint-Stock Company Oil Company Lukoil; or

(3) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(b) This general license does not authorize:

(1) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions;*

(2) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation;* or

(3) Any transactions otherwise prohibited by the RuHSR, including transactions involving any person blocked pursuant to the RuHSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: October 22, 2025.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 127

Authorizing Certain Transactions Related to Debt or Equity of, or Derivative Contracts Involving, Rosneft or Lukoil

(a) Except as provided in paragraphs (d) and (e) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the divestment or transfer, or the facilitation of the divestment or transfer, of debt or equity issued or guaranteed by the following blocked entities (''Covered Debt or Equity'') to a non-U.S. person are authorized through 12:01 a.m. eastern standard time, November 21, 2025:

(1) Rosneft Oil Company;

(2) Public Joint-Stock Company Oil Company Lukoil; or

(3) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(b) Except as provided in paragraph (e) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to facilitating, clearing, and settling trades of Covered Debt or Equity that were placed prior to 4:00 p.m. eastern daylight time, October 22, 2025 are authorized through 12:01 a.m. eastern standard time, November 21, 2025.

(c) Except as provided in paragraph (e) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the wind down of derivative contracts entered into prior to 4:00 p.m. eastern daylight time, October 22, 2025 that (i) include a blocked person described in paragraph (a) of this general license as a counterparty or (ii) are linked to Covered Debt or Equity are authorized through 12:01 a.m. eastern standard time, November 21, 2025, provided that any payments to a blocked person are made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR).

(d) Paragraph (a) of this general license does not authorize:

(1) U.S. persons to sell, or to facilitate the sale of, Covered Debt or Equity to, directly or indirectly, any person whose property and interests in property are blocked; or

(2) U.S. persons to purchase or invest in, or to facilitate the purchase of or investment in, directly or indirectly, Covered Debt or Equity, other than purchases of or investments in Covered Debt or Equity ordinarily incident and necessary to the divestment or transfer, or the facilitation of the divestment or transfer, of Covered Debt or Equity as described in paragraph (a) of this general license.

(e) This general license does not authorize:

(1) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions;*

(2) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation;* or

(3) Any transactions otherwise prohibited by the RuHSR, including transactions involving any person blocked pursuant to the RuHSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: October 22, 2025.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 128

Authorizing Certain Transactions Involving Lukoil Retail Service Stations Located Outside of Russia

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the purchase of goods and services from, or the maintenance, operation, or wind down of Lukoil retail service stations located outside of the Russian Federation (''Lukoil Retail Service Stations''), are authorized through 12:01 eastern standard time, November 21, 2025, provided that any payment, directly or indirectly, to a blocked person—other than blocked Lukoil Retail Service Stations—is made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR).

Note to paragraph (a): For the purpose of this general license, the term ''Lukoil Retail Service Stations'' means physical retail service stations located outside the Russian Federation and in existence on or before October 22, 2025 in which (1) Public Joint-Stock Company Oil Company Lukoil (''Lukoil'') has an interest, or (2) any entity in which Lukoil owns, directly or indirectly, a 50 percent or greater interest, has an interest.

(b) Paragraphs (a) of this general license does not authorize:

(1) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions;*

(2) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation;* or

(3) Any transactions otherwise prohibited by the RuHSR, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: October 22, 2025.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–04087 Filed 2–27–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 587

Publication of Russian Harmful Foreign Activities Sanctions Regulations and Web General License 131A

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing a general license (GL) issued pursuant to the Russian Harmful Foreign Activities Sanctions Regulations: GL 131A, which was previously made available on OFAC's website.

DATES: GL 131A was issued on December 10, 2025. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On December 10, 2025, OFAC issued GL 131A to authorize certain transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587. This GL was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. GL 131A replaced and superseded GL 131. GL 131A is now expired. The text of this GL is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 131A

Authorizing Certain Transactions for the Negotiation of and Entry Into Contingent Contracts for the Sale of Lukoil International GmbH and Related Maintenance Activities

(a) Except as provided in paragraph (d) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the negotiation of and entry into contracts with Public Joint-Stock Company Oil Company Lukoil or any of its affiliates for the sale, disposition, or transfer of Lukoil International GmbH (''LIG'') or any entity in which LIG owns, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest (collectively, ''LIG Entities'') are authorized through 12:01 a.m. eastern standard time, January 17, 2026, provided that the performance of any such contract is made expressly contingent upon the receipt of separate authorization from the Office of Foreign Assets Control (''contingent contracts'').

Note to Paragraph (a). For purposes of this general license, the term ''contingent contracts'' includes executory contracts, executory pro forma invoices, agreements in principle, executory offers capable of acceptance such as bids or proposals in response to public tenders, binding memoranda of understanding, or any other similar agreement.

(b) Except as provided in paragraph (d) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the maintenance or wind down of operations, contracts, or other agreements of LIG Entities are authorized through 12:01 a.m. eastern standard time, January 17, 2026.

(c) All blocked accounts of LIG Entities may be used, debited, or credited for the transactions authorized in paragraph (b).

(d) This general license does not authorize:

(1) The unblocking of any property blocked pursuant to any part of 31 CFR chapter V, except as authorized in paragraph (c);

(2) Any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR, other than blocked persons described in paragraph (a) of this general license, unless separately authorized; or

(3) The transfer of funds to any person or account located in the Russian Federation.

(e) Effective December 10, 2025, General License No. 131, dated November 14, 2025, is replaced and superseded in its entirety by this General License No. 131A.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: December 10, 2025.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Editorial Note: This document was received by the Office of the Federal Register on February 26, 2026.

[FR Doc. 2026–04085 Filed 2–27–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 587

Publication of Russian Harmful Foreign Activities Sanctions Regulations Web General License 128B

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing a general license (GL) issued pursuant to the Russian Harmful Foreign Activities Sanctions Regulations: GL 128B, which was previously made available on OFAC's website.

DATES: GL 128B was issued on December 4, 2025. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On December 4, 2025, OFAC issued GL 128B to authorize certain transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587. This GL was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. GL 128B, which has an expiration date of April 29, 2026, replaces and supersedes GL 128A. The text of this GL is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 128B

Authorizing Certain Transactions Involving Lukoil Retail Service Stations Located Outside of Russia

(a) Except as provided in paragraph (c) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 involving Lukoil International GmbH (LIG) or any entity in which LIG owns, directly or indirectly, a 50 percent or greater interest, including Lukoil North America LLC and Lukoil Americas Corporation, (collectively, ''LIG Entities'') that are ordinarily incident and necessary to the purchase of goods and services from, or the maintenance, operation, or wind down of, physical retail service stations located outside of the Russian Federation, are authorized through 12:01 a.m. eastern daylight time, April 29, 2026.

(b) All blocked accounts of LIG Entities may be used, debited, or credited for the transactions authorized in paragraph (a).

(c) This general license does not authorize:

(1) Any transactions prohibited by Directive 2 under E.O. 14024, Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions;

(2) Any transactions prohibited by Directive 4 under E.O. 14024, Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation;

(3) Any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR other than the LIG Entities described in paragraph (a) of this general license, unless separately authorized; or

(4) The transfer of funds to any person or account located in the Russian Federation.

(d) Effective December 4, 2025, General License No. 128A, dated November 14, 2025, is replaced and superseded in its entirety by this General License No. 128B.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: December 4, 2025.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–04086 Filed 2–27–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 587

Publication of Russian Harmful Foreign Activities Sanctions Regulations Web General License 131B

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing a general license (GL) issued pursuant to the Russian Harmful Foreign Activities Sanctions Regulations: GL 131B, which was previously made available on OFAC's website.

DATES: GL 131B was issued on January 14, 2026. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On January 14, 2026, OFAC issued GL 131B to authorize certain transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587. This GL was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. GL 131B replaced and superseded GL 131A. GL 131B has an expiration date of February 28, 2026. The text of this GL is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 131B

Authorizing Certain Transactions for the Negotiation of and Entry Into Contingent Contracts for the Sale of Lukoil International GmbH and Related Maintenance Activities

(a) Except as provided in paragraph (d) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the negotiation of and entry into contracts with Public Joint-Stock Company Oil Company Lukoil or any of its affiliates for the sale, disposition, or transfer of Lukoil International GmbH (''LIG'') or any entity in which LIG owns, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest (collectively, ''LIG Entities'') are authorized through 12:01 a.m. eastern standard time, February 28, 2026, provided that the performance of any such contract is made expressly contingent upon the receipt of separate authorization from the Office of Foreign Assets Control (''contingent contracts'').

Note to Paragraph (a). For purposes of this general license, the term ''contingent contracts'' includes executory contracts, executory pro forma invoices, agreements in principle, executory offers capable of acceptance such as bids or proposals in response to public tenders, binding memoranda of understanding, or any other similar agreement.

(b) Except as provided in paragraph (d) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the maintenance or wind down of operations, contracts, or other agreements of LIG Entities are authorized through 12:01 a.m. eastern standard time, February 28, 2026.

(c) All blocked accounts of LIG Entities may be used, debited, or credited for the transactions authorized in paragraph (b).

(d) This general license does not authorize:

(1) The unblocking of any property blocked pursuant to any part of 31 CFR chapter V, except as authorized in paragraph (c);

(2) Any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR, other than blocked persons described in paragraph (a) of this general license, unless separately authorized; or

(3) The transfer of funds to any person or account located in the Russian Federation.

(e) Effective January 14, 2026, General License No. 131A, dated December 10, 2025, is replaced and superseded in its entirety by this General License No. 131B.

Bradley T. Smith,
Director, Office of Foreign Assets Control.

Dated: January 14, 2026.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–04083 Filed 2–27–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 591

Publication of Venezuela Sanctions Regulations Web General License 5T

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing a general license (GL) issued pursuant to the Venezuela Sanctions Regulations: GL 5T, which was previously made available on OFAC's website.

DATES: GL 5T was issued on December 19, 2025. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On December 19, 2025, OFAC issued GL 5T to authorize certain transactions otherwise prohibited by the Venezuela Sanctions Regulations (VSR), 31 CFR part 591. GL 5T replaced and superseded GL 5S, which was issued on June 20, 2025. This GL was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. The text of this GL is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Venezuela Sanctions Regulations

31 CFR Part 591

GENERAL LICENSE NO. 5T

Authorizing Certain Transactions Related to the Petróleos de Venezuela, S.A. 2020 8.5 Percent Bond on or After February 3, 2026

(a) Except as provided in paragraph (b) of this general license, on or after February 3, 2026, all transactions related to, the provision of financing for, and other dealings in the Petróleos de Venezuela, S.A. 2020 8.5 Percent Bond that would be prohibited by subsection l(a)(iii) of Executive Order (E.O.) 13835 of May 21, 2018, as amended by E.O. 13857 of January 25, 2019, and incorporated into the Venezuela Sanctions Regulations, 31 CFR part 591 (the VSR), are authorized.

(b) This general license does not authorize any transactions or activities otherwise prohibited by the VSR, or any other part of 31 CFR chapter V.

(c) Effective December 19, 2025, General License No. 5S, dated June 20, 2025, is replaced and superseded in its entirety by this General License No. 5T.

Bradley T. Smith,
Director, Office of Foreign Assets Control.

Dated: December 19, 2025.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–04093 Filed 2–27–26; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 1090

[EPA–HQ–OAR–2025–2039; FRL 13037–01–OAR]

Removal of the Federal Reformulated Gasoline Program From the Kentucky Portion of the Louisville Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of final action on petition.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing the approval of the petition by the Commonwealth of Kentucky (''Kentucky'' or ''the Commonwealth'') to opt out of the reformulated gasoline (RFG) program and remove the requirement to sell RFG in Jefferson County and parts of Bullitt and Oldham Counties (the ''Kentucky portion of the Louisville Area''), which are part of the

Louisville Moderate nonattainment area for the 2015 ozone National Ambient Air Quality Standard (NAAQS) and the maintenance area for the 1997 ozone NAAQS. Specifically, by letter dated February 26, 2026, to the Governor of Kentucky, the EPA has approved the Commonwealth's petition and set an effective date for the opt-out from the RFG program as May 27, 2026. The EPA has determined that this removal of the RFG program for the Kentucky portion of the Louisville Area is consistent with the applicable provisions of the Clean Air Act (CAA) and the EPA's regulations.

DATES: The effective date for removal of the Kentucky portion of the Louisville Area from the RFG program is May 27, 2026. Any petition for review shall be filed in the appropriate United States Court of Appeals no later than May 1, 2026.

FOR FURTHER INFORMATION CONTACT: For information about this action, contact Jeremy O'Kelly, Office of State Air Partnerships, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 250–8884; email address: *okelly.jeremy@epa.gov* or Sarah Andrews, Office of State Air Partnerships, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4607; email address: *andrews.sarah@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket. The EPA has established a docket for this action under Docket ID No EPA–HQ–OAR–2025–2039. All documents in the docket are listed at *https://www.regulations.gov.* Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only as PDF versions that can only be accessed on EPA computers in the docket office reading room. Certain databases and physical items cannot be downloaded from the docket but may be requested by contacting the docket office at (202) 566–1744. The docket office has up to 10 business days to respond to these requests. With the exception of such material, publicly available docket materials are available electronically at *https://www.regulations.gov.*

Preamble acronyms and abbreviations. Throughout this preamble the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act
MOVES5 MOtor Vehicle Emission Simulator
NAAQS National ambient air quality standard
NO_X Nitrogen oxides
PPM Parts per million
SIP State implementation plan
tpsd Tons per summer day
RFG Reformulated gasoline
VOCs Volatile organic compounds

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I. General Information

A. Does this action apply to me?

Entities potentially affected by this final action are fuel producers and distributors who do business in the Louisville Area.

TABLE 1—EXAMPLES OF POTENTIALLY REGULATED ENTITIES

Examples of potentially regulated entities	NAICS [1] codes
Petroleum refineries	324110 424710
Gasoline Marketers and Distributors	424720
Gasoline Retail Stations	457110
Gasoline Transporters	484220 484230

The above table is not intended to be exhaustive but rather provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities of which the EPA is aware that potentially could be affected by this final action. Other types of entities not listed on the table could also be affected by this final action. To determine whether your organization could be affected by this final action, you should carefully examine the regulations in 40 CFR 1090.285—RFG covered areas. If you have questions regarding the applicability of this action to a particular entity, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

[1] North American Industry Classification System.

B. What is the EPA's authority for taking this action?

The statutory authority for this action is granted to the EPA by CAA sections 211(c), 211(k), and 301(a), as amended; 42 U.S.C. 7545(c) and (k) and 7601(a).

II. The EPA's Approval of Kentucky's RFG Opt-Out Request

The EPA is announcing the approval of Kentucky's request to opt the Commonwealth out of the RFG program applicable to gasoline introduced into commerce from June 1 to September 15 of each year for the Kentucky portion of the Louisville Area. Specifically, the EPA is announcing that the effective date for the opt-out is May 27, 2026, consistent with the EPA Administrator's February 26, 2026, letter to the Governor of Kentucky and which aligns with the transition period for the start of the high ozone season or summer season. The EPA defines ''high ozone season'' or ''summer season'' as ''the period from June 1 through September 15 for retailers and wholesale purchaser consumers, and May 1 through September 15 for all other persons, or an RVP control period specified in a State implementation plan if it is longer.'' [2] As discussed in section III of this document, for areas not requiring a State Implementation Plan (SIP) revision, the opt-out cannot be effective less than 90 days from the EPA's written notification to the State approving the RFG opt-out request.

This approval is based on Kentucky's February 28, 2025, and August 4, 2025, submissions to the EPA providing the information required by 40 CFR 1090.290(d) to opt out of the RFG program. Additional information regarding background and Kentucky's petition and documentation can be found in sections III and IV of this notice, respectively. This action does not revise the list of areas subject to the Federal RFG program in 40 CFR 1090.285; the EPA will complete this revision as a ministerial rule in a separate future action.[3]

III. Background

A. What is the RFG program?

The 1990 CAA Amendments established specific requirements for the

[2] 40 CFR 1090.80.

[3] The EPA will also update the current listing of the RFG covered areas upon issuance of this notice on the EPA's website at: *https://www.epa.gov/gasoline-standards/reformulated-gasoline.*

RFG program to reduce ozone levels in certain areas in the country experiencing ground-level ozone or smog problems by reducing vehicle emissions of compounds that form ozone, specifically volatile organic compounds (VOCs). CAA section 211(k)(5) directed the EPA to issue regulations that specify how gasoline can be ''reformulated'' so as to result in significant reductions in vehicle emissions of ozone-forming and toxic air pollutants relative to the 1990 baseline fuel and to require the use of such RFG in certain ''covered areas.'' The CAA defines certain nonattainment areas as ''covered areas'' which are required to use RFG and provides other areas with an ability to opt in to the RFG program. CAA section 211(k)(6) provides an opportunity for an area classified as a Marginal, Moderate, Serious, or Severe ozone nonattainment area, or an area which is in the ozone transport region established by CAA section 184(a), to opt into the RFG program upon application by the Governor of the State (or his authorized representative) and subsequent action by the EPA.

RFG opt-in areas are subject to the prohibition in CAA section 211(k)(5) on the sale or dispensing by any person of conventional (non-RFG) gasoline to ultimate consumers in the covered area. The prohibition also includes the sale or dispensing by any refiner, blender, importer, or marketer of conventional gasoline for resale in any covered areas, without segregating the conventional gasoline from RFG and clearly marking conventional gasoline as not for sale to ultimate consumers in a covered area. The EPA first published regulations for the RFG program on February 16, 1994.[4] A current listing of the RFG covered areas and a summary of RFG requirements can be found on the EPA's website at *https://www.epa.gov/gasoline-standards/reformulated-gasoline.*

B. Kentucky Portion of the Louisville Nonattainment Area

Jefferson County and portions of Bullitt and Oldham Counties in Kentucky along with Clark and Floyd Counties in Indiana were designated as a bi-state Moderate nonattainment area for the 1-hour ozone standard (the ''bi-state 1-hour ozone Louisville, KY-IN Area'').[5] In 1993, Kentucky voluntarily petitioned to opt into the RFG program under Phase I of a two-phase nationwide program.[6] Kentucky elected to stay in the program under Phase II, which was more stringent than Phase I. After establishing the 1-hour ozone NAAQS, the EPA revised the form of the standard to 8 hours and promulgated other ozone NAAQS and designated the Kentucky portion of the Louisville Area in accordance with the air quality in the Louisville Area at the time of the designations.[7]

On October 1, 2015, the EPA revised the 8-hour ozone NAAQS from 0.075 parts per million (ppm) to 0.070 ppm (the ''2015 8-hour ozone NAAQS''), effective December 28, 2015.[8] Bullitt, Jefferson, and Oldham Counties in Kentucky and Clark and Floyd Counties in Indiana were designated as Marginal nonattainment for the 2015 8-hour ozone NAAQS on June 4, 2018.[9] Areas that were designated as Marginal ozone nonattainment areas were required to attain the 2015 8-hour ozone NAAQS no later than August 3, 2021, based on 2018–2020 monitoring data. The Kentucky portion of the Louisville Area was reclassified by operation of law from Marginal to Moderate nonattainment on October 7, 2022, following the EPA's finding of failure to attain by the Marginal area attainment date.[10] Since the area is currently classified as a Moderate nonattainment area, the area may opt out of RFG using the opt-out procedures in 40 CFR 1090.290(d). The EPA intends to address the associated maintenance plan separately from this action.[11]

C. RFG Opt-Out Procedures

The RFG regulations at 40 CFR 1090.290 provide the process and criteria for a reasonable transition out of the RFG program if a State decides to opt out and meets the relevant criteria.[12] These opt-out regulations provide that the Governor of the State must submit a petition to the Administrator requesting to opt out of the RFG program. The petition must include specific information on how, if at all, the State has relied on RFG in a submitted or approved SIP or plan revision and, if RFG is relied upon, how the SIP will be revised to reflect the State's opt-out from RFG. If the State is not withdrawing any submitted SIP that has not yet been approved and does not intend to submit a revision to any approved SIP or any submitted SIP that has not yet been approved, the State must describe why no revision is necessary.[13] The opt-out regulations provide that the EPA will notify the State in writing of the Agency's action on the petition and the date the opt out becomes effective (*i.e.,* the date RFG is no longer required in the affected area) if the petition is approved. The opt-out regulations also provide that the EPA will publish a **Federal Register** document announcing the approval of any opt-out petition and the effective date of such opt out. If a SIP revision is not required, the effective date of the EPA's approval of the opt out can be no less than 90 days from the Agency's written notification to the State approving the RFG opt-out request.[14]

The EPA determined in the RFG Opt-out Rule that it would not be necessary to conduct a separate rulemaking for each future opt-out request.[15] The EPA established a petition process to address, on a case-by-case basis, future individual State requests to opt out of the RFG program. As the EPA stated in the preamble to the RFG Opt-out Rule, this application of regulatory criteria on a case-by-case basis to individual opt-out requests does not require notice-and-comment rulemaking, either under CAA section 307(d) or the Administrative Procedure Act.[16] The EPA has also long acknowledged the role of States in air quality planning. For example, the preamble to the RFG Opt-out Rule explained that the opt-out procedures would ''maintain[s] the flexibility that States have in air quality planning by honoring their right to opt out and substitute alternative control measures where the State considers appropriate.'' [17] Thus, in this action, the

[4] 59 FR 7716 (Feb. 16, 1994).

[5] On Oct. 23, 2001, the bi-state 1-hour ozone Louisville, KY-IN Area was redesignated as attainment for the 1-hour ozone NAAQS. *See* 66 FR 53665. *See also* 56 FR 56694 (Nov. 6, 1991).

[6] The EPA approved the petition with an effective date of Jan. 1, 1995. 59 FR 38453 (July 28, 1994).

[7] The EPA promulgated a revised 8-hour ozone standard of 0.08 ppm on July 18, 1997. On July 5, 2007, the EPA designated Bullitt, Jefferson, and Oldham Counties as unclassifiable/attainment for the 1997 8-hour ozone NAAQS. *See* 72 FR 36601. Additionally, on Mar. 12, 2008, the EPA revised both the primary and secondary NAAQS for 8-hour ozone to a level of 0.075 ppm. *See* 73 FR 16436. Bullitt, Jefferson, and Oldham Counties were designated as attainment/unclassifiable for the 2008 8-hour ozone NAAQS. *See* 77 FR 30088 (May 21, 2012).

[8] 80 FR 65292 (Oct. 26, 2015).

[9] 83 FR 25776 (Jun. 4, 2018).

[10] 87 FR 60897 (Oct. 7, 2022) and 40 CFR 81.318.

[11] Kentucky also submitted a second maintenance plan for the revoked 1997 ozone standard for the Kentucky portion of the Louisville Area to the EPA.

[12] Pursuant to authority under CAA sections 211(c) and (k) and 301(a), the EPA promulgated regulations at 40 CFR 1090.290 to provide criteria and general procedures for States to opt out of the RFG program if the State had previously voluntarily opted into the program. The regulations were initially adopted as 40 CFR 80.72 on July 8, 1996 (61 FR 35673) (the ''RFG Opt-out Rule''), were revised on Oct. 20, 1997 (62 FR 54552), and were subsequently revised as 40 CFR 1090.290 on Dec. 4, 2020 (85 FR 78412).

[13] 40 CFR 1090.290(d)(1)(iii).

[14] 40 CFR 1090.290(d)(2)(i).

[15] 61 FR 35673 (July 8, 1996).

[16] *Id.*

[17] *Id.*

EPA is applying criteria and following procedures specified in its RFG opt-out regulations to approve the Commonwealth's petition. The EPA is using this notification to provide sufficient notice of Kentucky's opt out of RFG ahead of the start of the 2026 summer fuel season.

D. Kentucky's RFG Opt-Out Request

On February 28, 2025, the Commonwealth submitted a petition to the EPA Administrator requesting to opt out from the RFG program for the Kentucky portion of the Louisville Area, including the information required by the opt-out procedure in 40 CFR 1090.290(d)(1). The purpose of the information required in the petition is to provide the EPA the assurance that the Commonwealth has provided information required by applicable statutory and regulatory requirements associated with the opt-out.[18] Kentucky submitted supplemental information, including a noninterference demonstration, on August 4, 2025, to support the Commonwealth's opt-out petition titled ''40 CFR 1090.290 RFG Opt-Out Request for the Counties of Bullitt, Jefferson, and Oldham'' (the ''August 2025 Submission'').[19] *See* section IV of this notice for additional information on the August 2025 Submission and how it supports the Commonwealth's petition.

IV. Kentucky's August 2025 Submission

As noted above, the Commonwealth submitted supplemental information, including a noninterference demonstration, on August 4, 2025, to support its opt-out petition. This noninterference demonstration evaluates the impact that removing RFG from the Kentucky portion of the Louisville Area would have on the Area's ability to attain or maintain the ozone NAAQS and any other NAAQS.[20]

A. Ozone NAAQS

Kentucky modeled the anticipated impacts on VOC and nitrogen oxides (NO_X) emissions from onroad mobile sources in the Kentucky portion of the Louisville Area from the removal of the Federal RFG requirements.[21] Onroad mobile sources include vehicles used on roads for transportation of passengers or freight. Specifically, Kentucky's noninterference analysis utilized the EPA's latest mobile source emissions model, MOtor Vehicle Emission Simulator (MOVES5), to estimate emissions for years 2025, 2026, 2030, and 2035 for onroad mobile sources. Given the timing of Kentucky's request and submittal, it is anticipated that the earliest year that the RFG requirements could be removed is 2026, making that a particularly relevant year for this demonstration.[22] VOC and NO_X emissions were calculated for a typical summer July day to represent the peak ozone season.

The MOVES5 projections demonstrate that without RFG, daily ozone season onroad NO_X emissions are projected to increase by 0.06 tons in 2026 and 0.01 tons in 2035. Without RFG, daily onroad mobile VOC emissions are projected to increase by 0.20 tons in 2026 and 0.14 tons in 2035 during the high ozone season. The modeling shows an overall downward trend in onroad emissions despite removing RFG from the Kentucky portion of the Louisville Area. From 2025 to 2035 without RFG, daily NO_X emissions are projected to decrease by 57.1 percent, and daily VOC emissions are projected to decrease by 36.8 percent.

In the August 2025 Submission, Kentucky provided emissions inventories for VOC and NO_X for the following general source categories: point (electric generating units and non-electric generating units and aircraft emissions), nonpoint, nonroad mobile, and onroad mobile.[23] The point, nonpoint, and nonroad projected emissions inventories were developed using the EPA's 2022v1 Emissions Modeling Platform [24] and account for projected growth rates in population, traffic, economic activity, and other parameters. Kentucky determined there were no changes in VOC and NO_X emissions from the point, nonpoint, and nonroad categories that would be impacted by the RFG removal in the Kentucky portion of the Louisville Area.

Kentucky's nonroad projections for VOC emissions utilized the EPA's 2022v1 Emissions Modeling Platform and did not account for emissions increases due to the increased Reid vapor pressure of conventional gasoline. The EPA estimated the anticipated impacts on VOC emissions from nonroad mobile sources in Bullitt, Jefferson, and Oldham Counties from removal of the RFG requirements using MOVES5. Only VOC emissions changes are discussed since NO_X emissions from the nonroad sector did not change significantly as a result of the removal of RFG. The EPA's estimated VOC emissions changes from nonroad sources are summarized in Table 2 in tons per summer day (tpsd).

TABLE 2—2026–2035 ESTIMATED NONROAD VOC EMISSIONS CHANGES FOR THE KENTUCKY PORTION OF THE LOUISVILLE AREA FROM THE REMOVAL OF RFG

[tpsd]

County	2026	2030	2035
Jefferson	0.26	0.26	0.27
Bullitt	0.02	0.02	0.03
Oldham	0.02	0.03	0.03
Entire Area	0.30	0.31	0.33

The EPA notes that, even with the changes in VOC and NO_X emissions from onroad and nonroad sources due to removal of RFG, total emissions from all sectors in the nonattainment area will decrease over time. Tables 3 and 4 show

[18] *Id.*

[19] ''40 CFR 1090.290 RFG Opt-out Request for the Kentucky Counties of Bullitt, Jefferson, and Oldham.'' (Aug. 4, 2025). Prepared jointly by the Kentucky Energy and Environment Cabinet Division for Air Quality and the Louisville Metro Pollution Control District.

[20] As described later in this section, the EPA supplemented the noninterference demonstration with additional modeling to assess the impact of RFG removal on nonroad mobile source emissions. Nonroad mobile sources include vehicles, engines, and equipment used for construction, agriculture, recreation, and other purposes that do not use roadways (*e.g.,* lawn mowers and construction equipment).

[21] *See* Tables 1 and 2 and pg. 10 of the August 2025 Submission.

[22] *See* Appendix E of the August 2025 Submission for the detailed modeling protocol.

[23] *See* Tables 3–6 on pages 13–14 of Kentucky's August 2025 Submission.

[24] The EPA's 2022v1 Emissions Modeling Platform: *https://gaftp.epa.gov/Air/emismod/2022/v1/.*

VOC and NO_X emissions, respectively, in 2025 with RFG, and in 2026 and 2035 with and without RFG for the entire Kentucky portion of the Louisville Area, including onroad and nonroad estimates calculated using MOVES5.[25]

TABLE 3—VOC EMISSIONS WITH AND WITHOUT RFG FOR THE KENTUCKY PORTION OF THE LOUISVILLE AREA

[tpsd]

	2025	2026	2035
With RFG	75.14	73.96	71.31
Without RFG	N/A	74.46	71.78

TABLE 4—NO_X EMISSIONS WITH AND WITHOUT RFG FOR THE KENTUCKY PORTION OF THE LOUISVILLE AREA

[tpsd]

	2025	2026	2035
With RFG	49.63	47.47	35.67
Without RFG	N/A	47.53	35.68

Kentucky's noninterference demonstration included an analysis of the ozone sensitivity in the area. Kentucky cited studies that found the Kentucky portion of the Louisville Area to be NO_X-limited, meaning that reductions of NO_X emissions are more effective at reducing ozone concentrations.[26] Therefore, increases in VOC emissions are not expected to have a significant impact on ozone concentrations in the area.[27]

B. Other NAAQS

Kentucky described how the removal of RFG will not have a significant impact on continued attainment of the other NAAQS, including for sulfur dioxide, particulate matter, lead, nitrogen dioxide, and carbon monoxide.[28] The Kentucky portion of the Louisville Area is currently designated attainment/unclassifiable for these NAAQS. As mentioned previously, the RFG program was developed to address emissions of the ozone precursors, VOC and NO_X. As a result, the Commonwealth provided the required documentation to show that removing the RFG requirements in Bullitt, Jefferson, and Oldham Counties will not interfere with Kentucky's ability to continue attaining these NAAQS.

V. Conclusion

By letter dated February 26, 2026, to the Governor of Kentucky, the EPA has approved the Commonwealth's petition and set an effective date for the opt out from the RFG program as May 27, 2026.[29] This opt out effective date applies to retailers, wholesale purchasers, consumers, refiners, importers, and distributors.

As provided by the RFG regulations in 40 CFR 1090.290(e), the EPA will publish a final rule at a later date to remove the three counties in the Kentucky portion of the Louisville Area from the list of RFG covered areas in 40 CFR 1090.285(d) after the effective date of the opt out. The EPA expects that completing this ministerial exercise to revise the list of covered areas in the Code of Federal Regulations after the effective date of the opt out allows the opt out to become effective within the timeframe described in 40 CFR 1090.290(d) and allows the EPA to keep the lists of RFG covered areas in 40 CFR 1090.285 up to date.

Aaron Szabo,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2026–04127 Filed 2–27–26; 8:45 am]

BILLING CODE 6560–50–P

[25] The values in Tables 3 and 4 include values from Kentucky's submission for onroad, point, and nonpoint sources (*See* Tables 3–6 on pages 13–14 of Kentucky's August 2025 Submission) and the EPA's estimates of nonroad emissions from Table 2 above.

[26] *See* pages 7–8 of Kentucky's August 2025 Submission.

[27] Kentucky discusses additional expected reductions due to changes at the Mill Creek Generating Station. *See* the August 2025 Submission at pages 8–10.

[28] *See* page 18 of Kentucky's Aug. 2025 Submission.

[29] 40 CFR 1090.290(d)(2)(i).

Proposed Rules

Federal Register
Vol. 91, No. 40
Monday, March 2, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–0901; Airspace Docket No. 26–AEA–1]

RIN 2120–AA66

Amendment of Class E5 Airspace Over Honesdale, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E5 airspace at Honesdale, PA. The portion of the Class E5 airspace associated with the Honesdale Sports Complex Heliport is being removed due to the heliport being abandoned and associated instrument approach procedures being canceled.

DATES: Comments must be received on or before April 16, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–0901 and Airspace Docket No. 26–AEA–1 using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instructions for sending your comments electronically.

* *Mail:* Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: David Blankenship, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5610.

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 E5 airspace in Honesdale, PA.

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 E5 airspace designations are published in paragraph 6005 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 Class E5 airspace at Honesdale, PA. The portion of the Honesdale, PA, Class E5 airspace associated with the Honesdale Sports Complex Heliport will be removed. The heliport was reported abandoned in the National Flight Data Digest (NFDD) on January 7, 2026 (NFDD 2026–004), and the associated instrument approach procedures have been canceled. Controlled airspace is necessary for the safety and management of IFR operations in the area for existing instrument approach procedures. As no instrument approach procedures continue to exist for this heliport, the associated controlled airspace is no longer needed.

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 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AEA PA E5 Honesdale, PA [Amended]

Cherry Ridge Airport, PA
(Lat. 41°30′56″ N, long. 75°15′06″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Cherry Ridge Airport.

* * * * *

Issued in College Park, Georgia, on February 25, 2026.

Patrick Young,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2026–04029 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–5139; Airspace Docket No. 24–ANM–123]

RIN 2120–AA66

Establishment of Class D and Modification of Class E Airspace; Bend Municipal Airport, Bend, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish a Class D airspace area, modify the Class E airspace area designated as a surface area, modify the Class E airspace area designated as an extension to a Class D or Class E surface area, modify the Class E airspace area extending upward from 700 feet above the surface, and remove the Class E airspace area extending upward from 1,200 feet above the surface at Bend Municipal Airport, Bend, OR, to support the construction of an airport traffic control tower at the airport. Additionally, this action proposes to make administrative amendments that would update the airport's legal descriptions. These actions would support the safety and management of visual flight rules (VFR) and instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before April 16, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–5139 and Airspace Docket No. 24–ANM–123 using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instructions for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.*

FOR FURTHER INFORMATION CONTACT: Bryantjay T. Toves, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3465.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the

agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish a Class D airspace and modify Class E airspace to support VFR and IFR operations at Bend Municipal Airport, Bend, OR.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Incorporation by Reference

Class D, E2, E4, and E5 airspace designations are published in paragraphs 5000, 6002, 6004, and 6005, respectively, 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 amendments 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

The FAA is proposing an amendment to 14 CFR part 71 that would establish a Class D airspace area designated for an airport, modify the Class E airspace designated as a surface area, modify the Class E airspace area designated as an extension to a Class D or Class E surface area, modify the Class E airspace area extending upward from 700 feet above the surface, and remove the Class E airspace extending upward from 1,200 feet above the surface at Bend Municipal Airport, Bend, OR.

A Class D airspace area would be established at Bend Municipal Airport to support the construction of an airport traffic control tower. The Class D airspace surface area would extend up to and including 6,000 feet mean sea level (2,500 feet above ground level) and be coincident with the Class E airspace area designated as a surface area as proposed below, as similar criteria and justification exists for both areas as proposed.

Bend Municipal Airport's Class E surface area would be expanded to a 4.3-mile radius to better contain the circling areas of aircraft executing the Area Navigation (RNAV) (Global Positioning System [GPS]) Y Runway (RWY) 16, RNAV (GPS) Z RWY 16, RNAV (GPS) RWY 34, and Very High Frequency Omnidirectional Range (VOR) RWY 16 instrument approach procedures (IAP). The southern portion of the Class E surface airspace area would be extended to a 5.6-mile radius to provide further containment of aircraft executing the BEND TWO DEPARTURE (OBSTACLE) procedure from RWY 16 until reaching the base of the next adjacent airspace. Additionally, the Class E surface airspace area would be extended to 5 miles north of the airport to better contain the circling area of aircraft executing the RNAV (GPS) Y RWY 16, RNAV (GPS) Z RWY 16, RNAV (GPS) RWY 34, and the VOR RWY 16 IAPs. Moreover, a northern extension would also adjoin the proposed Class D and Class E surface airspace areas with the Roberts Field Airport designated Class D and E surface areas to create a shared boundary between the airports' surface areas. The area excluded around Pilot Butte Airport, OR, should be reduced by 0.1 miles to provide additional lateral surface area airspace at Bend Municipal Airport to better contain aircraft conducting circling procedures.

The Class E airspace area designated as an extension to a Class D or Class E surface area would be extended approximately 1.8 miles to better contain arriving IFR operations below 1,000 feet above the surface when executing the RNAV (GPS) RWY 34 approach procedure.

To better contain arriving IFR operations when below 1,500 feet above the surface aircraft at Bend Municipal Airport, the eastern portion of the Class E airspace area extending upward from 700 feet above the surface would be reduced by approximately 2.3 miles; the northeastern-most boundary would be extended approximately two miles for aircraft executing the RNAV (GPS) Y RWY 16 approach. Additionally, the southern boundary would be extended approximately 0.6 miles to better contain arriving IFR operations below 1,500 feet above the surface when executing the RNAV (GPS) RWY 34 approach as well as to provide additional containment for aircraft executing the BEND TWO DEPARTURE (OBSTACLE) procedure for RWY 34 until reaching 1,200 feet above the surface.

Finally, the FAA proposes an administrative modification to the airport's legal description. Pilot Butte Airport would be referenced within the Bend Class E surface area airspace legal description and any reference to a ''point in space'' within the geographic coordinates located on the text header in the legal descriptions.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures,'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ANM OR D Bend, OR [New]

Bend Municipal Airport, OR
(Lat. 44°05′40″ N, long. 121°12′01″ W)
Pilot Butte Airport, OR
(Lat. 44°02′50″ N, long. 121°16′32″ W)
Roberts Field Airport, OR
(Lat. 44°15′15″ N, long. 121°08′60″ W)

That airspace extending upward from the surface to and including 6,000 feet MSL within a 4.3-mile radius of Bend Municipal Airport, within 3.4 miles east and 3.6 miles west of the Bend Municipal Airport's 017° bearing extending to 5 miles north, and within 1.3 miles either side of the Bend Municipal Airport's 184° bearing extending to 5.6 miles south, excluding the Roberts Field Airport Class D airspace and that airspace within a 0.9-mile radius of Pilot Butte Airport. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

ANM OR E2 Bend, OR [Amended]

Bend Municipal Airport, OR
(Lat. 44°05′40″ N, long. 121°12′01″ W)
Pilot Butte Airport, OR
(Lat. 44°02′50″ N, long. 121°16′32″ W)
Roberts Field Airport, OR
(Lat. 44°15′15″ N, long. 121°08′60″ W)

That airspace extending upward from the surface to and including 6,000 feet MSL within a 4.3-mile radius of Bend Municipal Airport, within 3.4 miles east and 3.6 miles west of the Bend Municipal Airport's 017° bearing extending to 5 miles north, and within 1.3 miles on either side of the Bend Municipal Airport's 184° bearing extending to 5.6 miles south, excluding the Roberts Field Airport Class D airspace and that airspace within a 0.9-mile radius of Pilot Butte Airport. This Class E airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6004 Class E Airspace Areas Designated as an Extension to Class D or Class E Surface Area.

ANM OR E4 Bend, OR [Amended]

Bend Municipal Airport, OR
(Lat. 44°05′40″ N, long. 121°12′01″ W)

That airspace extending upward from the surface within 1.1 miles either side of the airport's 167° bearing extending from its 4.3-mile radius to 8.6 miles south.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM OR E5 Bend, OR [Amended]

Bend Municipal Airport, OR
(Lat. 44°05′40″ N, long. 121°12′01″ W)

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at the airport's 357° bearing at 11 miles, thence to the airport's 041° bearing at 6.5 miles, to the airport's 157° bearing at 9.5 miles, to the airport's 173° bearing at 9.5 miles, to the airport's 238° bearing at 6.5 miles, to the airport's 311° bearing at 9.3 miles, thence to the point of beginning.

* * * * *

Issued in Des Moines, Washington, on February 22, 2026.

B.G. Chew,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2026–04098 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5, 960, 982, and 983

[Docket No. FR–6520–P–01]

RIN 2501–AE15

Establishing Flexibility for Implementation of Work Requirements and Term Limits

AGENCY: Office of the Secretary, U.S. Department of Housing and Urban Development (HUD).

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend HUD regulations to provide Public Housing Agencies (PHAs) and certain Multifamily Housing Owners (Owners) with the option to implement work requirements for work-eligible adults and term limits for non-elderly, non-disabled families residing in public housing or receiving assistance through Housing Choice Vouchers (HCV), Project-Based Vouchers (PBV), or Project-Based Rental Assistance (PBRA). This proposed rule is necessary to further the statutory goals of the public housing, HCV, PBV, and PBRA programs to provide maximum local flexibility for PHAs, promote self-sufficiency for residents, promote economically mixed housing in the PBRA program, and address the affordable housing shortage.

DATES: *Comment due date:* May 1, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule. There are two methods for submitting public comments. All submissions must refer to the above docket number and title. To receive consideration as public comments, comments must be submitted through one of the two methods specified below.

1. *Electronic Submission of Comments.* Interested persons may submit comments electronically through

the Federal eRulemaking Portal at *www.regulations.gov.*

2. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, U.S. Department of Housing and Urban-Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

FOR FURTHER INFORMATION CONTACT:

Public Housing and Voucher programs: Todd Thomas, Acting Deputy Assistant Secretary for Public Housing and Voucher Programs, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20011; telephone number 202–731–1442 (this is not a toll-free number).

Multifamily Housing programs: Jennifer Larson, Director, Office of Multifamily Asset Management and Portfolio Oversight, Office of Multifamily Housing Programs, Department of Housing and Urban Development, 451 7th Street SW, Room 6162, Washington, DC 20410; telephone number (202) 402–7769 (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 from individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION:

I. Background

The United States Housing Act of 1937 (Pub. L. 75–412, 50 Stat. 588, 42 U.S.C. 1437 *et seq.*) (the 1937 Act) authorizes housing assistance to aid lower-income families in affording decent, safe, and sanitary housing through public housing, the Housing Choice Voucher (HCV) program, the Project-Based Voucher (PBV) program, and the Project-Based Rental Assistance (PBRA) program. The public housing, HCV, PBV, and PBRA programs are the Federal government's major efforts for assisting low-income, very low-income, and extremely low-income families to afford decent, safe, and sanitary housing.

A. Public Housing Program

Families in public housing lease a unit owned by a public housing agency (PHA) and generally pay rent based on their income. There are approximately 793,000 households living in public housing units managed by 2,700 PHAs. HUD administers Federal aid to local PHAs to manage public housing properties for low-income residents at rents they can afford. Under the terms of their contracts with HUD, PHAs agree to manage their properties subject to Federal program rules, and in return, HUD supplements the rents paid to PHAs with Federal funding to support the ongoing operation, maintenance, and modernization of public housing properties. HUD furnishes oversight and technical assistance in planning, developing, and managing these developments.

B. The HCV and PBV Programs

More than 2.3 million families use HCVs to rent housing from landlords on the private market. In the HCV program, PHAs pay a housing subsidy directly to the landlord on behalf of a participating family and the family pays the difference between the actual rent charged by the landlord and the amount subsidized by the program. HCV participants choose where to use a voucher, but they must live in housing units that meet the requirements of the program as determined by the PHA.

Section 545 of the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105–276, 112 Stat. 2596, approved October 21, 1998) authorized the Project-Based Voucher (PBV) program.[1] As currently structured, PHAs may use up to twenty percent of their authorized HCV units towards project-based vouchers, with exceptions to the cap. 42 U.S.C. 1437f(o)(13)(B). In the PBV program, PHAs enter into long-term contracts with property owners for specific units, either existing units or units that will be rehabilitated or newly constructed in accordance with applicable requirements. Unlike tenant-based HCV assistance, PBV assistance is linked to a specific unit, rather than to an individual household. This means that if a household moves out of a PBV unit, the assistance does not go with them. However, families have certain rights to move with continued HCV assistance. More than 300,000 units are leased through the PBV program.

C. Project-Based Rental Assistance Program

Approximately 1.3 million units are assisted under the Project-Based Rental Assistance (PBRA) program. First authorized in the Housing and Community Development Act of 1974 (title II of Pub. L. 81–248, 88 Stat. 633, approved August 22, 1974), the program built upon decades of experimentation with federal programs that leveraged the participation of private-sector owners in delivering affordable rental housing to low-income families. The PBRA program operates through long-term Housing Assistance Payment (HAP) contracts between HUD and individual Owners. These contracts became eligible for renewal with the enactment of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (title V of Pub. L. 105–65, 111 Stat. 1384, approved October 27, 1997).

Assistance under PBRA is tied to units. Families residing in such units pay an income-based rent, and HUD pays rental assistance to each Owner under the terms of the HAP Contract. This HUD rental assistance makes up the difference between the family's rental payment and the market-based contract rent for the unit. While PHAs can own housing assisted under a PBRA HAP contract, most participating Owners are private entities, either for-profit or not-for profit.

D. The MTW Demonstration

The Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104–134, 110 Stat. 1321, approved April 25, 1996, codified at 42 U.S.C. 1437f note) created the Moving to Work (MTW) demonstration. Section 204(a) of the Act provided certain PHAs administering the public housing and the Housing Choice Voucher programs (called MTW PHAs for the purpose of this proposed rule) with an opportunity to design and test various approaches to provide incentives to individuals to engage in work, to seek work, or to engage in activities aimed at obtaining work. Through the MTW demonstration, several MTW PHAs have implemented work requirements as well as term limits. PBRA Owners are ineligible to participate in the MTW demonstration, and PHAs that own PBRA-assisted housing may not include tenants of such housing in their MTW activities.

II. Justification

A. Maximize Flexibility To Encourage Self-Sufficiency in Accordance With Statute and Federal Policy

The 1937 Act, as amended, directs HUD to provide PHAs that perform well with the maximum amount of flexibility in program administration. 42 U.S.C. 1437(a)(1)(C). To fulfill this statutory mandate, this proposed rule would

[1] Under QHWRA, a public housing agency (PHA), as defined under section 3(b)(6) of the U.S. Housing Act of 1937, 42 U.S.C. 1437a(b)(6), has the option to use a portion of its available tenant-based voucher funds for project-based rental assistance. The project-based voucher law replaced an authority for project-based rental assistance in the former Section 8 certificate program. In 2000, Congress substantially revised the project-based voucher law through the Fiscal Year 2001 Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act (Pub. L. 106–377, 114 Stat. 1441, approved October 27, 2000).

permit non-MTW PHAs that perform well to tailor their housing assistance programs to their local context by implementing various forms of work requirements or term limits. For the purpose of this proposed rule, HUD considers PHAs to be performing well if they are not in receivership and are not designated as a troubled performer under the Public Housing Assessment System (PHAS), Section Eight Management Assessment Program (SEMAP), or Small Rural PHA Assessment, as applicable. PHAs that are designated as troubled performers under any of these assessments would not be permitted to adopt work requirements or term limits.[2] To further fulfill this statutory mandate, an Owner of a well-performing PBRA project, which HUD considers to be a project that is not in default of its Section 8 project-based rental assistance HAP contract, may implement work requirements or term limits. If a PHA becomes troubled after it has adopted work requirements or term limits, HUD would work with PHAs during the recovery process to determine whether such policies could stay in place. If an Owner enters into default of the HAP contract after adopting work requirements or term limits, HUD would work with the Owner to determine whether such policies could stay in place.

The 1937 Act is also designed to promote policies that encourage families to move toward self-sufficiency. Section 3 of the 1937 Act articulates the income targeting requirements for public housing occupancy and rental structures available to PHAs and residents.[3] This section of the 1937 Act further specifies that the rental policies developed by each PHA must encourage and reward employment and economic self-sufficiency. 42 U.S.C. 1437a(a)(2)(D).[4] Under section 12 of the 1937 Act, most non-exempt adult residents of public housing (not HCV, PBV, or PBRA) are required to complete community service or participate in an economic self-sufficiency program in order to remain eligible for housing. 42 U.S.C. 1437j(c)(1).

The current HUD policy has disincentivized employment and economic self-sufficiency. In 2024, approximately 43 percent of non-elderly, non-disabled households not composed of a single adult with at least one child under six receiving taxpayer-funded housing assistance through HUD did not have a single household member with wage income.[5]

Some research demonstrates that receiving government housing assistance has disincentivized households to work.[6] In 2012, economists with the University of Chicago and the University of Michigan evaluated the impact of HUD housing choice vouchers on adult employment, utilizing a random lottery in Chicago to allocate vouchers.[7] They found that voucher use for working-age, able-bodied adults corresponded to a 6 percent reduction in their labor-force participation and a 10 percent decrease in earnings.[8]

Two randomized controlled trials funded by HUD provide additional evidence that housing choice vouchers are associated with a reduction in employment during the first two years of participation in the program. In a 2006 study, HUD found that employment fell in the first year by between 5 and 8 percent among Temporary Assistance for Needy Families (TANF) recipients, also when comparing housing choice voucher recipients, to similar families not receiving a voucher.[9] In a 2016 study, completed in 2016, HUD surveyed homeless families who were randomly assigned to compare those receiving a permanent HUD housing subsidy typically an HCV versus usual care, which represents the assistance that people would normally access on their own from shelter in the absence of these other interventions.[10] The survey measured the impact of a subsidy on employment and earned income and found evidence of lower rates of employment among those assigned to receive a voucher compared to those receiving usual care. When surveyed 20 months after random assignment, 24 percent of families assigned to receive a voucher reported that they worked for pay in the prior week, compared to 29.7 percent of families assigned to usual care (a difference which was statistically significant at a 95 percent confidence interval). When surveyed 37 months after random assignment, families assigned to receive a voucher were no more or less likely to report working for pay in the prior week. However, families assigned to receive a voucher were 6 percentage points less likely than families assigned to usual care to have performed any work for pay since random assignment, and families assigned to receive a voucher worked an average of 1 month less over the course of the 37-month follow-up period than families assigned to usual care.[11]

[2] Under the Public Housing Assessment System, HUD designates a PHA as Troubled when it receives an overall PHAS score of below 60, or when it receives less than 50 percent of points available under the Capital Fund program indicator. PHAS scores are usually issued on an annual basis. Under this scoring system, there are 106 Troubled PHAs out of 2491 based on a June 2024 PHAS–NASS assessment. This excludes RAD and MTW PHAs.

Under SEMAP, HUD designates a PHA as Troubled when it receives an overall SEMAP score below 60 points. Scores are generally issued on an annual basis tied to the PHA's fiscal year, however PHAs designated as small submit less frequently.

Approximately four percent of PHAs received a designation of Troubled on their most recent PHAS assessment, according to a June 2024 report on HUD's website. According to HUD administrative data in IMS/PIC, 6.78% (146) of PHAs received a designation of Troubled on their most recent SEMAP assessment.

[3] The work-requirement policies that PHAs could adopt relate to continued occupancy requirements, so they would not conflict with income targeting requirements at admission in Public Housing (42 U.S.C. 1437n(a)(2)) and the HCV program (42 U.S.C. 1437n(b)(1)). PHAs would also be required to continue to operate existing statutory rent structures for residents. 42 U.S.C. 1437a(a), 1437f(o).

[4] The Family Self-Sufficiency (FSS) program is one way in which HUD has operationalized this requirement to encourage self-sufficiency. See Freedman, S., Verma, N., et al. (2023). *Final Report on Program Effects and Lessons from the Family Self-Sufficiency Program Evaluation*. Prepared for U.S. Department of Housing and Urban Development. Available at: *https://www.huduser.gov/portal/sites/default/files/pdf/program-effects-fss.pdf.*

[5] This information is primarily drawn from HUD's 2024 data in its Inventory Management System (IMS)/Public Housing Information Center, which collects data from PHAs on certain HUD administered programs. The data is also drawn from HUD's Tenant Rental Assistance Certification System (TRACS), which similarly collects data.

[6] Jacob, B.A., & Ludwig, J. (2012). The Effects of Housing Assistance on Labor Supply: Evidence from a Voucher Lottery. *American Economic Review*. Volume 102, Number 1, Pages 272–304. The authors define ''working age'' as younger than 65, and adults were categorized as ''able-bodied'' if they did not report a disability when applying for a Chicago Housing Authority Corporation voucher.

[7] *Id.*

[8] *Id.*

[9] Mills, G., Gubits, D., et al. (2006). *Effects of Housing Vouchers on Welfare Families*. Prepared for U.S. Department of Housing and Urban Development. Available at: *https://www.huduser.gov/publications/pdf/hsgvouchers_1_2011.pdf.* The authors did not find that vouchers had a significant impact on employment after 3.5 years.

[10] Gubits, D., Shinn, M., et al. (2015). Family Options Study: Short-Term Impacts of Housing and Services Interventions for Homeless Families. Available at: *https://www.huduser.gov/portal/sites/default/files/pdf/FamilyOptionsStudy_final.pdf.* Gubits, D., Shinn, M., et al. (2016). Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families. Prepared for U.S. Department of Housing and Urban Development. Available at: *https://www.huduser.gov/portal/sites/default/files/pdf/family-options-study-full-report.pdf.*

[11] Gubits, D., Shinn, M., et al. (2015). Family Options Study: Short-Term Impacts of Housing and Services Interventions for Homeless Families. Prepared for U.S. Department of Housing and Urban Development. Available at: *https://www.huduser.gov/portal/sites/default/files/pdf/FamilyOptionsStudy_final.pdf.* Gubits, D., Shinn, M., et al. (2016). Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families. Prepared for U.S. Department of Housing and Urban Development. Available at:

The current HUD policy has been characterized by prolonged periods of assistance and dependance on HUD's rental assistance programs by residents. Recent congressional testimony at the House Oversight Committee presented new research indicating that 81 percent of current public housing and voucher recipients, not counting the elderly and disabled, will spend more than five years in subsidized housing.[12] According to the data, 65 percent of current public housing and voucher recipients will spend more than 10 years in subsidized housing, and 50 percent more than 15 years.[13] These numbers are greater for the voucher program where over 87 percent of current voucher holders will likely spend more than 5 years on assistance, over 73 percent more than 10 years, and nearly 60 percent more than 15 years.[14] The average length of tenure at the time of program exit has increased for non-elderly and non-disabled families residing in public housing or receiving voucher assistance. Between 2010 and 2024, the average length of stay for non-elderly, non-disabled families in non-MTW PHAs increased by 2.3 years in the HCV Program from 5.4 years to 7.7 years and 2 years in public housing from 6.6 years to 8.6 years.[15]

Currently, only MTW agencies have the local flexibility to implement work requirements and term limits as part of their efforts to encourage and reward employment and economic self-sufficiency while non-MTW PHAs and Owners currently do not. This proposed rule would provide non-MTW PHAs and Owners the option to implement work requirement and term limit policies for their public housing, HCV, PBV, or PBRA programs, based on their local needs and priorities and to promote employment and reward self-sufficiency. Providing this choice to non-MTW PHAs and Owners furthers HUD's statutory mandate to maximize flexibility in program administration for successful programs as well as encourage and reward employment and economic self-sufficiency.

B. Address the Shortage of Affordable Housing in Accordance With Statute

Section 2 of the 1937 Act provides that it is the policy of the United States ''to assist States and political subdivisions of States to address the shortage of housing affordable to low-income families.'' 42 U.S.C. 1437(a)(1)(B). The proposed rule is necessary to carry out this statutory function because PHAs and Owners must be vested with discretion to implement policies that more effectively leverage limited resources for assisted housing to address the shortage of affordable housing. To the extent that work requirements and term limits encourage economic self-sufficiency, such policies would increase the number of families a PHA or Owner is able to serve over the long term.

Approximately 4.4 million families benefited from the public housing, HCV, PBV, and PBRA programs in 2024.[16] Under HUD's current policies, these income-eligible families who reside in public housing or receive voucher assistance may remain in the program indefinitely,[17] while other eligible families remain on waiting lists for years.[18] Only 1 in 4 eligible families receive HUD rental assistance.[19] As noted earlier, the average tenure has increased for both public housing residents and voucher tenants with the result being that other income-eligible families who could benefit from HUD-assisted housing have seen time on waiting lists grow.[20]

This proposed rule would provide an important tool for PHAs and Owners to manage local demand for limited housing assistance resources. By choosing to implement work requirements and term limits, PHAs and Owners can help residents reach self-sufficiency and move out of HUD-assisted housing, making housing available for other eligible families awaiting assistance.

C. Support Income Diversity in Section 8 PBRA Housing

Congress authorized the Section 8 PBRA program to aid low-income families in obtaining a decent place to live and to promote economically mixed housing.[21] HUD's Section 8 PBRA tenant data show that, as of the end of June 2025, only 1 in 5 households had income from wages.[22] The proposed policies advance HUD's statutory directives to promote economically mixed housing by allowing owners to direct limited housing assistance resources to tenant families and individuals who are actively working towards economic upward mobility. These policies therefore promote more balanced communities with a healthy mix of workers, active job seekers, work trainees, students, people serving their communities, etc. in addition to tenants who are exempt from work activities.

D. Responsiveness to State Efforts

This proposed rule would enable PHAs in States with work requirements, term limits, or both to comply with and integrate both Federal and State law within their jurisdiction. It offers PHAs in States exploring similar policies, and alignment between welfare programs, the necessary clarity needed to implement their initiatives.

Two States have sought to establish statewide policies that would further self-sufficiency. For example, section 14–169–109 of the Arkansas Code requires PHAs in the State to implement

https://www.huduser.gov/portal/sites/default/files/pdf/family-options-study-full-report.pdf.

[12] Husock, Howard. 2025. Encouraging Upward Mobility From Subsidized Housing. Written Testimony to the United States House Committee on Oversight and Government Reform Subcommittee on Health Care and Financial Services. May 7, 2025. Available at: *https://oversight.house.gov/wp-content/uploads/2025/05/Husock-Written-Testimony.pdf.*

[13] *Id.*

[14] *Id.*

[15] This information is primarily drawn from HUD's 2024 data in its Inventory Management System (IMS)/Public Housing Information Center, which collects data from PHAs on certain HUD administered programs. The data is also drawn from HUD's Tenant Rental Assistance Certification System (TRACS), which similarly collects data. The average length of stay for non-elderly, non-disabled families in MTW PHAs decreased 5.7 years in the HCV program between 2010 and 2024 (from 19.2 years to 13.5 years) and increased 1.4 years in public housing (from 7.6 to 9) during the same period.

[16] Picture of Subsidized Households, available at: *https://www.huduser.gov/portal/datasets/assthsg.html.*

[17] For the HCV and PBV programs, assistance will end six months after the family's tenant portion is more than the gross rent, *i.e.* there is no Housing Assistance Payment needed (24 CFR 982.455, 24 CFR 983.211(a)). FUP-eligible youth under Section 8(x) of the U.S. Housing Act of 1937 have a statutory time limit of 36 months. 42 U.S.C. 1437f(x). The Fostering Stable Housing Opportunities (FSHO) amendments, enacted as section 103 of division Q of the Consolidated Appropriations Act, 2021 on December 27, 2020 (Pub. L. 116–260), provides an extension of the assistance provided to eligible youth for up to 24 months beyond the 36-month time limit of assistance if certain conditions are met.

[18] See, for example, Acosta, S. & Gartland, E. (2021). Families Wait Years for Housing Vouchers Due to Inadequate Funding. Center on Budget and Policy Priorities. July 22, 2021. Available at: *https://www.cbpp.org/research/housing/families-wait-years-for-housing-vouchers-due-to-inadequate-funding.*

[19] Gartland, E. 2022. Chart Book: Funding Limitations Create Widespread Unmet Need for Rental Assistance. Center on Budget and Policy Priorities. February 15, 2022. Available at: *https://www.cbpp.org/research/housing/funding-limitations-create-widespread-unmet-need-for-rental-assistance. See also* Poethig, Erika C. 2014. One in Four: America's Housing Assistance Lottery. Urban Institute. May 28, 2014. Available at: *https://www.urban.org/urban-wire/one-four-americas-housing-assistance-lottery.*

[20] HUD's analysis indicates that the average time on a waiting list for families who are admitted has increased in Public Housing from 15 months in 2000 to 19 months in 2024, and in the HCV Program from 26 months in 2000 to 29 months in 2024. See the Picture of Subsidized Households, available at *https://www.huduser.gov/portal/datasets/assthsg.html.*

[21] 42 U.S.C. 1437f(a).

[22] Tenant_Characteristics_Rpt_06302025.pdf.

a twenty hour per week work requirement for able-bodied residents as a condition of the PHA's charter. Additionally, Wisconsin law requires that PHAs must create employability plans and mandate participation for residents in compliance with Federal law.[23] PHAs throughout both States have expressed confusion about how they may implement State requirements while remaining in compliance with Federal law. Through this proposed rule, HUD would provide clarity and guidance for the more than 200 PHAs impacted in these States.

HUD has received several PHA requests seeking approval to implement a work requirement of at least 20 hours per week for non-elderly and non-disabled residents throughout the years. HUD also has received constituent inquiries imploring the Department to consider instituting term limits to both incentivize self-sufficiency and make scarce affordable housing resources available to families on wait lists.

E. Evidence From MTW Demonstration Related to Work Requirements

The statute that created the MTW program also organized it around three statutory objectives: achieve greater cost effectiveness in the expenditure of Federal funds, help residents achieve self-sufficiency, and increase housing choice for low-income families. The 138 PHAs currently participating in the MTW program utilize MTW flexibility in a variety of ways to address local needs while furthering one or more of these MTW statutory objectives.

With regard to work requirements and term limits, the MTW PHAs originally selected under the 1996 MTW statute and the MTW PHAs added through subsequent statutes can and have implemented work requirements and term limits. They have done so through the MTW flexibilities available in their individual standard MTW Agreements in furtherance of the MTW statutory objectives of cost effectiveness and self-sufficiency. HUD opted to also provide flexibility for MTW PHAs selected under the 2016 MTW expansion statute to implement work requirements and term limits through the publication of the MTW Operations Notice (MTW Operations Notice, Appendix I). The MTW Operations Notice provides MTW PHAs selected under the 2016 CMTW expansion statute the ability to implement work requirements and term limits within specified safe harbors. These safe harbors were informed by the experience of prior MTW PHAs already conducting similar activities.

This proposed rule would take the same approach and would provide non-MTW PHAs with the regulatory flexibility, within existing statutory constraints, to implement work requirements for work-eligible adults and term limits for non-elderly, non-disabled families participating in the public housing, HCV, and PBV programs. The proposed rule would further provide Owners with flexibility to implement work requirements for work-eligible adults and term limits for families receiving PBRA.

A HUD-published report on work requirements in the MTW program details that of the 39 MTW PHAs selected under the 1996 MTW Statute, nine implemented a work requirement policy.[24] All nine of these agencies implemented a policy requiring all work-able adults, between the ages of 18 and 54 or 61, to work at least a certain number of hours per week. The number of hours required ranged from 15 to 30 per week.[25]

The studied results of these implemented policies at MTW agencies have shown the effectiveness of work requirements to help encourage work and economic self-sufficiency. For example, the Charlotte Housing Authority implemented a requirement in five of its public housing developments that work-able heads of household work at least 15 hours per week or face sanctions. An in-depth study on the effectiveness of this work requirement found that employment increased significantly among the individuals subject to the work requirements.[26] Researchers found that the percentage of households paying minimum rent, which represents a proxy for under-employment or non-employment, decreased relative to the comparison group.[27] Further, researchers found no evidence that work requirement sanctions increased evictions, and only modest evidence that enforcement increased the rate of positive move-outs.[28] Individuals in this cohort received both on-site case management and support services, although the study does not discuss the cost of services. In another example, the Housing Authority of Champaign County (HACC), an MTW PHA, requires able bodied individuals to work for 25 hours or more per week.[29] A University of Illinois study showed that, for the years 2012–2014, ''the Local Self-Sufficiency (LSS) program increased the average earnings within a household by $2,283.'' [30] This increase in average earnings allowed HACC to further stretch federal subsidies to serve an additional 98 LSS-eligible households for a year.[31] Research on the HACC LSS program also found that between 2011 and 2016 HACC resident income increased an average of 92 percent compared to only a 13 percent increase for a comparison PHA without a work requirement.[32]

Other MTW agencies have also reported in their annual MTW Reports positive results from implementing work requirements for work-able adults. For example, the evaluations from the Housing Authority of Champaign County (HACC), the Chicago Housing Authority (CHA), and Lexington-Fayette Urban County Housing Authority (LHA) all suggest their work requirement policies positively affected average

[23] State of Wisconsin. ''Employability Plans for Public Housing Residents.'' *Wisconsin Statutes,* § 16.314.

[24] Nisar, Hiren. 2022. A Review of Work Requirement Policies in HUD-Funded Assisted Housing. Available for download at: *https://www.huduser.gov/portal//portal/sites/default/files/pdf/A-Review-of-Work-Requirement-Policies.pdf.*

[25] *Id.*

[26] Rohe, William. Work Requirements in Public Housing: Impacts on Tenant Employment and Evictions. Center for Urban and Regional Studies, University of North Carolina at Chapel Hill. Available for download at: *https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2664223.*

[27] *Id.* In this paper, the researchers explain that at this PHA, households paying minimum rent earn less than $3,000 annually in total income. Households cease paying minimum rent for several reasons, including gaining employment or beginning to earn benefits such as welfare or disability. The researchers therefore see a decrease in households paying minimum rent as a good proxy for the effectiveness of supportive services and the work requirement.

[28] Positive move-outs occur when former CHA tenants move to private market housing, while negative move-outs refer to evictions that occur after failure to pay rent or violating lease terms. Negative move outs also refer to the assisted individual or tenant moving without notice.

[29] Housing Authority of Champaign County. 2017. Moving to Work Year 7 Annual Report. Available at: *https://www.hud.gov/sites/dfiles/PIH/documents/ChampaignFY17Report.pdf.*

[30] Mcnamara, Paul. 2017. *Promoting Economic Self-Sufficiency via HUD's Moving to Work Program: Evidence from the Housing Authority of Champaign County.* Illinois Municipal Policy Journal. December 2017. Available at: *https://las.depaul.edu/centers-and-institutes/chaddick-institute-for-metropolitan-development/research-and-publications/Documents/2017%20IML%20Journal/Promoting%20Economic%20Self-Sufficiency%20via%20HUDs%20Moving%20to%20Work%20Program%20-%20P.%20E.%20McNamara%20Han%20Bum%20Lee%20C.%20Strick.pdf.*

[31] Lee, Han and Mcnamara, Paul. 2018. Achieving Economic Self-Sufficiency Through Housing Assistance: An Assessment of a Self-Sufficiency Program of the Housing Authority of Champaign County, Illinois. Housing Policy Debate. September 3, 2018. Available at: *https://www.tandfonline.com/doi/full/10.1080/10511482.2018.1474123#abstract.*

[32] Mcnamara, Paul. 2017. *Promoting Economic Self-Sufficiency via HUD's Moving to Work Program: Evidence from the Housing Authority of Champaign County.* Illinois Municipal Policy Journal. December 2017.

household income.[33] The Delaware State Housing Authority (DSHA) also reported in its annual MTW Report that a growing number of households positively moved out of assisted housing and purchased their own homes following implementation of its work requirement.[34] All three evaluations were consistent with a case study evaluation of the CHA's work requirement which concluded that average annual household income per person subject to the work requirement increased since CHA's work requirement policy went into effect.[35] LHA's evaluation found that engagement in government assistance programs such as TANF decreased from 2017 to 2018.[36] At least 22 MTW PHAs have also implemented term limits on housing assistance to promote greater self-sufficiency and ensure a more equal distribution of limited resources. A review of the MTW Plans, MTW Reports and MTW Supplements in the MTW program submitted by these PHAs reveals some form of term limit policy, ranging from three to 7 years, for residents receiving housing assistance. In all instances, the term limits applied only to work-eligible families.

MTW agencies have also seen success in helping encourage work and economic self-sufficiency for residents with the implementation of term limits. For example, the Housing Authority of the County of San Bernardino (HACSB) has a five-year term limit called the Term-Limited Lease Assistance (TLA) Program that applies to new non-elderly and non-disabled households admitted to the HCV program from HACSB's waiting list, porting in from another jurisdiction, or exercising mobility from HACSB project-based voucher sites.[37] As a result, earned income for families in the TLA program have increased by an average of 31.4 percent during their five years of assistance.[38] Further, full-time employment increased by 20 percent and unemployment decreased by over 26 percent.[39]

III. This Proposed Rule

A. General

HUD proposes to allow PHAs and Owners to require work-eligible adults to engage in work activities for up to 40 hours per week as a condition of continued receipt of HCV,[40] PBV, or PBRA assistance or continued occupancy in public housing. The proposed rule would also allow PHAs and Owners to establish term limits of no less than two years for non-elderly, non-disabled families, as defined at 24 CFR 5.403, who receive PBRA, HCV, or PBV assistance or reside in public housing. HUD is proposing to permit PHAs and Owners to adopt work requirements of up to 40 hours per week in order to maximize local flexibility. A 40-hour workweek is widely recognized as the standard for full-time employment, and is commonly used by employers for wage, benefits, and scheduling purposes. Under the Fair Labor Standards Act (FLSA), a 40-hour threshold serves as the basis for determining eligibility for overtime pay. Likewise, HUD is proposing to permit PHAs and Owners to set a term limit of no shorter than two years in order to maximize flexibility in the design of their policies. In all cases, PHAs and Owners could establish either or both work requirements and term limits. PHAs and Owners may also implement neither requirement.

B. Definitions

Work-Eligible

HUD proposes to add a definition of work-eligible to existing regulations for the public housing, HCV, PBV, and PBRA programs. HUD proposes to define work-eligible as an assisted family member aged 18 to 61, excluding persons with a disability as defined in 24 CFR 5.403 or a primary caretaker of such individual, or who are pregnant, or who are the primary caretaker for a child under 6 years of age or for temporarily incapacitated individuals, or who are enrolled as a student in an institution of higher education as defined in section 102 of the Higher Education Act of 1965. This definition allows the PHA or Owner to determine the appropriate length of time for student enrollment as it impacts eligibility.

This proposed definition of work-eligible would set forth HUD's baseline requirements for PHAs and Owners. Under the proposed definition, a PHA or Owner would be able to choose to exclude other persons from being considered work-eligible based upon its local needs. For example, a PHA or Owner would be able to choose to set a lower maximum age such as 57 or increase the minimum age to 22 based upon its determination of local needs. However, a PHA or Owner would not be able to set an age below 18 or above 61. Additionally, PHAs and Owners would be able to limit the duration for which a student enrolled in an institution of higher education may be excluded, for example, four years of continuous enrollment, after which time such family member would be considered work-eligible.

Work Activities

HUD is proposing to allow PHAs and Owners to require assisted individuals who are work-eligible to engage in work activities.[41] Under HUD's definition of work activities, which generally mirrors the definition in section 407(d) of the Social Security Act, PHAs and Owners could consider any one of the following sufficient to meet the work requirement:

(1) Unsubsidized employment;

(2) Subsidized private sector employment;

(3) Subsidized public sector employment;

(4) Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;

(5) On-the-job training;

(6) Job search and job readiness assistance;

(7) Community service programs;

(8) Vocational educational training;

(10) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency; or satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

(12) The provision of childcare services to an individual who is

[33] Nisar, Hiren. 2022. A Review of Work Requirement Policies in HUD-Funded Assisted Housing. Available for download at: *https://www.huduser.gov/portal//portal/sites/default/files/pdf/A-Review-of-Work-Requirement-Policies.pdf.*

[34] *Id.*

[35] Levy, D. et al., 2019. *Public Housing Work Requirements: Case Study on the Chicago Housing Authority,* Urban Institute. United States of America. Retrieved from *https://policycommons.net/artifacts/630772/public-housing-work-requirements/1612033/* on 21 Jun 2024. CID: 20.500.12592/prsq45.

[36] Because the LHA evaluation was summarized from an annual report, it does not provide any multi-year assessment of trends in use of government assistance. Nisar, Hiren. 2022. A Review of Work Requirement Policies in HUD-Funded Assisted Housing. Available for download at: *https://www.huduser.gov/portal//portal/sites/default/files/pdf/A-Review-of-Work-Requirement-Policies.pdf.*

[37] Housing Authority of the County of San Bernardino. *2021 Moving to Work Annual Plan.* Retrieved from *https://hacsb.com/wp-content/uploads/2021/06/HACSB-2021-MTW-Annual-Plan-FINAL-Approved.pdf.*

[38] *Id.* at 50.

[39] *Id.*

[40] Under the HCV program, the work requirements and term limits described herein would only apply so long as the tenant remained under the jurisdiction of a PHA which adopted requirements; a tenant who ports to or from a jurisdiction would be required to follow the work requirement or term limit policies of the receiving PHA.

[41] PHAs and Owners may adjust what constitutes a work activity based on local needs.

participating in a community service program.

As listed in section 407(d) of the Social Security Act, HUD considers unsubsidized employment to include an activity that results in earned income as defined in 24 CFR 5.100 or an activity that meets the definition of independent contractor, day laborer, or seasonal worker as defined in 24 CFR 5.603(b). PHAs and Owners would be able to identify additional work activities beyond those listed in section 407(d) described above.

A work-eligible adult could be considered self-employed and therefore engaged in work activities under the unsubsidized employment provision if the individual primarily relies on the performance of services in their own enterprise for income. A PHA or Owner would be able to determine whether the individual has met the work requirement, for example, if they have worked the minimum number of hours in self-employment or if they earn weekly wages equal to the Federal minimum wage multiplied by the minimum number of hours in the PHA or Owner's work-requirement policy. PHAs and Owners could consider the following factors to determine if an assisted individual living in public housing or receiving HCV, PBV, or PBRA assistance is self-employed:

(1) The individual makes a profit or suffers a loss.

(2) The individual is hired to complete certain jobs and may be liable for damages if they quit before the job is completed.

(3) The individual works for a number of persons or firms at the same time.

(4) The individual advertises to the general public that they are available to perform services.

(5) The individual pays their own expenses and has their own equipment and workplace.

These factors are drawn from 20 CFR 404.1007, which helps determine whether an individual is self-employed for Social Security purposes.

C. Work Requirements

Forms of Flexibility Under This Proposed Rule

This proposed rule would allow PHAs and Owners to establish work requirements as a condition of continued occupancy in public housing or receipt of HCV, PBV, or PBRA assistance. Specifically, the proposed rule would provide that a PHA not in receivership nor designated as a troubled performer under PHAS, SEMAP, or the small rural PHA assessment may require work-eligible adults in the assisted family to participate in work activities for a minimum number of hours a week. The proposed rule would provide that an Owner of a Section 8 PBRA property that is not in default of its rental assistance contract and has a current satisfactory management and occupancy review may require work-eligible adults in the assisted family to participate in work activities for a minimum number of hours per week.

PHAs and Owners would be able to specify based on local needs and goals which work-eligible adults of an assisted family are subject to the work requirement. For example, PHAs would be able to indicate that the work requirement applies only to work-eligible heads of household or co-heads of the households including spouses.

PHAs and Owners would be able to specify the number of hours per week a work-eligible adult must engage in work activities, except that a PHA or Owner could not require any individual to participate in work activities for more than 40 hours per week. This proposed rule would set a ceiling of 40 hours per week to provide PHAs and Owners maximum flexibility in the design of work requirement policies. Providing a threshold of 40 hours allows PHAs and Owners maximum current and future flexibilities to align any state increase in work requirement hours above the current SNAP and TANF minimums, while also staying below the FLSA 40-hour workweek standard. PHAs and Owners would be able to require fewer hours per week, but HUD believes it would be unreasonable to require more than 40 hours per week. PHAs and Owners would be able to require that work-eligible adults participate in work activities for a fixed number of hours each week, or that work-eligible adults participate in work activities for a certain number of hours per week on average. The latter would provide flexibility for work-eligible adults whose work schedules may vary. PHAs and Owners would be responsible for verification and enforcement, including how to calculate the average number of hours spent in work activities.

One method that PHAs would be able to use to verify compliance with the work requirements policy is laid out by the Charlotte Housing Authority. The CHA multiplies the required number of hours by the area minimum wage and verifies compliance based on the amount of earned income documented during annual recertification. This structure alleviates the ongoing burden to track hours and gives families flexibility to comply with the requirement.[42] This demonstrative example, however, is one of many potential methods that PHAs would be able to use for verification and enforcement of a work requirements policy. Additional examples of reporting requirements in certain MTW agencies are discussed on pages 35–36 in HUD's 2022 publication *A Review of Work Requirement Policies in HUD-Funded Assisted Housing.*[43]

While HUD proposes to extend significant flexibility to PHAs and Owners to set policies for verifying compliance with work requirements, it recognizes that verifying compliance can, depending on the policies adopted by a PHA or Owner, impose compliance burdens on tenants. HUD seeks comment on whether there are a minimum set of standards it could include in its policy for compliance verification which can satisfactorily facilitate efficient or less burdensome compliance verification and reporting for tenants while protecting significant PHA and Owner flexibility.

PHAs and Owners would be able to apply the work requirement at an individual level or at a family level, allowing the work-eligible adult or adults subject to the requirement to determine how they will divide working hours for the purpose of complying with the work requirement policy. For example, a PHA or Owner may require families with two work-eligible adults to work up to 80 hours per week. If the PHA or Owner elects to apply the work requirement at a family level, they could not set requirements such that any individual would be required to work more than 40 hours per week.

When considering their policies, PHAs and Owners would be able to implement different work requirements in each program, such as a difference between their public housing, HCV, PBRA, and PBV programs, to address local needs and goals. A PHA would be able to establish work requirements for a specific PBV project or public housing development that are different than the requirements applied to another PBV project or public housing development as long as they address local needs and goals in accordance with the statutory and regulatory requirements. However, within a given project, PHAs and

[42] HUD's Regulatory Impact Analysis accompanying this rule similarly assumes participating PHAs and Owners will impose a 20 hours per week requirement with annual compliance verification.

[43] Nisar, Hiren. 2022. A Review of Work Requirement Policies in HUD-Funded Assisted Housing. Available for download at: *https://www.huduser.gov/portal//portal/sites/default/files/pdf/A-Review-of-Work-Requirement-Policies.pdf.*

Owners would be required to maintain uniform requirements for all applicable tenants.

Similarly, a PHA would be able to apply work requirements to its regular HCV program but have an exemption for one or more of its special purpose voucher types such as an exemption for Mainstream vouchers.[44] Given its separate operating requirements which waive and alter many of the standard HCV statutes and regulations at 24 CFR 982, HUD has categorically excluded the Department of Housing and Urban Development-Veterans Affairs Supportive Housing (HUD–VASH) program from this proposed rule. However, under the HUD–VASH Operating Requirements, if a veteran participating in HUD–VASH has been determined by the Department of Veterans Affairs (VA) as no longer requiring case management, the PHA, in consultation with the VA, would be able to offer the family continued assistance through one of its regular vouchers. Once the family becomes assisted under the regular voucher program, the work requirements could be applied to the family.

Implementation Requirements

Under the proposed rule, a PHA or Owner must follow certain procedures when electing to implement work requirements. Any work requirements policy must be included in the PHA's administrative plan if implemented in the HCV and PBV programs, or in the PHA's admission and continued occupancy policy (ACOP) if implemented in the public housing program, or in the PHA's or Owner's tenant selection plan if implemented for the PBRA program. As the administrative plan and ACOP are supporting documents to the PHA Plan, PHAs must follow the procedures in 24 CFR part 903, including conducting public hearings to discuss the PHA Plan, taking public comment, and considering the recommendations of the Resident Advisory Board for any significant amendment or modification to their Annual PHA Plan or 5-Year Plan.[45] The written policy must at minimum indicate which types of family members are subject to the requirement, what will be determined to be work activity, the required number of hours for work activity, how the PHA or Owner would determine compliance, the consequences of non-compliance, and the hardship policy related to this requirement.

PHAs and Owners would be required to provide a copy of the work requirements policy to all applicants, tenants and resident organizations.[46] For the HCV and PBV programs, any work requirement policies would be covered in the oral briefing and information packet that PHAs must provide to families upon selection to participate (24 CFR 982.301 and 983.252). For the public housing program, PHAs would provide a copy of the policy to all tenants at the time a new lease is executed and annually at the time of lease renewal. When the policy is adopted, PHAs and Owners would be required to give all participants a minimum written notice of three months prior to a PHA's or Owner's implementation of its work requirements policy. The notice would describe the consequences of non-compliance with the PHA or Owner's policy.

PHAs and Owners would have some flexibility in initially determining whether or not an existing tenant household was work-eligible. HUD anticipates that PHAs and Owners would make the eligibility determination at the family's next annual or interim reexamination or another time as specified by the applicable policies, using existing information provided during the reexamination process.

Consistent with applicable Federal, State, and local lease requirements, PHAs would be required to update their public housing leases as necessary to adopt work requirements authorized by this proposed rule. 24 CFR 966.4(o). This requirement to update leasing documents does not apply to the PHAs establishing work requirement or term limit policies for HCV and PBV programs.

The PHA or Owner would be responsible for ensuring that implemented work requirements do not adversely affect participation in, benefits of, or otherwise discriminate against persons on the basis of race, color, national origin, sex, religion, familial status, disability, or other statutorily protected bases. The PHA's or Owner's programs must be operated in a manner that is consistent with the requirements of nondiscrimination and equal opportunity authorities, and will be accessible to persons with disabilities in accordance with applicable law. As noted elsewhere in this proposal, work requirements must be applied uniformly for the covered project, public housing development, or voucher type and equally enforced for all non-exempted tenants.

Hardship Policy

PHAs and Owners that elect to adopt work-requirements would be required to implement a written policy for determining when the work requirement constitutes a hardship for the assisted family. A hardship determination would allow for exceptions or exemptions from the work requirement. The hardship policy must, at minimum, cover work-eligible adults seeking a determination of disability status, work-eligible adults who are temporarily relocated due to a disaster, and work-eligible adults who are actively trying to comply with the work requirement but are having difficulty finding work or engaging in work activity. PHAs and Owners could retain the flexibility to suspend or relax requirements for all work-eligible adults subject to the requirement during emergencies and periods of economic downturn. The written policy should include information on how to request a hearing for review of denied hardship requests.

Supportive Services for Engaging in Work Activities

Under this proposed rule, PHAs and Owners that elect to adopt a work requirements policy must offer supportive services to assist families with obtaining employment or otherwise engaging in work activities. PHAs and Owners could provide these supportive services directly or coordinate with a partner organization to provide supportive services. Coordination with a partner organization to provide supportive services could involve, for example, making referrals to a local workforce development center or other community service provider. HUD encourages PHAs and Owners to assess the needs of work-eligible adults to determine the types of supports necessary to help work-eligible adults in the family attain and sustain

[44] Mainstream vouchers are special purpose vouchers for non-elderly persons with disabilities.

[45] HUD does not approve PBRA Owner tenant selection policies and HUD does not require Owners to give notice to existing tenants regarding a new tenant selection policy. However, HUD believes it is good practice for Owners to include a description of the process used to provide notification to applicants on the waiting list and other interested persons (potential applicants) of the implementation of any new or revised tenant selection plan or policies that may affect an application or tenancy.

[46] A PHA's Public Housing Admissions and Continued Occupancy Policy or HCV Administrative Plan must include discussion of the relevant work requirement or term limit policies, if applicable, but PHAs would not be required to host on a web page specific information about their work requirements or term limits. Similarly, PBRA owners are not required to post their policies on a web page, but they must make their tenant selection plans publicly available. HUD does not propose, in this proposed rule, to maintain a public website with information on PHA or Owner requirements associated with this proposed rule.

work activities. PHAs and Owners should consider the extent of the local needs, whether the service would aid assisted residents with engaging in work activities, and the feasibility of provision of the services by the PHA, Owner, or associated partners.

Supportive services could be adjusted based on local need and might include, but are not limited to:

(1) Making referrals to a local workforce development center or other community service provider;

(2) Childcare that provides sufficient hours of operation and serves an appropriate range of ages;

(3) Transportation necessary to receive services or commute to their place(s) of employment;

(4) Education, including remedial, completion of high school or attainment of a high school equivalency certificate, or in pursuit of a post-secondary degree or certificate;

(5) Job training, preparation, and counseling; job development and placement and follow-up assistance after job placement;

(6) Substance use treatment and counseling, and health, dental, mental health and health insurance services;

(7) Training in financial literacy, such as training in financial management, financial coaching, asset building, and money management; and

(8) Any other services and resources, including case management, optional services, and specialized services appropriate to assist eligible families to achieve economic independence and self-sufficiency.

HUD notes that it would be an ineligible use of funds for a PHA to expend HCV administrative fees on these services, and similarly PBRA Owners may not expend project funds on providing these services. HUD anticipates providing supplemental guidance on the types of funds which may be used to provide services consistent with the proposal.

HUD does not propose any specific or new monitoring requirement to track PHA or Owner compliance with the provision of supportive services. However, during an audit or compliance monitoring review, a PHA would demonstrate compliance with the requirement to provide supportive services by providing documentation. Similarly, PBRA Owners who elect to implement work activity requirements would need to provide evidence of compliance during a management and occupancy review or similar inquiry. If HUD becomes aware that a PHA that has elected to adopt work requirements but is not providing supportive services, HUD would work with the PHA to come in to compliance with the requirement, which may entail establishing a corrective action plan with the PHA. Similarly, if HUD becomes aware that an Owner has elected to adopt work requirements but is not providing supportive services, it would review the matter on a case by case basis to determine the correct course of HUD action.

D. Term Limits

Forms of Flexibility Under This Proposed Rule

HUD proposes to allow PHAs and Owners to elect to establish a term limit of no less than two years for non-elderly, non-disabled families receiving HCV, PBRA, or PBV assistance or residing in public housing. HUD would require fewer exemptions for applying term limits than the exemptions required for work requirements. For example, unlike HUD's proposed rules for work requirements, PHAs and Owners could choose to set term limits for households with children under six. However, PHAs and Owners would retain the flexibility to adopt additional exemptions from term limits. While PHAs electing to implement a term limit could not set such a limit for a shorter timeframe than two years, a PHA or Owner would be able to elect to establish a term limit above this minimum allowed threshold of two years.

A PHA's or Owner's decision to establish term limits would need to be prospective in application. That is, the non-elderly, not disabled family would become subject to the term limit policy starting on the date upon which the PHA or Owner's policy on term limits becomes effective. This language means that PHAs and Owners would not be permitted to count toward the term limit the length of time that an assisted family received benefits prior to the effective date of the term limit. For PHAs, the policy's effective date would be the date the PHA begins implementing the policy, after it has been formally adopted into its PHA Plan and at least three months written notice has been provided to all program participants.[47] For Owners, the policy's effective date would be the date the Owner begins implementing the policy, after it has been established in its tenant selection plan and at least three months written notice has been provided to all program participants.

PHAs would be able to implement different term limits within and between their public housing, HCV, PBRA, and PBV programs to address local needs and goals. One such instance is local demand for a specific PBV project or public housing development, which may necessitate a different term limit than the term limits implemented at another project. Similarly, Owners which operate multiple PBRA properties would be free to implement similar or varied policies across the portfolio, but the policy for each property must be in writing and property-specific. As discussed elsewhere in this proposal, within a covered project the policy must apply to all non-exempted tenants.

HUD notes that the proposed rules do not propose any additional eligibility criteria for admission to the program and consequently families or households which exit housing after hitting a term limit may then reapply for housing assistance. However, the household would have to go through the PHA or Owner's waiting list and selection process in order to be readmitted.

Implementation Requirements

Under the proposed rule, a PHA or Owner would be required to follow certain procedures when electing to implement term limits. An election to establish term limits must be reflected in the PHA's administrative plan and admission and continued occupancy plan for its HCV, PBV, and public housing programs, respectively. Further, these term limits would need to be included in a PHA's submitted 5-year and Annual Plans in accordance with the United States Housing Act of 1937. 42 U.S.C. 1437 *et seq.* Consistent with applicable Federal, State, and local lease requirements, PHAs would be required to update their public housing leases as necessary to adopt term limits authorized by this proposed rule. 24 CFR 966.4(o). This requirement would not apply to the HCV and PBV programs. In the HCV and PBV programs, if a PHA elects to establish term limits, these limits would need to be covered in the PHA oral briefing of a family and the information packet required by 24 CFR 982.301. Owners and PHAs implementing term limits for the PBRA Program would need to include term limits in the PHA's or Owner's tenant selection plan.

When the policy is adopted, all families would need to be given a written notice at least three months prior to a PHA's or Owner's implementation of its term limits policy. When a PHA or Owner determines a

[47] For HCV, the lease is between the owner and the family, so no lease modification would be needed. In public housing, lease modification and execution would be necessary.

family is within 12 months and, again within 6 months of the PHA or Owner's term limit, the PHA or Owner would be required to provide written notice to the family within 30 days of the determination. The notice would state the date upon which the family will reach the PHA or Owner's term limit, the action the PHA or Owner will take, the PHA or Owner's hardship policy, and the family's opportunity for a hearing.

The PHA or Owner would ensure that implemented term limits do not adversely affect participation in, benefits of, or otherwise discriminate against persons on the basis of race, color, national origin, sex, religion, familial status, or disability or other protected bases. The PHA's or Owner's programs must be operated in a manner that is consistent with the requirements of nondiscrimination and equal opportunity authorities, and will be accessible to persons with disabilities in accordance with applicable law. As noted elsewhere in this proposal, term limits must be applied uniformly to all covered units for the project, development or voucher type and equally enforced for all non-exempted tenants.

Supportive Services

PHAs and Owners that elect to adopt a term limit policy would be required to offer supportive services to assist families [48] with attaining economic independence and self-sufficiency to prepare for the termination of assistance. PHAs and Owners could provide these supportive services directly or coordinate with a partner organization to provide supportive services. Coordination with a partner organization to provide supportive services could involve, for example, making referrals to a local workforce development center or other community service provider. HUD encourages PHAs and Owners to assess the needs of the non-elderly, non-disabled families to determine the types of support necessary to help families prepare for transitioning from assistance. PHAs and Owners should consider the extent of the local needs, whether the service would aid assisted families in transitioning from assistance, and the feasibility of provision of the services by the PHA, Owner, or associated partners.

Supportive services could be adjusted based on local need, and might include, but are not limited to:

(1) Making referrals to a local workforce development center or other community service provider;

(2) Child care that provides sufficient hours of operation and serves an appropriate range of ages;

(3) Transportation necessary to receive services or commute to their place(s) of employment;

(4) Education, including remedial, completion of high school or attainment of a high school equivalency certificate, or in pursuit of a post-secondary degree or certificate;

(5) Job training, preparation, and counseling; job development and placement and follow-up assistance after job placement;

(6) Substance use treatment and counseling, and health, dental, mental health and health insurance services;

(7) Training in financial literacy, such as training in financial management, financial coaching, asset building, and money management; and

(8) Any other services and resources, including case management, optional services, and specialized services appropriate to assist eligible families to achieve economic independence and self-sufficiency.

Specific Exemptions

HUD is proposing to exempt certain special purpose vouchers from the discretion to establish term limit requirements as they are incompatible with the requirements and objectives of the specified programs. Specifically, HUD is categorically excluding the HUD–VASH program, the Family Unification Program (FUP) when used by youth, and the Foster Youth to Independence (FYI) Program. In addition, a PHA would be able to choose to exempt the HCV Homeownership program from the application of a term limit based on its local needs.

As discussed above, HUD has categorically excluded the HUD–VASH program. However, under the HUD–VASH operating requirements, if a veteran participating in HUD–VASH has been determined by the VA as no longer requiring case management, the PHA, in consultation with the VA, would be able to offer the family continued assistance through one of its regular vouchers. Once the family becomes assisted under the regular voucher program, the term limits would prospectively apply to the family.

HUD is also categorically excluding the FUP for youth and FYI programs from term limits under this proposed rule. This is because of the term limits on assistance applicable to the FUP youth and FYI programs. Specifically, section 103 of division Q of the Consolidated Appropriations Act, 2021 (Pub. L. 116–260, 134 Stat. 2168) provided that the existing a 36-month term limit could be extended by 24 months if certain conditions are met, for youth participating in the FUP or FYI programs. As a result, PHAs would not be able to adopt term limits for FUP for Youth or FYI under this proposed rule.

A PHA administering the HCV Homeownership program would be able to choose to exempt the program from a term limit since there is already a regulatory limit to HCV Homeownership assistance at 24 CFR 982.634, and terminating assistance prior to the regulatory limit may cause families to go into foreclosure.

E. Enforcement

A PHA or Owner that chooses to implement work requirements, term limits, or both, would be responsible for verification and enforcement. A PHA or Owner must be able to determine a work-eligible adult's compliance with the work requirement policies through the regular recertification process, which must be done not less than annually. A PHA or Owner that adopts a term limit would be responsible for tracking how long the family has received assistance from the PHA or Owner. In this proposed rule, HUD would provide PHAs and Owners flexibility to decide the method to ensure tenant compliance. A PHA or Owner may require reporting more frequently than the annual recertification process. This may include monthly or weekly reporting. A PHA or Owner may also decide the level of evidence or documentation required to satisfy the reporting requirement. As previously noted, HUD seeks comment on whether it should set minimum standards on compliance verification and reporting requirements, such as setting a maximum frequency for reporting or specific forms of evidence tenants may provide to a PHA or Owner to demonstrate compliance with the work requirement policy.

Similarly, HUD proposes to provide flexibility to PHAs and Owners for setting policies for tenants who shift between being work-eligible or covered under a term limit and exempted for a work requirement or term limit. For example, a PHA or Owner may choose to set a policy of requiring the tenant to notify and provide evidence when they are no longer work-eligible or else continue to be subject to work-requirement rules. Similarly, a PHA or Owner may choose to develop their own policy for tracking the length of time receiving housing assistance for tenants

[48] Reasonable accommodations and modifications must be made for persons with disabilities consistent with applicable Federal civil rights and nondiscrimination laws.

who cycle between being covered under a term limit and being exempted.

A PHA or Owner would be able to terminate program assistance to a resident who fails to comply with the PHA or Owner's implemented work requirements or for a family who has exceeded the term limit. Termination of assistance for noncompliance with a requirement must be consistently applied to all households subject to such requirements, meaning that a PHA or owner may not selectively enforce the termination of assistance or eviction for non-compliant households. Termination of assistance would be subject to standard termination procedures. 24 CFR part 247, 24 CFR 966.4, 24 CFR 982.552 and 24 CFR 982.555.

F. Severability

HUD is proposing to provide PHAs and Owners with the authority to implement work requirements for work-eligible adults and term limits for non-elderly, non-disabled families participating in the public housing program, the HCV program, the PBRA program, and the PBV program. Under the proposed rule, PHAs and Owners would be able to elect to establish either or both work requirements and term limits. PHAs and Owners would be able to elect to not implement either policy. As HUD is proposing to provide PHAs and Owners with the option to implement both policies, one policy, or to not implement either policy, the provisions of the proposed rule can and are intended to operate independently of one another. In the event that either the work requirements or term limit provisions this rule are declared invalid or stayed, it is HUD's intent that the provisions contained within would be severable and that the provisions unaffected by an adverse action would remain valid. HUD further concludes it would separately adopt all of the provisions in this rule through separate rulemaking if provisions would be declared invalid or stayed.

While HUD is drafting portions of this proposed rule based on its experience operating the MTW demonstration, the MTW demonstrations operate independently from work requirements and term limits that PHAs could implement under this proposed rule. It is HUD's intent that MTW demonstrations remain unaffected by any adverse action on this rule.

IV. Findings and Certifications

Regulatory Review—Executive Order 12866

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the executive order. Executive Order 14219 (Ensuring Lawful Governance and Implementing the President's ''Department of Government Efficiency'' Deregulatory Initiative) reinforces that directive and instructs agencies ''to follow the processes set out in Executive Order 12866 for submitting regulations for review by OIRA.'' Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

The proposed rule would provide PHAs and certain Multifamily Housing Owners with clearer authority to implement work requirements and term limits for certain housing programs—public housing, HCV, PBV, and PBRA—administered by HUD. Under the proposed rule, PHAs and Owners would be able to elect work requirements or term limits, both policies, or neither. With respect to work requirements, PHAs would have flexibility to administer a work requirement to ensure that administrative burden is limited on both the PHA staff and assisted households including in the process they would use to verify and determine compliance.

With respect to annualized aggregate costs, HUD expects PHAs, PBRA Owners, HCV landlords, and households exiting assistance to incur various costs such as implementation costs, administrative costs, unit turnover costs, and moving costs, due to the policies. The annualized aggregate cost of these categories ranges from $2.7 million to $55.3 million.[49] The variance reflects that the costs to PHAs, Owners, HCV landlords, and households exiting assistance are dependent on the specifics of the implemented work requirements or term limits.

With respect to annualized benefits, HUD expects work requirements and, to a lesser extent, term limits, to benefit the economy by correcting the labor supply distortion introduced by an income-based subsidized rent. Specifically, the increased labor force participation by tenants who would otherwise not be employed or may be underemployed would create benefits from $30.9 million to $129.5 million annually. Similar to costs, the variance in benefits reflects that the realized benefits depend on the specific implemented work requirements or term limits.

With respect to transfers,[50] HUD expects the annual aggregate transfers to range from $65.3 million to $265 million. The transfers from assisted tenants to otherwise unassisted low-income households or the United States Treasury range from $53.7 million to $214.9 million. The transfers from assisted individuals who leave assisted housing as a result of a term limit would range from $11.5 million to $50.5 million. Similar to the costs and benefits, the variance in transfers reflects that the transfers depend on the specifics of the implemented policies.

With respect to increased tenant income, HUD expects that the total increase in tenant income from working ranges from $125 million per year in the low adoption scenario to $501 million per year in the high adoption scenario. These numbers account for the increase in tenant rent payments. Furthermore, the average household with an employed member would experience an after-rent income increase of $16,000 per year.[51]

Based on the aforementioned analysis, the proposed rule has been determined to be a ''significant regulatory action,'' as defined in section 3(f) of Executive Order 12866 and economically significant under section 3(f)(1) of the Order. The docket file is available for public inspection online at *www.regulations.gov.*

Regulatory Costs—Executive Order 14192

Executive Order 14192, entitled ''Unleashing Prosperity Through Deregulation,'' was issued on January 31, 2025. Section 3(a) of Executive Order 14192 provides that ''whenever

[49] The bulk of these costs are attributable to administrative costs, which may be defrayed by the PHAs and Owners based on the details of their program and unit turnover costs in the HCV program.

[50] A tenant will likely pay more rent when their income increases as a result from working. This rent would be used to offset federal subsidies received transfer to unassisted households, go back into the assisted housing program, or remitted to the United States Treasury. The movement of the money in these cases is considered a transfer.

[51] This estimate of increased income does not include other impacts on tenants such as forgone non-work time and any other costs associated with work. The net impact on an affected household would equal the increase in earnings minus costs.

an executive department or agency (agency) publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least ten existing regulations to be repealed.''

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601) requires an agency to conduct a regulatory flexibility analysis of a rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The rule will not have a significant economic impact on a substantial number of small entities such as small PHAs and Owners because small entities may opt to not adopt work requirements or term limits if they perceive the costs to be unacceptable.[52] The effects of this proposed rule will not have a significant economic impact because the changes can be implemented at the discretion of the PHAs and Owners themselves. In addition, the implementation and administrative costs to PHAs and Owners are not regulatory costs insofar as the costs are not required to fully participate in the public housing, HCV, or PBRA programs. Therefore, these revisions do not impose a significant economic impact on a substantial number of small entities. The undersigned therefore certifies this proposed rule would not have a significant impact on a substantial number of small entities.

Although this rule would not directly impose regulatory costs on small entities because small entities such as small PHAs [53] have the discretion to design their own policy or to opt to not adopt any policy based on HUD's policies, it is possible that State laws will require small PHAs to adopt work requirements or term limits. While this possibility exists, HUD does not foresee the possibility of State laws forcing small entities to adopt work requirements or term limits at this time.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments or is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This final rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments nor preempt State law within the meaning of the Executive Order.

Environmental Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available through the docket file at *https://www.regulations.gov.* The FONSI is also available for public inspection during regular business hours in the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, you must schedule an appointment in advance to review the FONSI by calling the Regulations Division at 202–708–3055 (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.*

Unfunded Mandate Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments, and on the private sector. This rule would not impose any Federal mandates on any State, local, or Tribal governments, or on the private sector, within the meaning of the UMRA.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid Office of Management and Budget (OMB) control number. The information collection requirements were previously approved by OMB under the Paperwork Reduction Act and assigned OMB control numbers 2577–0006, 2577–0083, and 2502–0204.

The proposed rule would require PHAs that choose to adopt a work requirements policy or a term limit policy to revise their PHA plans, which will include soliciting public comment and comment from resident advisory boards on new policies. PHAs and owners that adopt such a policy must offer supportive services, so the policy development process may include communication with partner organizations. PHAs must also revise public housing leases one time so they include the relevant provisions related to lease termination. 24 CFR 966.4(o). Additionally, PHAs are required under 24 CFR 966.3 to provide tenants with a one-time notice about the revisions in the lease. PHAs administering the Housing Choice Voucher program must revise information packets described in 24 CFR 982.301(b) with information about such a policy. HUD will revise the Multifamily Housing Section 8 Model Lease to include a lease termination provision which may be struck by Owners who do not elect to adopt a work requirements or a term limit policy. The proposed rule would require PHAs and Owners to provide applicants and tenants with a one-time notice about the effective date of an adopted policy.

The proposed rule would require PHAs and Owners that choose to adopt a work requirements policy to verify compliance at least annually. If incorporated into the regular recertification process, this will not alter the average burden hours per response during reexaminations, since that process already requires verification of earned income. Thus, the initial reporting and recordkeeping burden estimate reflects the time required to develop a policy, solicit public comment, communicate as needed with partner organizations, update policy documents, and provide required notices to families.

Drawing on patterns of adoption of work requirements policies among PHAs in the MTW Demonstration, HUD estimates that approximately 750 PHAs and 3,504 Owners will adopt a work requirements or term limits policy. The burden of the information collection in this proposed rule is estimated as follows:

[52] The PHAs and owners that incur the costs would only do so if they perceive benefits from enacting the policies that outweigh the costs.

[53] HUD has defined ''small PHAs'' for the purpose of reducing regulatory burden as those with fewer than 250 assisted units. 24 CFR 985.105(a)(2) and 24 CFR 75.5. By this definition, approximately 2,100 PHAs (58 percent of all PHAs) are small entities. These small PHAs administer housing assistance to six percent of active public housing and HCV families.

TABULATION OF ONE-TIME REPORTING AND RECORDKEEPING BURDEN

Information collection	Number of respondents	Frequency of response	Burden hour per response	Total burden hours	Hourly cost per response	Total cost
Public Housing Agencies	750	1	30	22,500	$30	$675,000
Multifamily Housing Owners	3,504	1	16	56,064	30	1,681,920

In accordance with 5 CFR 1320.8(d)(1), HUD is soliciting comments from members of the public and affected agencies concerning the information collection requirements in the proposed rule regarding:

(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) Whether the proposed collection of information enhances the quality, utility, and clarity of the information to be collected; and

(4) Whether the proposed information collection minimizes 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).

Interested persons are invited to submit comments regarding the information collection requirements in this rule. The proposed information collection requirements in this rule have been submitted to OMB for review under section 3507(d) of the Paperwork Reduction Act. Under the provisions of 5 CFR part 1320, OMB is required to make a decision concerning this collection of information between 30 and 60 days after the publication date. Therefore, a comment on the information collection requirements is best assured of having its full effect if OMB receives the comment within 30 days of the publication. This time frame does not affect the deadline for comments to the agency on the proposed rule. Comments must refer to the proposed rule by name and docket number (FR–6520–P–01) and must be sent to: Anna Guido, Clearance Officer, Paperwork Reduction Act Division (PRAD), Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email at *Anna.P.Guido@hud.gov,* telephone (202) 402–5535.

Interested persons may submit comments regarding the information collection requirements electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *http://www.regulations.gov* website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

V. Electronic Access and Filing

Comments submitted electronically through the *www.regulations.gov* website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

HUD will make all properly submitted comments and communications available for public inspection and copying during regular business hours at the above address. Due to security measures at the HUD Headquarters building, you must schedule an appointment in advance to review the public comments by calling the Regulations Division at 202–708–3055 (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 all comments submitted are available for inspection and downloading at *www.regulations.gov.*

Lists of Subjects

24 CFR Part 5

Administrative practice and procedure; Aged; Claims; Crime; Government contracts; Grant programs—housing and community development; Individuals with disabilities; Intergovernmental relations; Loan programs—housing and community development; Low and moderate income housing; Mortgage insurance; Penalties; Pets; Public housing; Rent subsidies; Reporting and recordkeeping requirements; Social security; Unemployment compensation; Wages.

24 CFR Part 960

Aged; Grant programs—housing and community development; Individuals with disabilities; Pets; Public housing.

24 CFR Part 982

Grant programs—housing and community development; Grant programs—Indians; Indians; Public housing; Rent subsidies; Reporting and recordkeeping requirements.

24 CFR Part 983

Grant programs—housing and community development; Low and moderate income housing; Rent subsidies; Reporting and recordkeeping requirements.

Accordingly, for the reasons described in the preamble, HUD proposes to amend 24 CFR parts 5, 960, 982, and 983 as follows:

PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

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

Authority: 12 U.S.C. 1701x; 42 U.S.C. 1437a, 1437c, 1437f, 1437n, 3535(d); 42 U.S.C. 2000bb *et seq.;* 34 U.S.C. 12471 *et seq.;* Sec. 327, Pub. L. 109–115, 119 Stat. 2396; E.O. 13279, 67 FR 77141, 3 CFR, 2002 Comp., p. 258; E.O. 13559, 75 FR 71319, 3 CFR, 2010 Comp., p. 273; E.O. 14015, 86 FR 10007, 3 CFR, 2021 Comp., p. 517.

■ 2. Add subpart N to read as follows:

Subpart N—Work Requirements and Term Limits in Project-Based Rental Assistance

Sec.

5.4001 Applicability.
5.4003 Definitions.
5.4005 Election of Work Requirements and Term Limits.

§ 5.4001 Applicability.

This subpart N applies to Section 8 project-based rental assistance (PBRA) programs.

§ 5.4003 Definitions.

The following definitions apply to this subpart:

Work activities. This definition has the same meaning as the term defined in section 407(d) of the Social Security Act (42 U.S.C. 607(d)). Self-employment is a work activity. Owners may also identify additional work activities beyond those listed in section 407(d).

Work-eligible. A member of an assisted family who is between ages 18 to 61, excluding persons with a disability as defined in 24 CFR 5.403 or a primary caretaker of such individual, or who are pregnant, or who are the primary caretaker for a child under 6 years of age or for temporarily incapacitated individuals, or who are enrolled as a student in an institution of higher education as defined in section 102 of the Higher Education Act of 1965 (for a duration determined by the Owner).

§ 5.4005 Election of Work Requirements and Term Limits in the Project-Based Rental Assistance Program.

(a) *Work requirements for continued assistance.*

(1) The Owner of a property assisted under the Project-Based Rental Assistance (PBRA) program (42 U.S.C. 1437f) who is not in default of their Section 8 Housing Assistance Payments (HAP) contract may adopt a policy to require work-eligible adults of an assisted family to engage in work activities as a condition of continued assistance.

(2) An Owner may require work-eligible adults receiving assistance under this part to engage in work activities for no more than 40 hours per week.

(3) An Owner must establish a work requirements policy in accordance with this subpart and include information regarding the work requirements in the tenant selection plan before implementing the work requirements. At a minimum, the work requirements policy must describe the following:

(i) Which work-eligible adults in the family are subject to and exempt from the policy;

(ii) What the Owner determines to be work activity;

(iii) The required number of hours of work activities that a work-eligible adult must complete;

(iv) How the Owner will determine compliance with the work requirements policy;

(v) How frequently the Owner will determine a work-eligible adult's compliance with the work requirement policy, which must be done no less than annually;

(vi) The consequences for non-compliance with the work requirement policy;

(vii) A written description of the hardship policy to address tenants seeking a determination of disability status, families who are temporarily relocated due to a disaster, and families who are actively trying to comply with the Owner's work requirement policy but are having difficulty engaging in work activity. The hardship policy must include a grievance procedure for families seeking the review of a denied hardship request; and

(viii) The supportive services that the Owner provides to assist work-eligible adults with obtaining employment or otherwise engaging in work activities.

(4) An Owner must furnish a copy of the work requirements policy to applicants, each family at the time of lease execution, and to resident organizations.

(5) An Owner's work requirements must be included in all tenant dwelling leases.

(6) An Owner must provide family members a written notice at minimum three months prior to an Owner's implementation of its work requirements policy adopted under this subpart.

(7) An Owner must provide supportive services to assist work-eligible adults with obtaining employment or otherwise engaging in work activities either through the Owner or a partner organization.

(8) An Owner may not establish work requirements as a condition of admission into its Section 8 project-based assistance program.

(b) *Term Limits*

(1) An Owner of a property assisted under the Project-Based Rental Assistance (PBRA) program (42 U.S.C. 1437f) who is not in default of their Section 8 contract may adopt a policy to implement a term limit on continued occupancy of not less than two years for a family residing in a unit receiving assistance under the PBRA program.

(2) An Owner must complete the following prior to implementing any term limit policy:

(i) Provide information regarding its election to implement a term limit in its tenant selection plan;

(ii) Establish a term limit policy; and

(iii) Provide existing families a written notice of implementation at least three months prior to an Owner's implementation of its term limit policy adopted under this subpart.

(3) When establishing a term limit policy, an Owner must establish the policy in accordance with certain procedures in this subpart. At a minimum, the term limit policy must describe:

(i) Which families are subject to and exempt from the policy;

(ii) The term for which assistance may be provided;

(iii) How the Owner will determine compliance;

(iv) The consequences for non-compliance;

(v) A description of the hardship policy. Owners must implement a hardship policy, including a policy to address tenants seeking a determination of disability status. The written policy must include a grievance procedure for families seeking the review of a denied hardship request;

(vi) That the policy must not apply while families have been temporarily relocated pursuant to the Uniform Relocation Act, to facilitate unit repairs, rehabilitation, or during such time when the dwelling unit is located in a Presidentially declared disaster area;

(vii) The supportive services that the Owner provides to support preparing families for the termination of assistance.

(4) An Owner's term-limit policy must be included in all tenant dwelling leases.

(5) An Owner must furnish a copy of the term limit policy to applicants, each family at lease execution, and to resident organizations.

(6) An Owner's term limit policy may only apply to a family's receipt of assistance after the Owner has adopted a term limit in accordance with this subpart.

(7) An Owner must provide supportive services, either through the Owner or a partner organization, to support preparing families for the termination of assistance.

(8) When an Owner determines a family is within 12 months and, again within 6 months of the Owner's term limit, the Owner must provide written notice to the family within 30 days of such determination. The notice must state the date upon which the family will reach the Owner's term limit, the action the Owner will take, and a description of the Owner's hardship policy. If the Owner is a PHA, each notice must in addition explain the steps the family must take if the family wishes to request a hearing.

(9) An Owner may not impose a term limit on elderly and disabled families as defined in 24 CFR 5.403 or on families while they are under a statutory notice period under 42 U.S.C. 1437f(c)(8)(A).

(c) An Owner may terminate the Section 8 project-based rental assistance of a noncompliant family or family member to whom the work

requirements or term limits under this subpart apply. An Owner may only enforce a policy established pursuant to and in compliance with this subpart.

PART 960—ADMISSION TO, AND OCCUPANCY OF, PUBLIC HOUSING

■ 3. The authority citation for part 960 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437d, 1437n, 1437z–3, and 3535(d).

■ 4. In § 960.102, add in alphabetical order definitions of ''Work activities'' and ''Work-eligible'' to paragraph (b). The additions read as follows:

§ 960.102 Definitions.

* * * * *

(b) * * *

Work activities. This definition has the same meaning as the term in section 407(d) of the Social Security Act (42 U.S.C. 607(d)). Self-employment is a work activity. PHAs may also identify additional work activities beyond those listed in section 407(d).

Work-eligible. A member of an assisted family who is between ages 18 to 61, excluding persons with a disability as defined in 24 CFR 5.403 or a primary caretaker of such individual, or who are pregnant, or who are the primary caretaker for a child under 6 years of age or for temporarily incapacitated individuals, or who are enrolled as a student in an institution of higher education as defined in section 102 of the Higher Education Act of 1965 (for a duration determined by the PHA).

■ 5. Add subpart H to read as follows:

Subpart H—Work Requirements and Term Limits

Sec.

960.801 Election of Work Requirements and Term Limits.

§ 960.801 Election of Work Requirements and Term Limits.

(a) *Work requirements for continued occupancy.*

(1) A PHA not designated as a troubled performer under the Public Housing Assessment System (PHAS) or the Small Rural Public Housing Assessment and not in receivership may adopt a policy to require work-eligible adults of an assisted family residing in public housing under Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) to engage in work activities as a condition of continued occupancy.

(2) A PHA may require work-eligible adults receiving assistance under this part to engage in work activities for no more than 40 hours per week.

(3) A PHA must establish a work requirements policy in accordance with this subpart and include information regarding the PHA's election to set work requirements in its PHA Plan before implementing the work requirements. At a minimum, the work requirements policy must describe the following:

(i) Which work-eligible adults in the family are subject to and exempt from the policy;

(ii) What the PHA determines to be work activity;

(iii) The required number of hours of work activities that a work-eligible adult must complete;

(iv) How the PHA will determine compliance with the work requirements policy;

(v) How frequently the PHA will determine a work-eligible adult's compliance with the work requirements policy, which must be done no less than annually;

(vi) The consequences for non-compliance with the work requirements policy;

(vii) A written description of the hardship policy to address tenants seeking a determination of disability status, families who are temporarily relocated due to a disaster, and families who are actively trying to comply with the agency's work requirement, but are having difficulties obtaining work or otherwise engaging in work activity; and

(viii) The supportive services that the PHA will provide, either through the agency or a partner organization, to assist work-eligible adults with obtaining employment or otherwise engaging in work activities.

(4) A PHA must furnish a copy of the work requirements policy to applicants, each family at the time of lease execution, each family at the time of lease renewal, and to resident organizations.

(5) The PHA work requirements policy must be included in, or incorporated by cross-reference in, all tenant dwelling leases pursuant to 24 CFR part 966, subpart A.

(6) A PHA must provide family members a written notice at minimum three months prior to a PHA's implementation of its work requirements policy adopted under this subpart.

(7) A PHA must provide supportive services to assist work-eligible adults with obtaining employment or otherwise engaging in work activities either through the agency or a partner organization.

(8) A PHA may not establish work requirements as a condition of admission into its public housing program.

(b) *Term limits.*

(1) A PHA not designated as a troubled performer under the Public Housing Assessment System (PHAS) or the Small Rural Public Housing Assessment and not in receivership may adopt a policy to implement a term limit on continued occupancy of not less than two years for a family residing in a unit receiving assistance under Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

(2) A PHA must complete the following prior to implementing any term limit policy:

(i) Provide information regarding its election to implement a term limit in its PHA Plan;

(ii) Establish a term limit policy; and

(iii) Provide existing families a written notice of implementation at least three months prior to a PHA's implementation of its term limit policy adopted under this subpart.

(3) When establishing a term limit policy, a PHA must establish the policy in accordance with certain procedures in this subpart. At a minimum, the term limit policy must describe:

(i) Which families are subject to and exempt from the policy;

(ii) The term for which assistance may be provided;

(iii) How the PHA will determine compliance;

(iv) The consequences for non-compliance;

(v) A description of the hardship policy. PHAs must implement a hardship policy, including a policy to address tenants seeking a determination of disability status;

(vi) That the policy must not apply while families have been temporarily relocated pursuant to the Uniform Relocation Act, to facilitate unit repairs, rehabilitation, or during such time when the dwelling unit is located in a Presidentially declared disaster area; and

(vii) The supportive services that the PHA will provide, either through the agency or a partner organization, to support preparing families for the termination of assistance.

(4) A PHA's term limit policy must be included in, or incorporated by reference in, all tenant dwelling leases pursuant to 24 CFR part 966, subpart A.

(5) A PHA must furnish a copy of the term limit policy to applicants, each family at lease execution and at the time of lease renewal and to resident organizations.

(6) A PHA's term limit policy may only apply to a family's receipt of assistance after the PHA has adopted a term limit in accordance with this subpart.

(7) A PHA must provide supportive services, either through the agency or a partner organization, to support preparing families for the termination of assistance.

(8) When a PHA determines a family is within 12 months and, again within 6 months of the agency's term limit, the PHA must provide written notice to the family within 30 days of such determination. The notice must state the date upon which the family will reach the PHA's term limit, the action the PHA will take, a description of the PHA's hardship policy, and the family's opportunity for a hearing if the family disputes within a reasonable time the PHA's determination.

(9) A PHA may not impose a term limit on elderly and disabled families as defined in 24 CFR 5.403.

(c) *Enforcement.* A PHA may terminate program assistance to a covered family or family member to whom the work requirement or term limit policies under this subpart apply, if the family member does not comply. Such termination of assistance is subject to the restrictions in this subpart and the termination procedures described in 24 CFR part 966, subpart A. A PHA may only enforce a policy established pursuant to and in compliance with this subpart.

PART 982—SECTION 8 TENANT-BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM

■ 6. The authority citation for part 982 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

■ 7. In § 982.4, revise paragraph (a)(3) and add in alphabetical order definitions for ''Work activities'' and ''Work-eligible'' to paragraph (b). The revision and additions read as follows:

§ 982.4 Definitions

(a) * * *

(3) The following terms are defined in 24 CFR part 5, subpart F: Adjusted income, Annual income, Extremely low income family, Total tenant payment, Utility allowance, Welfare assistance, and work activities.

(b) * * *

Work activities. This definition has the same meaning as the term in section 407(d) of the Social Security Act (42 U.S.C. 607(d)). In addition, self-employment is a work activity. PHAs may also identify additional work activities beyond those listed in section 407(d).

Work-eligible. A member of an assisted family who is between ages 18 to 61, excluding persons with a disability as defined in 24 CFR 5.403, or a primary caretaker of such individual, or who are pregnant, or who are the primary caretaker for a child under 6 years of age or for temporarily incapacitated individuals, or who are enrolled as a student in an institution of higher education as defined in section 102 of the Higher Education Act of 1965 (for a duration determined by the PHA).

■ 8. Add § 982.55 to subpart B to read as follows:

§ 982.55 Election of Work Requirements and Term Limits.

(a) *Work requirements.*

(1) A PHA not designated as a troubled performer under the Section Eight Management Assessment Program (SEMAP) or the Small Rural PHA Assessment and not in receivership may adopt a policy to require work-eligible adults of a family receiving assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to engage in work activities as a condition of continued assistance.

(2) A PHA may require work-eligible adults admitted and assisted under this part to engage in work activities for no more than 40 hours per week.

(3) A PHA must establish a work requirements policy in accordance with this subpart and include information regarding the PHA's election to set work requirements in its PHA Plan before implementing the work requirements. At a minimum, the work requirements policy must describe the following:

(i) Whether the PHA is defining ''Work-eligible'' consistent with the definition at § 982.4 or is using an alternative, narrower definition. An alternative definition must clearly identify the family members subject to and exempt from the policy, and may not include any category of person excluded by the definition at § 982.4;

(ii) What the PHA determines to be work activities that are sufficient to comply with the work requirements policy;

(iii) The required number of hours for work activity, which must not exceed 40 hours per individual per week, and whether the requirement applies only to work-eligible adults or the family collectively;

(iv) How the PHA will determine the work-eligible adult's compliance with the work requirements policy;

(v) How frequently the PHA will determine a work-eligible adult's compliance with the work requirements policy, which must be done not less than annually;

(vi) The consequences for non-compliance with the work requirements policy; and

(vii) A written description of the hardship policy to address work-eligible adults seeking a determination of disability status, work-eligible adults of families who are temporarily relocated due to a disaster, and work-eligible adults who are actively trying to comply with the agency's work requirement, but are having difficulties obtaining work or otherwise engaging in work activity.

(4) The work requirements policy must be included in the following:

(i) The PHA Plan;

(ii) The Administrative Plan in accordance with 24 CFR 982.54;

(iii) The oral briefing described in 24 CFR 982.301(a); and

(iv) The information packet described in 24 CFR 982.301(b).

(5) A PHA must explain the work requirements policy at the oral briefing required under this part and furnish a copy of the policy to each applicant and tenant in the information packet.

(6) A PHA must provide existing family members a written notice at minimum three months prior to a PHA's implementation of its work requirements policy adopted under this subpart.

(7) A PHA must provide, either through the agency or a partner organization, supportive services to assist work-eligible adults with obtaining employment or otherwise engaging in work activities.

(8) A PHA may not require work as a condition of admission into its HCV or PBV program.

(b) *Term limits.*

(1) A PHA not designated as a troubled performer under the Section Eight Management Assessment Program (SEMAP) and not in receivership may implement a term limit of not less than two years for families receiving assistance under this subpart.

(2) A PHA must complete the following steps prior to implementing any term limit policy:

(i) Provide information regarding its election to implement a term limit in its PHA Plan;

(ii) Establish a term limit policy; and

(iii) Provide existing families a written notice of implementation at least three months prior to the PHA's implementation of its term limit policy adopted under this subpart.

(3) A PHA must establish the term limit policy in accordance with the procedures in this subpart. The term limit policy must describe:

(i) Which families are subject to and exempt from the policy;

(ii) The term for which assistance may be provided;

(iii) How the PHA will determine compliance;

(iv) The consequences for non-compliance;

(v) A written description of the hardship policy. PHAs must implement a hardship policy, including a policy to address tenants seeking a determination of disability status; and

(vi) That the policy must not apply while families have been temporarily relocated pursuant to the Uniform Relocation Act, to facilitate unit repairs, rehabilitation, or during such time when the dwelling unit is located in a Presidentially declared disaster area.

(4) The term limit policy must be included in the following:

(i) The PHA Plan;

(ii) The Administrative Plan in accordance with 24 CFR 982.54;

(iii) The oral briefing described in 24 CFR 982.301(a) for tenant-based assistance and 24 CFR 983.252(a) for project-based voucher assistance; and

(iv) The information packet described in 24 CFR 982.301(b) for tenant-based assistance and 24 CFR 983.252(b) for project-based voucher assistance.

(5) A PHA's term limit policy must exclude elderly families and disabled families as defined in 24 CFR 5.403.

(6) A PHA must provide supportive services, either through the agency or a partner organization, to support preparing families for the termination of assistance.

(7) When a PHA determines a family is within 12 months and, again within 6 months of the agency's term limit, the PHA must provide written notice to the family within 30 days of such determination. The notice must state the date upon which the family will reach the PHA's term limit, the action the PHA will take, a description of the PHA's hardship policy, and the family's opportunity for an informal hearing under 24 CFR 982.555 if the family disputes within a reasonable time the PHA's determination.

(c) *Applicability to special purpose vouchers.* Work requirements and term limits policies may be implemented for special purpose vouchers in the following manner:

(1) A PHA may establish work requirements or term limits for Mainstream vouchers, Stability Vouchers, the HCV homeownership program.

(2) A PHA may establish work requirements for the Family Unification Program or Foster Youth to Independence initiative.

(3) A PHA must not establish term limits for the Family Unification Program when used to serve foster youth, or the Foster Youth to Independence initiative.

(4) A PHA must not establish work requirements or term limits for the HUD-Veterans Affairs Supportive Housing (HUD–VASH) program.

(5) A PHA may establish work requirements or term limits for other programs as determined by the Secretary through a **Federal Register** notice.

(d) *Enforcement.* A PHA may terminate program assistance to a family or covered family member to whom the work requirements or term limits in this subpart apply for non-compliance with the work requirements or term limit policy. Termination of assistance for non-compliance with the work requirement or term limit policies is subject to the restrictions in this subpart and the termination procedures described in 24 CFR part 982, subpart L. A PHA may only enforce compliance based on a policy properly established pursuant to and in compliance this subpart.

PART 983—PROJECT-BASED VOUCHER (PBV) PROGRAM

■ 9. The authority citation for part 983 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

■ 10. In § 983.3, amend paragraph (b) by adding in alphabetical order definitions for ''Work activities'' and ''Work-eligible''. The additions read as follows:

§ 983.3 PBV Definitions

* * * * *

(b) * * *

Work activities. See 24 CFR 982.4.

Work-eligible. See 24 CFR 982.4.

* * * * *

■ 11. Add § 983.263 to subpart F to read as follows:

§ 983.263 Election of Work Requirements and Term Limits.

(a) *Work requirements.*

(1) A PHA not designated as a troubled performer under the Section Eight Management Assessment Program (SEMAP) and not in receivership may adopt a policy to require work-eligible adults of a family receiving assistance under this part to engage in work activities as a condition of continued assistance.

(2) A PHA may require work-eligible adults admitted and assisted under this part to engage in work activities for no more than 40 hours per week.

(3) A PHA must establish a work requirements policy in accordance with this subpart and include information regarding the PHA's election to set work requirements in its PHA Plan before implementing the work requirements. At a minimum, the work requirements policy must describe the following:

(i) Whether the PHA is defining ''Work-eligible'' consistent with the definition at § 982.4 or is using an alternative, narrower definition. An alternative definition must clearly identify the family members subject to and exempt from the policy, and may not include any category of person excluded by the definition at § 982.4;

(ii) What the PHA determines to be work activities that are sufficient to comply with the work requirements policy;

(iii) The required number of hours for work activity, which must not exceed 40 hours per individual per week, and whether the requirement applies only to work-eligible adults or the family collectively;

(iv) How the PHA will determine the work-eligible adult's compliance with the work requirements policy;

(v) How frequently the PHA will determine a work-eligible adult's compliance with the work requirements policy, which must be done no less than annually;

(vi) The consequences for non-compliance with the work requirements policy; and

(vii) A written description of the hardship policy to address tenants seeking a determination of disability status, families who are temporarily relocated due to a disaster, and families who are actively trying to comply with the agency's work requirement, but are having difficulties obtaining work or otherwise engaging in work activity.

(4) The work requirements policy must be included in the following:

(i) The PHA Plan;

(ii) The Administrative Plan in accordance with 24 CFR 982.54;

(iii) The oral briefing required under 24 CFR 983.252(a) for project-based assistance; and

(iv) The information packet required under 24 CFR 983.252(b).

(5) A PHA must explain the work requirements policy at the oral briefing required under this part and furnish a copy of the policy to each applicant and tenant in the information packet.

(6) A PHA must provide existing family members a written notice at minimum three months prior to a PHA's implementation of its work requirements policy adopted under this subpart.

(7) A PHA must provide, either through the agency or a partner organization, supportive services to assist work-eligible adults with obtaining employment or otherwise engaging in work activities. The definition of supportive services is found at 24 CFR 983.3.

(8) A PHA may not establish work requirements as a condition of admission into its HCV or PBV program.

(9) PHAs may implement separate work requirements in individual projects or buildings or for sets of such units.

(b) *Term limits.*

(1) A PHA not designated as a troubled performer under the Section Eight Management Assessment Program (SEMAP) and not in receivership may implement a term limit of not less than two years for families receiving assistance under this subpart.

(2) A PHA must complete the following steps prior to implementing any term limit policy:

(i) Provide information regarding its election to implement a term limit in its PHA Plan;

(ii) Establish a term limit policy; and

(iii) Provide existing families a written notice of implementation at least three months prior to a PHA's implementation of its term limit policy adopted under this subpart.

(3) A PHA must establish the term limit policy in accordance with the procedures in this subpart. The term limit policy must describe:

(i) Which families are subject to and exempt from the policy;

(ii) The term for which assistance may be provided;

(iii) How the PHA will determine compliance;

(iv) The consequences for non-compliance;

(v) A written description of the hardship policy. PHAs must implement a hardship policy, including a policy to address tenants seeking a determination of disability status; and

(vi) That the policy must not apply while families have been temporarily relocated pursuant to the Uniform Relocation Act, to facilitate unit repairs, rehabilitation, or during such time when the dwelling unit is located in a Presidentially declared disaster area.

(4) The term limit policy must be included in the following:

(i) The PHA Plan;

(ii) The Administrative Plan in accordance with 24 CFR 982.54 and 24 CFR 983.10;

(iii) The oral briefing described in 24 CFR 983.252(a); and

(iv) The information packet described in 24 CFR 983.252(b).

(5) A PHA's term limit policy must exclude elderly families and disabled families as defined in 24 CFR 5.403.

(6) A PHA must provide supportive services, either through the agency or a partner organization, to support preparing families for the termination of assistance.

(7) When a PHA determines a family is within 12 months and, again within 6 months of the expiration of the term limit, the PHA must provide written notice to the family within 30 days of such determination. The notice must state the date upon which the family will reach the PHA's term limit, the action the PHA will take, a description of the PHA's hardship policy, and the family's opportunity for an informal hearing if the family disputes within a reasonable time the PHA's determination.

(8) PHAs may implement separate term limits in individual projects or buildings or for sets of such units.

(c) *Enforcement.* A PHA may terminate program assistance to a family or covered family member to whom the work requirements or term limits in this subpart apply for non-compliance with the work requirements or term limit policy. Termination of assistance for non-compliance with the work requirement or term limit policies is subject to the restrictions in this subpart and the termination procedures described in 24 CFR part 982, subpart L. A PHA may only enforce compliance based on a policy properly established pursuant to this subpart.

(d) *Vacancy payments.* If a tenancy is terminated, the Owner may be eligible for vacancy payments on the same terms as provided for in 24 CFR 983.352.

Benjamin Hobbs,

Assistant Secretary for Public and Indian Housing.

Scott Turner,

Secretary.

[FR Doc. 2026–04095 Filed 2–27–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2550

RIN 1210–AB37

Improving Transparency Into Pharmacy Benefit Manager Fee Disclosure; Extension of Comment Period

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Proposed rule; extension of the comment period.

SUMMARY: This document extends the comment period on the Department's *Improving Transparency Into Pharmacy Benefit Manager Fee Disclosure* proposed rule. The proposed rule would require providers of pharmacy benefit management services and affiliated providers of brokerage and consulting services to disclose information about their compensation to fiduciaries of self-insured group health plans subject to the Employee Retirement Income Security Act (ERISA), for purposes of ERISA's statutory prohibited transaction exemption for services arrangements. The proposed rule was published in the **Federal Register** on January 30, 2026, with a comment deadline of March 31, 2026. On February 3, 2026, the Consolidated Appropriations Act, 2026 amended ERISA to add several provisions relating to providers of pharmacy benefit management services. Consequently, the Department is extending the comment period for an additional 15 days, to April 15, 2026, to allow interested persons to address whether the rule should be adjusted due to these new statutory provisions.

DATES: The comment period for the proposed rule published January 30, 2026, at 91 FR 4348, is extended. Comments should be received on or before April 15, 2026.

ADDRESSES: You may submit comments, identified by RIN 1210–AB37, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail or Personal Delivery:* Office of Regulations and Interpretations, Employee Benefits Security Administration, Room N–5655, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

Instructions: All submissions received must include the agency name and Regulation Identifier Number (RIN) for this rulemaking. Comments received, including any personal information provided, will be posted without change to *http://www.regulations.gov* and *http://www.dol.gov/ebsa,* and made available for public inspection at the Public Disclosure Room, N–1513, Employee Benefits Security Administration, 200 Constitution Avenue NW, Washington, DC 20210. Persons submitting comments electronically are encouraged not to submit paper copies. 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.

Warning: Do not include any personally identifiable or confidential business information that you do not want publicly disclosed. Comments are public records posted on the internet as received and can be retrieved by most internet search engines.

Docket: Go to the Federal eRulemaking Portal at *https://www.regulations.gov* for access to the rulemaking docket, including the plain-language summary of the proposed rule of not more than 100 words in length required by the Providing Accountability Through Transparency Act of 2023.

FOR FURTHER INFORMATION CONTACT: Stephen Sklenar or Saliha Moore, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, at 202–693–8513. This is not a toll-free number.

Customer service information: Individuals interested in obtaining general information from the Department of Labor concerning Title I of ERISA may call the EBSA Toll-Free Hotline at 1–866–444–EBSA (3272) or visit the Department's website (*www.dol.gov/agencies/ebsa*).

SUPPLEMENTARY INFORMATION: In Executive Order 14273, *Lowering Drug Prices by Once Again Putting Americans First,* President Trump instructed the Department to propose regulations to improve employer health plan transparency into the direct and indirect compensation received by pharmacy benefit managers.[1] Businesses that provide pharmacy benefit management services (hereinafter ''PBMs'' unless otherwise specified) to ERISA-covered self-insured group health plans have acquired significant influence over prescription drug costs in recent years. By addressing the influence of PBMs and promoting transparent pricing, President Trump's Executive Order aims to create a fairer and more competitive prescription drug market that lowers costs and ensures accountability across the healthcare system.[2]

The Department's *Improving Transparency Into Pharmacy Benefit Manager Fee Disclosure* proposed rule responds to the President's directive. The proposed rule was issued under ERISA section 408(b)(2), which is a statutory prohibited transaction exemption that exempts certain arrangements between ERISA-covered plans (including self-insured group health plans) and service providers that otherwise would be prohibited transactions under ERISA section 406. The proposed rule would require providers of pharmacy benefit management services and affiliated providers of brokerage and consulting services to provide robust disclosures to responsible plan fiduciaries of self-insured group health plans regarding their compensation for such services, including the advance disclosure of compensation they reasonably expect to receive. The proposed rule also includes audit provisions designed to ensure that the responsible plan fiduciaries can verify the accuracy of the disclosures. These provisions would allow the responsible plan fiduciaries to assess the reasonableness of the contracts or arrangements with these service providers, including the reasonableness of the service providers' compensation.

The Consolidated Appropriations Act, 2026 (CAA, 2026) was signed into law on February 3, 2026, after the publication of the *Improving Transparency Into Pharmacy Benefit Manager Fee Disclosure* proposed rule. CAA, 2026 amended ERISA section 408(b)(2) in several ways relevant to providers of pharmacy benefit management services, including by adding disclosure requirements, requirements to pass through to the plan rebates received from certain parties in the pharmaceutical supply chain, and related audit requirements.[3] Amended ERISA section 408(b)(2) also provides specific regulatory authority to the Secretary of Labor.[4]

CAA, 2026 also amended ERISA by adding a new section 726 entitled ''Oversight of Entities that Provide Pharmacy Benefit Management Services.''[5] Section 726 requires among other things that entities that provide pharmacy benefit management services to certain group health plans (including through health insurance issuers) make reports to the group health plans. The reports must include specified information with respect to drugs covered by the group health plan and must be made every six months (or, at the request of the group health plan, every quarter).

The Department's goal remains to improve employer health plan transparency into the direct and indirect compensation received by pharmacy benefit managers. In the Department's view, the CAA, 2026 ERISA amendments reflect Congressional support for transparency into pharmacy benefit management practices as well as for the Department's regulatory authority under ERISA section 408(b)(2). The Department therefore asks interested persons to address, as part of their comments on the proposed rule, whether the rule should be adjusted in light of the CAA, 2026 amendments to ERISA, and if so, what adjustments are needed. For example, the Department seeks comment on whether specific provisions of the rule should be revised or whether new provisions should be added, in order to minimize complexity or align with the new statutory provisions, while continuing to fulfill the stated transparency goals of the proposal.

Signed at Washington, DC.

Daniel Aronowitz,

Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

[FR Doc. 2026–04084 Filed 2–27–26; 8:45 am]

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[1] 90 FR 16441 (April 18, 2025).

[2] See Fact Sheet: President Donald J. Trump Announces Actions to Lower Prescription Drug Prices (April 15, 2025) (''The [Executive] Order builds off [the Administration's] critical work and reevaluates the role of middlemen by: Improving disclosure of fees that pharmaceutical benefit managers (PBMs) pay to brokers for steering employers to utilize their services . . .''), *https://www.whitehouse.gov/fact-sheets/2025/04/fact-sheet-president-donald-j-trump-announces-actions-to-lower-prescription-drug-prices/.*

[3] Consolidated Appropriations Act, 2026, Division J, Title VII, section 6702.

[4] See ERISA section 408(b)(2)(B)(iii) (''A covered service provider shall disclose to a responsible plan fiduciary, in writing, the following (in accordance with regulations issued by the Secretary, addressing time, manner, and content of such disclosures) . . .''); ERISA section 408(b)(2)(C)(ii)(II) (''[T]he Secretary may issue regulations governing—(aa) procedures for the remittance of rebates, fees, alternative discounts, and other remuneration under subclause (I)(aa); (bb) any audit pursuant to this subparagraph; and (cc) the timing, manner, and content of the disclosure of rebates, fees, alternative discounts, and other remuneration under subclause (I)(bb) as well as other information the Secretary determines necessary for the responsible plan fiduciary to consider the reasonableness of the contract or arrangement (provided that such information does not include personally identifiable health information or protected health information subject to established individual privacy and nondiscrimination requirements under law)'').

[5] Consolidated Appropriations Act, 2026, Division J, Title VII, section 6701.

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Part 1010

RIN 1506–AB71

Proposal of Special Measure Regarding MBaer Merchant Bank AG as a Financial Institution Operating Outside of the United States of Primary Money Laundering Concern

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: FinCEN is issuing a notice of proposed rulemaking, pursuant to section 311 of the USA PATRIOT Act, that finds MBaer Merchant Bank AG (MBaer), a financial institution based in Switzerland, to be of primary money laundering concern, and proposes imposing a special measure to: (1) prohibit U.S. financial institutions from opening or maintaining a correspondent account for, or on behalf of, MBaer; (2) require U.S. financial institutions to take reasonable steps not to process a transaction for the correspondent account in the United States of a foreign banking institution if such a transaction involves MBaer; and (3) require U.S. financial institutions to apply special due diligence to their foreign correspondent accounts that is reasonably designed to guard against their use to process transactions involving MBaer.

DATES: Written comments on the notice of proposed rulemaking must be submitted on or before April 1, 2026.

ADDRESSES: Comments must be submitted in one of the following two ways (please choose only one of the ways listed):

- *Federal E-rulemaking Portal: https://www.regulations.gov.* If you are reading this document on *federalregister.gov,* you may use the green ''SUBMIT A PUBLIC COMMENT'' button beneath this rulemaking's title to submit a comment to the *regulations.gov* docket.
- *Mail:* Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2026–0001 in the submission.

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

FOR FURTHER INFORMATION CONTACT: The FinCEN Regulatory Support Section at *www.fincen.gov/contact.*

SUPPLEMENTARY INFORMATION:

I. Statutory Provisions

Section 311 of the USA PATRIOT Act [1] (section 311), codified at 31 U.S.C. 5318A, grants the Secretary of the Treasury (Secretary) the authority to make a finding that ''reasonable grounds exist for concluding'' that any of the following ''is of primary money laundering concern'':

(i) A jurisdiction outside of the United States;

(ii) One or more financial institutions operating outside of the United States;

(iii) One or more classes of transactions within, or involving, a jurisdiction outside of the United States; or

(iv) One or more types of accounts.[2]

Upon making such a finding, the Secretary is authorized to require domestic financial institutions and domestic financial agencies—collectively, ''covered financial institutions''—to take certain ''special measures.'' Specifically, pursuant to section 311, the Secretary may impose one or more of five possible special measures as safeguards to defend the U.S. financial system from money laundering and terrorist financing risks. Through special measures one through four, the Secretary may impose additional recordkeeping, information collection, and reporting requirements on covered financial institutions.[3] Through special measure five, the Secretary may ''prohibit, or impose conditions upon, the opening or maintaining in the United States of a correspondent account or payable-through account'' for or on behalf of a foreign banking institution, if such correspondent account or payable-through account involves the financial institution operating outside of the United States found to be of primary money laundering concern.[4]

Before making a finding that reasonable grounds exist for concluding that a financial institution operating outside of the United States (or other jurisdiction, account, or class of transactions) is of primary money laundering concern, the Secretary is required to consult with both the Secretary of State and the Attorney General.[5] In addition, among the information the Secretary determines to be relevant in making such a finding about a financial institution, the Secretary is required to consider the following potentially relevant institutional factors:

- The extent to which such a financial institution is used to facilitate or promote money laundering in or through a jurisdiction outside the United States, including any money laundering activity by organized criminal groups, international terrorists, or entities involved in the proliferation of weapons of mass destruction (WMD) or missiles.
- The extent to which such a financial institution is used for legitimate business purposes in the jurisdiction; and
- The extent to which the action being proposed is sufficient to ensure, with respect to transactions involving the jurisdiction and institutions operating in the jurisdiction, that the purposes of section 311 continue to be fulfilled, and to guard against international money laundering and other financial crimes.[6]

In selecting one or more special measures, the Secretary ''shall consult with the Chairman of the Board of Governors of the Federal Reserve System, any other appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act), the Secretary of State, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the National Credit Union Administration Board, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find appropriate.'' [7] When imposing special measure five, the Secretary must do so ''in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System.'' [8] In addition, the Secretary is required to consider the following factors:

- Whether similar action has been or is being taken by other nations or multilateral groups;
- Whether the imposition of any particular special measure would create a significant competitive disadvantage, including any undue cost or burden associated with compliance, for financial institutions organized or licensed in the United States;
- The extent to which the action or the timing of the action would have a significant adverse systemic impact on

[1] Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56, 115 Stat. 272 (Oct. 26, 2001) (USA PATRIOT Act).

[2] 31 U.S.C. 5318A(a)(1).

[3] 31 U.S.C. 5318A(b)(1)–(4). For purposes of this proposed rulemaking, the term ''covered financial institution'' has the same meaning as provided at 31 CFR 1010.605(e)(1); *see infra* Section VI.A.3.

[4] 31 U.S.C. 5318A(b)(5).

[5] 31 U.S.C. 5318A(c)(1).

[6] 31 U.S.C. 5318A(c)(2)(B)(i)–(iii). In addition, in the case of a finding relating to a particular jurisdiction, section 311 sets out certain ''jurisdictional factors'' that the Secretary may consider, which are not relevant here. *See* 31 U.S.C. 5318A(c)(2)(A)(i)–(vii).

[7] 31 U.S.C. 5318A(a)(4)(A).

[8] 31 U.S.C. 5318A(b)(5).

the international payment, clearance, and settlement system, or on legitimate business activities involving the particular jurisdiction, institution, class of transactions, or type of account; and

- The effect of the action on United States national security and foreign policy.[9]

The authority of the Secretary to administer the Bank Secrecy Act (BSA)[10] and its implementing regulations, including the authority under section 311 to make such a finding and to impose special measures, has been delegated to FinCEN.[11]

II. Summary

Switzerland-based MBaer Merchant Bank AG (MBaer) is a small, private Swiss financial institution with a single office headquartered in Zürich, Switzerland, offering a variety of financial services.[12] Based on public and non-public information, FinCEN assesses that, for years, MBaer has directly or indirectly facilitated money laundering for or on behalf of illicit actors, including through processing transactions related to Venezuelan corruption and Russian and Iranian illicit activities.

This NPRM sets forth FinCEN's finding, based on public and non-public information, that MBaer is a financial institution operating outside of the United States of primary money laundering concern. Accordingly, FinCEN proposes that, under special measure five, covered financial institutions: (1) be prohibited from opening or maintaining a correspondent account for, or on behalf of, MBaer; (2) take reasonable steps not to process a transaction for the correspondent account in the United States of a foreign banking institution if such a transaction involves MBaer; and (3) apply special due diligence to their foreign correspondent accounts that is reasonably designed to guard against their use to process transactions involving MBaer.

III. Finding That MBaer Is a Financial Institution Operating Outside of the United States

As set forth above, section 311 authorizes FinCEN, through delegated authority and in pertinent part, to make a finding ''that reasonable grounds exist for concluding'' that ''[one] or more financial institutions operating outside of the United States'' is ''of primary money laundering concern.'' [13] A prerequisite to such a finding is that the relevant institution is a ''financial institution operating outside of the United States.'' [14]

MBaer is a commercial bank with a single office headquartered in Zürich, Switzerland.[15] A ''financial institution'' for purposes of section 311 includes ''a commercial bank or trust company.'' [16] MBaer is therefore a financial institution within the meaning of section 311.

Established in 2018, MBaer operates under Swiss banking regulations and is regulated by the Swiss Financial Markets Supervisory Authority (FINMA), the Swiss financial supervisor.[17] MBaer advertises itself as a bank for entrepreneurs, offering a variety of financial services, including but not limited to depository accounts for individuals and businesses, funds transmission, and wealth management.[18] MBaer is majority owned by Swiss investors with minority shareholders based in Asia and the Middle East.[19] Accordingly, FinCEN finds that reasonable grounds exist to conclude that MBaer is a financial institution operating outside of the United States.

IV. Finding That MBaer Is of Primary Money Laundering Concern

Pursuant to 31 U.S.C. 5318A(a)(1), FinCEN finds that reasonable grounds exist for concluding that MBaer is a financial institution operating outside of the United States of primary money laundering concern. Below is a discussion of the relevant statutory factors FinCEN considered in making this finding.

A. The Extent to Which MBaer Is Used To Facilitate or Promote Money Laundering, Including Any Money Laundering Activity by Organized Criminal Groups, International Terrorists, or Entities Involved in the Proliferation of WMD or Missiles

Based on public and non-public information, FinCEN assesses that MBaer is used to facilitate money laundering and terrorist financing, as demonstrated through: (1) MBaer's business model; (2) MBaer's facilitation of Venezuelan corruption and money laundering; (3) MBaer's facilitation of Russian money laundering; and (4) MBaer's facilitation of Iranian money laundering and terrorist financing.

1. An Overview of MBaer's Business Model

Founded in December 2018, MBaer is a small, private Swiss financial institution with a single office headquartered in Zürich, Switzerland, offering a variety of financial services.[20] FinCEN assess that, since its founding, MBaer has profited from offering these services to customers that engage in money laundering. While financial institutions may mitigate money laundering risks through risk-based anti-money laundering/countering the financing of terrorism (AML/CFT) programs, MBaer maintained a higher-risk customer base without implementing sufficiently mitigating controls that would prohibit such customers from engaging in illicit activities, and in some cases deliberately acted to facilitate those illicit activities. Indeed, based on public and non-public information, FinCEN assesses that, as set out below, MBaer executives and employees should have been aware of, and in some cases were likely complicit in, their clients' money

[9] 31 U.S.C. 5318A(a)(4)(B)(i)–(iv).

[10] The BSA, as amended, is the popular name for a collection of statutory authorities that FinCEN administers that is codified at 12 U.S.C. 1829b, 1951–1960 and 31 U.S.C. 5311–5314, 5316–5336, and includes other authorities reflected in notes thereto. Regulations implementing the BSA appear at 31 CFR Chapter X.

[11] *See* Treasury Order 180–01 (Jan. 14, 2020).

[12] MBaer, *The services, https://www.mbaerbank.com/eng/the-services* (last accessed Jan. 7, 2026); MBaer, *Heritage & history, https://www.mbaerbank.com/eng/the-bank/heritage-history* (last accessed Jan. 7, 2026); MBaer, *Ownership, https://www.mbaerbank.com/eng/the-bank/ownership* (last accessed Jan. 7, 2026). TheBanks.eu, *MBaer Merchant Bank AG—Business Summary, https://thebanks.eu/banks/19055#products* (last accessed Jan. 7, 2026).

[13] 31 U.S.C. 5318A(a)(1).

[14] 31 U.S.C. 5318A(a)(1) authorizes the imposition of special measures on, among others, ''financial institutions operating outside of the United States.'' Of the five special measures authorized by the statute, the fifth measure authorizes ''Prohibitions or Conditions on Opening or Maintaining Certain Correspondent or Payable-Through Accounts.'' The statute goes on to define the terms ''correspondent account'' and ''payable-through account'' with reference to payments made on behalf of a ''foreign financial institution''—a term otherwise undefined. For the purposes of this NPRM, and under these facts, FinCEN finds that MBaer is both a foreign financial institution and a financial institution outside of the United States.

[15] MBaer has no branches other than its headquarters location.

[16] 31 U.S.C. 5312(a)(2)(B).

[17] FINMA, *Authorized Institutions, https://www.finma.ch/en/finma-public/authorised-institutions-individuals-and-products.*

[18] MBaer, *The services, https://www.mbaerbank.com/eng/the-services* (last accessed Jan. 7, 2026); TheBanks.eu, *MBaer Merchant Bank AG (Switzerland)—Business Summary, https://thebanks.eu/banks/19055#products* (last accessed Jan. 7, 2026).

[19] MBaer, *Ownership, https://www.mbaerbank.com/eng/the-bank/ownership* (last accessed Jan. 7, 2026).

[20] MBaer, *The services, https://www.mbaerbank.com/eng/the-services* (last accessed Jan. 7, 2026); MBaer, *Heritage & history, https://www.mbaerbank.com/eng/the-bank/heritage-history* (last accessed Jan. 7, 2026); MBaer, *Ownership, https://www.mbaerbank.com/eng/the-bank/ownership* (last accessed Jan. 7, 2026). TheBanks.eu, *MBaer Merchant Bank AG—Business Summary, https://thebanks.eu/banks/19055#products* (last accessed Jan. 7, 2026).

laundering activities, including money laundering through shell companies that conceal the true nature of, and parties involved in, illicit transactions.

2. MBaer's Beginnings Anchored in Venezuela Corruption

Venezuela's state-oil company, Petróleos de Venezuela, SA (PdVSA), was plundered over decades, resulting in billions of dollars lost to corruption.[21] The schemes involved bribery, money laundering, and the mismanagement of funds, leading to U.S. and international investigations around the time of the founding of MBaer in 2018. Those investigations resulted in charges against individuals involved in schemes to launder money, former PdVSA officials pleading guilty, and U.S. sanctions against PdVSA and the networks of individuals and entities that facilitated the corrupt activities.[22]

According to public information, beginning in 2020 and coinciding with the timeframe when the illicit networks connected to PdVSA would have been seeking alternate financial institutions through which to launder their funds as international pressure grew and investigations broadened, the recently founded MBaer played a key role in handling funds tied to the PdVSA oil corruption schemes. A former MBaer Vice Chairperson of the Board has been accused in press reports of using the bank to launder proceeds of Venezuelan corruption related to a PdVSA corruption scheme, in which Treasury's Office of Foreign Assets Control (OFAC)-designated PdVSA allegedly secretly sold millions of barrels of Venezuelan crude oil in circumvention of U.S. sanctions and embezzled the proceeds of said sales in a manner that deprived the Venezuelan public of the benefits of these illegal sales.[23] Specifically, Siri Evjemo-Nysveen (Evjemo-Nysveen), MBaer's Vice Chairperson from September 2020 through May 2023 and board member from 2019 to 2023, reportedly used her position to further payments through MBaer related to a PdVSA corruption scheme after OFAC's designation of PdVSA.[24] She reportedly did so on behalf of her husband, Alessandro Bazzoni (Bazzoni), a minority shareholder of MBaer at the time, who was sanctioned by OFAC in January 2021 for providing material support to PdVSA in his role as a core facilitator of the sanctions evasion network.[25] Although Bazzoni has since been removed from the OFAC sanctions list, Evjemo-Nysveen's activities took place while he was on the OFAC list.

Further, while the PdVSA money laundering scheme was ongoing, MBaer maintained an account for Jose Luis Chavez Calva (Calva), a key figure involved in laundering billions of dollars obtained through PdVSA corruption through European banks.[26] Calva was also alleged to be a financial facilitator handling funds derived from corruption on behalf of both Bazzoni and Alex Saab, a close associate of Bazzoni who was also sanctioned by OFAC for his prominent role in laundering funds derived from Venezuelan public corruption.[27]

According to public and non-public information, MBaer also maintained accounts for two companies controlled by a Swiss investor named in press reporting as early as 2021 as linked to the regime of Nicolás Maduro in Venezuela.[28] As of early 2025 he was allegedly under investigation by Swiss and French authorities for laundering the proceeds of funds embezzled by Venezuelan public officials, including through airline Plus Ultra Lineas Aereas SA (Plus Ultra).[29] Given that one of the

[21] *See, e.g.,* Treasury, Press Release, *Treasury Targets Venezuela Currency Exchange Network Scheme Generating Billions of Dollars for Corrupt Regime Insiders* (Jan. 8, 2019), *https://home.treasury.gov/news/press-releases/sm583.*

[22] *See, e.g.,* U.S. Department of Justice, Press Release, *Former Swiss Bank Executive Pleads Guilty to Role in Billion-Dollar International Money Laundering Scheme Involving Funds Embezzled from Venezuelan State-Owned Oil Company* (Aug. 22, 2018), *https://www.justice.gov/archives/opa/pr/former-swiss-bank-executive-pleads-guilty-role-billion-dollar-international-money-laundering;* U.S. Department of Justice, Press Release, *Former Executive Director at Venezuela State-Owned Oil Company, Petroleos De Venezuelas, S.A., Pleads Guilty to Role in Billion-Dollar Money Laundering Scheme* (Oct. 31, 2018), *https://www.justice.gov/archives/opa/pr/former-executive-director-venezuelan-state-owned-oil-company-petroleos-de-venezuela-sa-pleads;* U.S. Department of Justice, Press Release, *Five Former Venezuelan Government Officials Charged in Money Laundering Scheme Involving Foreign Bribery* (Feb. 12, 2018), *https://www.justice.gov/archives/opa/pr/five-former-venezuelan-government-officials-charged-money-laundering-scheme-involving-forei-0;* Treasury, Press Release, *Treasury Sanctions Venezuela's State Owned Oil Company Petroleos de Venezuela, S.A.* (Jan. 29, 2019), *https://home.treasury.gov/news/press-releases/sm594;* Treasury, Press Release, *Treasury Targets Venezuelan Oil Sector Sanctions Evasion Network* (Jan. 19, 2021), *https://home.treasury.gov/news/press-releases/sm1239.*

[23] Treasury, Press Release, *Treasury Sanctions Venezuela's State-Owned Oil Company Petroleos de Venezuela, S.A.* (Jan. 28, 2019), *https://home.treasury.gov/news/press-releases/sm594;* El Nacional, *The Swiss-Emirati connection to corruption in PDVSA* (Sept. 13, 2023), *https://www.elnacional.com/2023/09/la-conexion-suiza-emirati-de-la-corrupcion-en-pdvsa/;* The Politician, *First Report Unveils the Network That Moved Millions from PDVSA Corruption* (May 17, 2023), *https://noticias2025.com/primer-informe-devela-la-red-que-movio-millones-de-la-corrupcion-de-pdvsa/;* Transparencia Venezuela, *PDVSA-Crypto* (Oct. 1, 2023), *https://transparenciave.org/wp-content/uploads/2024/03/PDVSA-CRYPTO-Anprecedented-Fraud-with-Tremendous-Economic-and-Social-Impact-_OCT2023.pdf.*

[24] *See* El Nacional, *The Swiss-Emirati connection to corruption in PDVSA* (Sept. 13, 2023), *https://www.elnacional.com/2023/09/la-conexion-suiza-emirati-de-la-corrupcion-en-pdvsa/;* The Politician, *First Report Unveils the Network That Moved Millions from PDVSA Corruption* (May 17, 2023), *https://noticias2025.com/primer-informe-devela-la-red-que-movio-millones-de-la-corrupcion-de-pdvsa/;* Transparencia Venezuela, *PDVSA-Crypto* (Oct. 1, 2023), *https://transparenciave.org/wp-content/uploads/2024/03/PDVSA-CRYPTO-Anprecedented-Fraud-with-Tremendous-Economic-and-Social-Impact-_OCT2023.pdf.*

[25] *See* Hable Se, *Was the Swiss connection of Siri Evjemo-Nysveen and Alessandro Bazzoni with the MBaer Merchant Bank at the service of oil corruption in Venezuela?* (June 24, 2023), *https://hable.se/2023/06/estuvo-la-conexion-suiza-de-siri-evjemo-nysveen-y-alessandro-bazzoni-con-el-mbaer-merchant-bank-al-servicio-de-la-corrupcion-petrolera-en-venezuela.html;* Infodio, *Did SEC approve Michael Bar's offering in U.S. soil?* (June 24, 2021), *https://infodio.com/21062021/sec/gov/michael/baer/mbaer/francisco/dagostino/alessandro/bazzoni;* AlbertoNews, *First Report: Italian businessman Alessandro Bazzoni, Tareck El Aissami's operative, to defy US sanctions* (Nov. 16, 2023), *https://bitlyanews.com/internacionales/primer-informe-el-empresario-italiano-alessandro-bazzoni-el-operador-de-tareck-el-aissami-para-desafiar-las-sanciones-de-estados-unidos/;* abc Noticias, *Richard David Rothenberg, Erik Roveta's Partner, Key in the $21 Billion Embezzlement from PdVSA* (Aug. 8, 2023), *https://www.abcnoticias.net/richard-david-rothenberg-socio-de-erik-roveta-clave-en-desfalco-a-pdvsa-por-21-mil-millones-de-dolares/;* Alberto News, *Argentina arrests Jorge Germán Bonelli, front man of Alessandro Bazzoni and Siri Evjemo-Nysveen: linked to corruption at PDVSA* (Mar. 22, 2024), *https://albertonews.com/nacionales/argentina-detiene-a-jorge-german-bonelli-testaferro-de-alessandro-bazzoni-y-siri-evjemo-nysveen-vinculado-a-la-corrupcion-en-pdvsa; The Politician, First Report Unveils the Network That Moved Millions from PDVSA Corruption* (May 17, 2023), *https://noticias2025.com/primer-informe-devela-la-red-que-movio-millones-de-la-corrupcion-de-pdvsa/.*

[26] Cuentas Claras Digital, *Venezuelan Prosecutor's Office issues arrest warrant against international operators involved in the PDVSA-Crypto scheme* (June 26, 2023), *https://www.cuentasclaras digital.org/2023/06/fiscalia-de-venezuela-emite-orden-de-detencion-contra-operadores-internacionales-involucrados-en-el-esquema-pdvsa-cripto/;* El Farro del Morro, *Who are the 17 fugitives in the PDVSA Crypto case?* (Aug. 24, 2023), *https://elfarodelmorro.net/pdvsa-cripto-interpol/;* Cámara Boliviana de Hidrocarburos y Energía, *Venezuela—Escándalo de corrupción de PDVSA en la mira de agencias federales en EEUU* (Apr. 5, 2023), *https://www.cbhe.org.bo/index.php/noticias/63379-venezuela-escandalo-do-corrupcion-de-pdvsa-en-la-mira-de-agencias-federales-en-eeuu.*

[27] *Id.;* Treasury, Press Release, *Treasury Disrupts Corruption Network Stealing From Venezuela's Food Distribution Program, CLAP* (July 25, 2019), *https://home.treasury.gov/news/press-releases/sm741.*

[28] Voz Populi, *Plus Ultra guaranteed 1.3 million of the bailout to a Swiss lender linked to Chavismo* (June 16, 2021), *https://www.vozpopuli.com/economia/plus-ultra-suizo.html;* Voz Populi, *Switzerland is investigating a Plus Ultra creditor for money laundering after he received ransom money* (Feb. 13, 2025), *https://www.vozpopuli.com/espana/suiza-investiga-por-blanqueo-a-un-acreedor-de-plus-ultra-que-recibio-dinero-del-rescate.html.*

[29] Voz Populi, *One out of every four million from the Plus Ultra bailout will go to companies linked*

Continued

Swiss investor's two MBaer accounts received over $519,000 in 2021 from Plus Ultra, and that the same account paid a salary to an individual later named as a facilitator of the laundering, FinCEN assesses that the account was likely used to launder funds derived from Venezuelan public corruption.

Taken together, FinCEN assesses that MBaer's provision of services to these individuals is emblematic of the bank's AML/CFT program inadequacies and failure to adequately prevent its customers from using their MBaer accounts to engage in money laundering.

3. MBaer Exposure to Russian Money Laundering

MBaer also has significant exposure to illicit Russian activity, as accounts belonging to Russian persons likely represent the largest portion of its assets under management, and MBaer reportedly relies on wealthy Russians, some of whom are subject to sanctions, as a central customer group.[30] According to non-public information available to FinCEN, as of late 2024, MBaer had retained its most critical Russian clients, despite Russia-related sanctions. The bank stored the data of these Russian clients in a concealed manner. The principal MBaer employee overseeing all coordination and activities related to MBaer's Russian clients is a founding partner. These protective measures, put in place in 2024, coincided with its Swiss regulator opening an investigation into MBaer.[31] FinCEN assesses that, giving the timing of these two events, MBaer, as of late 2024, may be deliberately concealing information from its regulator in an effort to disguise Russia-related facts about its client base.

FinCEN assesses that at least two of MBaer's employees, in their role at the bank, have likely enabled the illicit activities of Sergey Kurchenko (Kurchenko). OFAC designated Kurchenko in 2015 for his role in misappropriating state assets of Ukraine, or of an economically significant entity in Ukraine. And, in 2018, OFAC designated one company controlled by Kurchenko for providing material support to separatist-controlled regions of eastern Ukraine.[32] In subsequent years, Kurchenko has utilized a network of individuals and entities to engage in money laundering and evasion of OFAC's sanctions.[33] As of 2022, at least two employees of MBaer probably managed trust and front companies involved in a Ukrainian sanctions evasion scheme linked to Kurchenko. FinCEN assesses that MBaer's employees enabled Kurchenko's money laundering and sanctions evasion schemes through the management of his trusts and front companies.

FinCEN also assesses that MBaer has repeatedly facilitated money laundering efforts by enabling shell companies to execute transactions for the benefit of various Russian oligarchs and high-risk politically exposed persons (PEPs) or their close associates, including individuals engaged in sanctions evasion. FinCEN has identified multiple such networks suspected of exploiting MBaer's propensity to facilitate high-risk shell company business to obscure illicit activities.

For example, based on public and non-public information, FinCEN assesses that MBaer maintained two accounts that were controlled by, and used to launder the funds of, Victor Volodymyrovych Medvedchuk (Medvedchuk), a pro-Kremlin Ukrainian politician with close ties to Russian President Putin.[34] OFAC sanctioned Medvedchuk in 2014, pursuant to E.O. 13660, for his role in undermining Ukrainian sovereignty, and OFAC described him in January 2022 as taking part in directing a plot to establish a collaborator government in Ukraine in the wake of a Russian invasion.[35] On June 4, 2024, the Swiss State Secretariat for Economic Affairs (SECO), following a May 20, 2024, European Union (EU) action, sanctioned Medvedchuk, among others, for spreading disinformation and pro-Russian propaganda to Ukraine and beyond.[36] Despite press reporting going back to 2017 asserting Medvedchuk's control of the two companies holding MBaer accounts, both accounts remained active and continued to transact in U.S. dollars. At least one account was active after the imposition of Swiss sanctions.

Moreover, one of the two accounts controlled by Medvedchuk likely facilitated the attempted theft of Ukrainian state property. The account was used to remit over $630,000 throughout 2021 to LLC PrikarpatZakhidTrans, the operator of the Ukrainian section of the Russian-owned Samara-West oil pipeline. In 2021, the Security Service of Ukraine stated that employees of LLC PrikarpatZakhidTrans used forged documents in an attempt to illegally seize the Ukrainian pipeline, valued at approximately $7.4 million.[37] Press

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to Chavismo (June 21, 2021), *https://www.vozpopuli.com/economia/plus-ultra-chavismo.html;* Voz Populi, *Plus Ultra guaranteed 1.3 million of the bailout to a Swiss lender linked to Chavismo* (June 16, 2021), *https://www.vozpopuli.com/economia/plus-ultra-suizo.html;* Voz Populi, *Switzerland is investigating a Plus Ultra creditor for money laundering after he received ransom money* (Feb. 13, 2025), *https://www.vozpopuli.com/espana/suiza-investiga-por-blanqueo-a-un-acreedor-de-plus-ultra-que-recibio-dinero-del-rescate.html;* Impact Spain News, *53 million in the air: Anti-corruption authorities tighten the net around the Plus Ultra bailout* (Sept. 30, 2025), *https://impactoespananoticias.es/contenido/31362/53-millones-en-el-aire-anticorrupcion-estrecha-el-cerco-sobre-el-rescate-de-plus.*

[30] Inside Paradeplatz, *Oligarch sanctions: Mike Bär's bank under pressure* (Feb. 28, 2022), *https://insideparadeplatz.ch/2022/02/28/oligarchen-sanktionen-mike-baer-unter-druck/.*

[31] Inside Paradeplatz, *Finma has opened enforcement proceedings against Mike Bär's bank* (Sept. 4, 2024), *https://insideparadeplatz.ch/2024/09/04/finma-hat-enforcement-gegen-bank-von-mike-baer-eroeffnet/.*

[32] *See* Treasury, Press Release, *Treasury Sanctions Individuals and Entities Involved In Sanctions Evasion Related to Russia and Ukraine* (July 30, 2015), *https://home.treasury.gov/news/press-releases/jl0133;* Treasury, Press Release, *Treasury Sanctions Additional Individuals and Entities in Connection with the Conflict in Ukraine and Russia's Occupation of Crimea* (Jan. 26, 2018), *https://home.treasury.gov/news/press-releases/sm0266.*

[33] *See* U.S. Department of Justice, Press Release, *Two Florida Steel Traders Sentenced for Money Laundering and Russia-Ukraine Sanctions Violations* (Apr. 19, 2024), *https://www.justice.gov/archives/opa/pr/two-florida-steel-traders-sentenced-money-laundering-and-russia-ukraine-sanctions-violations.*

[34] *See* Kyiv Post, *Zakarpattia on verge of ecological catastrophe, company allegedly linked to Medvedchuk to blame* (Oct. 29, 2021), *https://archive.kyivpost.com/ukraine-politics/zakarpattia-on-verge-of-ecological-catastrophe-company-allegedly-linked-to-medvedchuk-to-blame.html;* Kyiv Post, *Ukraine imposes sanctions on Medvedchuk, his wife, associates, freezes their assets* (Feb. 19, 2021), *https://archive.kyivpost.com/ukraine-politics/ukraine-imposes-sanctions-against-medvedchuk-his-wife-associates-freezes-their-assets.html;* Belsat EU, *Putin's best friend and Lukashenko's wallet* (May 2021), *https://en.belsat.eu/81619862/putins-best-friend-and-lukashenkos-wallet;* EnergyPost.Eu, *A dangerous energy policy: Ukraine, despite war, is making itself dependent on Russian oil* (Sept. 8, 2017), *https://energypost.eu/15647-2/.*

[35] *See* Treasury, Press Release, *Treasury Designates Four Individuals Involved in Violating Ukrainian Sovereignty* (Mar. 17, 2014), *https://home.treasury.gov/news/press-releases/jl2326;* Treasury, Press Release, *Treasury Sanctions Russian-Backed Actors Responsible for Destabilization Activities in Ukraine* (Jan. 20, 2022), *https://home.treasury.gov/news/press-releases/jy0562.*

[36] *See* State Secretariat for Economic Affairs, *Situation in Ukraine 2024–06–24* (June 4, 2024), *https://www.seco.admin.ch/dam/seco/de/dokumente/Aussenwirtschaft/Wirtschaftsbeziehungen/Exportkontrollen/Sanktionen/Verordnungen/Russland,%20Ukraine/situation_ukraine_2024-06-04.pdf.download.pdf/Situation%20in%20der%20Ukraine_2024-06-04.pdf;* Official Journal of the European Union, *Council Decision (CFSP) 2024/1508* (May 27, 2024), *https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202401508.*

[37] *See* New Eastern Europe, *Zelenskyy takes on Russia's information warfare campaign against Ukraine* (Apr. 11, 2021), *https://neweasterneurope.eu/2021/04/11/zelenskyy-takes-on-russias-information-warfare-campaign-against-ukraine/;*

reporting going back to early 2021 asserts that Medvedchuk has controlled LLC PrikarpatZakhidTrans since 2017 through his wife.[38] FinCEN therefore assesses that Medvedchuk laundered funds through this MBaer account in an attempt to illicitly acquire the pipeline using a company under his control, which allegedly has supplied sanctioned Russian diesel and oil to Ukraine and the European Union using Belarusian licenses.[39] Importantly, according to non-public information available to FinCEN, this MBaer account continued remitting USD-denominated funds to LLC PrikarpatZakhidTrans until July 13, 2021—after the April 2021 statement by the Security Service of Ukraine linking LLC PrikarpatZakhidTrans to illicit activity, the April 2021 press report linking LLC PrikarpatZakhidTrans to Medvedchuk, and the 2014 sanctions applied to Medvedchuk by the United States.

The second account controlled by Medvedchuk made multiple, round dollar payments totaling $14.3 million to a same-name account held at a Russian financial institution. FinCEN assesses that this activity is indicative of money laundering to disguise Medvedchuk's ownership of the funds involved.

Separately, since late 2022, MBaer opened and maintained six separate accounts for a Russian billionaire PEP, family members, and related entities, despite public reporting that alleges connections to Russian organized crime, public corruption, illegal asset transfers, fraudulent schemes, and money laundering. Further, public reporting alleges the PEP acts as a proxy for U.S.-, EU-, UK-, and Swiss-sanctioned Dmitry Medvedev, the former President and Prime Minister of Russia and current Deputy Chairman of the Security Council of the Russian Federation.[40] According to non-public information, the funds transfers associated with these accounts are mostly large, round-dollar amounts between similarly named accounts, indicative of money laundering to disguise the ownership of the funds involved. For example, in late 2023 the PEP's MBaer account originated four transactions valued at over 14 million euros to accounts held in their name at another bank.

In a further example, based on public and non-public information, an MBaer account held by a Russian individual received a single wire of exactly $10 million from a same-name personal account held at another financial institution; this unusual transaction, which referenced no business purpose, occurred one month after publication of press reporting stating that individual was part of a chain of trust that facilitated an alleged Moscow-based kleptocratic scheme.[41]

Also, based on public and non-public information, FinCEN assesses that MBaer facilitated a Russian-led money laundering scheme that embezzled and laundered over $26 million. This scheme involved public funds derived from Equatorial Guinea in 2019.[42] Following the theft of this money from Equatorial Guinea, a portion was likely laundered through an account at MBaer. Moreover, the relevant account at MBaer continued to remain active even after Lithuanian law enforcement authorities indicted the ultimate controlling individual for large-scale money laundering and arms trafficking in 2023.[43]

Further, MBaer has a history of facilitating illicit transactions that support Russia's military. For example, based on public and non-public information, MBaer facilitated payments for five companies used to launder the proceeds of a large-scale scheme to sell stolen Ukrainian grain and procure equipment for export to the Russian military.[44] MBaer facilitated almost $40 million in payments, both before and after the scheme came to light. In another example, based on non-public information, MBaer facilitated payments for a company likely engaged in the unlawful procurement of microelectronics and other electronic components to Russia. In 2023, an MBaer client shipped microelectronics to Russian end-users, including shipments to an entity designated by BIS. Further, MBaer continued facilitating payments for that company years after press reporting used it as an example of how logistics companies distort shipping information to facilitate the import of controlled goods into Russia.

4. MBaer Profits From Facilitation of Iranian Money Laundering and Terrorist Financing

MBaer has also provided access to the U.S. financial system to persons providing material support to Iran-related money laundering and terrorist financing efforts, including support to Iranian foreign terrorist organizations (FTOs)—such as Iran's Islamic Revolutionary Guard Corps (IRGC) and its Quds Force (IRGC–QF) [45]—and through sanctions and export control evasion. In particular, according to non-public information available to FinCEN, MBaer facilitated over $37 million likely in connection with an Iranian international oil smuggling and money laundering scheme by IRGC–QF officials that involved Turkoca Import Export Transit Co LTD (Turkoca). Specifically, three MBaer customers remitted funds through MBaer to Turkoca, a pass-through entity used by IRGC–QF affiliates to launder funds for Iran.[46] FinCEN assesses that the three MBaer customers were involved in the money laundering scheme, given the successive, large, round dollar wires these customers originated to Turkoca that lacked substantive information in the ''additional details'' payment fields and do not have an apparent legitimate

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Interfax Ukraine, *SBU prevents illegal seizure of eight strategic enterprises of Ukraine since early 2021* (Oct. 28, 2021), *https://en.interfax.com.ua/news/general/776053.html;* National Anti-Corruption Bureau of Ukraine, *State expert becomes suspect in Samara-Western Direction oil product pipeline case* (Feb. 11, 2021), *https://nabu.gov.ua/en/news/novyny-ekspertu-u-spravi-peredachi-truboprovodu-povidomleno-pro-pidozru/.*

[38] *See* New Eastern Europe, *Zelenskyy takes on Russia's information warfare campaign against Ukraine* (Apr. 11, 2021), *https://neweastern europe.eu/2021/04/11/zelenskyy-takes-on-russias-information-warfare-campaign-against-ukraine/.*

[39] *See* New Eastern Europe, *Zelenskyy takes on Russia's information warfare campaign against Ukraine* (Apr. 11, 2021), *https://neweastern europe.eu/2021/04/11/zelenskyy-takes-on-russias-information-warfare-campaign-against-ukraine/.*

[40] *See* СокальINFO, *Igor Yusufov, The Oligarch and a Purse of the Medvedev Family Exposed* (Jan. 4, 2025), *https://sokalinfo.com/01-101108-04.html* (last accessed Jan. 7, 2026); *The Insider, Medvedev's son works for Yusufov's company: New evidence of the Russian ex-president's corrupt ties to a sanctions-dodging oligarch* (June 10, 2022), *https://theins.ru/en/corruption/252090* (last accessed Jan. 7, 2026).

[41] *See* The Moscow Post, *Well, quite Karaput: Sobyanin's developer Pavel Tyo is preparing a 'flight' to Paris* (Mar. 18, 2024), *https://www.msk-post.com/politics/well_quite_karaput_sobyanins_developer_pavel_tyo_is_preparing_a_flight_to_paris34173/* (last accessed Jan. 7, 2026).

[42] *See* OCCRP, *Lithuanian Tied to Money Laundering Funds Kremlin's Church* (Apr. 15, 2019), *https://www.occrp.org/en/news/lithuanian-tied-to-money-laundering-funds-kremlins-church.*

[43] *See* OCCRP, *Lithuanian Businessman Indicted for Money Laundering, Arms Dealing Exposed by OCCRP* (Nov. 27, 2023), *https://www.occrp.org/en/news/lithuanian-businessman-indicted-for-money-laundering-arms-dealing-exposed-by-occrp.*

[44] *See* Talk Finance, *Aleksander Galkin, the Russian grain trader, is stealing Ukrainian grain* (Oct. 11, 2023), *https://www.talk-finance.co.uk/international/aleksander-galkin/* (last accessed Jan. 7, 2026); Problematic, *Alexander Galkin: How a Russian who received Ukrainian citizenship steals Ukrainian grain and supplies components to the Russian army* (Nov. 22, 2023), *https://problematic.news/aleksandr-galkin-kak-russkij-poluchivshij-grazhdanstvo-ukrainy-voruet-ukrainskoe-zerno-i-postavlyaet-komplektuyushhie-armii-rf/* (last accessed Jan. 7, 2026).

[45] The Department of State has authority to designate organizations as FTOs. Treasury's OFAC has also designated the IRGC and IRGC–QF, pursuant to multiple sanctions authorities.

[46] Treasury, Press Release, *Treasury Targets Oil Smuggling Network Generating Hundreds of Millions of Dollars for Qods Force and Hizballah* (May 25, 2022), *https://home.treasury.gov/news/press-releases/jy0799.*

business purpose—red flags for money laundering that align with the pass-through nature of Turkoca as part of the scheme.

FinCEN also assesses that MBaer likely has facilitated, and continues to facilitate, evasion of sanctions on Iran's oil industry.[47] For example, according to non-public information, MBaer facilitated almost $27 million in multiple payments to a customer, where the counterparties were publicly involved in Iran's oil industry. Similarly, MBaer facilitated payments to an entity that owns an oil tanker that was part of Iran's shadow fleet, indicating that MBaer was facilitating a customer's purchase of illicit oil from Iran's shadow fleet.[48]

B. The Extent to Which MBaer Is Used for Legitimate Business Purposes

In making a finding that reasonable grounds exist for concluding that a financial institution operating outside of the United States is of primary money laundering concern so as to authorize the imposition of special measures, FinCEN may consider the extent to which the financial institution is ''used for legitimate business purposes.'' [49]

MBaer is a commercial bank offering a variety of financial services, including, but not limited to, depository accounts for individuals and businesses, funds transmission, and wealth management.[50] According to FINMA, MBaer is one of 278 authorized banks and securities firms in Switzerland. MBaer's current size and asset allocation are not publicly available. However, open-source reporting indicates MBaer had assets of just under CHF 650 million (approximately $717 million) as of mid-2023, making it one of Switzerland's smaller banks.[51] It has one direct U.S. correspondent relationship, and at least one indirect U.S. correspondent relationship through which it accesses the U.S. financial system.

Although FinCEN does not have fulsome insight into the scope of MBaer's legitimate activities, at least a portion of MBaer's business activities appear legitimate. MBaer has assets of about $700 million, while FinCEN has identified at least $100 million in illicit transactions through MBaer since 2019. However, FinCEN assesses that those legitimate activities do not outweigh the risks posed by abuse of the bank's services by money launderers, as discussed above, the extent to which MBaer facilitates the activities of illicit actors, and the need to protect U.S. financial institutions from the money laundering risks presented by MBaer.

C. The Extent to Which the Action Proposed by FinCEN Would Guard Against International Money Laundering and Other Financial Crimes

In making a finding that reasonable grounds exist for concluding that a financial institution operating outside of the United States is of primary money laundering concern, thereby authorizing the imposition of special measures, FinCEN may consider the extent to which such action is ''sufficient to ensure'' that the purpose of BSA ''continue[s] to be fulfilled, and to guard against international money laundering and other financial crimes.'' [52] FinCEN anticipates that, by finding that MBaer is a financial institution operating outside the United States of primary money laundering concern and imposing special measure five, as proposed here, U.S. financial institutions, their foreign correspondents, and their regulators, may act to mitigate the money laundering risks posed by transactions involving MBaer, and, that imposing special measure five would sufficiently safeguard the U.S., and international, financial systems by restricting the ability of MBaer to access the U.S. financial system.

V. Proposed Special Measure

Having found that MBaer is a financial institution operating outside of the United States that is of primary money laundering concern, FinCEN proposes imposing a prohibition on covered financial institutions under special measure five. Special measure five authorizes the Secretary to prohibit or impose conditions upon the opening or maintaining in the United States of a correspondent account or payable-through account, if such account ''involves'' a financial institution of primary money laundering concern.[53] MBaer accesses the U.S. dollar through one direct and one indirect correspondent account with U.S. financial institutions. Thus, FinCEN has determined that special measure five will most effectively mitigate the risks posed by MBaer.

In proposing this special measure, FinCEN considered the factors set forth in section 311, as set forth below,[54] as well as the other special measures available under section 311. And, FinCEN consulted with representatives and staff of the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Secretary of State, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the National Credit Union Administration, the Federal Deposit Insurance Corporation, and the Attorney General.[55] These consultations involved obtaining interagency views on the imposition of special measure five and the effects that such a prohibition would have on the U.S. domestic and international financial systems.

A. Whether Similar Action Has Been or Is Being Taken by Other Nations or Multilateral Groups Regarding MBaer

FinCEN is aware of an investigation by another nation regarding MBaer. That investigation has not yet resulted in an action that would protect the U.S. financial system from the money laundering risks presented by MBaer.

B. Whether the Imposition of Any Particular Special Measure Would Create a Significant Competitive Disadvantage, Including Any Undue Cost or Burden Associated With Compliance, for Financial Institutions Organized or Licensed in the United States

While FinCEN assesses that the prohibition proposed in this NPRM would place some cost and burden on covered financial institutions, these burdens are neither undue nor inappropriate in view of the threat posed by the illicit activity facilitated by MBaer.

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[47] U.S. persons are generally prohibited from engaging in transactions with blocked persons, as well as transactions involving Iranian-origin petroleum, petroleum products, and petrochemical products. *See* OFAC, *Guidance for Shipping and Maritime Stakeholders on Detecting and Mitigating Iranian Oil Sanctions Evasion* (Apr. 16, 2025), *https://ofac.treasury.gov/media/934236/download?inline.*

[48] Associated Press, *US seized Iran oil cargo as Biden considers easing sanctions* (Mar. 10, 2022), *https://apnews.com/article/russia-ukraine-putin-business-iran-bahamas-c0577bf7718055d730a3b72802c132c2;* War Sanctions, *Nostos IMO 9258014, https://war-sanctions.gur.gov.ua/en/transport/shadow-fleet/945* (last accessed Jan. 7, 2026). FinCEN notes that prior to this activity the tanker was linked to U.S.-sanctioned oil trades with Venezuela, and shortly after this activity, the tanker switched to facilitating Russian oil smuggling schemes.

[49] 31 U.S.C. 5318A(c)(2)(B)(ii).

[50] MBaer, *The services, https://www.mbaerbank.com/eng/the-services* (last accessed Jan. 7, 2026); TheBanks.eu, *MBaer Merchant Bank AG (Switzerland)—Business Summary, https://thebanks.eu/banks/19055#products* (last accessed Jan. 7, 2026).

[51] finews.com, *Mike Baer: Around 100 applications in two days* (Oct. 13, 2023), *https://www.finews.com/news/english-news/59710-mike-baer-applications-banking-credit-suisse-interview* (last accessed Jan. 7, 2026).

[52] 31 U.S.C. 5318A(c)(2)(B)(iii).

[53] 31 U.S.C. 5318A(b)(5).

[54] 31 U.S.C. 5318A(a)(4)(B)(i)–(iv).

[55] *See* 31 U.S.C. 5318A(b)(5).

MBaer provides correspondent banking services to its customers directly through one correspondent relationship with a U.S. financial institution, and indirectly through at least one correspondent account that another foreign financial institution holds with U.S. financial institutions. These accounts may be used for commercial payments, as well as foreign exchange and money market transactions. Covered financial institutions and transaction partners have ample opportunity to arrange for alternative payment mechanisms in the absence of correspondent banking relationships with MBaer.

Thus, a prohibition on correspondent banking with MBaer is expected to impose minimal additional compliance costs for covered financial institutions, which would most commonly involve adding MBaer to preexisting sanctions screening and money laundering monitoring tools. FinCEN assesses that given the risks posed by MBaer's facilitation of money laundering, the additional burden on covered financial institutions in preventing the opening of correspondent accounts with MBaer, as well as conducting due diligence on foreign correspondent account holders and notifying them of the prohibition, will be minimal and not undue.

C. The Extent to Which the Action or the Timing of the Action Would Have a Significant Adverse Systemic Impact on the International Payment, Clearance, and Settlement System, or on Legitimate Business Activities of MBaer

FinCEN assesses that imposing the proposed special measure would have minimal impact upon the international payment, clearance, and settlement system. MBaer is classified by FINMA as a ''category 5'' financial institution, meaning it has a small market participant and low risk to the financial system.[56] MBaer's assets are approximately 0.015 percent of total banking sector assets in Switzerland. As a comparatively small financial institution responsible for a nominal amount of transaction volume, MBaer is not a systemically important financial institution in Switzerland, or more broadly in the regional or global financial system. FinCEN assesses that prohibiting MBaer's access to U.S. correspondent banking channels would not affect overall cross-border transaction volumes. Further, a prohibition under special measure five would not prevent MBaer from conducting legitimate business activities in other foreign currencies, so long as a covered financial institution is not involved.

D. The Effect of the Proposed Action on United States National Security and Foreign Policy

As described above, evidence available to FinCEN demonstrates that MBaer serves as a significant conduit for money laundering by Venezuelan, Russian, and Iranian illicit actors. Imposing special measure five will: (1) close MBaer's access to the U.S. financial system; (2) inhibit MBaer's ability to act as an illicit finance facilitator; and (3) raise awareness of the ways illicit actors circumvent money laundering controls and international sanctions. As a result, U.S. national security would be enhanced by making it more difficult for money launderers and terrorist organizations to continue their illicit activities.

E. Consideration of Alternative Special Measures

In assessing the appropriate special measure to impose, FinCEN considered alternatives to a prohibition on the opening or maintaining in the United States of correspondent accounts or payable-through accounts, including the imposition of one or more of the first four special measures or imposing conditions on the opening or maintaining of correspondent accounts under special measure five. Having considered these alternatives, FinCEN assesses that, for the reasons set out below, none of the other special measures available under section 311 or merely imposing conditions under special measures five would appropriately address the risks posed by MBaer and the urgent need to prevent it from accessing the U.S. financial system through correspondent banking.

MBaer not only presents a significant money laundering risk, particularly related to Venezuelan, Russian, and Iranian illicit actors, but taken as a whole, MBaer's history of involvement in laundering proceeds of illicit activities presents a heightened risk that MBaer will continue to be used by illicit actors. Because of the nature and extent of illicit funds transiting MBaer, any special measure intended to mandate additional information collection would likely be ineffective and insufficient to address the risks posed by MBaer's continued access to the U.S. financial system. For example, FinCEN considered special measure two, which may require domestic financial institutions to ''obtain and retain information concerning the beneficial ownership of any account opened or maintained in the United States by a foreign person.'' [57] However, FinCEN determined that this special measure would likely be ineffective since the concerns involving MBaer do not involve the opening or maintaining of accounts in the United States by foreign persons. Likewise, FinCEN considered imposing additional reporting obligations under special measures one, three, and four, and determined that such obligations would not be effective. For instance, the provision under special measure one—that ''the identity and address of the participants in a transaction or relationship, including the identity of the originator of any funds transfer'' be collected in records and reports—could be circumvented by the operations of shell companies, wherein the reported identity of the originator serves to obscure the true beneficial owner or originator,[58] or by efforts by MBaer to hide or obscure customer information to avoid regulatory scrutiny. Moreover, the requirements under special measures three and four that domestic financial institutions obtain ''with respect to each customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States,'' are also likely to be ineffective for the same reasons.[59] Indeed, in respect of all such special measures, FinCEN is already generally aware of the money laundering threats posed by MBaer's customer base, which prompted this action, and merely requiring U.S. institutions to collect additional information would impose a disproportionate compliance burden, with no guarantee that the risks presented by MBaer would be addressed.

FinCEN similarly assesses that merely imposing conditions under special measure five would be inadequate to address the risks posed by MBaer's activities. Special measure five enables FinCEN to impose conditions as an alternative to a prohibition on the opening or maintaining of correspondent accounts.[60] Given MBaer's facilitation of money laundering, FinCEN determined that imposing any condition would not be an

[56] FINMA, ''Categorisation of banks and securities firms,'' *https://www.finma.ch/en/supervision/banks-and-securities-firms/categorisation/* (last accessed Jan. 26, 2026); FINMA, ''Authorised banks and securities firms,'' *https://www.finma.ch/en/~/media/finma/dokumente/bewilligungstraeger/pdf/beh.pdf?la=en* (last accessed Jan. 26, 2026).

[57] 31 U.S.C. 5318A(b)(2).

[58] 31 U.S.C. 5318A(b)(1)(B)(i).

[59] 31 U.S.C. 5318A(b)(3)(B); (b)(4)(B).

[60] 31 U.S.C. 5318A(b)(5).

effective measure to safeguard the U.S. financial system. FinCEN assesses that the millions of dollars' worth of funds laundered through MBaer, and the fairly limited exposure of U.S. financial institutions to MBaer, outweigh the value in providing conditioned access to the U.S. financial system for any purportedly legitimate business activity. Conditions on the opening or maintaining of correspondent accounts would likely be inefficient or, given MBaer's inadequate AML/CFT controls, insufficient to prevent illicit financial flows through the U.S. financial system.

In sum, FinCEN assesses that any condition or additional recordkeeping or reporting requirement would be an ineffective or inefficient way to safeguard the U.S. financial system from the illicit behavior facilitated by MBaer. Such measures would not prevent MBaer from accessing the correspondent accounts of U.S. financial institutions, thus leaving the U.S. financial system vulnerable to processing illicit transfers, resulting in significant national security and money laundering risk. In addition, no recordkeeping and/or reporting requirements or conditions would be sufficient to guard against the risks posed by a financial institution that processes transactions designed to obscure the transactions' true nature and are ultimately for the benefit of illicit actors. Therefore, FinCEN has determined that a prohibition on opening or maintaining correspondent banking relationships is the only special measure available under section 311 that can adequately protect the U.S. financial system from the illicit finance risk posed by MBaer. For these reasons, and after thorough consideration of alternate measures, FinCEN assesses that no measures short of full prohibition on correspondent or payable-through banking access would be sufficient to address the money laundering risks posed by MBaer.

VI. Section-by-Section Analysis

The goal of this proposed rule is to combat and deter illicit activity, including illicit activity involving Venezuelan, Russian, and Iranian-affiliated money laundering and the laundering of proceeds through MBaer, and to prevent MBaer from using the U.S. financial system to enable illicit financial activity.

A. 1010.666(a)—Definitions

1. Definition of MBaer

The term ''MBaer'' means all subsidiaries, branches, and offices of MBaer Merchant Bank AG operating as a financial institution in any jurisdiction outside of the United States.

2. Definition of Correspondent Account

The term ''correspondent account'' is defined by reference to the definition contained in 31 CFR 1010.605(c)(1)(ii). In the case of a U.S. depository institution, this definition includes most types of banking relationships between a U.S. depository institution and a foreign bank that are established to provide regular services, dealings, and other financial transactions, including a demand deposit, savings deposit, or other transaction or asset account, and a credit account or other extension of credit. FinCEN is using the same definition of ''account'' for purposes of this proposed rule as is established for depository institutions in the final rule implementing the provisions of section 312 of the USA PATRIOT Act, requiring enhanced due diligence for correspondent accounts maintained for certain foreign banks.[61] Under this definition, ''payable-through accounts'' are a type of correspondent account.

In the case of securities broker-dealers, futures commission merchants, introducing brokers in commodities, and investment companies that are open-end companies (mutual funds), FinCEN is also using the same definition of ''account'' for purposes of this proposed rule as was established for these entities in the final rule implementing the provisions of section 312 of the USA PATRIOT Act, requiring due diligence for correspondent accounts maintained for certain foreign banks.[62]

3. Definition of Covered Financial Institution

The term ''covered financial institution'' is defined by reference to 31 CFR 1010.605(e)(1), the same definition used in the BSA rule (31 CFR 1010.610) requiring the establishment of due diligence programs for correspondent accounts for foreign financial institutions. In general, this definition includes the following:

- a bank;
- a broker or dealer in securities;
- a futures commission merchant or an introducing broker in commodities; and
- a mutual fund.

4. Definition of Financial Institution Operating Outside of the United States

Pursuant to 31 U.S.C. 5318A(e)(4), the term ''financial institution operating outside of the United States'' means any business or agency operating, in whole or in part, outside of the United States that engages in any activity which is similar to, related to, or a substitute for any activity in which any financial institution, as defined in 31 U.S.C. 5312(a)(2), engages.

FinCEN is including this definition as the proposed definition of ''MBaer'' incorporates this phrase. As discussed above, 31 U.S.C. 5312 permits FinCEN, by regulation, to define as a ''financial institution'' any business or activity that engages in any activity that FinCEN determines is an activity similar to, related to, or a substitute for any activity in which any business defined as a ''financial institution'' in 31 U.S.C. 5312 is authorized to engage.

5. Definition of Foreign Banking Institution

The term ''foreign banking institution'' means a bank organized under foreign law, or an agency, branch, or office located outside the United States of a bank. The term does not include an agent, agency, branch, or office within the United States of a bank organized under foreign law.

6. Definition of Subsidiary

The term ''subsidiary'' means a company of which more than 50 percent of the voting stock or an otherwise controlling interest is owned by another company.

B. 1010.666(b)—Prohibition on Accounts and Due Diligence Requirements for Covered Financial Institutions

1. Prohibition on Opening or Maintaining Correspondent Accounts

Proposed section 1010.666(b)(1) prohibits covered financial institutions from opening or maintaining in the United States a correspondent account for, or on behalf of, MBaer.

2. Prohibition on Use of Correspondent Accounts Involving MBaer

Proposed section 1010.666(b)(2) requires covered financial institutions to take reasonable steps not to process a transaction for the correspondent account of a foreign banking institution in the United States if such a transaction involves MBaer. Such reasonable steps are described in 1010.666(b)(3), which sets forth the special due diligence requirements a covered financial institution would be required to take when it knows or has reason to believe that a transaction involves MBaer.

[61] *See* 31 CFR 1010.605(c)(2)(i).

[62] See 31 CFR 1010.605(c)(2)(ii)–(iv).

3. Special Due Diligence for Correspondent Accounts

As a corollary to the prohibition set forth in proposed section 1010.666(b)(1) and (2), proposed section 1010.666(b)(3) requires covered financial institutions to apply special due diligence to all of their foreign correspondent accounts that is reasonably designed to guard against such accounts being used to process transactions involving MBaer. As part of that special due diligence, covered financial institutions would be required to notify those foreign correspondent account holders that the covered financial institutions know or have reason to believe provide services to MBaer, that such correspondents may not provide MBaer with access to the correspondent account maintained at the covered financial institution. A covered financial institution may satisfy this notification requirement using the following notice:

Notice: Pursuant to U.S. regulations issued under Section 311 of the USA PATRIOT Act, see 31 CFR 1010.666, we are prohibited from opening or maintaining in the United States a correspondent account for, or on behalf of, MBaer. The regulations also require us to notify you that you may not provide MBaer, including any of its subsidiaries, branches, and offices access to the correspondent account you hold at our financial institution. If we become aware that the correspondent account you hold at our financial institution has processed any transactions involving MBaer, including any of its subsidiaries, branches, and offices, we will be required to take appropriate steps to prevent such access, including terminating your account.

The purpose of the notice requirement is to aid cooperation with correspondent account holders in preventing transactions involving MBaer from accessing the U.S. financial system. FinCEN does not require or expect a covered financial institution to obtain a certification from any of its correspondent account holders that access will not be provided to comply with this notice requirement.

Methods of compliance with the notice requirement could include, for example, transmitting a notice by mail, fax, or email. The notice should be transmitted whenever a covered financial institution knows or has reason to believe that a foreign correspondent account holder provides services to MBaer.

Special due diligence also includes implementing risk-based procedures designed to identify any use of correspondent accounts to process transactions involving MBaer. A covered financial institution would be expected to apply an appropriate screening mechanism to identify a funds transfer order that on its face listed MBaer as the financial institution of the originator or beneficiary, or otherwise referenced MBaer in a manner detectable under the financial institution's normal screening mechanisms. An appropriate screening mechanism could be the mechanisms used by a covered financial institution to comply with various legal requirements, such as commercially available software programs used to comply with the economic sanctions programs administered by the OFAC.

4. Recordkeeping and Reporting

Proposed section 1010.666(b)(4) clarifies that the proposed rule does not impose any reporting requirement upon any covered financial institution that is not otherwise required by applicable law or regulation. A covered financial institution must, however, document its compliance with the notification requirement described above in section 1010.666(b)(3).

VII. Request for Comments

FinCEN is requesting comments for 30 days after the publication of this NPRM. Given MBaer's consistent and longstanding ties to facilitating transactions for illicit actors, FinCEN assesses that a 30-day comment period for this NPRM strikes an appropriate balance between ensuring sufficient time for notice to the public and opportunity for comment on the proposed rule, while minimizing undue national security risk posed to the U.S. financial system in processing illicit transfers. FinCEN invites comments on all aspects of the proposed rule, including the following specific matters:

1. FinCEN's proposal of a prohibition under the fifth special measure under 31 U.S.C. 5318A(b), as opposed to imposing special measures one through four or imposing conditions under the fifth special measure;

2. The form and scope of the notice to certain correspondent account holders that would be required under the rule; and

3. The appropriate scope of the due diligence requirements in this proposed rule.

VIII. Executive Order 14294

Section *5* of Executive Order 14294 directs that all future notices of proposed rulemaking (NPRMs) and final rules published in the **Federal Register**, the violation of which may constitute criminal regulatory offenses, should include a statement identifying that the rule or proposed rule is a criminal regulatory offense and the authorizing statute.[63] Executive Order 14294 directs agencies to draft this statement in consultation with the Department of Justice.

Executive Order 14294 further directs that the regulatory text of all NPRMs and final rules with criminal consequences published in the **Federal Register** after May 9, 2025 should explicitly state a mens rea requirement for each element of a criminal regulatory offense, accompanied by citations to the relevant provisions of the authorizing statute.

Willful violations of the proposed regulations set forth in this proposed rule may be subject to criminal penalties pursuant to 31 U.S.C. 5322 and regulations promulgated in 31 CFR Chapter X. The statutory authority for criminal liability requires a mens rea of willfulness as an element pursuant to 31 U.S.C. 5322(a) and 31 U.S.C. 5322(b). FinCEN's existing regulation, 31 CFR 1010.840, that sets out criminal penalties for violations of regulations promulgated in 31 CFR Chapter X also includes a mens rea of willfulness. In drafting this statement, FinCEN has consulted with the Department of Justice.

IX. Regulatory Impact Analysis

FinCEN has analyzed this proposed rule under Executive Orders 12866, 13563 the Regulatory Flexibility Act,[64] the Unfunded Mandates Reform Act,[65] and the Paperwork Reduction Act.[66]

As discussed above, the intended effects of the imposition of special measure five with respect to MBaer are twofold. The rule is expected to: (1) combat and deter money laundering in facilitation of Venezuelan, Russian, and Iranian illicit financing associated with MBaer; and (2) prevent MBaer from using the U.S. financial system to enable illicit financial activity. In the analysis below, FinCEN discusses the economic effects that are expected to accompany adoption of the rule as proposed and assesses such expectations in more granular detail. This discussion includes an explanation of how FinCEN's assumptions and methodological choices have influenced FinCEN's conclusions. The public is

[63] Executive Order 14294, ''Fighting Overcriminalization in Federal Regulations'' 90 FR 20367 (issued May 9, 2025; published May 14, 2025), *https://www.federalregister.gov/executive-order/14294*.

[64] 5 U.S.C. 603.

[65] 2 U.S.C. 1532.

[66] 44 U.S.C. 3507(a)(1)(D).

invited to comment on all aspects of FinCEN's practice.[67]

A. Executive Orders

Executive Orders 12866 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

It has been determined that this proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, a regulatory impact analysis is not required.

B. Regulatory Flexibility Act

When an agency issues a rulemaking proposal, the Regulatory Flexibility Act (RFA) requires the agency to ''prepare and make available for public comment an initial regulatory flexibility analysis'' that will ''describe the impact of the proposed rule on small entities.'' [68] However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

The population of affected covered financial institutions under the proposed rule is limited to those financial institutions that maintain foreign correspondent accounts. FinCEN is not in possession of any data, studies, or qualitative evidence that any such covered financial institution meets the applicable definitional criteria to be deemed a ''small entity'' under the RFA. Moreover, FinCEN assesses that if any covered financial institution were a small entity, the changes in activity necessary to comply with the proposed rule would be unlikely to have a significant economic impact on such entity.

Under the proposed special measure, covered financial institutions would be prohibited from opening or maintaining correspondent accounts for, or on behalf of, MBaer. As discussed above in Section V.B, FinCEN has identified fewer than five such accounts. The imposition of the proposed special measure would therefore be more likely to prevent future correspondent accounts from being opened with small entities than require activity be undertaken with respect to currently maintained accounts. Given the relatively small size of MBaer as a financial institution operating outside of the United States and the current absence of account opening activity, the economic impact on small entities of continuing to forgo account opening is expected to be minimal.

Covered financial institutions would also be required to take reasonable measures to detect and prevent use of their correspondent accounts to process transactions involving MBaer. Neither set of newly required activities should introduce significant incremental burdens relative to current obligations and ongoing diligence activities. For example, all U.S. persons, including U.S. financial institutions, must comply with OFAC sanctions, and covered U.S. financial institutions generally have suspicious activity reporting requirements and systems in place to screen transactions to comply with OFAC sanctions and section 311 special measures administered by FinCEN. The systems that U.S. financial institutions have in place to comply with these requirements can easily be modified to adapt to this proposed rule. Thus, the special due diligence that would be required under the proposed rule—*i.e.,* preventing the processing of transactions involving MBaer and the transmittal of notification to certain correspondent account holders—is not expected to require a significant change in due diligence activities for small U.S. financial institutions. For these reasons, FinCEN certifies that the proposals contained in this rulemaking are not expected to have a significant impact on a substantial number of small businesses.

FinCEN invites comments from members of the public who believe there would be a significant economic impact on small entities from the imposition of a prohibition under special measure five regarding MBaer.

C. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 [69] (Unfunded Mandates Reform Act), requires that an agency prepare a budgetary impact statement before promulgating a rule that may result in expenditure by the state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, adjusted for inflation.[70] If a budgetary impact statement is required, section 202 of the Unfunded Mandates Reform Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule.[71]

FinCEN has determined that this proposed rule would not result in expenditures by state, local, and tribal governments in the aggregate, or by the private sector, of an annual $100 million or more, adjusted for inflation ($187 million).[72] Accordingly, FinCEN has not prepared a budgetary impact statement or considered the regulatory alternatives outlined in Section V.E above within the framework of the Unfunded Mandates Reform Act.

D. Paperwork Reduction Act

The recordkeeping requirements contained in this proposed rule that qualify as ''collections of information'' under the Paperwork Reduction Act of 1995 (PRA) will be submitted to the Office of Management and Budget (OMB) for review in accordance with the PRA.[73] Under the PRA, an agency may not conduct or sponsor a collection of information unless it displays a valid control number assigned by the OMB.[74] Written comments and recommendations for the proposed prohibition can be submitted by visiting *www.reginfo.gov/public/do/PRAMain.* Find this particular document by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Comments are welcome and must be received by April 1, 2026. In accordance with

[67] *See* Section VII; *see also* Section IX.D.

[68] 5 U.S.C. 603(a).

[69] 2 U.S.C. 1532, Public Law 104–4 (Mar. 22, 1995).

[70] *Id.*

[71] *Id.*

[72] The Unfunded Mandates Reform Act requires an assessment of mandates that will result in an annual expenditure of USD 100 million or more, adjusted for inflation. The U.S. Bureau of Economic Analysis reports the annual value of the gross domestic product deflator for calendar year 1995, the year of the Unfunded Mandates Reform Act, as 66.939, and as 125.428 for the calendar year 2024, the most recent available. *See* U.S. Bureau of Economic Analysis, *Table 1.1.9. Implicit Price Deflators for Gross Domestic Product, https://www.bea.gov/itable/* (last accessed Oct. 3, 2025). Thus, the inflation-adjusted estimate for USD 100 million is 125.428/66.939 × 100 million = USD 187.377 million.

[73] *See* 44 U.S.C. 3507(a)(1)(D). The PRA defines a ''collection of information'' as '' the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either (i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or (ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes[.]'' *See* 44 U.S.C. 3502(3).

[74] 44 U.S.C. 3507(a)(3).

requirements of the PRA and its implementing regulations, 5 CFR part 1320, the following information concerning the collection of information as required by 31 CFR 1010.666 is presented to assist those persons wishing to comment on the information collections.

The provisions in this proposed rule pertaining to the collection of information can be found in sections 1010.666(b)(3)(i)(A) and 1010.666(b)(4). The notification requirement in section 1010.666(b)(3)(i)(A) is intended to aid cooperation from foreign correspondent account holders in preventing transactions involving MBaer from being processed by the U.S. financial system. The information required to be maintained by section 1010.666(b)(4) would be used by federal agencies and certain self-regulatory organizations to verify compliance by covered financial institutions with the notification requirement in section 1010.666(b)(3)(i)(A). The collection of information would be mandatory.

Frequency: As required.

Description of Affected Financial Institutions: Only those covered financial institutions defined in section 1010.666(a)(3) that are engaged in correspondent banking with, or processing transactions potentially involving, MBaer as defined in section 1010.666(b)(1) and (2) are expected to incur incremental economic effects.

Estimated Number of Potential Respondents: Approximately 15,710.[75]

TABLE 1—ESTIMATES OF COVERED FINANCIAL INSTITUTIONS BY TYPE

Financial institution type	Number of entities
Banks with a federal functional regulator (FFR) [a]	[b] 8,995
Banks without an FFR [c]	[d] 395
Broker-dealers in securities (broker-dealers) [e]	[f] 3,320
Open end mutual funds [g]	[h] 2,036
Futures commission merchants [i]	[j] 65
Introducing brokers in commodities [k]	[l] 899

[a] *See* 31 CFR 1010.100(t)(1); *see also* 31 CFR 1010.100(d).

[b] Bank data is as of January 17, 2025, from Federal Deposit Insurance Corporation BankFind, *https://banks.data.fdic.gov/bankfind-suite/bankfind.* Credit union data is as of September 2024 from the National Credit Union Administration Quarterly Data Summary Reports, *https://ncua.gov/analysis/credit-union-corporate-call-report-data/quarterly-data-summary-reports.*

[c] 31 CFR 1020.210(b).

[d] The Board of Governors of the Federal Reserve System Master Account and Services Database contains data on financial institutions that utilize Reserve Bank financial services, including those with no federal regulator. FinCEN used this data to identify 395 banks and credit unions utilizing Reserve Bank financial services with no federal regulator. *See* Board of Governors of the Federal Reserve System, *Master Account and Services Database* (Dec. 19, 2025), *https://www.federalreserve.gov/paymentsystems/master-account-and-services-database-existing-access.htm.*

[e] 31 CFR 1010.100(t)(2).

[f] According to the Securities and Exchange Commission (SEC), there are 3,320 broker-dealers as of March 2025 from the website ''Company Information About Active Broker-Dealers,'' *https://www.sec.gov/foia-services/frequently-requested-documents/company-information-about-active-broker-dealers.*

[g] *See* 31 CFR 1010.100(t)(10); *see also* 31 CFR 1010.100(gg).

[h] According to the SEC, in 2024 there were 2,036 open-end registered investment companies that report on Form N–CEN. SEC, ''Form N–CEN Data Sets,'' *https://www.sec.gov/dera/data/form-ncen-data-sets.*

[i] 31 CFR 1010.100(t)(8).

[j] According to the Commodity Futures Trading Commission (CFTC), there are 65 futures commission merchants as of November 30, 2024. *See* CFTC, ''Financial Data for FCMs,'' *https://www.cftc.gov/MarketReports/financialfcmdata/index.htm.*

[k] 31 CFR 1010.100(t)(9).

[l] According to the National Futures Association (NFA), there are 899 introducing brokers in commodities as of Dec. 31, 2024 from website ''NFA Membership Totals,'' *https://www.nfa.futures.org/registration-membership/membership-and-directories.html.*

Estimated Number of Expected Respondents: Approximately 127.[76]

TABLE 2—ESTIMATES OF AFFECTED FINANCIAL INSTITUTIONS BY TYPE

Financial institution type	Number of entities
Banks with a FFR	[a] 60
Banks without a FFR	[b] 17
Broker-dealers	[c] 26
Open end mutual funds	[d] 16
Futures commission merchants	[e] 1
Introducing brokers in commodities	[f] 7

[a] Data are from the Federal Financial Institution Examination Council Central Data Repository for Reports of Condition and Income (Call Reports) and Uniform Bank Performance Reports (UBPRs), available for most Federal Deposit Insurance Corporation-insured institutions. Using this source of data, FinCEN determines that as of Q3 2024, approximately 60 banks (as defined by FinCEN regulations, *see* 31 CFR 1010.100(d)) would be affected by the rules covered in this notice in any given year. Specifically, as of Q3 2024, there were approximately 60 banks that reported non-zero values for deposit liabilities of banks in foreign countries. Deposit liabilities in a foreign country is an indication that a bank maintains correspondent accounts with a foreign financial institution.

[75] This estimate is informed by public and non-public data sources regarding both an expected maximum number of entities that may be affected and the number of active, or currently reporting, registered financial institutions.

[76] While this regulation applies to all covered institutions described in Table 1, in practice the burden would only be imposed on select institutions that maintain correspondent accounts for foreign banks. Table 2 below presents an estimate of this subpopulation of banks, brokers or dealers in securities, mutual funds, futures commission merchants, and introducing brokers in commodities based on data from the most recent calendar year end.

[b] The Board of Governors of the Federal Reserve System Master Account and Services Database contains data on financial institutions that utilize Reserve Bank financial services, including those with no federal regulator. FinCEN used this data to identify an additional 17 international banking entities with no federal regulator and that do not file Call Reports, but that are also likely to maintain correspondent accounts with a foreign financial institution.

[c] Broker-dealers, unless they are publicly traded, are not required to make reports indicating whether they have foreign correspondent accounts or hold foreign deposits. FinCEN reviewed financial statement data from 10–Q and 6–K filings with the SEC and identified nine publicly traded broker-dealers with U.S. operations that reported foreign deposits. FinCEN also examined SARs filed by broker-dealers in 2024 to identify another two non-publicly traded broker-dealers who appeared likely to be maintaining foreign deposits. However, because many broker-dealers are not publicly traded and did not file SARs, FinCEN conservatively estimates that the proportion of broker-dealers with foreign correspondent accounts will be similar to the proportion for banks (approximately 0.8%). 0.8% of 3,320 active broker-dealers is approximately 26 broker-dealers assumed to have foreign correspondent accounts.

[d] Mutual funds, futures commission merchants, and introducing brokers in commodities generally use intermediary U.S. banks to move and maintain client deposits and funds for investment. Therefore, it is unlikely that many of these institutions will maintain direct correspondent accounts with foreign financial institutions outside of their existing upstream banking relationships. However, because these institutions may in some cases receive deposits from, make payments or other disbursements, or otherwise transact directly with foreign financial institutions, FinCEN conservatively estimates that the proportion of mutual funds with foreign correspondent accounts will be similar to the proportion for banks (approximately 0.8%). 0.8% of 2,036 active mutual funds is approximately 16 mutual funds assumed to have foreign correspondent accounts.

[e] 0.8% of 65 active futures commission merchants is approximately one futures commission merchant assumed to have foreign correspondent accounts.

[f] 0.8% of 899 active introducing brokers in commodities is approximately seven introducing brokers in commodities assumed to have foreign correspondent accounts.

Estimated Average Annual Burden in Hours per Affected Financial Institution: Imposing special measure five requirements as described in this proposed rule is expected to result in a new, incremental recordkeeping burden on certain covered financial institutions as described above. Each anticipated component of this is outlined below.

Each affected covered financial institution is expected to incur a recordkeeping burden associated with preparing and retaining the materials necessary to demonstrate compliance with the proposed requirements. This is expected to include records related to:

A. Documenting the reasonable steps the financial institution undertakes to ensure no transactions involving MBaer are processed for a foreign correspondent account, including:

1. Any investigative activities undertaken when the financial institution knows or has reason to believe that a foreign bank's correspondent account has been or is being used to process transactions involving MBaer.

2. Any subsequent activities undertaken to prevent such access, including, where necessary, termination of the correspondent account.

B. Notifying, and documenting that the financial institution has provided notice to, foreign correspondent account holders that the financial institution knows or has reason to believe provide services to MBaer, informing such correspondents that they may not provide MBaer with access to the correspondent account maintained at the financial institution.

C. Documenting the reasonable steps it took with respect to special due diligence requirements, including but not limited to, the reasoning that informed decisions to adopt (or not adopt) new measures adding to its existing risk-based approach, and those new measures, if adopted.

The estimated average annual burden associated with the collection of information in this proposed rule is, in total, one business day, or eight hours per affected financial institution.

Estimated Total Annual Burden in Year One: Approximately 1,016 hours.[77]

Estimated Total Annual Cost in Year One: Approximately $121,920.[78]

[77] 127 expected respondents multiplied by eight hours per respondent equals 1,016 total annual burden hours.

[78] The wage rate applied here is a general composite hourly wage ($84.55), scaled by a private-sector benefits factor of 1.42 ($120.07 = $84.55 × 1.42), that incorporates the mean wage data (available for download at *https://www.bls.gov/oes/tables.htm,* ''May 2023—National industry-specific and by ownership'') associated with the six occupational codes (11–1010: Chief Executives; 11–3021: Computer and Information Systems Managers; 11–3031: Financial Managers; 13–1041: Compliance Officers; 23–1010: Lawyers and Judicial Law Clerks; 43–3099: Financial Clerks, All Other) for each of the nine groupings of NAICS industry codes that FinCEN determined are most directly comparable to its eleven categories of covered financial institutions as delineated in 31 CFR parts 1020 to 1030. The benefit factor is 1 plus the benefit/wages ratio, where as of June 2023, Total Benefits = 29.4 and Wages and salaries = 70.6 (29.4/70.6 = 0.42) based on the private industry workers series data downloaded from *https://www.bls.gov/news.release/archives/ecec_09122023.pdf* (accessed Dec. 22, 2024). Given that many occupations provide benefits beyond cash wages (*e.g.,* insurance, paid leave), the private sector benefit is applied to reflect the total cost to the employer. 1,016 total annual burden hours multiplied by $120 per hour equals a total annual cost of $121,920.

In subsequent years, FinCEN estimates that the average annual burden associated with the collection of information would be significantly reduced.[79] FinCEN expects that the ongoing burden of compliance with FinCEN special measures would primarily accrue in connection with the opening of new foreign correspondent accounts, at which point a covered financial institution would need to ensure that new account holders receive information on entities subject to special measures and agree not to conduct transactions on their behalf. FinCEN has previously estimated that financial institutions that maintain foreign correspondent accounts will open an average of 10 new accounts per year.[80] FinCEN expects the time burden of special measure compliance associated with these new accounts would not exceed 15 minutes (0.25 hours) per affected financial institution.

Table 3 presents a summary of FinCEN's estimates of PRA Burden as expected to accrue during the first three years in which the rule is effective and provides a basis for the expected average annual costs as estimated over the same time horizon.

[79] *See* discussion of how compliance with the proposed rule is expected to be integrated into covered financial institutions' broader OFAC sanctions and 311 special measures compliance activities at Section IX.B.

[80] *See* FinCEN, *Renewal Without Change of Prohibition on Correspondent Accounts for Foreign Shell Banks; Records Concerning Owners of Foreign Banks and Agents for Service of Legal Process,* 90 FR 21987, 21994 (May 22, 2025), *https://www.federalregister.gov/d/2025-09162/p-134.*

TABLE 3—PRA THREE-YEAR PRO FORMA BURDEN ESTIMATES

Year	Number of respondents	Hours per respondent	Total burden hours
1	127	8.00	1,016.00
2	127	0.25	31.75
3	127	0.25	31.75
Average	127	2.83	359.83

Estimated Three-Year Average Aggregate Annual Burden: Approximately 360 hours on average, per year.[81]

Estimated Three-Year Average Aggregate Annual Cost: Approximately $43,225.20.[82]

FinCEN invites comments on: (1) whether the proposed collection of information found in section 1010.666(b)(4) is necessary for the proper performance of the mission of FinCEN, including whether the information would have practical utility; (2) the accuracy of FinCEN's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information required to be maintained; (4) ways to minimize the burden of the required collection of information, including through the use of automated collection techniques or other forms of information technology; and (5) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to report the information.

X. Regulatory Text

List of Subjects in 31 CFR Part 1010

Administrative practice and procedure, Banks, Banking, Brokers, Crime, Foreign banking, Terrorism.

Authority and Issuance

For the reasons set forth in the preamble, FinCEN proposes amending 31 CFR part 1010 as follows:

PART 1010—GENERAL PROVISIONS

■ 1. The authority citation for part 1010 continues to read as follows:

''**Authority:** 12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314, 5316–5336; title III, sec. 314, Pub. L. 107–56, 115 Stat. 307; sec. 2006, Pub. L. 114–41, 129 Stat. 458–459; sec. 701 Pub. L. 114–74, 129 Stat. 599; sec. 6403, Pub. L. 116–283, 134 Stat. 3388.''

■ 2. Add 1010.666 to read as follows:

1010.666 Special measures regarding MBaer.

(a) *Definitions.* For purposes of this section, the following terms have the following meanings.

(1) *MBaer.* The term ''MBaer'' means all subsidiaries, branches, and offices of MBaer Merchant Bank AG, a financial institution operating outside of the United States.

(2) *Correspondent account.* The term ''correspondent account'' has the same meaning as provided in 1010.605(c)(l)(ii).

(3) *Covered financial institution.* The term ''covered financial institution'' has the same meaning as provided in 1010.605(e)(1).

(4) *Financial institution operating outside of the United States.* The term ''financial institution operating outside of the United States'' means any business or agency operating, in whole or in part, outside of the United States that engages in any activity which is similar to, related to, or a substitute for any activity in which any financial institution, as defined in 31 U.S.C. 5312(a)(2), engages.

(5) *Foreign banking institution.* The term ''foreign banking institution'' means a bank organized under foreign law, or an agency, branch, or office located outside the United States of a bank. The term does not include an agent, agency, branch, or office within the United States of a bank organized under foreign law.

(6) *Subsidiary.* The term ''subsidiary'' means a company of which more than 50 percent of the voting stock or an otherwise controlling interest is owned by another company.

(b) *Prohibition on accounts and due diligence requirements for covered financial institutions.*

(1) *Prohibition on opening or maintaining correspondent accounts for MBaer.* A covered financial institution shall not open or maintain in the United States a correspondent account for, or on behalf of, MBaer.

(2) *Prohibition on processing transactions involving MBaer.* A covered financial institution shall take reasonable steps not to process a transaction for the correspondent account in the United States of a foreign banking institution if such a transaction involves MBaer.

(3) *Special due diligence of correspondent accounts to prohibit transactions.*

(i) A covered financial institution shall apply special due diligence to its foreign correspondent accounts that is reasonably designed to guard against their use to process transactions involving MBaer. At a minimum, that special due diligence must include:

(A) Notifying those foreign correspondent account holders that the covered financial institution knows or has reason to believe provide services to MBaer that such correspondents may not provide MBaer with access to the correspondent account maintained at the covered financial institution; and

(B) Taking reasonable steps to identify any use of its foreign correspondent accounts by MBaer, to the extent that such use can be determined from transactional records maintained in the covered financial institution's normal course of business.

(ii) A covered financial institution shall take a risk-based approach when deciding what, if any, other due diligence measures it reasonably must adopt to guard against the use of its foreign correspondent accounts to process transactions involving MBaer.

(iii) A covered financial institution that knows or has reason to believe that a foreign bank's correspondent account has been or is being used to process transactions involving MBaer shall take all appropriate steps to further investigate and prevent such access, including the notification of its correspondent account holder under paragraph (b)(3)(i)(A) of this section and, where necessary, termination of the correspondent account.

(4) *Recordkeeping and reporting.*

(i) A covered financial institution is required to document its compliance with the notification requirement set forth in this section.

(ii) Nothing in paragraph (b) of this section shall require a covered financial institution to report any information not otherwise required to be reported by law or regulation.

[81] This estimate is the average of 1,016 expected burden hours in year one of implementation and 31.75 hours in years two and three, respectively, rounded to the nearest whole hour.

[82] An average annual burden over years one through three of 360 hours multiplied by $120.07 per hour equals an average annual cost of $43,225.20.

Dated: February 26, 2026.

Andrea M. Gacki,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2026–04033 Filed 2–27–26; 8:45 am]

BILLING CODE 4810–02–P

Notices

Federal Register
Vol. 91, No. 40
Monday, March 2, 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

Agricultural Research Service

Notice of Intent To Seek OMB Approval To Collect Information: Forms Pertaining to the Scientific Peer Preview of ARS Research Projects

AGENCY: Agricultural Research Service (ARS), USDA.

ACTION: Notice and request for comments.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 and OMB implementing regulations. The Department is soliciting public comments on the subject proposal.

DATES: Written comments on this notice should be submitted on or before April 20, 2026.

ADDRESSES: All comments concerning this notice should be directed to the Director and Program Coordinator listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Kent Amott, Acting Director and Program Coordinator, Office of Scientific Quality Review (OSQR), Agricultural Research Service, 5601 Sunnyside Avenue, Beltsville, Maryland 20705; email: *kent.amott@usda.gov.*

SUPPLEMENTARY INFORMATION: The OSQR will seek approval from OMB to update six existing forms to ensure that ARS can efficiently manage data associated with the peer review of agricultural research. All forms are transferred and received electronically and may include on-line submissions in the future.

Abstract: The OSQR was established in September 1999 as a result of the Agricultural Research, Extension, and Education Reform Act of 1998 (''The Act'') (Pub. L. 105185). The Act included mandates to perform scientific peer review of all research activities conducted by USDA. The office manages the ARS peer review system by centrally coordinating all intramural peer review functions for ARS research projects on a 5-year cycle.

Each set of reviews is assigned a chairperson to govern the panel review process. Peer reviewers are external to the Agency and are non-ARS scientists. Peer review panels are convened to assess the technical/scientific quality and correctness of each research project plan. Each panel reviewer receives information on a range of two to five ARS research projects.

On average, 150 research projects are reviewed annually by an estimated 185 reviewers. Approximately 130 are reviewed by a panel and approximately 20 are reviewed through an ad hoc (written review) process. The management and execution of this peer review process is vastly dependent on the use of these forms.

The OSQR will seek OMB approval of the following forms:

1. *Confidentiality Agreement Form:* USDA uses this form to document that a selected reviewer is responsible for keeping confidential any information learned during the subject peer review process. The Confidentiality Agreement is signed before the reviewer's involvement in the peer review process. The form requires an original signature and can be submitted electronically.

2. *Panelist Information Form:* USDA uses this form to gather the most recent background information and diversity and inclusion data about the reviewer, and information relevant to paying an honorarium and travel expenses when needed. Sensitive information is transmitted on this form and destroyed after payment is received.

3. *Peer Review of an ARS Research Project Form (Peer Review Form):* USDA uses this form to guide the reviewer's expert comments in written form on the assigned project plan. The form contains the criteria for plan review and seeks the reviewer's narrative comments and evaluation.

4. *Additional Reviewer Comment Form:* This form is supplied to members of a panel not assigned as a primary or secondary reviewer on a particular project plan; however, it encourages additional expert comments or recommendations for any plan regardless of a reviewer's assignment as primary or secondary.

5. *Ad Hoc Review Form:* USDA uses this in select cases (*e.g.,* for reviewers not participating in a panel review). It contains a check-off listing of action classes that allows reviewers to provide an overall rating of the plan.

6. *Recommendations for ARS Research Project Form (Recommendations Form):* USDA uses this form to guide the panels 's evaluation and critique of the review process. The form combines both primary and secondary reviewers' recommendations of the research project plan.

7. *Panel Expense Report Form (Expense Report):* USDA uses this form to document a panel reviewer's expenses incurred traveling to and attending a peer review meeting. The expense report asks reviewers to list lodging, meal, and transportation expenses. When completed, the form contains sensitive information and is held in compliance with ARS travel guidelines: This form is used only in rare circumstances when a panel meeting requires that reviewers travel.

(1) USDA's collection of information on the Confidentiality Agreement Form is needed to document that a selected reviewer is responsible for keeping confidential any information learned during the subject peer review process. The Confidentiality Agreement would be signed before the reviewer's involvement in the peer review process.

(2) USDA's collection of information on the Panelist Information Form is needed to collect the most recent background information along with diversity and inclusion data about the reviewer. It contains sensitive information.

(3) USDA's collection of information on the Peer Review Form and Reviewer Comment Form is needed to guide reviewers' comments on the subject project. Both contain review guidance and space to insert comments.

(4) USDA's collection of information on the Ad Hoc Review Form is needed to guide reviewer comments of those not participating in a chaired panel and affords a place to select an overall Action Class rating for the plan.

(5) USDA's collection of information on the Recommendations Form is needed to guide the panel's critique of the review process. It contains the

recommendations of the panel for the subject research project.

(6) USDA's collection of information on the Expense Report Form is needed to document a panel reviewer's expenses incurred by attending a peer review meeting. The Expense Report requests lodging, meal, and transportation expense data. It includes sensitive information.

Estimate of Burden: The burden associated with this approval process is the minimum required to successfully achieve program objectives. The information collection frequency is the minimum consistent with program objectives. The following estimates the time required to complete the forms, based on previous OSQR experience with our current business model.

l. Confidentiality Agreement Form (10 minutes completion time). The reviewer must read and consider the terms of the agreement and then sign and date the form.

2. Chair and Panelist Information Form (30 minutes completion time). The reviewer provides standard personal information, similar to that found in grant review programs.

3. Panelist Peer Review of an ARS Research Project Form (4–7 hours completion time), Project page lengths will vary. Reviewers may freely write as much as they wish and complete the form. To adequately evaluate a research project plan that may exceed 60–70 pages in length, each reviewer must thoroughly read each plan.

4. Reviewer Comment Form (60 minutes completion time). General assessment of the plan with brief comments on the approach and feasibility of the project and about one page.

5. Panel Recommendation for ARS Research Project Form (30–60 minutes completion time). The page length significantly varies among panelist peer reviews and reviewer comments. All recommendation forms are completed by the OSQR and further discussed and revised by the reviewers as part of their panel discussions. In-person panels are handled in the same manner.

6. Panel Expense Response Form (30 minutes completion time).

Respondents and Estimated Number of Respondents: Selected scientific experts currently working in the same discipline as the research projects being peer reviewed. These external experts are credible peers to ARS. Annually, about 185 peer reviewers complete these forms. Most all plans are discussed and deliberated via webinar and telephone conferencing. Travel is not generally necessary. Thus, reviewers are not expected to complete Panel Expense Reports.

Frequency of Response:

Form	Number of respondents	Annual frequency
Confidentiality Agreement	185	1 per respondent (Total—.
Peer Review Forms (required and assigned 2 plans)	200	2 per panel respondent (Total = 400).
Reviewer Comment Form (reviewer is not assigned as primary or secondary review).	6	2 per panel respondent (Total = 12).
Expense Report (in-person reviewers)	6	1 per respondent (Total = 6).
Panelist Information Forms	185	1 per respondent/per form (Total = 185).
Recommendations Form (non-online project reviews)	82	2 per respondent (Total = 164).

Estimated Total Annual Burden on Respondents:

Form (time required to complete)	Number completed annually	Total burden (hours)
Confidentiality Agreement (10 minutes)	185	31
Panelist Information Forms (30 minutes)	185	93
Peer Review Forms (6 hours)	200	1200
Recommendations Form (2 hours)	82	164
Reviewer Comment Form (1 hour)	6	6
Expense Report (30 minutes)	6	3

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. chap. 35.

Comments: The Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to (1) evaluate whether the proposed collection is necessary for the proper performance of ARS functions, including whether the information will have practical utility; (2) evaluate the accuracy of the estimated burden from proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses). All responses to this notice will be summarized and included in the request for OMB approval.

All comments will become a matter of public record.

Mari Gomez,

ARS Chief of Staff.

[FR Doc. 2026–04061 Filed 2–27–26; 8:45 am]

BILLING CODE 3410–03–P

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 April 1, 2026. 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.

Risk Management Agency

Title: Multiple Peril Crop Insurance.

OMB Control Number: 0563–0053.

Summary of Collection: The Federal Crop Insurance Corporation (FCIC) is a wholly-owned Government corporation created February 16, 1938 (7 U.S.C. 1501). The program was amended previously, by Public Law 96–365, dated September 26, 1980, that provided for nationwide expansion of a comprehensive crop insurance program. The Federal Crop Insurance Act (Act), as amended in later years, further expanded the role of the crop insurance program to be the principal risk management safety net used by producers to cover crop losses. The Act further required that the crop insurance program operate on an actuarially sound basis. To meet these goals, existing crop programs must be improved and expanded, new crop products developed, and new insurance concepts studied for possible implementation. Meeting these goals requires the collection of a wide range of information (data elements). These data elements are used in part to determine insurance coverage, premiums, subsidies, payments, and indemnities. It allows for other program and administrative operations. It also creates an information database used to support continued development and improvements in crop insurance products available to producers and which meet the goal of a sound insurance program. The Act was again amended on June 20, 2000, by Public Law 106–224 which mandates changes to crop insurance regulations, provides for independent review of crop insurance products by persons experienced as actuaries and in underwriting, and gives contracting authority for the development of new products.

Need and Use of the Information: The collection of information involves producers and insurance companies. Specific information (data) is required to apply for crop insurance, determine program eligibility, report crop information, establish liability, change coverage, determine a loss, etc. Producers must provide records, documents, or other information to the insurance company during an investigation or settlement of a claim. Insurance companies may provide late or prevented planting coverage, or provide coverage under a written agreement when coverage would not otherwise be available, etc. Pertinent information must be collected by the established dates to administer the crop insurance program in an actuarially sound manner.

The information collection requirements for this revised package are necessary for administering the crop insurance program. Insurance companies must obtain enough information so insurability, liability, premium, subsidy, and indemnities can be accurately determined. It is important that insurance agents work closely with producers to collect accurate information since the guarantee, liability, premium, subsidy, and any applicable indemnities are based on this information.

Description of Respondents: Farms; Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 531,597.

Frequency of Responses: Recordkeeping; Reporting: Annually.

Total Burden Hours: 8,687,170.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–04073 Filed 2–27–26; 8:45 am]

BILLING CODE 3410–08–P

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 approval 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 April 1, 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 Safety and Inspection Service

Title: New Swine Inspection System.

OMB Control Number: 0583–0171.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*). This statute mandates that FSIS protect the public by verifying that meat and meat products are safe, wholesome, and properly labeled. FSIS is requesting renewal of the approved information collection regarding swine

slaughter inspection. On February 19, 2026, FSIS published a Notice of Proposed Rulemaking that would remove an attestation-related element of the collection, resulting in a reduction in the estimated burden. This revision aligns with the proposed rule and reflects the updated burden estimate.

Need and Use of the Information: FSIS requires that all swine slaughter establishments operating under the New Swine Slaughter Inspection System (NSIS) monitor their systems through microbial testing and recordkeeping. Swine slaughter establishments operating under NSIS must also maintain records to document the total number of animals and carcasses sorted and removed per day and the reasons for their removal. Swine slaughter establishments may record their disposition data on FSIS Form 6200–3, Establishment Sorting Record, or provide the same information as requested on the form electronically if it is submitted in a format approved by FSIS.

Description of Respondents: Business or other for-profit.

Number of Respondents: 84.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 4,347.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–04109 Filed 2–27–26; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket #: RBS–26–Business–0100]

Notice of Revision of a Currently Approved Information Collection: OMB No. 0570–0067

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 the Rural Business-Cooperative Service (RBCS or Agency), an agency within the United States Department of Agriculture (USDA), Rural Development (RD), announces its intention to request a revision to a currently approved information collection package for Rural Energy for America (REAP) program. The Agency invites comments on this information collection for which it intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by May 1, 2026 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Lauren Cusick, RD Innovation Center—Regulations Management Division, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250, Telephone: 202–720–1414, email: *Lauren.Cusick@usda.gov.*

SUPPLEMENTARY INFORMATION: The OMB regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that the Agency is submitting to OMB for extension.

Comments are invited on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be submitted electronically by the Federal eRulemaking Portal, *https://www.regulations.gov/.* In the ''Search for dockets and documents on agency actions'' box enter the Docket No. RBS–26–BUSINESS–0100 and click the ''Search'' button. From the search results, click on or locate the document title: ''Notice of Revision of a Currently Approved Information Collection'' and select the ''Comment'' button. Before inputting comments, commenters may review the ''Commenter's Checklist'' (optional). To submit a comment: Insert comments under the ''Comment'' title, click ''Browse'' to attach files (if available), input email address, select box to opt to receive email confirmation of submission and tracking (optional), select the box ''I'm not a robot,'' and then select ''Submit Comment.'' Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''FAQ'' link. All comments will be available for public inspection online at the Federal eRulemaking Portal (*www.regulations.gov*).

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. Data furnished by the applicants will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, failure to provide data could result in program benefits being withheld or denied.

Title: Rural Energy for America (REAP) Program.

OMB Control Number: 0570–0067.

Type of Request: Revision of a currently approved information collection under 7 CFR part 4280, subpart B.

Abstract: The primary purpose of REAP is to provide guaranteed loan financing and grant funding to agricultural producers and rural small businesses for renewable energy systems (RES) or to make energy efficiency improvements (EEI). RES and EEI projects will be scored and awarded in accordance with 7 CFR 4280.122 through 123. The REAP program also offers grant funding to assist agricultural producers and rural small businesses to conduct energy audits (EA) and provide recommendations and information on renewable energy development assistance (REDA). EA and REDA projects will be scored and awarded in accordance with 7 CFR 4280.155 through 156.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3.43 hours per response.

Respondents: Nonprofit corporations and institutions of higher education.

Estimated Number of Respondents: 3,366.

Estimated Number of Responses per Respondent: 13.58.

Estimated Number of Responses: 45,731.

Estimated Total Annual Burden on Respondents: 156,867 hours

Copies of this information collection can be obtained from Kimble Brown, RD Innovation Center—Regulations Management Division, Telephone: 202–720–6780, email: *Kimble.Brown@usda.gov.*

All responses to this notice will be summarized and included in the request

for OMB approval. All comments will also become a matter of public record.

Jeremy Claeys,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2026–04034 Filed 2–27–26; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–22–2026]

Foreign-Trade Zone (FTZ) 153, Notification of Proposed Production Activity; CMS Circuits, Inc.; (Electronic Manufacturing Services in Aerospace, Industrial, and Medical Applications); Murrieta, California

The City of San Diego, grantee of FTZ 153, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of CMS Circuits, Inc. (CMS) for CMS's facilities in Murrieta, California within FTZ 153. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on February 23, 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: ceramic hybrid circuits; heating elements; flexible medical endoscopes; assembled electro-medical diagnostic accessories; aerospace electronic control modules; and, flexible medical catheters (duty-free).

The proposed foreign-status materials/components include: alumina ceramic plates; aluminum nitride; precious metal conductive silver inks; precious metal conductive gold inks; copper conductive inks; integrated circuit microchips; charge-coupled device image sensors; light-emitting diodes; glass optical elements; fiber optic bundles; molded plastic protective covers; molded plastic ergonomic handles; nonwoven high-density polyethylene synthetic fiber sterile barrier pouches; thermistors; flexible flat cable; stainless steel structural tubing; stainless steel braided wires; reinforced polyether block amide tubing; laser-machined stainless steel chain links; integrated imaging units; subassemblies of endoscopes; electrical connectors; subassemblies of catheters; medical tubing; and, stainless hypotubes (duty rate ranges from duty-free to 8.4%).

The request indicates that certain materials/components are subject to duties under section 122 of the Trade Act of 1974 (Section 122), 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 122, section 232, and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign (PF) 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 April 13, 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 Brian Warnes at *brian.warnes@trade.gov.*

Dated: February 25, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–04058 Filed 2–27–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with the Tariff Act of 1930, as amended (the Act), the U.S. Department of Commerce (Commerce) is automatically initiating the five-year reviews (Sunset Reviews) of the antidumping duty (AD) and countervailing duty (CVD) orders and suspended investigations listed below. The U.S. International Trade Commission (ITC) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same orders and suspended investigations.

DATES: Applicable March 2, 2026.

FOR FURTHER INFORMATION CONTACT: Commerce official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. For information from the ITC, contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

Commerce's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to Commerce's conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are initiating the Sunset Reviews of the following AD and CVD orders and suspended investigations:Commerce ITC Commerce

Commerce case No.	ITC case No.	Country	Product	Commerce contact
Antidumping Duty Proceedings				
A–525–001	731–TA–1475	Bahrain	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–351–854	731–TA–1476	Brazil	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–893–001	731–TA–1524	Bosnia and Herzegovina.	Silicon Metal (1st Review)	Thomas Martin, (202) 482–3938.

Commerce case No.	ITC case No.	Country	Product	Commerce contact
A–570–900	731–TA–1092	China	Diamond Sawblades (3rd Review).	Mary Kolberg, (202) 482–1785.
A–570–879	731–TA–1014	China	Polyvinyl Alcohol (4th Review)	Mary Kolberg, (202) 482–1785.
A–570–131	731–TA–1523	China	Twist Ties (1st Review)	Mary Kolberg, (202) 482–1785.
A–891–001	731–TA–1477	Croatia	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–851–804	731–TA–1529	Czech Republic	Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe (1st Review).	Walter Ankner, (202) 482–8374.
A–729–803	731–TA–1478	Egypt	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–428–849	731–TA–1479	Germany	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–400–001	731–TA–1525	Iceland	Silicon Metal (1st Review)	Thomas Martin, (202) 482–3938.
A–533–895	731–TA–1481	India	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–560–835	731–TA–1482	Indonesia	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–475–842	731–TA–1483	Italy	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–588–861	731–TA–1016	Japan	Polyvinyl Alcohol (4th Review)	Mary Kolberg, (202) 482–1785.
A–580–909	731–TA–1530	Korea	Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe (1st Review).	Walter Ankner, (202) 482–8374.
A–557–820	731–TA–1526	Malaysia	Silicon Metal (1st Review)	Thomas Martin, (202) 482–3938.
A–201–853	731–TA–1527	Mexico	Steel Welded Wire Mesh (1st Review).	Mary Kolberg, (202) 482–1785.
A–523–814	731–TA–1485	Oman	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–821–826	731–TA–1531	Russia	Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe (1st Review).	Walter Ankner, (202) 482–8374.
A–485–809	731–TA–1486	Romania	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–801–001	731–TA–1487	Serbia	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–856–001	731–TA–1488	Slovenia	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–791–825	731–TA–1489	South Africa	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–469–820	731–TA–1490	Spain	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–583–867	731–TA–1491	Taiwan	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–489–839	731–TA–1492	Türkiye	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
A–823–819	731–TA–1532	Ukraine	Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe (1st Review).	Walter Ankner, (202) 482–8374.
Countervailing Duty Proceedings				
C–525–002	701–TA–639	Bahrain	Common Alloy Aluminium Sheet (1st Review).	Mary Kolberg, (202) 482–1785.
C–570–132	701–TA–649	China	Twist Ties (1st Review)	Thomas Martin, (202) 482–3938.
C–533–896	701–TA–641	India	Common Alloy Aluminium Sheet (1st Review).	Thomas Martin, (202) 482–3938.
C–834–811	701–TA–652	Kazakhstan	Silicon Metal (1st Review)	Thomas Martin, (202) 482–3938.
C–580–910	701–TA–654	Korea	Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe (1st Review).	Walter Ankner, (202) 482–8374.
C–201–854	701–TA–653	Mexico	Steel Welded Wire Mesh (1st Review).	Thomas Martin, (202) 482–3938.
C–714–001	701–TA–650	Morocco	Phosphate Fertalizers (1st Review).	Mary Kolberg, (202) 482–1785.
C–821–825	701–TA–651	Russia	Phosphate Fertalizers (1st Review).	Mary Kolberg, (202) 482–1785.

Commerce case No.	ITC case No.	Country	Product	Commerce contact
C–821–827	701–TA–655	Russia	Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe (1st Review).	Mary Kolberg, (202) 482–1785.
C–489–840	701–TA–642	Türkiye	Common Alloy Aluminium Sheet (1st Review).	Walter Ankner, (202) 482–8374.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Commerce's regulations, Commerce's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on Commerce's website at the following address: *https://enforcement.trade.gov/sunset/.* All submissions in these Sunset Reviews must be filed in accordance with Commerce's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), can be found at 19 CFR 351.303.

In accordance with section 782(b) of the Act, any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information. Parties must use the certification formats provided in 19 CFR 351.303(g). Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), Commerce will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation. Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. Commerce's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[1]

Information Required From Interested Parties

Domestic interested parties, as defined in sections 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with Commerce's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, Commerce will automatically revoke the order without further review.[2]

If we receive an order-specific notice of intent to participate from a domestic interested party, Commerce's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that Commerce's information requirements are distinct from the ITC 's information requirements. Consult Commerce's regulations for information regarding Commerce's conduct of Sunset Reviews. Consult Commerce's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at Commerce. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[3] An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day on which it is due.

In prior proceedings we have encouraged interested parties to provide an executive summary of their comments, including footnotes. In these sunset reviews, we request that interested parties provide at the beginning of their comments, an executive summary for each issue raised in their comments. Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the decision memorandum that will accompany the notice to be published in the **Federal Register**. Finally, we request that interested parties include footnotes for relevant citations in the public executive summary of each issue.

Notification to Interested Parties

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: February 20, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–04123 Filed 2–27–26; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Temporary Rule Modifying AD/CVD Service Requirements Due to* COVID–19, 85 FR 41363 (July 10, 2020).

[2] *See* 19 CFR 351.218(d)(1)(iii).

[3] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule,* 88 FR 67069 (September 29, 2023)

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Each year during the anniversary month of the publication of an antidumping duty (AD) or countervailing duty (CVD) order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the U.S. Department of Commerce (Commerce) conduct an administrative review of that AD or CVD order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR). We intend to release the CBP data under administrative protective order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

1. In general, Commerce finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (*i.e.,* investigation, administrative review, new shipper review, or changed circumstances review).

2. For any company subject to a review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

3. Parties are requested to: (a) identify which companies subject to review previously were collapsed; and (b) provide a citation to the proceeding in which they were collapsed.

4. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[1] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation, pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial Section D responses.

Opportunity To Request a Review: Not later than the last day of March 2026,[2] interested parties may request an administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

	Period
Antidumping Duty Proceedings	
AUSTRALIA: Certain Uncoated Paper, A–602–807	3/1/25–2/28/26
BELGIUM: Acetone, A–423–814	3/1/25–2/28/26
BRAZIL: Certain Uncoated Paper, A–351–842	3/1/25–2/28/26

[1] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[2] Or the next business day, if the deadline falls on a weekend, Federal holiday or any other day when Commerce is closed.

	Period
CANADA: Iron Construction Castings, A–122–503	3/1/25–2/28/26
FRANCE: Brass Sheet & Strip, A–427–602	3/1/25–2/28/26
GERMANY: Brass Sheet & Strip, A–428–602	3/1/25–2/28/26
INDIA:	
Granular Polytetrafluoroethylene Resin, A–533–899	3/1/25–2/28/26
Large Diameter Welded Pipe, A–533–881	3/1/25–2/28/26
Off-The-Road Tires, A–533–869	3/1/25–2/28/26
INDONESIA: Certain Uncoated Paper, A–560–828	3/1/25–2/28/26
ITALY: Brass Sheet & Strip, A–475–601	3/1/25–2/28/26
PORTUGAL: Certain Uncoated Paper, A–471–807	3/1/25–2/28/26
REPUBLIC OF KOREA: Acetone, A–580–899	3/1/25–2/28/26
RUSSIA:	
Silicon Metal, A–821–817	3/1/25–2/28/26
Granular Polytetrafluoroethylene Resin, A–821–829	3/1/25–2/28/26
SOCIALIST REPUBLIC OF VIETNAM: Certain Paper Plates, A–552–839	9/5/24–2/28/26
SOUTH AFRICA:	
Acetone, A–791–824	3/1/25–2/28/26
Carbon and Alloy Steel Wire Rod, A–791–823	3/1/25–2/28/26
TAIWAN: Light-Walled Welded Rectangular Carbon Steel Tubing, A–583–803	3/1/25–2/28/26
THAILAND:	
Circular Welded Carbon Steel Pipes and Tubes, A–549–502	3/1/25–2/28/26
Certain Paper Plates, A–549–849	9/5/24–2/28/26
THE PEOPLE'S REPUBLIC OF CHINA:	
Ammonium Sulfate, A–570–049	3/1/25–2/28/26
Amorphous Silica Fabric, A–570–038	3/1/25–2/28/26
Certain Biaxial Integral Geogrid Products, A–570–036	3/1/25–2/28/26
Certain Carbon and Alloy Steel Cut-To-Length Plate, A–570–047	3/1/25–2/28/26
Certain Corrosion Inhibitors, A–570–122	3/1/25–2/28/26
Certain Paper Plates, A–570–164	6/7/24–2/28/26
Certain Plastic Decorative Ribbon, A–570–075	3/1/25–2/28/26
Certain Uncoated Paper, A–570–022	3/1/25–2/28/26
Certain Vertical Shaft Engines Between 22C and 999CC, and Parts Thereof, A–570–119	3/1/25–2/28/26
Circular Welded Austenitic Stainless Pressure Pipe, A–570–930	3/1/25–2/28/26
Difluoromethane, A–570–121	3/1/25–2/28/26
Glycine, A–570–836	3/1/25–2/28/26
Large Diameter Welded Carbon and Alloy Steel Line and Structural Pipe, A–570–077	3/1/25–2/28/26
Pentafluoroethane (R–125), A–570–137	3/1/25–2/28/26
Sodium Hexametaphosphate, A–570–908	3/1/25–2/28/26
Tissue Paper Products, A–570–894	3/1/25–2/28/26
UKRAINE: Carbon and Alloy Steel Wire Rod, A–823–816	3/1/25–2/28/26
Countervailing Duty Proceedings	
INDIA:	
Fine Denier Polyester Staple Fiber, C–533–876	1/1/25–12/31/25
Granular Polytetrafluoroethylene Resin, C–533–900	1/1/25–12/31/25
Large Diameter Welded Carbon and Alloy Steel Line Pipe, C–533–882	1/1/25–12/31/25
Off-The-Road Tires, C–533–870	1/1/25–12/31/25
INDONESIA: Certain Uncoated Paper, C–560–829	1/1/25–12/31/25
IRAN: In-Shell Pistachios, C–507–501	1/1/25–12/31/25
REPUBLIC OF TÜRKIYE: Circular Welded Carbon Steel Pipes and Tubes, C–489–502	1/1/25–12/31/25
RUSSIA: Granular Polytetrafluoroethylene Resin, C–821–830	1/1/25–12/31/25
SOCIALIST REPUBLIC OF VIETNAM: Certain Paper Plates, C–552–840	7/1/24–12/31/25
THE PEOPLE'S REPUBLIC OF CHINA:	
Ammonium Sulfate, C–570–050	1/1/25–12/31/25
Amorphous Silica Fabric, C–570–039	1/1/25–12/31/25
Certain Biaxial Integral Geogrid Products, C–570–037	1/1/25–12/31/25
Carbon and Alloy Steel Cut-To-Length Plate, C–570–048	1/1/25–12/31/25
Certain Corrosion Inhibitors, C–570–123	1/1/25–12/31/25
Certain Paper Plates, C–570–165	4/2/24–12/31/25
Certain Plastic Decorative Ribbon, C–570–076	1/1/25–12/31/25
Certain Uncoated Paper, C–570–023	1/1/25–12/31/25
Certain Vertical Shaft Engines Between 22C and 999CC, and Parts Thereof, C–570–120	1/1/25–12/31/25
Circular Welded Austenitic Stainless Pressure Pipe, C–570–931	1/1/25–12/31/25
Fine Denier Polyester Staple Fiber, C–570–061	1/1/25–12/31/25
Large Diameter Welded Pipe, C–570–078	1/1/25–12/31/25
Mattresses,[3] C–570–128	1/1/24–12/31/24
Pentafluoroethane (R–125), C–570–138	1/1/25–12/31/25
Suspension Agreements	
ARGENTINA:	
White Grape Juice Concentrate, A–357–825	3/1/25–2/28/26
White Grape Juice Concentrate, C–357–826	1/1/25–12/31/25

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that Commerce conduct an administrative review. For both AD and CVD reviews, the interested party must specify the individual producers or exporters covered by an AD finding or an AD or CVD order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires Commerce to review those particular producers or exporters. If the interested party intends for Commerce to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for Commerce to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (June 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to AD findings and orders.[4]

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an AD administrative review.[5] Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.[6] In administrative reviews of AD orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an AD administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at *https://access.trade.gov.*[7] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[8]

Commerce will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of March 2026. If Commerce does not receive, by the last day of March 2026, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

Establishment of and Updates to the Annual Inquiry Service List

On September 20, 2021, Commerce published the final rule titled ''*Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*'' in the **Federal Register**.[9] On September 27, 2021, Commerce also published the notice entitled ''*Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*'' in the **Federal Register**.[10] The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.[11]

In accordance with the *Procedural Guidance,* for orders published in the **Federal Register** before November 4, 2021, Commerce created an annual

[3] Commerce inadvertently did not list Mattresses from the People's Republic of China in the May 5, 2025 Opportunity Notice. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List,* 90 FR 18962 (May 5, 2025).

[4] *See* Enforcement and Compliance's website at *https://www.trade.gov/us-antidumping-and-countervailing-duties.*

[5] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[6] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[7] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[8] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule,* 88 FR 67069 (September 29, 2023).

[9] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300 (September 20, 2021) (*Final Rule*).

[10] *See Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions,* 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

[11] *Id.*

inquiry service list segment for each order and suspended investigation. Interested parties who wished to be added to the annual inquiry service list for an order submitted an entry of appearance to the annual inquiry service list segment for the order in ACCESS and, on November 4, 2021, Commerce finalized the initial annual inquiry service lists for each order and suspended investigation. Each annual inquiry service list has been saved as a public service list in ACCESS, under each case number, and under a specific segment type called ''AISL-Annual Inquiry Service List.'' [12]

As mentioned in the *Procedural Guidance,* beginning in January 2022, Commerce will update these annual inquiry service lists on an annual basis when the *Opportunity Notice* for the anniversary month of the order or suspended investigation is published in the **Federal Register**.[13] Accordingly, Commerce will update the annual inquiry service lists for the above-listed AD and CVD proceedings. All interested parties wishing to appear on the updated annual inquiry service list must take one of the two following actions: (1) new interested parties who did not previously submit an entry of appearance must submit a new entry of appearance at this time; (2) interested parties who were included in the preceding annual inquiry service list must submit an amended entry of appearance to be included in the next year's annual inquiry service list. For these interested parties, Commerce will change the entry of appearance status from ''Active'' to ''Needs Amendment'' for the annual inquiry service lists corresponding to the above-listed proceedings. This will allow those interested parties to make any necessary amendments and resubmit their entries of appearance. If no amendments need to be made, the interested party should indicate in the area on the ACCESS form requesting an explanation for the amendment that it is resubmitting its entry of appearance for inclusion in the annual inquiry service list for the following year. As mentioned in the *Final Rule,*[14] once the petitioners and foreign governments have submitted an entry of appearance for the first time, they will automatically be added to the updated annual inquiry service list each year.

Interested parties have 30 days after the date of this notice to submit new or amended entries of appearance. Commerce will then finalize the annual inquiry service lists five business days thereafter. For ease of administration, please note that Commerce requests that law firms with more than one attorney representing interested parties in a proceeding designate a lead attorney to be included on the annual inquiry service list.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at *https://access.trade.gov.*

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule,* Commerce stated that, ''after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow.'' [15] Accordingly, as stated above and pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice is not required by statute but is published as a service to the international trading community.

Dated: February 24, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–04059 Filed 2–27–26; 8:45 am]

BILLING CODE 3510–DS–P

[12] This segment has been combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A–000–000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as ''AISL-January Anniversary.'' Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

[13] *See Procedural Guidance,* 86 FR at 53206.

[14] *See Final Rule,* 86 FR at 52335.

[15] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–851]

Hardwood and Decorative Plywood From the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, and Postponement of Final Determination and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that hardwood and decorative plywood from the Socialist Republic of Vietnam (Vietnam) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is October 1, 2024, through March 31, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable March 2, 2026.

FOR FURTHER INFORMATION CONTACT: Robert Shore or Samuel Frost, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3261 or (202) 482–8180, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation in the **Federal Register** on June 16, 2025.[1] On September 30, 2025, Commerce postponed the preliminary determination of this investigation by 50 days.[2]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative

[1] *See Hardwood and Decorative Plywood from the People's Republic of China, Indonesia, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 90 FR 25212 (June 16, 2025) (*Initiation Notice*).

[2] *See Hardwood and Decorative Plywood from the People's Republic of China, Indonesia, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 90 FR 51649 (November 18, 2025).

proceedings by 47 days.[3] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[4] Accordingly, the deadline for this preliminary determination is now February 24, 2026.

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The products covered by this investigation is hardwood and decorative plywood from Vietnam. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[6] in the *Initiation Notice,* Commerce set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[7] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted on the record of this investigation, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[8] As discussed in the Preliminary Scope Decision Memorandum, Commerce did not preliminarily modify the scope language as it appeared in the *Initiation Notice.* In the Preliminary Scope Decision Memorandum, Commerce established the deadline for parties to submit scope case and rebuttal briefs.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce determined the preliminary dumping margin for Junma Phu Tho Co., Ltd. (Junma) based on total facts available under section 776(a)(2) of the Act because we preliminarily find that Junma's accounting system is unreliable and, thus, the data recorded in the accounting system are unverifiable.

With respect to Trieu Thai Son Co., Ltd. (Trieu Thai), Commerce has calculated export prices in accordance with section 772(a) of the Act. Because Vietnam is a non-market economy (NME), within the meaning of section 771(18) of the Act, Commerce relied on a normal value (NV) that was calculated under section 773(c) of the Act.[9] However, because we have significant questions as to the accuracy of the Trieu Thai's reported factors of production data, we based NV for Trieu Thai on the NV calculated in the petition as partial facts available, pursuant to section 776(a)(1) of the Act.[10] For a full description of the methodology underlying Commerce's preliminary determination, *see* the Preliminary Decision Memorandum.

Commerce intends to seek additional information from both respondents after the preliminary determination and will consider this information in the final determination.

Combination Rates

In the *Initiation Notice,*[11] Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.[12]

Preliminary Negative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily determines that critical circumstances do not exist with respect to imports of hardwood and decorative plywood from Vietnam. For a full description of the methodology and results of Commerce's analysis, *see* the Preliminary Decision Memorandum.

Separate Rates

We have preliminarily granted a separate rate to certain companies that we did not select for individual examination.[13] In calculating the rate for non-individually examined separate rate respondents in an NME LTFV investigation, Commerce normally looks to section 735(c)(5)(A) of the Act, which pertains to the calculation of the all-others rate in a market economy LTFV investigation, for guidance. Pursuant to section 735(c)(5)(A) of the Act, normally this rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for those companies individually examined, excluding zero and *de minimis* dumping margins, and any dumping margins based entirely under section 776 of the Act. Commerce calculated an individual estimated weighted-average dumping margin for Trieu Thai that is not zero, *de minimis,* or based entirely on facts otherwise available. Thus, the weighted-average dumping margin calculated for Trieu Thai is the margin assigned to the non-examined separate rate companies in this investigation. Additionally, we assigned the margin for Trieu Thai to the Vietnam-wide entity. *See* the table below in the ''Preliminary Determination'' section of this notice.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

[3] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[4] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Hardwood and Decorative Plywood from the Socialist Republic of Vietnam,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[7] *See Initiation Notice,* 90 FR at 25213.

[8] *See* Memorandum, ''Hardwood and Decorative Plywood from Indonesia, the People's Republic of China, and the Socialist Republic of Vietnam: Preliminary Scope Decision Memorandum,'' dated concurrently with this preliminary determination (Preliminary Scope Decision Memorandum).

[9] *See* Checklist, ''Antidumping Duty Investigation Initiation Checklists: Hardwood and Decorative Plywood from the Socialist Republic of Vietnam,'' dated June 11, 2025.

[10] *Id.*

[11] *See Initiation Notice,* 90 FR at 25217.

[12] *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://enforcement.trade.gov/policy/bull05-1.pdf.*

[13] *See* Preliminary Decision Memorandum.

[14] We are preliminarily collapsing Trieu Thai and its affiliate Nhat Duy Production and Trading Co., Ltd. for purposes of this investigation. For further details, *see* Preliminary Decision Memorandum.

Producer	Exporter	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Junma Phu Tho Co., Ltd	Junma Phu Tho Co., Ltd	196.14	194.80
Nhat Duy Production and Trading Co., Ltd./Trieu Thai Son Co., Ltd.	Nhat Duy Production and Trading Co., Ltd./Trieu Thai Son Co., Ltd [14].	196.14	191.85
186 Yen Bai Producing and Trading Co., Ltd	186 Yen Bai Producing and Trading Co., Ltd	196.14	193.32
A-One Timber Co., JSC	A-One Timber Co., JSC	196.14	193.32
An An Plywood Joint Stock Company	An An Plywood Joint Stock Company	196.14	193.32
Chien Linh Ngan Trading and Manufacturing Company Limited.	An My Packaging Production Limited Liability Company.	196.14	193.32
Ly Hai Linh Company Limited	An My Packaging Production Limited Liability Company.	196.14	193.32
Benchmark Industries Company Limited	Benchmark Industries Company Limited	196.14	193.32
Bison Advance Technology Panel Joint Stock Company.	Bison Advance Technology Panel Joint Stock Company.	196.14	193.32
C-Holding Wood Company Limited	C-Holding Wood Company Limited	196.14	193.32
Country Wood Furniture Industries Co., Ltd	Country Wood Furniture Industries Co., Ltd	196.14	193.32
Phuc Khanh Construction Investment and Trading Joint Stock Company.	Dai Hong Phat International Trading Company Limited.	196.14	193.32
Shuang Yuan Plywood Manufacturing Company Limited.	Dai Hong Phat International Trading Company Limited.	196.14	193.32
Viet Phat Export Company Limited	Dai Hong Phat International Trading Company Limited.	196.14	193.32
Viet Nam Vinh Phu Wood Company Limited	Dai Hong Phat International Trading Company Limited.	196.14	193.32
Eagle Industries Company Limited	Eagle Industries Company Limited	196.14	193.32
Fulin Wood Import Export Company Limited	Fulin Wood Import Export Company Limited	196.14	193.32
Greatwood Hung Yen Joint Stock Company	Greatwood Hung Yen Joint Stock Company	196.14	193.32
Greatwood Joint Stock Company	Greatwood Joint Stock Company	196.14	193.32
Guanyue Wood Co., Ltd	Guanyue Wood Co., Ltd	196.14	193.32
Quang Minh Industrial Development Company Limited.	Hanbao Industry & Trade Co., Ltd	196.14	193.32
Viet North Import Export Trading Company Limited.	HLC Vietnam Joint Stock Company	196.14	193.32
HMTD Plywood Company Limited	HMTD Plywood Company Limited	196.14	193.32
Hoang Gia Yen Bai Company Limited	Hoang Gia Yen Bai Company Limited	196.14	193.32
Huiling Wood Products (Vietnam) Co., Ltd	Huiling Wood Products (Vietnam) Co., Ltd	196.14	193.32
Due Tri Wood Co., Ltd	Hukon International (Vietnam) Co., Ltd	196.14	193.32
Eastmark Plywood Company Limited	Hukon International (Vietnam) Co., Ltd	196.14	193.32
Greenwood Company Limited	Hukon International (Vietnam) Co., Ltd	196.14	193.32
Guan Wei Wood (Vietnam) Company Limited	Hukon International (Vietnam) Co., Ltd	196.14	193.32
Kangda Board (Vietnam) Co., Ltd	Kangda Board (Vietnam) Co., Ltd	196.14	193.32
Kim Gia Trading and Manufacturing Joint Stock Company.	KG Vina Plywood Trading and Import Export Company Limited.	196.14	193.32
Minh Long DV TM Joint Stock Company	KG Vina Plywood Trading and Import Export Company Limited.	196.14	193.32
Truong Minh Dat One Member Trading Company Limited.	KG Vina Plywood Trading and Import Export Company Limited.	196.14	193.32
Lam Viet Joint Stock Company	Lam Viet Joint Stock Company	196.14	193.32
Long Viet Plywood Technology Joint Stock Company.	Long Viet Plywood Technology Joint Stock Company.	196.14	193.32
MGM Plywood Company Limited	MGM Plywood Company Limited	196.14	193.32
Dinh Ngoc Phat Joint Stock Company	Millennium Furniture Co., Ltd	196.14	193.32
Huy Khanh Co., Ltd	Millennium Furniture Co., Ltd	196.14	193.32
My Hanh Wood Processing Company Limited	Millennium Furniture Co., Ltd	196.14	193.32
Thang Long Urban Development and Construction Investment JSC.	Millennium Furniture Co., Ltd	196.14	193.32
Woodsland Joint Stock Company	Millennium Furniture Co., Ltd	196.14	193.32
Zhong Sheng Wood Company Limited	Millennium Furniture Co., Ltd	196.14	193.32
Minh Long DV TM Joint Stock Company	Minh Long DV TM Joint Stock Company	196.14	193.32
Nam Huy Trading Limited Company	Nam Huy Trading Limited Company	196.14	193.32
Nam Tien Production and Export Co., Ltd	Nam Tien Production and Export Co., Ltd	196.14	193.32
Nhung Xuong Company Limited	Nhung Xuong Company Limited	196.14	193.32
NN Co., Ltd	NN Co., Ltd	196.14	193.32
Hong Ngoc Production and Trading Company Limited.	Oilriver International Limited	196.14	193.32
Vietnam Honglin Building Materials Company Limited.	Oilriver International Limited	196.14	193.32
Phu Thai Dong Nai Company Limited	Phu Thai Dong Nai Company Limited	196.14	193.32
Phuc Khanh Construction Investment and Trading Joint Stock Company.	Phuc Khanh Construction Investment and Trading Joint Stock Company.	196.14	193.32
New Create Plywood Company Limited	Sagacity Sailing Industry Co., Ltd	196.14	193.32

Producer	Exporter	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Tekcom Corporation	Tekcom Corporation	196.14	193.32
Thai Hoang Trading and Construction JSC	Thai Hoang Trading and Construction JSC	196.14	193.32
Thanh An Wood Production Joint Stock Company.	Thanh An Wood Production Joint Stock Company.	196.14	193.32
Thanh Truc Manufacture and Trading Company Limited.	Thanh Truc Manufacture and Trading Company Limited.	196.14	193.32
Tien Dat Furniture Corporation	Tien Dat Furniture Corporation	196.14	193.32
Tinh Bao Wood Company Limited	Tinh Bao Wood Company Limited	196.14	193.32
Viet Bac Plywood Limited Liability Company	Viet Bac Plywood Limited Liability Company	196.14	193.32
Viet Genius Production Trading Company Limited.	Viet Genius Production Trading Company Limited.	196.14	193.32
Viet Nam My Gia Wood Company Limited	Viet Nam My Gia Wood Company Limited	196.14	193.32
Viet Nam Woodbest Company Limited	Viet Nam Woodbest Company Limited	196.14	193.32
Viet Wood Production and Trading Company Limited.	Viet Wood Production and Trading Company Limited.	196.14	193.32
Dinh Ngoc Phat Joint Stock Company	Wanek Furniture Co., Ltd	196.14	193.32
Huy Khanh Co., Ltd	Wanek Furniture Co., Ltd	196.14	193.32
My Hanh Wood Processing Company Limited	Wanek Furniture Co., Ltd	196.14	193.32
Thang Long Urban Development and Construction Investment JSC.	Wanek Furniture Co., Ltd	196.14	193.32
Woodsland Joint Stock Company	Wanek Furniture Co., Ltd	196.14	193.32
Zhong Sheng Wood Company Limited	Wanek Furniture Co., Ltd	196.14	193.32
Western Hanoi H2H Forest Products Joint Stock Company.	Western Hanoi H2H Forest Products Joint Stock Company.	196.14	193.32
Woodsland Joint Stock Company	Woodsland Joint Stock Company	196.14	193.32
Yen Bai Plywood Company Limited	Yen Bai Plywood Company Limited	196.14	193.32
Vietnam-Wide Entity		196.14	193.32

Disclosure

Commerce intends to disclose its calculations and analysis performed in this preliminary determination to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs.

Suspension of Liquidation and Cash Deposit Requirements

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted-average amount by which NV exceeds U.S. price, as indicated in the chart above as follows: (1) for the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of Vietnamese producers/exporters of merchandise under consideration that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the Vietnam-wide entity; and (3) for all third country exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Vietnamese producer/exporter combination (or the Vietnam-wide entity) 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 export subsidies determined in a companion countervailing duty (CVD) proceeding when CVD provisional measures are in effect. Accordingly, where Commerce has made a preliminary affirmative determination for export subsidies, Commerce has offset the calculated estimated weighted-average dumping margin by the appropriate rate(s). Any such adjusted rates may be found in the chart of estimated weighted-average dumping margins above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting cash deposits at a rate equal to the estimated weighted-average dumping margins calculated in this preliminary determination unadjusted for the export subsidies at the time the CVD provisional measures expire.

These suspension of liquidation instructions will remain in effect until further notice.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify information relied upon in making its final determination.

Public Comment

Case briefs or other written non-scope-related comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in

this investigation.[15] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[16] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[17]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[18] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[19]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Pursuant to 19 CFR 351.210(e)(2), Commerce requires that requests by respondents for postponement of a final antidumping determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On December 4, 2025, pursuant to 19 CFR 351.210(e), Junma and Trieu Thai requested that, in the event of an affirmative preliminary determination, Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[20] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

U.S. International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, Commerce will notify the ITC of its preliminary determination of sales at LTFV. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: February 24, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is hardwood and decorative plywood, and certain veneered panels as described below. For purposes of this investigation, hardwood and decorative plywood is defined as a generally flat, multilayered plywood or other veneered panel, consisting of two or more layers or plies of wood veneers in combination with a core or without a core. The veneers and, if present, the core are glued or otherwise bonded together. A hardwood and decorative plywood panel must have at least either the face or back veneer composed of one or more species of hardwood, softwood, or bamboo, regardless of any surface coverings. Hardwood and decorative plywood may include products that meet the American National Standard for Hardwood and Decorative Plywood, ANSI/HPVA HP–1–2024 (including any revisions to that standard).

For purposes of the investigation a ''veneer'' is a slice of wood regardless of thickness which is cut, sliced or sawed from a log, bolt, or flitch. The face and back veneers are the outermost veneer of wood irrespective of additional surface coatings or covers as described below. The core of hardwood and decorative plywood (for those products that include a core) consists of the layer or layers of one or more material(s) that are situated between the face and back veneers. The core may be composed of a range of materials, including but not limited to hardwood, softwood, particleboard, or medium density fiberboard (MDF).

All hardwood and decorative plywood is included within the scope of the investigation regardless of whether or not the face and/or back veneers are surface coated or covered and whether or not such surface coating(s) or covers obscures the grain, textures, or markings of the wood. Examples of surface coatings and covers include, but are not limited to: ultra violet light cured polyurethanes; oil or oil-modified or water-based polyurethanes; wax; epoxy-ester finishes; moisture-cured urethanes; paints; stains; paper; aluminum; high pressure laminate; MDF; medium density overlay (MDO); and phenolic film. Additionally, the face veneer of hardwood and decorative plywood may be sanded; smoothed or given a ''distressed'' appearance through such methods as hand-scraping or wire brushing.

All hardwood and decorative plywood is included within the scope even if it is trimmed; cut-to-size; notched; punched; drilled; or has undergone other forms of minor processing. All hardwood and decorative plywood is included within the scope of the investigation, without regard to dimension (overall thickness, thickness of face veneer, thickness of back veneer, thickness of core, thickness of inner veneers, width, or length). However, the most

[15] Case and rebuttal briefs submitted in response to this preliminary determination should not include scope-related issues. *See* 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements).

[16] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[17] *See* 19 CFR 351.309(c)(2) and (d)(2).

[18] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[19] *See APO and Service Final Rule.*

[20] *See* Junma's and Trieu Thai's Letter, ''Request to Extend Final Determination,'' dated February 10, 2026.

common panel sizes of hardwood and decorative plywood are 1219 x 1829 mm (48 x 72 inches), 1219 x 2438 mm (48 x 96 inches), and 1219 x 3048 mm (48 x 120 inches). Subject merchandise also includes hardwood and decorative plywood that has been further processed in a third country, including but not limited to trimming, cutting, notching, punching, drilling, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope product.

The scope of the investigation excludes the following items: (1) structural plywood (also known as ''industrial plywood'' or ''industrial panels'') that (a) is certified, manufactured, and stamped to meet U.S. Products Standard PS 1–09, PS 2–09, PS–1–22, PS 2–10, or PS 2–18 for Structural Plywood (including any revisions to that standard or any substantially equivalent international standard intended for structural plywood), including, but not limited to, the ''bond performance'' requirements and the performance criteria detailed in U.S. Products Standard PS 1–09, PS 2–09, PS–1–22, PS 2–10, or PS 2–18 for Structural Plywood (including any revisions to that standard or any substantially equivalent international standard intended for structural plywood), and (b) where the relevant standard identifies core species requirements, has a core made entirely of one or more of the following wood species: Pseudotsuga menziesii (Douglas Fir), Larix occidentalis (Western Larch), Tsuga heterophylla (Western Hemlock), Abies balsamea (Balsam Pine/Balsam Fir), Abies magnifica (California Red Fir), Abies grandis (Grand Fir), Abies procera (Noble Fir), Abies amabilis (Pacific Silver Fir), Abies concolor (White Fir), Abies lasiocarpa (Subalpine Fir), Picea glauca (White Spruce), Picea engelmannii (Engelmann Spruce), Picea mariana (Black Spruce), Picea rubens (Red Spruce), Picea sitchensis (Sitka Spruce), Pinus banksiana (Jack Pine), Pinus taeda (Loblolly Southern Pine), Pinus palustris (Longleaf Southern Pine), Pinus echinata (Shortleaf Southern Pine), Pinus elliottii (Slash Southern Pine), Pinus serotina (Pond Pine), Pinus resinosa (Red Pine), Pinus virginiana (Virginia Pine), Pinus monticola (Western White Pine), Picea mariana (Black Spruce), Picea rubens (Red Spruce), Picea sitchensis (Sitka Spruce), Pinus contorta (Lodgepole Pine), Pinus strobus (Eastern White Pine), and Pinus lambertiana (Sugar Pine); (2) products which have a face and back veneer of cork; (3) hardwood plywood subject to the antidumping and countervailing duty orders on hardwood plywood from China. *See Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 83 FR 504 (January 4, 2018); and *Certain Hardwood Plywood Products from the People's Republic of China: Countervailing Duty Order,* 83 FR 513 (January 4, 2018); (4) multilayered wood flooring, as described in the antidumping duty and countervailing duty orders on multilayered wood flooring from China. *See Multilayered Wood Flooring from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 76 FR 76690 (December 8, 2011); and *Multilayered Wood Flooring from the People's Republic of China: Countervailing Duty Order,* 76 FR 76693 (December 8, 2011), as amended by *Multilayered Wood Flooring from the People's Republic of China: Amended Antidumping and Countervailing Orders,* 77 FR 5484 (February 3, 2012); (5) multilayered wood flooring with a face veneer of bamboo or composed entirely of bamboo; (6) plywood which has a shape or design other than a flat panel, with the exception of any minor processing described above; (7) products made entirely from bamboo and adhesives (also known as ''solid bamboo''); and (8) Phenolic Film Faced Plyform (PFF), also known as Phenolic Surface Film Plywood (PSF), defined as a panel with an ''Exterior'' or ''Exposure 1'' bond classification as is defined by The Engineered Wood Association, having an opaque phenolic film layer with a weight equal to or greater than 90g/m3 permanently bonded on both the face and back veneers and an opaque, moisture resistant coating applied to the edges.

Also excluded from the scope of the investigation are wooden furniture goods that, at the time of importation, are fully assembled and are ready for their intended uses. Also excluded from the scope of the investigation is ''ready to assemble'' (RTA) furniture. RTA furniture is defined as (A) furniture packaged for sale for ultimate purchase by an end-user that, at the time of importation, includes (1) all wooden components (in finished form) required to assemble a finished unit of furniture, (2) all accessory parts (*e.g.,* screws, washers, dowels, nails, handles, knobs, adhesive glues) required to assemble a finished unit of furniture, and (3) instructions providing guidance on the assembly of a finished unit of furniture; (B) unassembled bathroom vanity cabinets, having a space for one or more sinks, that are imported with all unassembled hardwood and hardwood plywood components that have been cut-to-final dimensional component shape/size, painted or stained prior to importation, and stacked within a singled shipping package, except for furniture feet which may be packed and shipped separately; or (C) unassembled bathroom vanity linen closets that are imported with all unassembled hardwood and hardwood plywood components that have been cut-to-final dimensional shape/size, painted or stained prior to importation, and stacked within a single shipping package, except for furniture feet which may be packed and shipped separately.

Also excluded from the scope of the investigation are kitchen cabinets that, at the time of importation, are fully assembled and are ready for their intended uses. Also excluded from the scope of the investigation are RTA kitchen cabinets. RTA kitchen cabinets are defined as kitchen cabinets packaged for sale for ultimate purchase by an end-user that, at the time of importation, includes: (1) all wooden components (in finished form) required to assemble a finished unit of cabinetry; (2) all accessory parts (*e.g.,* screws, washers, dowels, nails, handles, knobs, hooks, adhesive glues) required to assemble a finished unit of cabinetry; and (3) instructions providing guidance on the assembly of a finished unit of cabinetry. Excluded from the scope of the investigation are finished table tops, which are table tops imported in finished form with pre-cut or drilled openings to attach the underframe or legs. The table tops are ready for use at the time of import and require no further finishing or processing. Excluded from the scope of the investigation are finished countertops that are imported in finished form and require no further finishing or manufacturing.

Also excluded from the scope of the investigation are laminated veneer lumber (''LVL'') door and window components with (1) a maximum width of 44 millimeters, a thickness from 30 millimeters to 72 millimeters, and a length of less than 2413 millimeters, (2) water boiling point exterior adhesive, (3) a modulus of elasticity of 1,500,000 pounds per square inch or higher, (4) finger-jointed or lap-jointed core veneer with all layers oriented so that the grain is running parallel or with no more than 3 dispersed layers of veneer oriented with the grain running perpendicular to the other layers; and (5) top layer machined with a curved edge and one or more profile channels throughout.

Also excluded from the scope of this investigation are certain door stiles and rails made of LVL that have a width not to exceed 50 millimeters, a thickness not to exceed 50 millimeters, and a length of less than 2,450 millimeters.

Also excluded from the scope of this investigation are finished two-ply products that are made of one ply of wood veneer and one ply of a non-wood veneer material and the two-ply product cannot be glued or otherwise adhered to additional plies or that are made of two plies of wood veneer and have undergone staining, cutting, notching, punching, drilling, or other processing on the surface of the veneer such that the two-ply product cannot be glued or otherwise adhered to additional plies.

Imports of hardwood and decorative plywood are primarily entered under the following HTSUS numbers: 4412.10.0500; 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.0620; 4412.31.0640; 4412.31.0660; 4412.31.2510; 4412.31.2520; 4412.31.2610; 4412.31.2620; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.4080; 4412.31.4140; 4412.31.4150; 4412.31.4155; 4412.31.4160; 4412.31.4165; 4412.31.4180; 4412.31.4200; 4412.31.4500; 4412.31.4850; 4412.31.4860; 4412.31.4863; 4412.31.4865; 4412.31.4866; 4412.31.4869; 4412.31.4875; 4412.31.4880; 4412.31.5130; 4412.31.5135; 4412.31.5150; 4412.31.5155; 4412.31.5160; 4412.31.5165; 4412.31.5170; 4412.31.5175; 4412.31.5235; 4412.31.5255; 4412.31.5260; 4412.31.5262; 4412.31.5264; 4412.31.5265; 4412.31.5266; 4412.31.5268; 4412.31.5270; 4412.31.5275; 4412.31.6000; 4412.31.6100; 4412.31.9100; 4412.31.9200; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.0570; 4412.32.0620; 4412.32.0640; 4412.32.0670; 4412.32.2510; 4412.32.2520; 4412.32.2530; 4412.32.2610; 4412.32.2630; 4412.32.3130;

4412.32.3135; 4412.32.3140; 4412.32.3150; 4412.32.3155; 4412.32.3160; 4412.32.3165; 4412.32.3170; 4412.32.3175; 4412.32.3185; 4412.32.3235; 4412.32.3255; 4412.32.3265; 4412.32.3275; 4412.32.3285; 4412.32.5600; 4412.32.5700; 4412.33.0620; 4412.33.0640; 4412.33.0670; 4412.33.2630; 4412.33.3235; 4412.33.3255; 4412.33.3265; 4412.33.3275; 4412.33.3285; 4412.33.5700; 4412.34.2600; 4412.34.3235; 4412.34.3255; 4412.34.3265; 4412.34.3275; 4412.34.3285; 4412.34.5700; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5050; 4412.41.0000; 4412.42.0000; 4412.51.1030; 4412.51.1050; 4412.51.3111; 4412.51.3121; 4412.51.3141; 4412.51.3161; 4412.51.3175; 4412.51.4100; 4412.52.1030; 4412.52.1050; 4412.52.3121; 4412.52.3161; 4412.52.3175; 4412.52.4100; 4412.91.0600; 4412.91.1020; 4412.91.1030; 4412.91.1040; 4412.91.3110; 4412.91.3120; 4412.91.3130; 4412.91.3140; 4412.91.3150; 4412.91.3160; 4412.91.3170; 4412.91.4100; 4412.92.0700; 4412.92.1120; 4412.92.1130; 4412.92.1140; 4412.92.3120; 4412.92.3150; 4412.92.3160; 4412.92.3170; 4412.92.4200; 4412.94.1020; 4412.94.1030; 4412.94.1040; 4412.94.1050; 4412.94.3110; 4412.94.3111; 4412.94.3120; 4412.94.3121; 4412.94.3130; 4412.94.3131; 4412.94.3140; 4412.94.3141; 4412.94.3150; 4412.94.3160; 4412.94.3161; 4412.94.3170; 4412.94.3171; 4412.94.3175; 4412.94.4100; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5115; 4412.99.5701; and 4412.99.5710.

Imports of hardwood and decorative plywood may also enter under HTSUS subheadings 4412.10.9000; 4412.94.5100; 4412.94.9500; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 9403.90.7005; 9403.90.7010; and 9403.90.7080.

The HTSUS codes are provided for the convenience of the U.S. government and customs purposes, and do not define the scope of the investigation. The written description of the merchandise under investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Use of Facts Otherwise Available
V. Discussion of the Methodology
VI. Preliminary Negative Determination of Critical Circumstances
VII. Adjustment Under Section 777A(f) of the Act
VIII. Adjustments to Cash Deposit Rate for Export Subsidies in the Companion Countervailing Duty Investigation
IX. Currency Conversion
X. Recommendation

[FR Doc. 2026–04002 Filed 2–27–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–108, C–570–109]

Ceramic Tile From the People's Republic of China: Continuation of Antidumping Duty and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) and countervailing duty (CVD) orders on ceramic tile from the People's Republic of China (China) would likely lead to the continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

DATES: Applicable February 20, 2026.

FOR FURTHER INFORMATION CONTACT: Juliana Kogan or Catherine Bertrand, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0966, or (202) 482–3207, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 2020, Commerce published in the **Federal Register** the AD and CVD orders on ceramic tile from China.[1] On May 1, 2025, the ITC instituted,[2] and Commerce initiated,[3] the first sunset reviews of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping, countervailable subsidies, and therefore, notified the ITC of the magnitude of the margins of dumping and subsidy rates likely to prevail should the *Orders* be revoked.[4]

On February 20, 2026, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

Scope of the Order

The merchandise covered by the *Orders* is ceramic flooring tile, wall tile, paving tile, hearth tile, porcelain tile, mosaic tile, flags, finishing tile, and the like (hereinafter ceramic tile). Ceramic tiles are articles containing a mixture of minerals including clay (generally hydrous silicates of alumina or magnesium) that are fired so the raw materials are fused to produce a finished good that is less than 3.2 cm in actual thickness. All ceramic tile is subject to the scope regardless of end use, surface area, and weight, regardless of whether the tile is glazed or unglazed, regardless of the water absorption coefficient by weight, regardless of the extent of vitrification, and regardless of whether or not the tile is on a backing. Subject merchandise includes ceramic tile with decorative features that may in spots exceed 3.2 cm in thickness and includes ceramic tile ''slabs'' or ''panels'' (tiles that are larger than 1 meter^2 (11 ft.^{2})).

Subject merchandise includes ceramic tile that undergoes minor processing in a third country prior to importation into the United States. Similarly, subject merchandise includes ceramic tile produced that undergoes minor processing after importation into the United States. Such minor processing includes, but is not limited to, one or more of the following: Beveling, cutting, trimming, staining, painting, polishing, finishing, additional firing, or any other processing that would otherwise not remove the merchandise from the scope of the *Orders* if performed in the country of manufacture of the in-scope product.

Subject merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under the following subheadings of heading 6907: 6907.21.1005, 6907.21.1011, 6907.21.1051, 6907.21.2000, 6907.21.3000, 6907.21.4000, 6907.21.9011, 6907.21.9051, 6907.22.1005, 6907.22.1011, 6907.22.1051,

[1] *See Ceramic Tile from the People's Republic of China: Antidumping Duty Order,* 85 FR 33089 (June 1, 2020); *see also Ceramic Tile from the People's Republic of China: Countervailing Duty Order,* 85 FR 33119 (June 1, 2020) (collectively, *Orders*).

[2] *See Ceramic Tile from China; Institution of Five-Year Reviews,* 90 FR 18694 (May 1, 2025).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 90 FR 18642 (May 1, 2025).

[4] *See Ceramic Tile from People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order,* 90 FR 41381 (August 25, 2025); *see also Ceramic Tile from the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order,* 90 FR 41809.

[5] *See Ceramic Tile from China; Determinations,* 91 FR 8270 (February 20, 2026) (*ITC Final Determination*).

6907.22.2000, 6907.22.3000, 6907.22.4000, 6907.22.9011, 6907.22.9051, 6907.23.1005, 6907.23.1011, 6907.23.1051, 6907.23.2000, 6907.23.3000, 6907.23.4000, 6907.23.9011, 6907.23.9051, 6907.30.1005, 6907.30.1011, 6907.30.1051, 6907.30.2000, 6907.30.3000, 6907.30.4000, 6907.30.9011, 6907.30.9051, 6907.40.1005, 6907.40.1011, 6907.40.1051, 6907.40.2000, 6907.40.3000, 6907.40.4000, 6907.40.9011, and 6907.40.9051. Subject merchandise may also enter under subheadings of headings 6914 and 6905: 6914.10.8000, 6914.90.8000, 6905.10.0000, and 6905.90.0050. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of the *Orders* is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders.* U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be February 20, 2026.[6] Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

[6] *See ITC Final Determination.*

Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: February 25, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–04120 Filed 2–27–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Inclusions to the Section 232 National Security Adjustments to Automobile Parts Imports

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on December 23, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: International Trade Administration, Department of Commerce.

Title: Inclusions to the Section 232 National Security Adjustments to Automobile Parts Imports.

OMB Control Number: 0625–0284.

Form Number(s): None.

Type of Request: Regular submission, reinstatement without change.

Number of Respondents: 200.

Average Hours per Response: 8 hours.

Burden Hours: 1,600.

Needs and Uses: On March 26, 2025, the President issued Proclamation 10908, ''Adjusting Imports of Automobiles and Automobile Parts Into the United States,'' 90 FR 14705 (April 3, 2025) (Automobile Proclamation), which finds that imports of automobiles and certain automobile parts continue to threaten to impair the national security of the United States and imposes specified tariffs to adjust imports of automobiles and certain automobile parts so that such imports will not threaten to impair national security pursuant to Section 232 of the Trade Expansion Act of 1962 (''Section 232''). Section 232 authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security of the United States so that such imports will not threaten to impair national security. The Automobile Proclamation imposed a 25 percent tariff on certain imports of automobiles, effective April 3, 2025, and certain imports of automobile parts, effective May 3, 2025.

The Automobile Proclamation also required the Secretary of Commerce (Secretary) to establish a process for including additional automobile parts articles within the scope of the tariffs imposed by the President in the Automobile Proclamation. In addition to inclusions made by the Secretary, the process is to provide for including additional automobile parts articles at the request of a domestic producer of an automobile or automobile parts article, or an industry association representing one or more such producers, where the request establishes that imports of additional automobile parts articles have increased in a manner that threatens to impair the national security or otherwise undermines the objectives set forth in Proclamation 9888 (84 FR 23433, May 17, 2019), the Automobile Proclamation, or in any proclamation issued under Section 232 of the Trade Expansion Act of 1962, as amended (Section 232) or any additional information submitted to the President by the Secretary pursuant to those proclamations.

Proclamation 10984 of October 17, 2025, ''Adjusting Imports of Medium- and Heavy-Duty Vehicles, Medium- and Heavy-Duty Vehicle Parts, and Buses Into the United States,'' (Proclamation 10984) took similar action to address the threat imports of Medium- and Heavy-Duty Vehicles (MHDV) and Medium- and Heavy-Duty Vehicle Parts (MHDVPs) pose to the national security of the United States; that Proclamation also amended the inclusion rules established by Proclamation 10925 to include MHDVs, MHDVPs, and buses.

When the Secretary receives such a request from a domestic producer or industry association, the Secretary, after consultation with the United States International Trade Commission and U.S. Customs and Border Protection, is to issue a determination regarding

whether to include the articles within 60 days of receiving the request.

Affected Public: Business or other for-profit organizations.

Frequency: Quarterly.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0625–0284.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–04031 Filed 2–27–26; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–844]

Hardwood and Decorative Plywood From Indonesia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that hardwood and decorative plywood (plywood) from Indonesia 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 March 31, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable March 2, 2026.

FOR FURTHER INFORMATION CONTACT: Joy Zhang or Matthew Palmer, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1168 or (202) 482–1678, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on June 16, 2025.[1] On September 30, 2025, Commerce postponed the preliminary determination of this investigation.[2]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[3] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[4] Accordingly, the deadline for the preliminary determination is now February 24, 2026.

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The product covered by this investigation is plywood from Indonesia. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[6] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[7] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[8] As discussed in the Preliminary Scope Decision Memorandum, Commerce did not preliminarily modify the scope language as it appeared in the *Initiation Notice.* In the Preliminary Scope Decision Memorandum, Commerce established the deadline for parties to submit scope case and rebuttal briefs.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Export prices have been calculated in accordance with section 772(a) of the Act. Normal value is calculated in accordance with section 773 of the Act. Pursuant to sections 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available, with adverse inferences, for PT. Mustika Buana Sejahtera. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

[1] *See Hardwood and Decorative Plywood from the People's Republic of China, Indonesia, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 90 FR 25212 (June 16, 2025) (*Initiation Notice*).

[2] *See Hardwood and Decorative Plywood from the People's Republic of China, Indonesia, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 90 FR 51649 (November 18, 2025).

[3] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[4] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Hardwood and Decorative Plywood from Indonesia,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[7] *See Initiation Notice.*

[8] *See* Memorandum, ''Less-Than-Fair-Value Investigation of Hardwood and Decorative Plywood from Indonesia: Preliminary Scope Decision Memorandum,'' dated concurrently with this preliminary determination (Preliminary Scope Decision Memorandum).

In this investigation, Commerce preliminarily calculated estimated weighted-average dumping margins for PT Sengon Indah Mas (SIM)/PT Java Wood Industri (JWI) (collectively, SIM/JWI),[9] and PT Wijaya Cahaya Timber TBK (WCT) and PT Wijaya Triutama Plywood Industri (WTU) (collectively, WCT/WTU)[10] that are not zero, *de minimis,* or based entirely on facts otherwise available. Therefore, Commerce calculated the all-others rate using a weighted average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged values for the merchandise under consideration.[11]

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter or producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
PT Wijaya Cahaya Timber TBK/PT Wijaya Triutama Plywood Industri	46.84	46.84
PT Sengon Indah Mas/PT Java Wood Industri	19.98	19.88
PT. Mustika Buana Sejahtera	*84.94	84.94
All Others	38.30	38.27

*Rate based on facts available with adverse inferences.

Suspension of Liquidation and Cash Deposit Requirements

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic subsidy pass-through and export subsidies determined in a companion countervailing duty (CVD) proceeding when CVD provisional measures are in effect. Accordingly, where Commerce has made a preliminary affirmative determination for domestic subsidy pass-through or export subsidies, Commerce has offset the calculated estimated weighted-average dumping margin by the appropriate rate. Any such adjusted rates may be found in the ''Preliminary Determination'' section's chart of estimated weighted-average dumping margins above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting estimated antidumping duty cash deposits unadjusted for countervailed export subsidies at the time that the provisional CVD measures expire.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, address any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. A timeline for the submission of case briefs and written

[9] Commerce preliminarily determines that these companies are a single entity. *See* Preliminary Decision Memorandum; *see also* Memorandum, ''Preliminary Affiliation and Collapsing Memorandum for PT Sengon Indah Mas and PT Java Wood Industri,'' dated concurrently with this notice.

[10] Commerce preliminarily determines that these companies are a single entity. *See* Preliminary Decision Memorandum; *see also* Memorandum, ''Preliminary Affiliation and Collapsing Memorandum for PT Wijaya Cahaya Timber TBK and PT Wijaya Triutama Plywood Industri,'' dated concurrently with this notice.

[11] With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents; (B) a simple average of the estimated weighted-average dumping margins calculated for the examined respondents; and (C) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged U.S. sales values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53662 (September 1, 2010), and accompanying Issues and Decision Memorandum at Comment 1. As complete publicly ranged sales data were available, Commerce based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, *see* the All-Others Rate Calculation Memorandum.

comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[12] Interested parties who submit case briefs or rebuttal briefs in this investigation must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[13]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[14] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[15]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Pursuant to 19 CFR 351.210(e)(2), Commerce requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On January 23, and February 20, 2026, pursuant to 19 CFR 351.210(b)(2)(ii) and (e), WCT/WTU and SIM/JWI, respectively, requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[16] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

U.S. International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, Commerce will notify the ITC of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: February 24, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is hardwood and decorative plywood, and certain veneered panels as described below. For purposes of this investigation, hardwood and decorative plywood is defined as a generally flat, multilayered plywood or other veneered panel, consisting of two or more layers or plies of wood veneers in combination with a core or without a core. The veneers and, if present, the core are glued or otherwise bonded together. A hardwood and decorative plywood panel must have at least either the face or back veneer composed of one or more species of hardwood, softwood, or bamboo, regardless of any surface coverings. Hardwood and decorative plywood may include products that meet the American National Standard for Hardwood and Decorative Plywood, ANSI/HPVA HP–1–2024 (including any revisions to that standard).

For purposes of the investigation a ''veneer'' is a slice of wood regardless of thickness which is cut, sliced or sawed from a log, bolt, or flitch. The face and back veneers are the outermost veneer of wood irrespective of additional surface coatings or covers as described below. The core of hardwood and decorative plywood (for those products that include a core) consists of the layer or layers of one or more material(s) that are situated between the face and back veneers. The core may be composed of a range of materials, including but not limited to hardwood, softwood, particleboard, or medium density fiberboard (MDF).

All hardwood and decorative plywood is included within the scope of the investigation regardless of whether or not the face and/or back veneers are surface coated or covered and whether or not such surface coating(s) or covers obscures the grain, textures, or markings of the wood. Examples of surface coatings and covers include, but are not limited to: ultra violet light cured polyurethanes; oil or oil-modified or water-based polyurethanes; wax; epoxy-ester finishes; moisture-cured urethanes; paints; stains; paper; aluminum; high pressure laminate; MDF; medium density overlay (MDO); and phenolic film. Additionally, the face veneer of hardwood and decorative plywood may be sanded; smoothed or given a ''distressed'' appearance through such methods as hand-scraping or wire brushing.

All hardwood and decorative plywood is included within the scope even if it is trimmed; cut-to size; notched; punched; drilled; or has undergone other forms of minor processing. All hardwood and decorative plywood is included within the scope of the investigation, without regard to dimension (overall thickness, thickness of face veneer, thickness of back veneer, thickness of core, thickness of inner veneers, width, or length). However, the most

[12] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[13] *See* 19 351.309(c)(2) and (d)(2).

[14] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[15] *See APO and Service Final Rule.*

[16] *See* WCT/WTU's Letter, ''Request for Extension of Final Determination,'' dated January 23, 2026; *see also* SIM/JWI's Letter, ''Request to Extend Final Determination,'' dated February 20, 2026.

common panel sizes of hardwood and decorative plywood are 1219 x 1829 mm (48 x 72 inches), 1219 x 2438 mm (48 x 96 inches), and 1219 x 3048 mm (48 x 120 inches). Subject merchandise also includes hardwood and decorative plywood that has been further processed in a third country, including but not limited to trimming, cutting, notching, punching, drilling, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope product.

The scope of the investigation excludes the following items: (1) structural plywood (also known as ''industrial plywood'' or ''industrial panels'') that (a) is certified, manufactured, and stamped to meet U.S. Products Standard PS 1–09, PS 2–09, PS–1–22, PS 2–10, or PS 2–18 for Structural Plywood (including any revisions to that standard or any substantially equivalent international standard intended for structural plywood), including, but not limited to, the ''bond performance'' requirements and the performance criteria detailed in U.S. Products Standard PS 1–09, PS 2–09, PS–1–22, PS 2–10, or PS 2–18 for Structural Plywood (including any revisions to that standard or any substantially equivalent international standard intended for structural plywood), and (b) where the relevant standard identifies core species requirements, has a core made entirely of one or more of the following wood species: Pseudotsuga menziesii (Douglas Fir), Larix occidentalis (Western Larch), Tsuga heterophylla (Western Hemlock), Abies balsamea (Balsam Pine/Balsam Fir), Abies magnifica (California Red Fir), Abies grandis (Grand Fir), Abies procera (Noble Fir), Abies amabilis (Pacific Silver Fir), Abies concolor (White Fir), Abies lasiocarpa (Subalpine Fir), Picea glauca (White Spruce), Picea engelmannii (Engelmann Spruce), Picea mariana (Black Spruce), Picea rubens (Red Spruce), Picea sitchensis (Sitka Spruce), Pinus banksiana (Jack Pine), Pinus taeda (Loblolly Southern Pine), Pinus palustris (Longleaf Southern Pine), Pinus echinata (Shortleaf Southern Pine), Pinus elliottii (Slash Southern Pine), Pinus serotina (Pond Pine), Pinus resinosa (Red Pine), Pinus virginiana (Virginia Pine), Pinus monticola (Western White Pine), Picea mariana (Black Spruce), Picea rubens (Red Spruce), Picea sitchensis (Sitka Spruce), Pinus contorta (Lodgepole Pine), Pinus strobus (Eastern White Pine), and Pinus lambertiana (Sugar Pine); (2) products which have a face and back veneer of cork; (3) hardwood plywood subject to the antidumping and countervailing duty orders on hardwood plywood from China. *See Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 83 FR 504 (January 4, 2018); and *Certain Hardwood Plywood Products from the People's Republic of China: Countervailing Duty Order,* 83 FR 513 (January 4, 2018); (4) multilayered wood flooring, as described in the antidumping duty and countervailing duty orders on multilayered wood flooring from China. *See Multilayered Wood Flooring from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 76 FR 76690 (December 8, 2011); and *Multilayered Wood Flooring from the People's Republic of China: Countervailing Duty Order,* 76 FR 76693 (December 8, 2011), as amended by *Multilayered Wood Flooring from the People's Republic of China: Amended Antidumping and Countervailing Orders,* 77 FR 5484 (February 3, 2012); (5) multilayered wood flooring with a face veneer of bamboo or composed entirely of bamboo; (6) plywood which has a shape or design other than a flat panel, with the exception of any minor processing described above; (7) products made entirely from bamboo and adhesives (also known as ''solid bamboo''); and (8) Phenolic Film Faced Plyform (PFF), also known as Phenolic Surface Film Plywood (PSF), defined as a panel with an ''Exterior'' or ''Exposure 1'' bond classification as is defined by The Engineered Wood Association, having an opaque phenolic film layer with a weight equal to or greater than 90g/m3 permanently bonded on both the face and back veneers and an opaque, moisture resistant coating applied to the edges.

Also excluded from the scope of the investigation are wooden furniture goods that, at the time of importation, are fully assembled and are ready for their intended uses. Also excluded from the scope of the investigation is ''ready to assemble'' (RTA) furniture. RTA furniture is defined as (A) furniture packaged for sale for ultimate purchase by an end-user that, at the time of importation, includes (1) all wooden components (in finished form) required to assemble a finished unit of furniture, (2) all accessory parts (*e.g.,* screws, washers, dowels, nails, handles, knobs, adhesive glues) required to assemble a finished unit of furniture, and (3) instructions providing guidance on the assembly of a finished unit of furniture; (B) unassembled bathroom vanity cabinets, having a space for one or more sinks, that are imported with all unassembled hardwood and hardwood plywood components that have been cut-to-final dimensional component shape/size, painted or stained prior to importation, and stacked within a singled shipping package, except for furniture feet which may be packed and shipped separately; or (C) unassembled bathroom vanity linen closets that are imported with all unassembled hardwood and hardwood plywood components that have been cut-to-final dimensional shape/size, painted or stained prior to importation, and stacked within a single shipping package, except for furniture feet which may be packed and shipped separately.

Also excluded from the scope of the investigation are kitchen cabinets that, at the time of importation, are fully assembled and are ready for their intended uses. Also excluded from the scope of the investigation are RTA kitchen cabinets. RTA kitchen cabinets are defined as kitchen cabinets packaged for sale for ultimate purchase by an end-user that, at the time of importation, includes: (1) all wooden components (in finished form) required to assemble a finished unit of cabinetry; (2) all accessory parts (*e.g.,* screws, washers, dowels, nails, handles, knobs, hooks, adhesive glues) required to assemble a finished unit of cabinetry; and (3) instructions providing guidance on the assembly of a finished unit of cabinetry. Excluded from the scope of the investigation are finished table tops, which are table tops imported in finished form with pre-cut or drilled openings to attach the underframe or legs. The table tops are ready for use at the time of import and require no further finishing or processing. Excluded from the scope of the investigation are finished countertops that are imported in finished form and require no further finishing or manufacturing. Also excluded from the scope of the investigation are laminated veneer lumber (''LVL'') door and window components with (1) a maximum width of 44 millimeters, a thickness from 30 millimeters to 72 millimeters, and a length of less than 2413 millimeters, (2) water boiling point exterior adhesive, (3) a modulus of elasticity of 1,500,000 pounds per square inch or higher, (4) finger-jointed or lap-jointed core veneer with all layers oriented so that the grain is running parallel or with no more than 3 dispersed layers of veneer oriented with the grain running perpendicular to the other layers; and (5) top layer machined with a curved edge and one or more profile channels throughout.

Also excluded from the scope of this investigation are certain door stiles and rails made of LVL that have a width not to exceed 50 millimeters, a thickness not to exceed 50 millimeters, and a length of less than 2,450 millimeters.

Also excluded from the scope of this investigation are finished two-ply products that are made of one ply of wood veneer and one ply of a non-wood veneer material and the two-ply product cannot be glued or otherwise adhered to additional plies or that are made of two plies of wood veneer and have undergone staining, cutting, notching, punching, drilling, or other processing on the surface of the veneer such that the two-ply product cannot be glued or otherwise adhered to additional plies.

Imports of hardwood and decorative plywood are primarily entered under the following HTSUS numbers: 4412.10.0500; 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.0620; 4412.31.0640; 4412.31.0660; 4412.31.2510; 4412.31.2520; 4412.31.2610; 4412.31.2620; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.4080; 4412.31.4140; 4412.31.4150; 4412.31.4155; 4412.31.4160; 4412.31.4165; 4412.31.4180; 4412.31.4200; 4412.31.4500; 4412.31.4850; 4412.31.4860; 4412.31.4863; 4412.31.4865; 4412.31.4866; 4412.31.4869; 4412.31.4875; 4412.31.4880; 4412.31.5130; 4412.31.5135; 4412.31.5150; 4412.31.5155; 4412.31.5160; 4412.31.5165; 4412.31.5170; 4412.31.5175; 4412.31.5235; 4412.31.5255; 4412.31.5260; 4412.31.5262; 4412.31.5264; 4412.31.5265; 4412.31.5266; 4412.31.5268; 4412.31.5270; 4412.31.5275; 4412.31.6000; 4412.31.6100; 4412.31.9100; 4412.31.9200; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.0570; 4412.32.0620; 4412.32.0640; 4412.32.0670; 4412.32.2510; 4412.32.2520; 4412.32.2530; 4412.32.2610; 4412.32.2630; 4412.32.3130; 4412.32.3135; 4412.32.3140; 4412.32.3150;

4412.32.3155; 4412.32.3160; 4412.32.3165; 4412.32.3170; 4412.32.3175; 4412.32.3185; 4412.32.3235; 4412.32.3255; 4412.32.3265; 4412.32.3275; 4412.32.3285; 4412.32.5600; 4412.32.5700; 4412.33.0620; 4412.33.0640; 4412.33.0670; 4412.33.2630; 4412.33.3235; 4412.33.3255; 4412.33.3265; 4412.33.3275; 4412.33.3285; 4412.33.5700; 4412.34.2600; 4412.34.3235; 4412.34.3255; 4412.34.3265; 4412.34.3275; 4412.34.3285; 4412.34.5700; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5050; 4412.41.0000; 4412.42.0000; 4412.51.1030; 4412.51.1050; 4412.51.3111; 4412.51.3121; 4412.51.3141; 4412.51.3161; 4412.51.3175; 4412.51.4100; 4412.52.1030; 4412.52.1050; 4412.52.3121; 4412.52.3161; 4412.52.3175; 4412.52.4100; 4412.91.0600; 4412.91.1020; 4412.91.1030; 4412.91.1040; 4412.91.3110; 4412.91.3120; 4412.91.3130; 4412.91.3140; 4412.91.3150; 4412.91.3160; 4412.91.3170; 4412.91.4100; 4412.92.0700; 4412.92.1120; 4412.92.1130; 4412.92.1140; 4412.92.3120; 4412.92.3150; 4412.92.3160; 4412.92.3170; 4412.92.4200; 4412.94.1020; 4412.94.1030; 4412.94.1040; 4412.94.1050; 4412.94.3110; 4412.94.3111; 4412.94.3120; 4412.94.3121; 4412.94.3130; 4412.94.3131; 4412.94.3140; 4412.94.3141; 4412.94.3150; 4412.94.3160; 4412.94.3161; 4412.94.3170; 4412.94.3171; 4412.94.3175; 4412.94.4100; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5115; 4412.99.5701; and 4412.99.5710.

Imports of hardwood and decorative plywood may also enter under HTSUS subheadings 4412.10.9000; 4412.94.5100; 4412.94.9500; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 9403.90.7005; 9403.90.7010; and 9403.90.7080.

The HTSUS codes are provided for the convenience of the U.S. government and customs purposes, and do not define the scope of the investigation. The written description of the merchandise under investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Application of Facts Available with Adverse Inferences
V. Affiliation and Single Entity Treatment
VI. Discussion of the Methodology
VII. Particular Market Situation
VIII. Adjustment To Cash Deposit Rate For Export Subsidies
IX. Currency Conversion
X. Recommendation

[FR Doc. 2026–04001 Filed 2–27–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–830, A–274–804, A–351–832, A–560–815, A–841–805, C–351–833]

Carbon and Certain Alloy Steel Wire Rod From Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago: Continuation of Antidumping Duty Orders and Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders on carbon and certain alloy steel wire rod (wire rod) from Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago and revocation of the countervailing duty (CVD) order on wire rod from Brazil would likely lead to the continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD orders and CVD order.

DATES: Applicable February 24, 2026.

FOR FURTHER INFORMATION CONTACT: David De Falco, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2178.

SUPPLEMENTARY INFORMATION:

Background

On October 22, 2002, Commerce published in the **Federal Register** the CVD order on wire rod from Brazil.[1] On October 29, 2002, Commerce published the AD orders on wire rod from Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago.[2] On July 1, 2026, the ITC instituted,[3] and Commerce initiated,[4] the fourth sunset review of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and therefore, notified the ITC of the magnitude of the margins of dumping and subsidy rates likely to prevail should the *Orders* be revoked.[5]

On February 24, 2026, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[6]

Scope of the Orders

The merchandise subject to these *Orders* is certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, 5.00 mm or more, but less than 19.00 mm, in solid cross-sectional diameter.

Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high nickel steel; (d) ball bearing steel; and (e) concrete reinforcing bars and rods. Also excluded are (f) free machining steel products (*i.e.,* products that contain by weight one or more of the following elements: 0.03 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium).

Also excluded from the scope are 1080 grade tire cord quality wire rod and 1080 grade tire bead quality wire rod. This grade 1080 tire cord quality rod is defined as: (i) grade 1080 tire cord quality wire rod measuring 5.0 mm or more but not more than 6.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non-deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon

[1] *See Notice of Countervailing Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil and Canada,* 67 FR 64871 (October 22, 2002) (*CVD Order*).

[2] *See Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine,* 67 FR 65945 (October 29, 2002); and *CVD Order* (collectively, *Orders*).

[3] *See Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago; Institution of Five-Year Reviews,* 90 FR 28783 (July 1, 2025).

[4] *See Initiation of Five-Year (Sunset) Reviews,* 90 FR 28722 (July 1, 2025).

[5] *See Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago: Final Results of the Expedited Fourth Sunset Reviews of the Antidumping Duty Orders,* 91 FR 958 (January 9, 2026), *see also Carbon and Certain Alloy Steel Wire Rod from Brazil: Final Results of the Expedited Fourth Sunset Review of the Countervailing Duty Order,* 91 FR 966 (January 9, 2026).

[6] *See Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago; Determinations,* 91 FR 8899 (February 24, 2026) (*ITC Final Determination*).

segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.15 mm; (vi) capable of being drawn to a diameter of 0.30 mm or less with 3 or fewer breaks per ton; and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.006 percent or less of nitrogen, and (5) not more than 0.15 percent, in the aggregate, of copper, nickel and chromium.

This grade 1080 tire bead quality rod is defined as: (i) grade 1080 tire bead quality wire rod measuring 5.5 mm or more but not more than 7.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non-deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.2 mm; (vi) capable of being drawn to a diameter of 0.78 mm or larger with 0.5 or fewer breaks per ton; and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of soluble aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.008 percent or less of nitrogen, and (5) either not more than 0.15 percent, in the aggregate, of copper, nickel and chromium (if chromium is not specified), or not more than 0.10 percent in the aggregate of copper and nickel and a chromium content of 0.24 to 0.30 percent (if chromium is specified). For purposes of the grade 1080 tire cord quality wire rod and the grade 1080 tire bead quality wire rod, an inclusion will be considered to be deformable if its ratio of length (measured along the axis—that is, the direction of rolling—of the rod) over thickness (measured on the same inclusion in a direction perpendicular to the axis of the rod) is equal to or greater than three. The size of an inclusion for purposes of the 20 microns and 35 microns limitations is the measurement of the largest dimension observed on a longitudinal section measured in a direction perpendicular to the axis of the rod. This measurement methodology applies only to inclusions on certain grade 1080 tire cord quality wire rod and certain grade 1080 tire bead quality wire rod that are entered, or withdrawn from warehouse, for consumption on or after July 24, 2003.

The designation of the products as ''tire cord quality'' or ''tire bead quality'' indicates the acceptability of the product for use in the production of tire cord, tire bead, or wire for use in other rubber reinforcement applications such as hose wire. These quality designations are presumed to indicate that these products are being used in tire cord, tire bead, and other rubber reinforcement applications, and such merchandise intended for the tire cord, tire bead, or other rubber reinforcement applications is not included in the scope. However, should the petitioners or other interested parties provide a reasonable basis to believe or suspect that there exists a pattern of importation of such products for other than those applications, end-use certification for the importation of such products may be required. Under such circumstances, only the importers of record would normally be required to certify the end use of the imported merchandise.

All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope. The products subject to this order are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3092, 7213.91.4500, 7213.91.6000, 7213.99.0030, 7213.99.0090, 7227.20.0000, 7227.90.6010, and 7227.90.6080 of the HTSUS.

On July 9, 2008, in response to a request from the National Import Specialist, we added the following HTSUS subheadings: 7213.91.3020, 7213.91.3093, 7227.20.0030, 7227.20.0080, 7227.90.6020, and 7227.90.6085. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders.* U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be February 24, 2026.[7] Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act and 19 CFR 351.218(f)(4).

Dated: February 25, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–04121 Filed 2–27–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission automatically initiate and conduct reviews to determine whether revocation of an antidumping duty or countervailing duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely

[7] *See ITC Final Determination.*

to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for April 2026

Pursuant to section 751(c) of the Act, the following Sunset Reviews are scheduled for initiation in April 2026 and will appear in that month's *Notice of Initiation of Five-Year Sunset Reviews* (Sunset Review).

	Department contact
Antidumping Duty Proceedings	
Mattresses from Cambodia, A–555–001 (1st Review)	Walter Ankner, (202) 482–8374.
Boltless Steel Shelving Units Prepackaged for Sale from China, A–570–018 (2nd Review)	Thomas Martin, (202) 482–3938.
Chassis and Subassemblies from China, A–570–135 (1st Review)	Mary Kolberg, (202) 482–1785.
Non-Refillable Steel Cylinders from China, A–570–126 (1st Review)	Mary Kolberg, (202) 482–1785.
Prestressed Concrete Steel Wire Strand from China, A–570–945 (3rd Review)	Thomas Martin, (202) 482–3938.
Small Vertical Shaft Engines from China, A–570–124 (1st Review)	Mary Kolberg, (202) 482–1785.
Mattresses from Malaysia, A–557–818 (1st Review)	Walter Ankner, (202) 482–8374.
Mattresses from Serbia, A–801–002 (1st Review)	Walter Ankner, (202) 482–8374.
Mattresses from Thailand A–549–841 (1st Review)	Walter Ankner, (202) 482–8374.
Mattresses from Turkey, A–489–841 (1st Review)	Walter Ankner, (202) 482–8374.
Mattresses from Vietnam, A–552–827 (1st Review)	Walter Ankner, (202) 482–8374.
Countervailing Duty Proceedings	
Boltless Steel Shelving Units Prepackaged for Sale from China, C–570–019 (2nd Review)	Thomas Martin, (202) 482–3938.
Chassis and Subassemblies from China, C–570–136 (1st Review)	Mary Kolberg, (202) 482–1785.
Mattresses from China, C–570–128 (1st Review)	Mary Kolberg, (202) 482–1785.
Non-Refillable Steel Cylinders from China , C–570–127 (1st Review)	Mary Kolberg, (202) 482–1785.
Prestressed Concrete Steel Wire Strand from China, C–570–946 (3rd Review)	Mary Kolberg, (202) 482–1785.
Small Vertical Shaft Engines from China, C–570–125 (1st Review)	Thomas Martin, (202) 482–3938.
Suspended Investigations	
No Sunset Review of suspended investigations is scheduled for initiation in April 2026.	

Commerce's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year* (*Sunset*) *Review* provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service lists, it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[1] An electronically-filed document must be received successfully in its entirety via Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS) by 5:00 p.m. Eastern Time on the day on which it is due. For further information on procedures for filing information with Commerce through ACCESS, refer to User Guide found at *https://access.trade.gov/login.aspx.*

In prior proceedings we have encouraged interested parties to provide an executive summary of their comments, including footnotes. In these sunset reviews, we request that interested parties provide, at the beginning of their comments, an executive summary for each issue raised in their comments. Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the decision memorandum that will accompany the notice to be published in the **Federal Register**. Finally, we request that interested parties include footnotes for relevant citations in the public executive summary of each issue.

Notification to Interested Parties

This notice is not required by statute but is published as a service to the international trading community.

[1] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule,* 88 FR 67069 (September 29, 2023)

Dated: February 20, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–04122 Filed 2–27–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–211]

Hardwood and Decorative Plywood From the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that hardwood and decorative plywood (plywood) from the People's Republic of China (China) is, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is October 1, 2024, through March 31, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable March 2, 2026.

FOR FURTHER INFORMATION CONTACT: Theodora Mattei, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4834.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation in the **Federal Register** on June 16, 2025.[1] On September 30, 2025, Commerce postponed the preliminary determination of this investigation by 50 days.[2]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[3] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[4] Accordingly, the deadline for this preliminary determination is now February 24, 2026.

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The products covered by this investigation are plywood from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[6] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[7] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this investigation, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[8] As discussed in the Preliminary Scope Decision Memorandum, Commerce did not preliminarily modify the scope language as it appeared in the *Initiation Notice.* In the Preliminary Scope Decision Memorandum, Commerce established the deadline for parties to submit scope case and rebuttal briefs.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Pursuant to sections 776(a) and (b) of the Act, Commerce preliminarily has relied upon facts otherwise available, with adverse inferences, with respect to the China-wide entity. The China-wide entity includes Linyi Evergreen Wood Co., Ltd. (Evergreen) and Xuzhou Shelter Import and Export Co., Ltd. (Xuzhou Shelter), the companies selected for individual examination, because they failed to respond to Commerce's antidumping questionnaire, as well as nine other producers/exporters [9] who failed to respond to Commerce's quantity and value (Q&V) questionnaire and/or failed to submit a separate rate application, as instructed in the *Initiation Notice.*[10] For a full description of the methodology underlying Commerce's preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily determines that critical circumstances exist with respect to imports of plywood from China for the China-wide entity (including Linyi Evergreen, Xuzhou Shelter, and the non-responsive companies) and respondents that were not individually examined but are eligible for a separate rate in this investigation. For a full description of the methodology and results of Commerce's analysis, *see* the Preliminary Decision Memorandum.

Combination Rates

In the *Initiation Notice,*[11] Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.[12]

Separate Rates

We have preliminarily granted a separate rate to certain companies that we did not select for individual examination.[13] In calculating the rate for non-individually examined separate rate respondents in an NME LTFV investigation, Commerce normally looks to section 735(c)(5)(A) of the Act, which pertains to the calculation of the all-others rate in a market economy LTFV investigation, for guidance. Pursuant to section 735(c)(5)(A) of the Act, normally this rate shall be an amount equal to the weighted-average of the estimated weighted-average dumping margins established for those companies individually examined, excluding zero and *de minimis* dumping margins, and any dumping margins based entirely under section 776 of the Act. The statute further provides that, where all margins

[1] *See Hardwood and Decorative Plywood from the People's Republic of China, Indonesia, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 90 FR 25212 (June 16, 2025) (*Initiation Notice*).

[2] *See Hardwood and Decorative Plywood from the People's Republic of China, Indonesia, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 90 FR 51649 (November 18, 2025).

[3] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 17, 2025.

[4] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Hardwood and Decorative Plywood from the People's Republic of China, dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[7] *See Initiation Notice,* 90 FR at 25213.

[8] *See* Memorandum, ''Hardwood and Decorative Plywood from Indonesia, the People's Republic of China, and the Socialist Republic of Vietnam: Preliminary Scope Decision Memorandum,'' dated concurrently with this notice (Preliminary Scope Decision Memorandum).

[9] These companies who failed to respond to our Q&V questionnaire are: Celtic Co., Ltd., Hangzhou Zen Bamboo and Hardwood Prod. Ltd., Jiangsu High Hope Arser Co., Ltd., Larkcop International Co. Ltd., Linyi Dongstar Import & Export Co., Ltd., Linyi Jiahe Wood Industry Co., Ltd., Panlinks Company Limited, Xuzhou Tianshan Wood Co., Ltd., and Yishui Win-Win Wood Co., Ltd.

[10] *See Initiation Notice,* 90 FR 25212 (''Commerce requires that respondents from China and Vietnam submit a response to both the Q&V questionnaire and the separate rate application by the respective deadlines in order to receive consideration for separate-rate status'').

[11] *See Initiation Notice,* 90 FR at 25217.

[12] *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://enforcement.trade.gov/policy/bull05-1.pdf.*

[13] *See* Preliminary Decision Memorandum.

are zero, *de minimis,* or based entirely on facts available, Commerce may use ''any reasonable method'' for assigning the rate to non-selected respondents.[14]

In this investigation, because we preliminarily find that the mandatory respondents are ineligible for an individually-calculated separate rate and are part of the China-wide entity subject to a rate based entirely under section 776 of the Act, we preliminarily applied a margin of 187.27 percent to non-selected respondents eligible for a separate rate.[15]

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Producer	Exporter	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Linyi Xinshancheng Board Factory	Linyi Hanbo Import Co., Ltd	187.27	185.96
Feixian Yukang Board Factory	Linyi Hanbo Import Co., Ltd	187.27	185.96
Feixian Jialun Board Factory	Shanghai Brightwood Trading Co., Ltd	187.27	185.96
Feixian Shuxin Board Factory	Shanghai Brightwood Trading Co., Ltd	187.27	185.96
Feixian Dongining Board Factory	Shanghai Brightwood Trading Co., Ltd	187.27	185.96
Linyi Jillklm Wood Industry Co., Ltd	Shanghai Brightwood Trading Co., Ltd	187.27	185.96
Linyi Linhai Wood Industry Co., Ltd	Shanghai Brightwood Trading Co., Ltd	187.27	185.96
Linyi Lanshan District Caihai Board Factory	Shanghai Brightwood Trading Co., Ltd	187.27	185.96
Feixian Haokai Wood Industry Co., Ltd	Shanghai Brightwood Trading Co., Ltd	187.27	185.96
Feixian Chenhui Board Factory	Shanghai Brightwood Trading Co., Ltd	187.27	185.96
Xuzhou Dingfeng Wood Industry Co., Ltd	Shanghai Brightwood Trading Co., Ltd	187.27	185.96
Fengxian Shuangxingyuan Wood Industry Co., Ltd	Shanghai Brightwood Trading Co., Ltd	187.27	185.96
Shandong Yimeijia New Materials Co., Ltd	Lianyungang Yuantai International Trade Co., Ltd	187.27	185.96
Feixian Jialun Board Factory	Lianyungang Yuantai International Trade Co., Ltd	187.27	185.96
Linyi Dongfang Fuchao Wood Industry Co., Ltd	Lianyungang Yuantai International Trade Co., Ltd	187.27	185.96
Linyi Xinshancheng Wood Co., Ltd	Linyi Vata Imp. & Exp. Co., Ltd	187.27	185.96
China-Wide Entity[16]		*187.27	185.96

*Rate based on facts available with adverse inferences.

Suspension of Liquidation and Cash Deposit Requirements

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted average amount by which normal value exceeds U.S. price, as indicated in the chart above as follows: (1) for the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of Chinese producers/exporters of merchandise under consideration that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the China-wide entity; and (3) for all third-country exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the China-wide entity.

Section 733(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of: (a) the date that is 90 days before the date on which the suspension of liquidation was first ordered; or (b) the date on which notice of initiation of the investigation was published. Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise from the non-selected companies eligible for a separate rate and the China-wide entity.[17] In accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation shall apply to all unliquidated entries of merchandise from all exporters that were entered, or withdrawn from warehouse, for consumption on or after the date that is 90 days before the publication of this notice in the **Federal Register**.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic subsidy pass-through and export subsidies determined in a companion countervailing duty (CVD) proceeding when CVD provisional measures are in effect. Accordingly, where Commerce has made a preliminary affirmative determination for domestic subsidy pass-through or export subsidies, Commerce has offset the calculated estimated weighted-average dumping margin by the appropriate rate. Any such adjusted rates may be found in the ''Preliminary Determination'' section's chart of estimated weighted-average dumping margins above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting cash deposits at a rate equal to the estimated weighted-average dumping margins calculated in this

[14] *See* section 735(c)(5)(B) of the Act.

[15] *See Initiation Notice,* 90 FR at 25217; *see also* Petitioner's Letter, ''Petitioner's Submission of Additional Surrogate Value Information,'' dated February 17, 2026 (Petitioner's Additional SV Information).

[16] The China-Wide Entity includes Linyi Evergreen, Xuzhou Shelter, Celtic Co., Ltd., Hangzhou Zen Bamboo and Hardwood Prod. Ltd., Jiangsu High Hope Arser Co., Ltd., Larkcop International Co. Ltd., Linyi Dongstar Import & Export Co., Ltd., Linyi Jiahe Wood Industry Co., Ltd., Panlinks Company Limited, Xuzhou Tianshan Wood Co., Ltd., and Yishui Win-Win Wood Co., Ltd.

[17] *See* Preliminary Decision Memorandum.

preliminary determination unadjusted for the pass-through domestic subsidies or for export subsidies at the time the CVD provisional measures expire.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a preliminary determination within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily determined that the mandatory respondents should be considered to be part of the China-wide entity and assigned the China-wide entity an AFA rate based solely on the margins provided by the petitioner,[18] there are no calculations to disclose.

Verification

Because the mandatory respondents in this investigation did not provide information requested by Commerce and Commerce preliminarily determines in accordance with section 776(b) of the Act that each of the mandatory respondents has been uncooperative, verification will not be conducted.

Public Comment

Case briefs or other written non-scope-related comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of the preliminary determination.[19] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[20] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[21]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[22] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[23]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Final Determination

Section 735(a)(1) of the Act and 19 CFR 351.210(b)(1) provide that Commerce will issue the final determination within 75 days after the date of its preliminary determination. Accordingly, Commerce will make its final determination no later than 75 days after the signature date of this preliminary determination.

U.S. International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, Commerce will notify the ITC of its preliminary determination of sales at LTFV. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 24, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is hardwood and decorative plywood, and certain veneered panels as described below. For purposes of this investigation, hardwood and decorative plywood is defined as a generally flat, multilayered plywood or other veneered panel, consisting of two or more layers or plies of wood veneers in combination with a core or without a core. The veneers and, if present, the core are glued or otherwise bonded together. A hardwood and decorative plywood panel must have at least either the face or back veneer composed of one or more species of hardwood, softwood, or bamboo, regardless of any surface coverings. Hardwood and decorative plywood may include products that meet the American National Standard for Hardwood and Decorative Plywood, ANSI/HPVA HP–1–2024 (including any revisions to that standard).

For purposes of the investigation a ''veneer'' is a slice of wood regardless of thickness which is cut, sliced or sawed from a log, bolt, or flitch. The face and back veneers are the outermost veneer of wood irrespective of additional surface coatings or covers as described below. The core of hardwood and decorative plywood (for those products that include a core) consists of the layer or layers of one or more material(s) that are situated between the face and back veneers. The core may be composed of a range of materials, including but not limited to hardwood, softwood, particleboard, or medium density fiberboard (MDF).

All hardwood and decorative plywood is included within the scope of the investigation regardless of whether or not the face and/or back veneers are surface coated or covered and whether or not such surface coating(s) or covers obscures the grain, textures, or markings of the wood. Examples of surface coatings and covers include, but are not limited to: ultra violet light cured polyurethanes; oil or oil-modified or water-based polyurethanes; wax; epoxy-ester finishes; moisture-cured urethanes; paints; stains; paper; aluminum; high pressure laminate; MDF; medium density overlay (MDO); and phenolic film. Additionally, the face veneer of hardwood and decorative plywood may be sanded; smoothed or given a ''distressed'' appearance through such methods as hand-scraping or wire brushing.

All hardwood and decorative plywood is included within the scope even if it is trimmed; cut-tosize; notched; punched; drilled; or has undergone other forms of minor processing. All hardwood and

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[18] *See* Petitioner's Additional SV Information.

[19] Case and rebuttal briefs submitted in response to this preliminary determination should not include scope-related issues. *See* 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements).

[20] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[21] *See* 19 CFR 351.309(c)(2) and (d)(2).

[22] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[23] *See APO and Service Final Rule.*

decorative plywood is included within the scope of the investigation, without regard to dimension (overall thickness, thickness of face veneer, thickness of back veneer, thickness of core, thickness of inner veneers, width, or length). However, the most common panel sizes of hardwood and decorative plywood are 1219 x 1829 mm (48 x 72 inches), 1219 x 2438 mm (48 x 96 inches), and 1219 x 3048 mm (48 x 120 inches). Subject merchandise also includes hardwood and decorative plywood that has been further processed in a third country, including but not limited to trimming, cutting, notching, punching, drilling, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope product.

The scope of the investigation excludes the following items: (1) structural plywood (also known as ''industrial plywood'' or ''industrial panels'') that (a) is certified, manufactured, and stamped to meet U.S. Products Standard PS 1–09, PS 2–09, PS–1–22, PS 2–10, or PS 2–18 for Structural Plywood (including any revisions to that standard or any substantially equivalent international standard intended for structural plywood), including, but not limited to, the ''bond performance'' requirements and the performance criteria detailed in U.S. Products Standard PS 1–09, PS 2–09, PS–1–22, PS 2–10, or PS 2–18 for Structural Plywood (including any revisions to that standard or any substantially equivalent international standard intended for structural plywood), and (b) where the relevant standard identifies core species requirements, has a core made entirely of one or more of the following wood species: Pseudotsuga menziesii (Douglas Fir), Larix occidentalis (Western Larch), Tsuga heterophylla (Western Hemlock), Abies balsamea (Balsam Pine/Balsam Fir), Abies magnifica (California Red Fir), Abies grandis (Grand Fir), Abies procera (Noble Fir), Abies amabilis (Pacific Silver Fir), Abies concolor (White Fir), Abies lasiocarpa (Subalpine Fir), Picea glauca (White Spruce), Picea engelmannii (Engelmann Spruce), Picea mariana (Black Spruce), Picea rubens (Red Spruce), Picea sitchensis (Sitka Spruce), Pinus banksiana (Jack Pine), Pinus taeda (Loblolly Southern Pine), Pinus palustris (Longleaf Southern Pine), Pinus echinata (Shortleaf Southern Pine), Pinus elliottii (Slash Southern Pine), Pinus serotina (Pond Pine), Pinus resinosa (Red Pine), Pinus virginiana (Virginia Pine), Pinus monticola (Western White Pine), Picea mariana (Black Spruce), Picea rubens (Red Spruce), Picea sitchensis (Sitka Spruce), Pinus contorta (Lodgepole Pine), Pinus strobus (Eastern White Pine), and Pinus lambertiana (Sugar Pine); (2) products which have a face and back veneer of cork; (3) hardwood plywood subject to the antidumping and countervailing duty orders on hardwood plywood from China. *See Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 83 FR 504 (January 4, 2018); and *Certain Hardwood Plywood Products from the People's Republic of China: Countervailing Duty Order,* 83 FR 513 (January 4, 2018); (4) multilayered wood flooring, as described in the antidumping duty and countervailing duty orders on multilayered wood flooring from China. *See Multilayered Wood Flooring from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 76 FR 76690 (December 8, 2011); and *Multilayered Wood Flooring from the People's Republic of China: Countervailing Duty Order,* 76 FR 76693 (December 8, 2011), as amended by *Multilayered Wood Flooring from the People's Republic of China: Amended Antidumping and Countervailing Orders,* 77 FR 5484 (February 3, 2012); (5) multilayered wood flooring with a face veneer of bamboo or composed entirely of bamboo; (6) plywood which has a shape or design other than a flat panel, with the exception of any minor processing described above; (7) products made entirely from bamboo and adhesives (also known as ''solid bamboo''); and (8) Phenolic Film Faced Plyform (PFF), also known as Phenolic Surface Film Plywood (PSF), defined as a panel with an ''Exterior'' or ''Exposure 1'' bond classification as is defined by The Engineered Wood Association, having an opaque phenolic film layer with a weight equal to or greater than 90g/m3 permanently bonded on both the face and back veneers and an opaque, moisture resistant coating applied to the edges.

Also excluded from the scope of the investigation are wooden furniture goods that, at the time of importation, are fully assembled and are ready for their intended uses. Also excluded from the scope of the investigation is ''ready to assemble'' (RTA) furniture. RTA furniture is defined as (A) furniture packaged for sale for ultimate purchase by an end-user that, at the time of importation, includes (1) all wooden components (in finished form) required to assemble a finished unit of furniture, (2) all accessory parts (*e.g.,* screws, washers, dowels, nails, handles, knobs, adhesive glues) required to assemble a finished unit of furniture, and (3) instructions providing guidance on the assembly of a finished unit of furniture; (B) unassembled bathroom vanity cabinets, having a space for one or more sinks, that are imported with all unassembled hardwood and hardwood plywood components that have been cut-to-final dimensional component shape/size, painted or stained prior to importation, and stacked within a singled shipping package, except for furniture feet which may be packed and shipped separately; or (C) unassembled bathroom vanity linen closets that are imported with all unassembled hardwood and hardwood plywood components that have been cut-to-final dimensional shape/size, painted or stained prior to importation, and stacked within a single shipping package, except for furniture feet which may be packed and shipped separately.

Also excluded from the scope of the investigation are kitchen cabinets that, at the time of importation, are fully assembled and are ready for their intended uses. Also excluded from the scope of the investigation are RTA kitchen cabinets. RTA kitchen cabinets are defined as kitchen cabinets packaged for sale for ultimate purchase by an end-user that, at the time of importation, includes: (1) all wooden components (in finished form) required to assemble a finished unit of cabinetry; (2) all accessory parts (*e.g.,* screws, washers, dowels, nails, handles, knobs, hooks, adhesive glues) required to assemble a finished unit of cabinetry; and (3) instructions providing guidance on the assembly of a finished unit of cabinetry. Excluded from the scope of the investigation are finished table tops, which are table tops imported in finished form with pre-cut or drilled openings to attach the underframe or legs. The table tops are ready for use at the time of import and require no further finishing or processing. Excluded from the scope of the investigation are finished countertops that are imported in finished form and require no further finishing or manufacturing. Also excluded from the scope of the investigation are laminated veneer lumber (''LVL'') door and window components with (1) a maximum width of 44 millimeters, a thickness from 30 millimeters to 72 millimeters, and a length of less than 2413 millimeters, (2) water boiling point exterior adhesive, (3) a modulus of elasticity of 1,500,000 pounds per square inch or higher, (4) finger-jointed or lap-jointed core veneer with all layers oriented so that the grain is running parallel or with no more than 3 dispersed layers of veneer oriented with the grain running perpendicular to the other layers; and (5) top layer machined with a curved edge and one or more profile channels throughout.

Also excluded from the scope of this investigation are certain door stiles and rails made of LVL that have a width not to exceed 50 millimeters, a thickness not to exceed 50 millimeters, and a length of less than 2,450 millimeters.

Also excluded from the scope of this investigation are finished two-ply products that are made of one ply of wood veneer and one ply of a non-wood veneer material and the two-ply product cannot be glued or otherwise adhered to additional plies or that are made of two plies of wood veneer and have undergone staining, cutting, notching, punching, drilling, or other processing on the surface of the veneer such that the two-ply product cannot be glued or otherwise adhered to additional plies.

Imports of hardwood and decorative plywood are primarily entered under the following HTSUS numbers: 4412.10.0500; 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.0620; 4412.31.0640; 4412.31.0660; 4412.31.2510; 4412.31.2520; 4412.31.2610; 4412.31.2620; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.4080; 4412.31.4140; 4412.31.4150; 4412.31.4155; 4412.31.4160; 4412.31.4165; 4412.31.4180; 4412.31.4200; 4412.31.4500; 4412.31.4850; 4412.31.4860; 4412.31.4863; 4412.31.4865; 4412.31.4866; 4412.31.4869; 4412.31.4875; 4412.31.4880; 4412.31.5130; 4412.31.5135; 4412.31.5150; 4412.31.5155; 4412.31.5160; 4412.31.5165; 4412.31.5170; 4412.31.5175; 4412.31.5235; 4412.31.5255; 4412.31.5260; 4412.31.5262; 4412.31.5264; 4412.31.5265; 4412.31.5266; 4412.31.5268; 4412.31.5270; 4412.31.5275; 4412.31.6000; 4412.31.6100;

4412.31.9100; 4412.31.9200; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.0570; 4412.32.0620; 4412.32.0640; 4412.32.0670; 4412.32.2510; 4412.32.2520; 4412.32.2530; 4412.32.2610; 4412.32.2630; 4412.32.3130; 4412.32.3135; 4412.32.3140; 4412.32.3150; 4412.32.3155; 4412.32.3160; 4412.32.3165; 4412.32.3170; 4412.32.3175; 4412.32.3185; 4412.32.3235; 4412.32.3255; 4412.32.3265; 4412.32.3275; 4412.32.3285; 4412.32.5600; 4412.32.5700; 4412.33.0620; 4412.33.0640; 4412.33.0670; 4412.33.2630; 4412.33.3235; 4412.33.3255; 4412.33.3265; 4412.33.3275; 4412.33.3285; 4412.33.5700; 4412.34.2600; 4412.34.3235; 4412.34.3255; 4412.34.3265; 4412.34.3275; 4412.34.3285; 4412.34.5700; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5050; 4412.41.0000; 4412.42.0000; 4412.51.1030; 4412.51.1050; 4412.51.3111; 4412.51.3121; 4412.51.3141; 4412.51.3161; 4412.51.3175; 4412.51.4100; 4412.52.1030; 4412.52.1050; 4412.52.3121; 4412.52.3161; 4412.52.3175; 4412.52.4100; 4412.91.0600; 4412.91.1020; 4412.91.1030; 4412.91.1040; 4412.91.3110; 4412.91.3120; 4412.91.3130; 4412.91.3140; 4412.91.3150; 4412.91.3160; 4412.91.3170; 4412.91.4100; 4412.92.0700; 4412.92.1120; 4412.92.1130; 4412.92.1140; 4412.92.3120; 4412.92.3150; 4412.92.3160; 4412.92.3170; 4412.92.4200; 4412.94.1020; 4412.94.1030; 4412.94.1040; 4412.94.1050; 4412.94.3110; 4412.94.3111; 4412.94.3120; 4412.94.3121; 4412.94.3130; 4412.94.3131; 4412.94.3140; 4412.94.3141; 4412.94.3150; 4412.94.3160; 4412.94.3161; 4412.94.3170; 4412.94.3171; 4412.94.3175; 4412.94.4100; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5115; 4412.99.5701; and 4412.99.5710.

Imports of hardwood and decorative plywood may also enter under HTSUS subheadings 4412.10.9000; 4412.94.5100; 4412.94.9500; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 9403.90.7005; 9403.90.7010; and 9403.90.7080.

The HTSUS codes are provided for the convenience of the U.S. government and customs purposes, and do not define the scope of the investigation. The written description of the merchandise under investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Discussion of the Methodology
V. Preliminary Affirmative Determination of Critical Circumstances
VI. Adjustment to Cash Deposit Rates for Export Subsidies in the Companion Countervailing Duty Investigation
VII. Recommendation

[FR Doc. 2026–04000 Filed 2–27–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Ruling Applications Filed in Antidumping and Countervailing Duty Proceedings

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) received scope ruling applications, requesting that scope inquiries be conducted to determine whether identified products are covered by the scope of antidumping duty (AD) and/or countervailing duty (CVD) orders and that Commerce issue scope rulings pursuant to those inquiries. In accordance with Commerce's regulations, we are notifying the public of the filing of the scope ruling applications listed below in the month of January 2026.

DATES: Applicable March 2, 2026.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–3813.

SUPPLEMENTARY INFORMATION:

Notice of Scope Ruling Applications

In accordance with 19 CFR 351.225(d)(3), we are notifying the public of the following scope ruling applications related to AD and CVD orders and findings filed in or around the month of January 2026. This notification includes, for each scope application: (1) identification of the AD and/or CVD orders at issue (19 CFR 351.225(c)(1)); (2) concise public descriptions of the products at issue, including the physical characteristics (including chemical, dimensional and technical characteristics) of the products (19 CFR 351.225(c)(2)(ii)); (3) the countries where the products are produced and the countries from where the products are exported (19 CFR 351.225(c)(2)(i)(B)); (4) the full names of the applicants; and (5) the dates that the scope applications were filed with Commerce and the name of the ACCESS scope segment where the scope applications can be found.[1] This notice does not include applications which have been rejected and not properly resubmitted. The scope ruling applications listed below are available on Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), at *https://access.trade.gov.*

Scope Ruling Applications

Certain Low Speed Personal Transportation Vehicles from the People's Republic of China (China) (A–570–176/C–570–177); Golf and Recreational Vehicle Chassis and Related Components;[2] produced in and exported from China; submitted by LMG EV, LLC (LMG); January 19, 2026; ACCESS scope segment ''SCO–LMG EV LLC''

Certain Low Speed Personal Transportation Vehicles from China (A–570–176/C–570–177); Commercial Shuttles;[3] produced in and exported from China; submitted by SVI Inc., dba Specialty Vehicles (SVI); January 20, 2026; ACCESS scope segment ''SCO–SVI Electric Shuttle Vehicles''

Oil Country Tubular Goods from Mexico and Argentina (A–201–856/A–357–824); Certain Mechanical Pipe (3 products);[4] produced in and exported

[1] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300, 52316 (September 20, 2021) (*Final Rule*) (''It is our expectation that the **Federal Register** list will include, where appropriate, for each scope application the following data: (1) identification of the AD and/or CVD orders at issue; (2) a concise public summary of the product's description, including the physical characteristics (including chemical, dimensional and technical characteristics) of the product; (3) the country(ies) where the product is produced and the country from where the product is exported; (4) the full name of the applicant; and (5) the date that the scope application was filed with Commerce.'').

[2] The products are unassembled chassis and loose components, including uninstalled wheels and tires, seats, roof systems, body panels, windshields, steering components, and accessories. Lithium battery systems are not installed or programmed at importation. Wheels and tires, when included, are shipped loose and not attached to the chassis. In the imported condition, the merchandise could not be powered, steered, operated, or tested as a vehicle and cannot roll.

[3] The products are specialty low-speed shuttle vehicles configured for resort transportation, campus mobility, and event shuttles, not for personal use. These vehicles are structurally configured as high-capacity, fixed-route shuttle platforms, rather than personal use low speed personal transportation vehicles.

[4] The three products are as follows: (1) The product is seamless steel mechanical pipe designed to be assembled into various final components after importation. The pipe is produced to ASTM A519 specifications and manufactured in dimensions ranging from a WT of 0.250 to 1.50 inches and OD of 2.375 to 14.0 inches. (2) The product is seamless mechanical pipe produced in compliance with ASTM A519 and API 19PT specifications or proprietary specifications issued in full compliance with them. Its dimensions range from a WT of 0.118 to 0.75 inches and an OD of 1.50 to 9.625 inches. The pipe is cut and machined and assembled into a perforating gun after importation. (3) The product is expandable mechanical pipe and is seamless mechanical pipe manufactured from highly ductile materials. This pipe is produced in compliance with proprietary specifications. WT ranges from 0.250 to 0.562 inches and the OD ranges from 3.50 to 13.375 inches.

from Mexico and Argentina; submitted by Tenaris Bay City, Inc.; Maverick Tube Corporation; and IPSCO Tubulars Inc. (collectively, Tenaris U.S. Manufacturers); January 30, 2026; ACCESS scope segment ''SCO–Mechanical Pipe''

Notification to Interested Parties

This list of scope ruling applications is not an identification of scope inquiries that have been initiated. In accordance with 19 CFR 351.225(d)(1), if Commerce has not rejected a scope ruling application nor initiated the scope inquiry within 30 days after the filing of the application, the application will be deemed accepted and a scope inquiry will be deemed initiated the following day—day 31.[5] Commerce's practice generally dictates that where a deadline falls on a weekend, Federal holiday, or other non-business day, the appropriate deadline is the next business day.[6] Accordingly, if the 30th day after the filing of the application falls on a non-business day, the next business day will be considered the ''updated'' 30th day, and if the application is not rejected or a scope inquiry initiated by or on that particular business day, the application will be deemed accepted and a scope inquiry will be deemed initiated on the next business day which follows the ''updated'' 30th day.[7]

In accordance with 19 CFR 351.225(m)(2), if there are companion AD and CVD orders covering the same merchandise from the same country of origin, the scope inquiry will be conducted on the record of the AD proceeding. Further, please note that pursuant to 19 CFR 351.225(m)(1), Commerce may either apply a scope ruling to all products from the same country with the same relevant physical characteristics, (including chemical, dimensional, and technical characteristics) as the product at issue, on a country-wide basis, regardless of the producer, exporter, or importer of those products, or on a company-specific basis.

For further information on procedures for filing information with Commerce through ACCESS and participating in scope inquiries, please refer to the Filing Instructions section of the Scope Ruling Application Guide, at *https://access.trade.gov/help/Scope_Ruling_Guidance.pdf.* Interested parties, apart from the scope ruling applicant, who wish to participate in a scope inquiry and be added to the public service list for that segment of the proceeding must file an entry of appearance in accordance with 19 CFR 351.103(d)(1) and 19 CFR 351.225(n)(4). Interested parties are advised to refer to the case segment in ACCESS as well as 19 CFR 351.225(f) for further information on the scope inquiry procedures, including the timelines for the submission of comments.

Please note that this notice of scope ruling applications filed in AD and CVD proceedings may be published before any potential initiation, or after the initiation, of a given scope inquiry based on a scope ruling application identified in this notice. Therefore, please refer to the case segment on ACCESS to determine whether a scope ruling application has been accepted or rejected and whether a scope inquiry has been initiated.

Interested parties who wish to be served scope ruling applications for a particular AD or CVD order may file a request to be included on the annual inquiry service list during the anniversary month of the publication of the AD or CVD order in accordance with 19 CFR 351.225(n) and Commerce's procedures.[8]

Interested parties are invited to comment on the completeness of this monthly list of scope ruling applications received by Commerce. Any comments should be submitted to Scot Fullerton, Acting Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, via email to *CommerceCLU@trade.gov.*

This notice of scope ruling applications filed in AD and CVD proceedings is published in accordance with 19 CFR 351.225(d)(3).

Dated: February 20, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–04124 Filed 2–27–26; 8:45 am]

BILLING CODE 3510–DS–P

[5] In accordance with 19 CFR 351.225(d)(2), within 30 days after the filing of a scope ruling application, if Commerce determines that it intends to address the scope issue raised in the application in another segment of the proceeding (such as a circumvention inquiry under 19 CFR 351.226 or a covered merchandise inquiry under 19 CFR 351.227), it will notify the applicant that it will not initiate a scope inquiry, but will instead determine if the product is covered by the scope at issue in that alternative segment.

[6] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[7] This structure maintains the intent of the applicable regulation, 19 CFR 351.225(d)(1), to allow day 30 and day 31 to be separate business days.

[8] *See Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions,* 86 FR 53205 (September 27, 2021).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–813]

Certain Hot-Rolled Steel Flat Products From the Netherlands: 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) determines that the producer and exporter subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR) October 1, 2023, through September 30, 2024.

DATES: Applicable March 2, 2026.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer, 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) 482–0410.

SUPPLEMENTARY INFORMATION:

Background

On September 3, 2025, Commerce published in the **Federal Register** the preliminary results of this administrative review of the antidumping duty order [1] on certain hot-rolled steel flat products (hot-rolled steel) from the Netherlands).[2] This review covers one producer/exporter of the subject merchandise, Tata Steel Ijmuiden BV (TSIJ).

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[3] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government

[1] *See Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders,* 81 FR 67962 (October 3, 2016) (*Order*).

[2] *See Certain Hot-Rolled Steel Flat Products from the Netherlands: Preliminary Results of Antidumping Duty Administrative Review; 2023–2024,* 90 FR 42562 (September 3, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[3] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[4] Accordingly, the deadline for these final results is now March 10, 2026.

A summary of the events that occurred since the *Preliminary Results,* as well as a full discussion of the issues raised by parties for these final results, are discussed in the Issues and Decision Memorandum.[5] 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 products covered by the *Order* are hot-rolled steel. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised in the letters in lieu of case and rebuttal briefs filed by parties in this administrative review are addressed in the Issues and Decision Memorandum and listed in the appendix to this notice. 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 at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Changes Since the Preliminary Results

Based on the comments received from interested parties regarding our *Preliminary Results,* and for the reasons explained in the Issues and Decision Memorandum, we made certain changes for the final results of review.

Final Results of Review

We determine that the following estimated weighted-average dumping margin exists for the period October 1, 2023, through September 30, 2024:

Producer/exporter	Weighted-average dumping margin (percent)
Tata Steel Ijmuiden BV	5.67

[4] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review of Certain Hot-Rolled Steel Flat Products from the Netherlands; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] *Id.*

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 Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, 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.

Because TSIJ's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, we calculated an importer-specific assessment rate based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[7] Where an importer-specific assessment rate is zero or *de minimis* (*i.e.,* less than 0.5 percent), the entries by that importer will be liquidated without regard to antidumping duties. The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[8]

For entries of subject merchandise during the POR produced by the individually examined respondent for which it did not know that the merchandise it sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[9]

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

Upon publication of this notice in the **Federal Register**, the following cash deposit requirements will be effective for all shipments of hot-rolled steel from the Netherlands entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for the company subject to this review 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 completed 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, a prior review, or the investigation, but the producer has been covered in a prior completed segment of this proceeding, 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; (4) the cash deposit rate for all other producers or exporters will continue to be 3.73 percent, the all-others rate established in the investigation.[10] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information

[7] In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[8] *See* section 751(a)(2)(C) of the Act.

[9] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[10] *See Order,* 81 FR at 67963, 67965.

disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: February 24, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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 Issue
Comment: Costs for Models Not Produced During the POR
VI. Recommendation

[FR Doc. 2026–03999 Filed 2–27–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF EDUCATION

Annual Notice of Interest Rates for Variable-Rate Federal Student Loans Made Under the Federal Family Education Loan Program Prior to July 1, 2010

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Chief Operating Officer for Federal Student Aid announces the interest rates for loans made under the Federal Family Education Loan (FFEL) Program, Assistance Listing Number 84.032, that have variable interest rates. The rates announced in this notice are in effect for the period July 1, 2025, through June 30, 2026.

FOR FURTHER INFORMATION CONTACT: Travis Sturlaugson, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: 202–377–4174. Email: *travis.sturlaugson@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: Section 427A of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1077a), provides formulas for determining the interest rates charged to borrowers on loans made under the FFEL Program, including Federal Subsidized and Unsubsidized Stafford Loans (Stafford Loans), Federal PLUS Loans (PLUS Loans), Federal Consolidation Loans (Consolidation Loans), and Federal Supplemental Loans for Students (SLS Loans). No new loans have been made under the FFEL Program since June 30, 2010.

The FFEL Program includes loans with variable interest rates that change each year and loans with fixed interest rates that remain the same for the life of the loan. For loans with a variable interest rate, the specific interest rate formula that applies to a particular loan depends on the date of the first disbursement of the loan or, in the case of a Consolidation Loan, the date the application for the loan was received. If a loan has a variable interest rate, a new rate is determined annually and is in effect during the period from July 1 of one year through June 30 of the following year.

This notice announces the interest rates for variable-rate FFEL Program loans that will be in effect during the period from July 1, 2025, through June 30, 2026. Interest rates for fixed-rate FFEL Program loans may be found in a **Federal Register** notice published on September 15, 2015 (80 FR 55342).

For the majority of variable-rate FFEL Program loans, the annual interest rate is equal to the lesser of—

(1) The bond equivalent rate of the 91-day Treasury Bills auctioned at the final auction held before June 1 of each year, plus a statutory add-on percentage; or

(2) A statutorily established maximum interest rate.

The bond equivalent rate of the 91-day Treasury Bills auctioned on May 27, 2025, is 4.36 percent.

For PLUS Loans first disbursed before July 1, 1998, and for all SLS Loans, the annual interest rate is equal to the lesser of—

(1) The weekly average of the one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 26 of each year, plus a statutory add-on percentage; or

(2) A statutorily established maximum interest rate.

The weekly average of the one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 26, 2025, is 4.09 percent.

For Consolidation Loans that have a variable interest rate, the annual interest rate for the portion of a Consolidation Loan that repaid loans other than loans made under the Health Education Assistance Loans (HEAL) Program is equal to—

(1) The bond equivalent rate of the 91-day Treasury Bill auctioned at the final auction held before June 1 of each year, plus a statutory add-on percentage; or

(2) A statutorily established maximum interest rate.

If a Consolidation Loan (whether a variable-rate loan or a fixed-rate loan) repaid loans made under the HEAL Program, the interest rate on the portion of the Consolidation Loan that repaid HEAL loans is a variable rate that is equal to the average of the bond equivalent rates of the 91-day Treasury Bills auctioned for the quarter ending June 30, plus a statutory add-on percentage. For the portion of a Consolidation Loan that repaid HEAL loans, there is no maximum interest rate.

The average of the bond equivalent rates of the 91-day Treasury Bills auctioned for the quarter ending on June 30, 2025, is 4.34 percent.

The statutory add-on percentages and maximum interest rates vary depending on loan type and when the loan was first disbursed. In addition, the add-on percentage for certain Stafford Loans is different depending on whether the loan is in an in-school, grace, or deferment status, or in any other status. If the interest rate calculated in accordance with the applicable formula exceeds the statutory maximum interest rate, the statutory maximum rate applies.

Charts 1 through 4 show the interest rate formulas that are used to determine the interest rates for all variable-rate FFEL Program loans and the interest rates that are in effect during the 12-month period from July 1, 2025, through June 30, 2026. Unless otherwise indicated, the cohorts shown in each chart include all borrowers, regardless of prior borrowing.

Chart 1 shows the interest rates for loans with rates based on the 91-day Treasury Bill, with the exception of ''converted'' variable-rate Federal Stafford Loans and certain Federal Consolidation Loans.

Chart 2 shows the interest rates for loans with rates based on the weekly average of the one-year constant maturity Treasury yield.

Chart 3 shows the interest rates for ''converted'' variable-rate Federal Stafford Loans. These are loans that

originally had varying fixed interest rates.

Finally, Chart 4 shows the interest rates for variable-rate Federal Consolidation Loans, and for the portion of any Federal Consolidation Loan that repaid loans made under the HEAL Program.

CHART 1—SUBSIDIZED FEDERAL STAFFORD LOANS, UNSUBSIDIZED FEDERAL STAFFORD LOANS, AND FEDERAL PLUS LOANS

[Interest rate based on 91-day treasury bill]

Loan type	Cohort	91-day T-Bill rate 05/27/25 (%)	Add-on (%)		Maximum rate (%)	Interest rate 07/01/25 through 06/30/26 (%)	
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on/after 07/01/98 and before 07/01/06.	4.36	1.70 (in-school, grace, deferment).	2.30 (any other status).	8.25	6.06 (in-school, grace, deferment).	6.66 (any other status).
PLUS	First disbursed on/after 07/01/98 and before 07/01/06.	4.36	3.10		9.00	7.46	
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on/after 07/01/95 and before 07/01/98.	4.36	2.50 (in-school, grace, deferment).	3.10 (any other status).	8.25	6.86 (in-school, grace, deferment).	7.46 (any other status).
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on/after 07/01/94 and before 07/01/95, for a period of enrollment that included or began on or after 07/01/94.	4.36	3.10		8.25	7.46	
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on/after 10/01/92 and before 07/01/94; and First disbursed on/after 07/01/94, for a period of enrollment ending before 07/01/94 (new borrowers).	4.36	3.10		9.00	7.46	

CHART 2—FEDERAL PLUS LOANS AND SLS LOANS

[Interest rate based on weekly average of one-year constant maturity treasury yield]

Loan type	Cohort	Weekly average of 1-year constant maturity Treasury yield for last calendar week ending on or before 06/26/25 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/25 through 06/30/26 (%)
PLUS	First disbursed on/after 07/01/94 and before 07/01/98.	4.09	3.10	9.00	7.19
PLUS	First disbursed on/after 10/01/92 and before 07/01/94.	4.09	3.10	10.00	7.19
SLS	First disbursed on/after 10/01/92, for a period of enrollment beginning before 07/01/94.	4.09	3.10	11.00	7.19

CHART 2—FEDERAL PLUS LOANS AND SLS LOANS—Continued

[Interest rate based on weekly average of one-year constant maturity treasury yield]

Loan type	Cohort	Weekly average of 1-year constant maturity Treasury yield for last calendar week ending on or before 06/26/25 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/25 through 06/30/26 (%)
PLUS, SLS	First disbursed before 10/01/92	4.09	3.25	12.00	7.34

CHART 3—"CONVERTED" VARIABLE-RATE SUBSIDIZED AND UNSUBSIDIZED FEDERAL STAFFORD LOANS

[Interest rate based on 91-day treasury bill]

Loan type	Cohort	Original fixed interest rate (later converted to variable rate) (%)	91-day T-Bill rate 05/27/25 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/25 through 06/30/26 (%)
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	8.00, increasing to 10.00.	4.36	3.10	10.00	7.46
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	9.00	4.36	3.10	9.00	7.46
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	8.00	4.36	3.10	8.00	7.46
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	7.00	4.36	3.10	7.00	7.46
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 10/01/92 (new borrowers).	8.00, increasing to 10.00.	4.36	3.25	10.00	7.61
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/01/88 and before 07/23/92.	8.00, increasing to 10.00.	4.36	3.25	10.00	7.61

CHART 4—FEDERAL CONSOLIDATION LOANS

Consolidation loan component	Cohort	91-day T-Bill rate 05/27/25 (%)	Average of the bond equivalent rates of the 91-day T-Bills auctioned for the quarter ending 06/30/24 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/25 through 06/30/26 (%)
Portion of loan that repaid loans other than HEAL loans.	Application received on/after 11/13/97 and before 10/01/98.	4.36	N/A	3.10	8.25	7.46
Portion of the loan that repaid HEAL loans.	Application received on/after 11/13/97.	N/A	4.34	3.00	None	7.34

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Program Authority: 20 U.S.C. 1071 *et seq.*

Richard Lucas,

Acting Chief Operating Officer, Federal Student Aid.

[FR Doc. 2026–04066 Filed 2–27–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Annual Notice of Interest Rates for Fixed-Rate Federal Student Loans Made Under the William D. Ford Federal Direct Loan Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Chief Operating Officer for Federal Student Aid announces the interest rates for Federal Direct Stafford/Ford Loans (Direct Subsidized Loans), Federal Direct Unsubsidized Stafford/Ford Loans (Direct Unsubsidized Loans), and Federal Direct PLUS Loans (Direct PLUS Loans) made under the William D. Ford Federal Direct Loan (Direct Loan) Program, Assistance Listing Number 84.268, with first disbursement dates on or after July 1, 2025, and before July 1, 2026.

FOR FURTHER INFORMATION CONTACT: Travis Sturlaugson, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: 202–377–4174 or by email: *travis.sturlaugson@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans, and Direct Consolidation Loans (collectively referred to as ''Direct Loans'') may have either fixed or variable interest rates, depending on when the loan was first disbursed or, in the case of a Direct Consolidation Loan, when the application for the loan was received. Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2006, and Direct Consolidation Loans for which the application was received on or after February 1, 1999, have fixed interest rates that apply for the life of the loan. Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed before July 1, 2006, and Direct Consolidation Loans for which the application was received before February 1, 1999, have variable interest rates that are determined annually and are in effect during the period from July 1 of one year through June 30 of the following year.

This notice announces the fixed interest rates for Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans with first disbursement dates on or after July 1, 2025, and before July 1, 2026, and provides interest rate information for other fixed-rate Direct Loans. Interest rate information for variable-rate Direct Loans is announced in a separate **Federal Register** notice. Fixed-rate Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2013.

Section 455(b) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1087e(b)), includes formulas for determining the interest rates for all Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2013. The interest rate for these loans is a fixed rate that is determined annually for all loans first disbursed during any 12-month period beginning on July 1 and ending on June 30. The rate is equal to the high yield of the 10-year Treasury Notes auctioned at the final auction held before June 1 of that 12-month period, plus a statutory add-on percentage that varies depending on the loan type and, for Direct Unsubsidized Loans, whether the loan was made to an undergraduate or graduate student. The calculated interest rate may not exceed a maximum rate specified in the HEA. If the interest rate formula results in a rate that exceeds the statutory maximum rate, the rate is the statutory maximum rate. Loans first disbursed during different 12-month periods that begin on July 1 and end on June 30 may have different interest rates, but the rate determined for any loan is a fixed interest rate for the life of the loan.

On May 6, 2025, the United States Treasury Department held a 10-year Treasury Note auction that resulted in a high yield of 4.342 percent, rounded to 4.34 percent.

Chart 1 shows the fixed interest rates for Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2025, and before July 1, 2026.

CHART 1—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, AND DIRECT PLUS LOANS FIRST DISBURSED ON OR AFTER 07/01/2025 AND BEFORE 07/01/2026

Loan type	Borrower type	10-Year treasury note high yield 05/6/2025 (%)	Add-on (%)	Maximum rate (%)	Fixed interest rate (%)
Direct Subsidized Loans, Direct Unsubsidized Loans.	Undergraduate students	4.34	2.05	8.25	6.39
Direct Unsubsidized Loans [1]	Graduate and professional students	4.34	3.60	9.50	7.94
Direct PLUS Loans	Parents of dependent undergraduate students.	4.34	4.60	10.50	8.94
	Graduate and professional students				

[1] Graduate and professional students are not eligible to receive Direct Subsidized Loans.

For reference, Chart 2 compares the fixed interest rates for Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed during the period July 1, 2025, through June 30, 2026, with the fixed interest rates for loans first disbursed during each previous 12-month period from July 1, 2013, through June 30, 2025.

CHART 2—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, AND DIRECT PLUS LOANS FIRST DISBURSED ON OR AFTER 07/01/2013 AND BEFORE 07/01/2026

First disbursed		Fixed interest rates (%)			Federal Register notice
On/after	Before	Direct Subsidized Loans; Direct Unsubsidized Loans (undergraduate students)	Direct Unsubsidized Loans (graduate or professional students)	Direct PLUS Loans	
07/01/2025 ..	07/01/2026	6.39	7.94	8.94	N/A.
07/01/2024 ..	07/01/2025	6.53	8.08	9.08	89 FR 68878 (August 28, 2024).
07/01/2023 ..	07/01/2024	5.50	7.05	8.05	88 FR 82863 (November 27, 2023).
07/01/2022 ..	07/01/2023	4.99	6.54	7.54	87 FR 50326 (August 16, 2022).
07/01/2021 ..	07/01/2022	3.73	5.28	6.28	86 FR 44003 (August 11, 2021).
07/01/2020 ..	07/01/2021	2.75	4.30	5.30	85 FR 48229 (August 10, 2020).
07/01/2019 ..	07/01/2020	4.53	6.08	7.08	85 FR 2417 (January 15, 2020).
07/01/2018 ..	07/01/2019	5.05	6.60	7.60	83 FR 53864 (October 25, 2018).
07/01/2017 ..	07/01/2018	4.45	6.00	7.00	82 FR 29062 (June 27, 2017).
07/01/2016 ..	07/01/2017	3.76	5.31	6.31	81 FR 38159 (June 13, 2016).
07/01/2015 ..	07/01/2016	4.29	5.84	6.84	80 FR 42488 (July 17, 2015).
07/01/2014 ..	07/01/2015	4.66	6.21	7.21	79 FR 37301 (July 1, 2014).
07/01/2013 ..	07/01/2014	3.86	5.41	6.41	78 FR 59011 (September 25, 2013).

Fixed-Rate Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans First Disbursed on or After July 1, 2006, and Before July 1, 2013

Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2006, and before July 1, 2013, have fixed interest rates that are specified in section 455(b) of the HEA (20 U.S.C. 1087e(b)). Chart 3 shows the interest rates for these loans.

CHART 3—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, AND DIRECT PLUS LOANS FIRST DISBURSED ON OR AFTER 07/01/2006 AND BEFORE 07/01/2013

Loan type	Borrower type	First disbursed on/after	First disbursed before	Interest rate (%)
Subsidized	Undergraduate students	07/01/2011	07/01/2013	3.40
Subsidized	Undergraduate students	07/01/2010	07/01/2011	4.50
Subsidized	Undergraduate students	07/01/2009	07/01/2010	5.60
Subsidized	Undergraduate students	07/01/2008	07/01/2009	6.00
Subsidized	Undergraduate students	07/01/2006	07/01/2008	6.80
Subsidized	Graduate or professional students	07/01/2006	[2] 07/01/2012	6.80
Unsubsidized	Undergraduate and graduate or professional students	07/01/2006	07/01/2013	6.80
PLUS	Graduate or professional students and parents of dependent undergraduate students.	07/01/2006	07/01/2013	7.90

Fixed-Rate Direct Consolidation Loans

Section 455(b) of the HEA specifies that all Direct Consolidation Loans for which the application was received on or after February 1, 1999, have a fixed interest rate that is equal to the weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of one percent. For Direct Consolidation Loans for which the application was received on or after February 1, 1999, and before July 1, 2013, the interest rate may not exceed 8.25 percent. However, under section 455(b) of the HEA, the 8.25 percent interest rate cap does not apply to Direct Consolidation Loans made based on applications received on or after July 1, 2013. Chart 4 shows the interest rates for fixed-rate Direct Consolidation Loans.

CHART 4—DIRECT CONSOLIDATION LOANS MADE BASED ON APPLICATIONS RECEIVED ON OR AFTER 02/01/1999

Application received	Interest rate (%)	Maximum interest rate (%)
On/after 07/01/2013	Weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of one percent.	None
On/after 02/01/1999 and before 07/01/2013	(same as above)	8.25

[2] Effective for loan periods beginning on or after July 1, 2012, graduate and professional students are no longer eligible to receive Direct Subsidized Loans.

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Program Authority: 20 U.S.C. 1087a, *et seq.*

Richard Lucas,

Acting Chief Operating Officer, Federal Student Aid.

[FR Doc. 2026–04065 Filed 2–27–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–1141]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Assessment of Educational Progress (NAEP) 2027

AGENCY: National Center for Education Statistics (NCES), Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before April 1, 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 Matt Soldner, 202–453–7441.

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: National Assessment of Educational Progress (NAEP) 2027 Science Pilot 30-day Clearance Package.

OMB Control Number: 1850–0928.

Type of Review: Revision of a currently approved ICR.

Respondents/Affected Public: Individuals and Households; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 17,960.

Total Estimated Number of Annual Burden Hours: 10,625.

Abstract: The National Assessment of Educational Progress (NAEP) is a federally authorized survey of student achievement at grades 4, 8, and 12 in various subject areas, such as mathematics, reading, writing, science, U.S. history, and civics.

NAEP is conducted by the National Center for Education Statistics (NCES) in the Institute of Education Sciences of the U.S. Department of Education. NCES is responsible for designing and executing the assessment, including designing the assessment procedures and methodology, developing the assessment content, selecting the final assessment content, sampling schools and students, recruiting schools, administering the assessment, scoring student responses, determining the analysis procedures, analyzing the data, and reporting the results.

The National Assessment Governing Board (henceforth referred to as the Governing Board or NAGB), appointed by the Secretary of Education but independent of the Department, is a bipartisan group whose members include governors, state legislators, local and state school officials, educators, business representatives, and members of the general public. The Governing Board sets policy for NAEP and is responsible for developing the frameworks and test specifications that serve as the blueprint for the assessments.

NAEP consists of two assessment programs: the NAEP Long-term Trend (LTT) assessment and the main NAEP assessment. The LTT assessments are given at the national level only and are administered to students at ages 9, 13, and 17 in a manner that is very different from that used for the main NAEP assessments. LTT reports mathematics and reading results that present trend data since the 1970s. LTT does not provide scores for individual students or schools.

The main NAEP assessments report current achievement levels and trends in student achievement at grades 4, 8, and 12 for the nation and, for certain assessments (*e.g.,* reading and mathematics), states and select urban districts (*i.e.,* Trial Urban District Assessment, or TUDA). The main NAEP assessments provide results on subject-matter achievement, instructional experiences, and school environment for different student populations (*e.g.,* all fourth-graders) and groups within those populations (*e.g.,* sex [male and female students], race/ethnicity groups). NAEP does not provide scores for individual students or schools.

The NAEP assessments contain two different types of items: ''cognitive'' assessment items, which measure what students know and can do in an academic subject, and ''survey'' or ''non-cognitive'' items, which gather information such as demographic variables, as well as construct-related information, such as courses taken. The

survey portion includes a collection of data from students, teachers, and school administrators. Since NAEP assessments are administered uniformly using the same sets of test forms across the nation, NAEP results serve as a common metric for all states and select urban districts. The assessment stays essentially the same from year to year, with only carefully documented changes. This permits NAEP to provide a clear picture of student academic progress over time.

The possible universe of student respondents for NAEP 2027 is estimated to be 12,000 students at grade 8 attending the approximately 308 public and private schools in a variety of states and the District of Columbia and may include Bureau of Indian Education Schools.

This request is to conduct NAEP in 2027, specifically for the Grade 8 Science Pilot.

NAEP will administer the assessment using school devices and the internet. For schools that cannot meet the minimum specification for the use of school devices, NAEP will provide an alternate delivery model utilizing NAEP Chromebooks. NAEP has transitioned to primarily administer on school devices with a staged approach so that trends can be measured across time. NAEP conducted a School-based Equipment study in 2024 (OMB #1850–0803 v.347) as well as a Field Test in 2025 (OMB #1850–0803 v.353) to provide more information about student and school interactions with the eNAEP system on school devices, as compared to NAEP Chromebooks and Surface Pros, to inform the use of school devices at a larger scale in NAEP assessments beginning in 2026. Also, a 2026 bridge study will compare NAEP devices and school devices to evaluate whether scores from the two different assessment models are comparable. Note: in this study, some schools that qualify to be assessed on school devices will be assessed on NAEP devices, since the two different school types (*i.e.,* those qualified to assess on school devices, and those not qualified to assess on school devices) may have different characteristics. This will allow the study to establish a common linking population.

This submission is the 30-day component of the 2027 NAEP Clearance package, which follows the 60-day submission and public posting on the **Federal Register**. Final early communication materials and Assessment Management System (AMS) screens are available in this 30-day package, which will be used to notify the public of the upcoming assessment and prepare schools for the 2027 Science Pilot. This Clearance Package will have one amendment, which is planned to be submitted in July 2026, and which will replace any remaining drafted materials with final versions for the 2027 NAEP assessments.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–04094 Filed 2–27–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Annual Notice of Interest Rates for Variable-Rate Federal Student Loans Made Under the William D. Ford Federal Direct Loan Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Chief Operating Officer for Federal Student Aid announces the interest rates for Federal Direct Stafford/Ford Loans (Direct Subsidized Loans), Federal Direct Unsubsidized Stafford/Ford Loans (Direct Unsubsidized Loans), and Federal Direct PLUS Loans (Direct PLUS Loan), Assistance Listing Number 84.268, with first disbursement dates before July 1, 2006, and for Federal Direct Consolidation Loans (Direct Consolidation Loans) for which the application was received before February 1, 1999. The rates announced in this notice are in effect for the period July 1, 2025, through June 30, 2026.

FOR FURTHER INFORMATION CONTACT: Travis Sturlaugson, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: 202–377–4174 or by email: *travis.sturlaugson@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans, and Direct Consolidation Loans (collectively referred to as ''Direct Loans'') may have either fixed or variable interest rates, depending on when the loan was first disbursed or, in the case of a Direct Consolidation Loan, when the application for the loan was received. Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed before July 1, 2006, and Direct Consolidation Loans for which the application was received before February 1, 1999, have variable interest rates. For these loans, a new rate is determined annually and is in effect during the period from July 1 of one year through June 30 of the following year.

Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2006, and Direct Consolidation Loans for which the application was received on or after February 1, 1999, have fixed interest rates that apply for the life of the loan.

This notice announces the interest rates for variable-rate Direct Loans that will apply during the period from July 1, 2025, through June 30, 2026. Interest rate information for fixed-rate Direct Loans is announced in a separate notice published in the **Federal Register**.

Interest rates for variable-rate Direct Loans are determined in accordance with formulas specified in section 455(b) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1087e(b)). The formulas vary depending on loan type and when the loan was first disbursed or, for certain Direct Consolidation Loans, when the application for the loan was received. The HEA specifies a maximum interest rate for these loan types. If the interest rate formula results in a rate that exceeds the statutory maximum rate, the rate is the statutory maximum rate.

Variable-Rate Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans

For Direct Subsidized Loans and Direct Unsubsidized Loans with first disbursement dates before July 1, 2006, and for Direct PLUS Loans with first disbursement dates on or after July 1, 1998, and before July 1, 2006, the interest rate is equal to the lesser of—

(1) The bond equivalent rate of 91-day Treasury Bills auctioned at the final auction held before the June 1 immediately preceding the 12-month period to which the interest rate applies, plus a statutory add-on percentage; or

(2) 8.25 percent (for Direct Subsidized Loans and Direct Unsubsidized Loans) or 9.00 percent (for Direct PLUS Loans).

For Direct Subsidized Loans and Direct Unsubsidized Loans with first disbursement dates on or after July 1, 1995, and before July 1, 2006, the statutory add-on percentage varies depending on whether the loan is in an in-school, grace, or deferment status, or in any other status. For all other loans, the statutory add-on percentage is the same during any status.

The bond equivalent rate of 91-day Treasury Bills auctioned on May 27, 2025, is 4.36 percent.

For Direct PLUS Loans with first disbursement dates before July 1, 1998,

the interest rate is equal to the lesser of—

(1) The weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before the June 26 preceding the 12-month period to which the interest rate applies, plus a statutory add-on percentage; or

(2) 9.00 percent.

The weekly average of the one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 26, 2025, is 4.09 percent.

Variable-Rate Direct Consolidation Loans

A Direct Consolidation Loan may have up to three components, depending on the types of loans that were repaid by the consolidation loan and when the application for the consolidation loan was received. The three components are called Direct Subsidized Consolidation Loans, Direct Unsubsidized Consolidation Loans, and (only for Direct Consolidation Loans made based on applications received before July 1, 2006) Direct PLUS Consolidation Loans. In most cases the interest rates for variable-rate Direct Subsidized Consolidation Loans, Direct Unsubsidized Consolidation Loans, and Direct PLUS Consolidation Loans are determined in accordance with the same formulas that apply to Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans, respectively.

Interest Rate Charts

Charts 1 and 2 show the interest rate formulas used to determine the interest rates for all variable-rate Direct Loans and the rates that are in effect during the 12-month period from July 1, 2025, through June 30, 2026.

Chart 1 shows the interest rates for loans with rates based on the 91-day Treasury Bill rate. Chart 2 shows the interest rates for loans with rates based on the weekly average of the one-year constant maturity Treasury yield.

CHART 1—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, DIRECT SUBSIDIZED CONSOLIDATION LOANS, DIRECT UNSUBSIDIZED CONSOLIDATION LOANS, DIRECT PLUS LOANS, AND DIRECT PLUS CONSOLIDATION LOANS

[Interest rates based on 91-day Treasury Bill]

Loan type	Cohort	91-day T-Bill rate 05/27/25 (%)	Add-on (%)		Maximum rate (%)	Interest rate 07/01/25 through 06/30/26 (%)	
Subsidized, Unsubsidized.	First disbursed on/after 07/01/98 and before 07/01/06.	4.36	1.70 (in-school, grace, deferment).	2.30 (any other status).	8.25	6.06 (in-school, grace, deferment).	6.66 (any other status).
Subsidized Consolidation, Unsubsidized Consolidation.	First disbursed on/after 07/01/98 and before 10/01/98; or Application received before 10/01/98 and first disbursed on/after 10/01/98.						
PLUS	First disbursed on/after 07/01/98 and before 07/01/06.	4.36	3.10		9.00	7.46	
PLUS Consolidation	First disbursed on/after 07/01/1998 and before 10/01/1998; or Application received before 10/01/98 and first disbursed on/after 10/01/98.						
Subsidized, Unsubsidized, Subsidized Consolidation, Unsubsidized Consolidation.	First disbursed on/after 07/01/95 and before 07/01/98.	3.36	2.50 (in-school, grace, deferment).	3.10 (any other status).	8.25	5.86 (in-school, grace, deferment).	6.46 (any other status).
Subsidized, Unsubsidized, Subsidized Consolidation, Unsubsidized Consolidation.	First disbursed before 07/01/95.	3.36	3.10		8.25	6.46	
Subsidized Consolidation, Unsubsidized Consolidation, PLUS Consolidation.	Application received on/after 10/01/98 and before 02/01/99.	3.36	2.30		8.25	5.66	

CHART 2—DIRECT PLUS LOANS AND DIRECT PLUS CONSOLIDATION LOANS

[Interest rates based on weekly average of one-year constant maturity Treasury yield]

Loan type	Cohort	Weekly average of 1-year constant maturity treasury yield for last calendar week ending on or before 06/26/24 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/24 through 06/30/25 (%)
PLUS, PLUS Consolidation	First disbursed before 07/01/98	4.09	3.10	9.00	8.20

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1087a *et seq.*

Richard Lucas,

Acting Chief Operating Officer Federal Student Aid.

[FR Doc. 2026–04078 Filed 2–27–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–1207]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Accrediting Agencies Reporting Activities for Institutions and Programs—Database of Accredited Postsecondary Institution and Programs (DAPIP)

AGENCY: Office of Postsecondary Education (OPE), 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 1, 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 Amy Wilson, (202) 987–1318.

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: Accrediting Agencies Reporting Activities for Institutions and Programs—Database of Accredited Postsecondary Institution and Programs (DAPIP).

OMB Control Number: 1840–0838.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 7,499.

Total Estimated Number of Annual Burden Hours: 625.

Abstract: Sections 496(a)(7) (a)(8) (c)(7) and (c)(8) of the Higher Education Act (HEA) and federal regulations at 34 CFR 34 CFR 602.26 and 602.27 contain certain requirements for reporting by recognized accrediting agencies to the Department on the institutions and programs the agencies accredit. This collection specifies the required and requested reporting. It also discusses the channel for reporting this information and reporting information the accrediting agency may wish to submit voluntarily to ensure that the Department's Database of Accredited Postsecondary Institutions and

Programs is accurate and comprehensive.

Brian Fu,

Program and Management Analyst, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–04024 Filed 2–27–26; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13238–01–OAR]

Allocations of Cross-State Air Pollution Rule Allowances From New Unit Set-Asides for 2025 Control Periods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice of the availability of data on emission allowance allocations to certain units under the Cross-State Air Pollution Rule (CSAPR) trading programs. The EPA has completed preliminary calculations for the allocations of allowances from the new unit set-asides (NUSAs) for the 2025 control periods and posted spreadsheets with these calculations on the Agency's website. The EPA will consider timely objections to the preliminary calculations—including objections regarding the identification of units eligible for allocations—before determining the final allocation amounts.

DATES: Submit objections to the information referenced in this notice concerning NUSA allocations on or before April 1, 2026.

ADDRESSES: Submit your objections via email to *CSAPR@epa.gov.* Include ''2025 NUSA Allocations'' in the email subject line and include your name, title, affiliation, address, phone number, and email address in the body of the email.

FOR FURTHER INFORMATION CONTACT: For information about this notice, contact Morgan Riedel at (202) 564–0421 or *riedel.morgan@epa.gov.*

SUPPLEMENTARY INFORMATION: *Preamble acronyms and abbreviations.* Throughout this document the use of ''we,'' ''us,'' or ''our'' refers to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CFR Code of Federal Regulation
CSAPR Cross-State Air Pollution Rule
EPA Environmental Protection Agency
FR Federal Register
NO_X nitrogen oxides
NUSA new unit set-asides
SO_2 sulfur dioxide

Background and Rationale. When the EPA is responsible for determining emission allowance allocations in a CSAPR trading program, a NUSA reserves a portion of each state's emissions budget, during each control period of the program, for allocation to certain units that would not otherwise receive allowance allocations. In addition, under most of the trading programs, there is a separate Indian country NUSA for states containing Indian country within their borders. The CSAPR trading program regulations set forth procedures for identifying eligible units during each control period and for allocating allowances from the NUSAs and Indian country NUSAs to these units.[1] [2] Each NUSA allowance allocation process involves allocations to eligible units, termed ''new'' units, followed by allocations to ''existing'' units of any remaining allowances.

This notice concerns the EPA's preliminary calculations for the NUSA allowance allocations for the 2025 control periods. Generally, under the allocation procedures, each eligible new unit receives a 2025 NUSA allocation equal to its 2025 control period emissions as reported under 40 CFR part 75. If the total of such allocations to all such eligible units exceeds the amount of allowances in the NUSA, the EPA reduces the allocations on a pro-rata basis. The EPA does not consider a unit's emissions that occur before its monitor certification deadline as occurring during a control period and thus does not include these emissions for determining NUSA allocations.[3] After allocating allowances to eligible new units, the EPA allocates any remaining allowances to the state's existing units in proportion to those units' previous allocations from the portion of the state's emissions budget for the control period that was not reserved in a NUSA (or Indian country NUSA).

The EPA sets forth detailed, unit-by-unit data and preliminary allowance allocation calculations for new units in Excel spreadsheets titled ''CSAPR_NUSA_2025_NOx_Annual_Prelim_Data_New_Units,'' ''CSAPR_NUSA_2025_NOx_OS_Prelim_Data_New_Units,'' and ''CSAPR_NUSA_2025_SO2_Prelim_Data_New_Units,'' which are available online at *https://www.epa.gov/csapr/csapr-allowance-allocations#nusa.* Each spreadsheet contains a separate worksheet for every state covered by that program and shows, for each unit identified as eligible for a NUSA allocation, (1) the unit's emissions in the 2025 control period (annual or ozone season, as applicable), (2) the maximum 2025 NUSA allowance allocation for the unit (typically the unit's emissions in the 2025 control period), (3) various adjustments to the unit's maximum allocation if the NUSA pool is oversubscribed, and (4) the preliminary calculation of the unit's 2025 NUSA allowance allocation.

Each state worksheet for new units also contains a summary showing (1) the quantity of allowances initially available in that state's 2025 NUSA, (2) the sum of the 2025 NUSA allowance allocations to new units in that state, assuming that there are no corrections to the data, and (3) the quantity of allowances that would remain in the 2025 NUSA for allocation to existing units, assuming that there are no corrections to the data.

The EPA sets forth preliminary calculations of allocations of the remaining unallocated allowances to existing units in Excel spreadsheets titled ''CSAPR_NUSA_2025_NOx_Annual_Prelim_Data_Existing_Units,'' ''CSAPR_NUSA_2025_NOx_OS_Prelim_Data_Existing_Units,'' and ''CSAPR_NUSA_2025_SO2_Prelim_Data_Existing_Units,'' which are available at the same online location.

Objections should be strictly limited to the data and calculations upon which the EPA has based the NUSA allowance allocations and sent via email to the address identified in the **ADDRESSES** section of this preamble. Objections must include: (1) precise identification of the specific data and/or calculations the commenter believes are inaccurate, (2) new proposed data and/or calculations upon which the commenter believes the EPA should rely instead to

[1] *See* 40 CFR 97.411(b) and 97.412 (Nitrogen Oxide (NO_X) Annual), 97.511(b) and 97.512 (NO_X Ozone Season Group 1), 97.611(b) and 97.612 (Sulfur Dioxide (SO_2) Group 1), 97.711(b) and 97.712 (SO_2 Group 2), and 97.811(b) and 97.812 (NO_X Ozone Season Group 2, including units using Original Group 2 allowances and units using Expanded Group 2 allowances).

[2] The EPA has no current plans to determine NUSA allowance allocations for the 2025 control period under the CSAPR NO_X Ozone Season Group 3 Trading Program regulations at 40 CFR 97.1012. In response to judicial stay orders, the EPA has administratively stayed the implementation of that program for all sources for the 2024 control period. This program implementation will remain stayed for future control periods unless and until provided otherwise in a future rulemaking. *See* 88 **Federal Register** (FR) 49295 (July 31, 2023); 88 FR 67102 (September 29, 2023); 89 FR 87960 (November 6, 2024).

[3] *See* 40 CFR 97.406(c)(3), 97.506(c)(3), 97.606(c)(3), 97.706(c)(3), and 97.806(c)(3).

determine allowance allocations, and (3) the reasons why the Agency should rely on the commenter's proposed data and/or calculations and not the data referenced in this notice.

The EPA notes that an allocated allowance, or lack thereof, to a given unit under a CSAPR trading program does not constitute a determination that the trading program does or does not apply to the unit. The EPA also notes that, under 40 CFR 97.411(c), 97.511(c), 97.611(c), 97.711(c), and 97.811(c), allocations are subject to potential correction if a unit with allocated allowances for a given control period is not an affected unit as of the start of that control period.

Authority: 40 CFR 97.411(b), 97.511(b), 97.611(b), 97.711(b), and 97.811(b).

David Cozzie,

Acting Director, Industrial Processing and Power Division, Office of Clean Air Programs, Office of Air and Radiation.

[FR Doc. 2026–04125 Filed 2–27–26; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10 a.m., Thursday, March 12, 2026.

PLACE: You may observe this meeting in person at 1501 Farm Credit Drive, McLean, Virginia 22102–5090, or virtually. If you would like to observe, at least 24 hours in advance, visit *FCA.gov,* select ''Newsroom,'' then select ''Events.'' From there, access the linked ''Instructions for board meeting visitors'' and complete the described registration process.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The following matters will be considered:

- Approval of February 12, 2026, Minutes
- Report on Land Values
- Notice of Proposed Rulemaking—Assessment and Apportionment of Administrative Expenses

CONTACT PERSON FOR MORE INFORMATION: If you need more information or assistance for accessibility reasons, or have questions, contact Ashley Waldron, Secretary to the Board. Telephone: 703–883–4009. TTY: 703–883–4056.

Ashley Waldron,

Secretary to the Board.

[FR Doc. 2026–04067 Filed 2–26–26; 11:15 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 332683]

Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

DATES: The agency must receive comments on or before May 1, 2026.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, 202–418–2054, *Rolanda-Faye.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Media Bureau shall provide notice in the **Federal Register** that an application to modify an AM or FM station's community of license has been filed. *See* 71 FR 76208, 76211 (published December 20, 2006). The following applicants filed AM or FM proposals to change the community of license: J. HANSON COMPANY, INC., WZON(AM), FAC ID NO. 66674, FROM: BANGOR, ME, TO: NORRIDGEWOCK, ME, FILE NO. 0000282380; MARION R. WILLIAMS, WAKE(AM), FAC ID NO. 53057, FROM: VALPARAISO, IN, TO: HOBART, IN, FILE NO. 0000286783; MUD RADIO LLC, WFAD(AM), FAC ID NO. 53612, FROM: MIDDLEBURY, VT, TO: BRIDPORT, VT, FILE NO. 0000289332; Q–BROADCASTING CORPORATION, WLBE(AM), FAC ID NO. 73202, FROM: LEESBURG–EUSTIS, FL, TO: GENEVA, FL, FILE NO. 0000289377; GLORY COMMUNICATIONS, INC., WLCZ(FM), FAC ID NO. 171006, FROM: LINCOLNTON, GA, TO: APPLING, GA, FILE NO. 0000285777; RADIO ONE OF NORTH CAROLINA, LLC, WLNK–FM, FAC ID NO. 52553, FROM: INDIAN TRAIL, NC, TO: WEDDINGTON, NC, FILE NO. 0000288139; XAVIER ENTERTAINMENT, LLC, KXAV(FM), FAC ID NO. 171012, FROM: HEBBRONVILLE, TX, TO: BRUNI, TX, FILE NO. 0000289176; AND GTR LICENSES, LLC, WMSU(FM), FAC ID NO. 10349, FROM: STARKVILLE, MS, TO: ARTESIA, MS, FILE NO. 0000289797. The full text of these applications is available electronically via Licensing and Management System (LMS), *https://apps2int.fcc.gov/dataentry/public/tv/publicAppSearch.html.*

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2026–04114 Filed 2–27–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0056; OMB 3060–0823; 3060–1151; FR ID 332528]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before April 1, 2026.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0056.

Title: Part 68, Connection of Terminal Equipment to the Telephone Network.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 41,403 respondents; 44,423 responses.

Estimated Time per Response: 0.25 hours–40 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement, and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in *47 U.S.C. 151–154, 201–205* and *303(r).*

Total Annual Burden: 12,869 hours.

Total Annual Cost: $508,250.

Needs and Uses: The purpose of *47 CFR part 68* is to protect the telephone network from certain types of harm and prevent interference to subscribers. To (1) demonstrate that terminal equipment complies with criteria for protecting the network and (2) ensure that consumers, providers of telecommunications, the Commission and others are able to trace products to the party responsible for ensuring compliance with these criteria; it is essential to require manufacturers or other responsible parties to provide the information required by Part 68. In addition, incumbent local exchange carriers must provide the information in Part 68 to warn their subscribers of impending disconnection of service when subscriber terminal equipment is causing telephone network harm, and to inform subscribers of a change in network facilities that requires modification or alteration of subscribers' terminal equipment.

OMB Control Number: 3060–0823.

Title: Part 64, Pay Telephone Reclassification.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 400 respondents; 16,820 responses.

Estimated Time per Response: 2.66 hours (average).

Frequency of Response: On occasion, quarterly and monthly reporting requirements and third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in *47 U.S.C. 151, 154,* 201–205, 218, 226 and 276.

Total Annual Burden: 44,700 hours.

Total Annual Cost: $832,000.

Needs and Uses: The Commission established a plan to ensure that payphone service providers (PSPs) were compensated for certain non-coin calls originated from their payphones. As part of this plan, the Commission required that by October 7, 1997, local exchange carriers were to provide payphone-specific coding digits to PSPs, and that PSPs were to provide those digits from their payphones to interexchange carriers. The provision of payphone-specific coding digits was a prerequisite to payphone per-call compensation payments by IXCs to PSPs for subscriber 800 and access code calls. The Commission's Wireline Competition Bureau subsequently provided a waiver until March 9, 1998, for those payphones for which the necessary coding digits were not provided to identify calls. The Bureau also on that date clarified the requirements established in the Payphone Orders for the provision of payphone-specific coding digits and for tariffs that LECs must file pursuant to the Payphone Orders.

OMB Control Number: 3060–1151.

Title: Sections 1.1411, 1.1412, 1.1415, and 1.1416 Pole Attachment Access and Dispute Resolution Requirements.

Form Number: FCC Form 5653.

Type of Review: Revision of a currently-approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 1,359 respondents; 185,584 responses.

Estimated Time per Response: 0.25–5 hours.

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

Obligation to Respond: Mandatory or required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 224.

Total Annual Burden: 146,264 hours.

Total Annual Cost: $1,800.

Needs and Uses: The Commission is requesting Office of Management and Budget (OMB) approval for a revision to a currently approved information collection. In *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment,* WC Docket No. 17–84, Fifth Report and Order, FCC 25–38 (rel. July 25, 2025) (Order), the Commission adopted rules that implement the pole attachment requirements in section 224 of the Communications Act of 1934, as amended. The Order substantially revised 47 CFR 1.1411 and 47 CFR 1.1412.

Section 1.1411. In the Order, the Commission adopted regulations requiring (1) greater collaboration and cooperation between utilities and attachers, (2) a timeline for large pole attachment requests, (3) improvements to the pole attachment timeline, and (4) improvements to the contractor approval process. The Commission adopted these requirements to help improve the attachment process and potentially reduce disputes, thus facilitating broadband deployment.

Specifically, the Order requires (1) attachers to provide written notice to utilities of forthcoming pole attachment orders for orders exceeding 300 poles or 0.5 percent of the utility's poles in a state up to the lesser of 3,000 poles or 5 percent of a utility's poles in the state associated with a single network deployment and for orders exceeding the lesser of 3,000 poles or 5 percent of a utility's poles in the state up to the lesser of 6,000 poles or ten percent of a utility's poles in a state; (2) that an attacher that fails to provide timely advance notice of such orders must, upon prompt notice from the utility, still wait the relevant advance notice period before the applicable timeline begins; (3) a meet-and-confer following the requisite advance notice for orders exceeding the lesser of 3,000 poles or five percent of a utility's poles in a state up to the lesser of 6,000 poles or ten percent of a utility's poles in a state; and (4) a new set of timelines for utilities to complete each pole access phase for large orders.

The Commission further revised its pole attachment timelines as follows: (1) require utilities to notify attachers within 15 days of receiving a complete application if they know or reasonably should know that they cannot meet the survey deadline, and require utilities to notify attachers within 15 days of payment of the estimate, and existing attachers to notify utilities and new attachers within 15 days of receiving notice from the utility, if they know or reasonably should know that they cannot meet the make-ready deadline; (2) add a self-help remedy for make-ready estimates, provided certain safeguards are met; and (3) prohibit utility-imposed limits on application size and frequency that have the effect of restricting the number of pole attachments attachers may seek in a given timeframe.

Section 1.1412. In the Order, the Commission adopted improvements to the contractor approval process by requiring utilities to respond to a request to add contractors to a utility-approved list within 30 days of receiving the request.

Federal Communications Commission.

Marlene Dortch,

Secretary. Office of the Secretary.

[FR Doc. 2026–04108 Filed 2–27–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0072]

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 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the revision of the existing information collection described below (OMB Control No. 3064–0072).

DATES: Comments must be submitted on or before May 1, 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 Counsel, 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.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

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:* Acquisition Services Information Requirements

OMB Number: 3064–0072

Form Number: 1600/04; 1600/07; 3700/04A; 3700/12; 3700/44; 3700/57

Affected Public: Private sector, business and other for-profit entities.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN (OMB NO. 3064–0072)

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. Request for Proposal and Request for Quotation—Solicitation/Award (Form 3700/55) (Required to Obtain or Retain Benefits).	Reporting (On Occasion) ...	634	1	10:36	6,720
2. Request for Information (Voluntary)	Reporting (On Occasion) ...	104	1	55:24	5,762
3. Background Investigation Questionnaire for Contractor Personnel and Subcontractors (Form 1600/04), 12 CFR 366 (Required to Obtain or Retain Benefits).	Reporting (On Occasion) ...	581	1	00:20	194
4. Background Investigation Questionnaire for Contractors (Form 1600/07), 12 CFR 366 (Required to Obtain or Retain Benefits).	Reporting (On Occasion) ...	223	1	00:30	112
5. Leasing Representations and Certifications (Form 3700/44), 12 CFR 366 (Required to Obtain or Retain Benefits).	Reporting (On Occasion) ...	40	1	01:00	40
6. Past Performance Questionnaire (Form 3700/57) (Required to Obtain or Retain Benefits).	Reporting (On Occasion) ...	474	1	00:45	356
7. Contractor Representations and Certifications (Form 3700/04A) (Required to Obtain or Retain Benefits).	Reporting (On Occasion) ...	1	1	00:35	1
8. Integrity and Fitness Representations and Certifications (Form 3700/12) (Required to Obtain or Retain Benefits).	Reporting (On Occasion) ...	1	1	00:20	0
9. Prize Competitions—Application (Required to Obtain or Retain Benefits).	Reporting (On Occasion) ...	1	1	01:00	1

SUMMARY OF ESTIMATED ANNUAL BURDEN (OMB NO. 3064–0072)—Continued

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
10. Prize Competitions—Proposal (Required to Obtain or Retain Benefits).	Reporting (On Occasion) ...	1	1	60:00	60
11. Innovation Pilot Programs—Application (Required to Obtain or Retain Benefits).	Reporting (On Occasion) ...	1	1	20:00	20
12. Innovation Pilot Programs—Proposal (Required to Obtain or Retain Benefits).	Reporting (On Occasion) ...	1	1	60:00	60
Total Annual Burden (Hours)	.....	.....	.....	.....	13,326

Source: FDIC.

General Description of Collection: This information collection involves the submission of various forms by (1) contractors who wish to do business with the FDIC or are currently under contract with the FDIC, (2) those vendors and parties participating in innovation pilot programs and prize competitions with the possibility of being awarded a contract, and (3) government agencies or commercial businesses that provide FDIC with past performance information. The Federal Deposit Insurance Act (the Act) (12 U.S.C. 1819) empowers the FDIC to enter into contracts using private sector contractors to provide goods or services. The Act also provides that the FDIC may promulgate policies and procedures to administer the powers granted to it, including the power to enter into contracts. Pursuant to such policies, the Acquisition and Corporate Services Branch of the FDIC's Division of Administration has developed forms and clauses to facilitate the procurement of goods and services from private sector contractors. The information collected through these forms and clauses falls under the definition of collection of information under the Paperwork Reduction Act of 1995 (PRA). The FDIC is revising Form 7400/04A by removing certain language and questions in the form to comply with Executive Order 14151. The decreased burden is due to the removal of Questions 3, 4, and 7.

Request for Comment

Comments are invited on: (a) whether the collections of information are 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 collections, 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 collections 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 February 26, 2026.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2026–04099 Filed 2–27–26; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than April 1, 2026.

A. Federal Reserve Bank of Minneapolis (Mark Nagle, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to *MA@mpls.frb.org:*

1.*Olmsted Holding Corporation, Rochester, Minnesota;* to merge with Riverland Bancorporation, and thereby indirectly acquire Riverland Bank, both of Jordan, Minnesota.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–04097 Filed 2–27–26; 8:45 am]

BILLING CODE;P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Savings and Loan Holding Company

The notificants listed below have applied under the Change in Bank Control Act (''Act'') (12 U.S.C. 1817(j)) and of the Board's Regulation LL (12 CFR 238.31) to acquire shares of a savings and loan holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as

other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than March 17, 2026.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *George R. Rouse Trust, George R. Rouse, as trustee, and Brittany A. Rouse, all of Champaign, Illinois;* to join the Rouse Family Control Group, a group acting in concert, to acquire voting shares of Great American Bancorp, Inc., and thereby indirectly acquire voting shares of First Federal Savings Bank of Champaign-Urbana, both of Champaign, Illinois.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–04096 Filed 2–27–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–855I]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *April 1, 2026.*

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Enrollment Application for Physician and Non-Physician Practitioners; *Use:* The Social Security Act (Act) requires providers and suppliers to furnish information concerning the amounts due and the identification of individuals or entities that furnish medical services to beneficiaries before allowing payment. The primary function of the CMS–855I Medicare enrollment application for physicians and non-physician practitioners is to gather information from an individual provider or supplier that tells us who he/she is, whether he/she meets certain qualifications to be a Medicare health care provider or supplier, where he/she practices or renders services, and other information necessary to establish correct claims payments.

The collection and verification of this information is the first line defense to defend and protect our beneficiaries from illegitimate physicians, non-physician practitioners, and other eligible professionals and to protect the Medicare Trust Fund against fraud. It gathers information that allow Medicare contractors to ensure only legitimate physicians, non-physician practitioners, and other eligible professionals enroll in the Medicare program, and are not sanctioned from the Medicare and/or Medicaid program(s), or debarred, or excluded from any other Federal agency or program. This is the sole instrument

implemented for this purpose. *Form Number:* CMS–855I (OMB control number 0938–1355); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments, Private Sector (not-for-profit institutions); *Number of Respondents:* 813,975; *Number of Responses:* 813,975; *Total Annual Hours:* 1,364,716. (For policy questions regarding this collection contact Frank Whelan at 410–786–1302).

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–04133 Filed 2–27–26; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10287]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by April 1, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment.

1. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Medicare Quality of Care Complaint Form; *Use:* This is a reinstatement with changes. Since 1986, Quality Improvement Organizations (QIO) have been responsible for conducting appropriate reviews of written complaints submitted by beneficiaries about the quality of care they have received. In order to receive these written complaints, each QIO has developed its own unique form on which beneficiaries can submit their complaints. CMS has initiated several efforts aimed at increasing the standardization of all QIO activities, and the development of a single, standardized Medicare Quality of Care Complaint Form beneficiaries can use to submit complaints is a key step towards attaining this increased standardization. The form was updated to remove lengthy instructions, provide clarification and ensure demographic data collection aligns with statistical Policy Directive 15. *Form Number:* CMS–10287 (OMB control number: 0938–1102); *Frequency:* Occasionally; *Affected Public:* Individuals and Households; *Number of Respondents:* 3,369; *Total Annual Responses:* 3,369; *Total Annual Hours:* 562. (For policy questions regarding this collection contact Kellie Leveille at 929–548–5297.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–04004 Filed 2–27–26; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Amended Notice of Meeting; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Council for Biomedical Imaging and Bioengineering, March 19, 2026, 12:00 p.m. to March 16, 2026, 03:00 p.m., National Institutes of Health, DEM II, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20817 which was published in the **Federal Register** on December 22, 2026, 90 FR 59849.

This notice is being amended to change the meeting contact person from Dr. Anna Taylor to Dr. Thomas Cheever. The meeting is changing from March 19, 2026, 12:00 p.m. to 3:00 p.m., to March 16, 2026, from 3:00 p.m. to 5:00 p.m. The meeting is closed to the public.

Dated: February 26, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–04107 Filed 2–27–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training and Career Development: Hepatology, Toxicology, and Xenobiotic Metabolism and Disposition.

Date: April 1, 2026.

Time: 2:00 p.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: Charlene J. Repique, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., RK2 Rm. 722–K, Bethesda, MD 20892–5452, (301) 594–8858, *charlene.repique@nih.gov*.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Hepatobiliary Pathophysiology Study Section.

Date: April 2–3, 2026.

Time: 9:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, Bethesda, MD 20892, 301–827–4417, *jianxinh@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Maximizing Investigators' Research Award (R35).

Date: April 2–3, 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: Megan L. Goodall, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–8334, *megan.goodall@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mechanisms of Cancer Therapeutics Special Emphasis Panel.

Date: April 2, 2026;

Time: 11:00 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: Bruce Daniel Hissong, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Rm. 806E, Bethesda, MD 20892, (240) 276–7752, *bruce.hissong@nih.gov*.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Tissue Engineering Study Section.

Date: April 3, 2026.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Thomas Zeyda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–6921, *thomas.zeyda@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Research Career Development.

Date: April 3, 2026.

Time: 9:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Byeong-Chel Lee, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, (301) 435–0000 *byeong-chel.lee@nih.gov*.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Pathobiology of Kidney Disease Study Section.

Date: April 6–7, 2026.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov*.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Science of Implementation in Health and Healthcare Study Section.

Date: April 7, 2026.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Lauren Penney, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–1968, *penneyls@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Clinical Data Management, Analysis, Informatics and Digital Health C.

Date: April 7, 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: Ivan K. Navarro, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–2061, *ivan.navarro@nih.gov*.

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; Mechanisms of Autoimmunity Study Section.

Date: April 7–8, 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: Maria Chiara G. Monaco-Kushner, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 555–1212, *monaco@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; NIAID New Innovators Awards (DP2 Clinical Trial Not Allowed).

Date: April 8, 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: Anuja Mathew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 761–6911, *anuja.mathew@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 25, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

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BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine and Oral Fluid Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) provides notice of the laboratories and Instrumented Initial Testing Facilities (IITFs) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and the laboratories currently certified to meet the standards of the Mandatory Guidelines using Oral Fluid.

FOR FURTHER INFORMATION CONTACT: Anastasia Flanagan, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N06B, Rockville, Maryland 20857; 240–276–2600 (voice); *Anastasia.Flanagan@samhsa.hhs.gov* (email).

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) publishes a notice listing all HHS-certified laboratories and Instrumented Initial Testing Facilities (IITFs) in the **Federal Register** monthly, in accordance with Section 9.19 of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and Section 9.17 of the Mandatory Guidelines using Oral Fluid. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the internet at *https://www.samhsa.gov/workplace/drug-testing-resources/certified-lab-list.*

The Mandatory Guidelines using Urine were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); April 30, 2010 (75 FR 22809); January 23, 2017 (82 FR 7920); and on October 12, 2023 (88 FR 70768).

The Mandatory Guidelines using Oral Fluid were first published in the **Federal Register** on October 25, 2019 (84 FR 57554) with an effective date of January 1, 2020, and subsequently revised in the **Federal Register** on October 12, 2023 (88 FR 70814).

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71 and allowed urine drug testing only. The Mandatory Guidelines using Urine have since been revised, and new Mandatory Guidelines allowing for oral fluid drug testing have been published. The Mandatory Guidelines require strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on specimens for Federal agencies. HHS does not allow IITFs to conduct oral fluid testing.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines using Urine and/or Oral Fluid. An HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that the test facility has met minimum standards.

HHS-Certified Laboratories Approved To Conduct Oral Fluid Drug Testing

In accordance with the Mandatory Guidelines using Oral Fluid effective October 10, 2023 (88 FR 70814), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on oral fluid specimens:

At this time, there are no laboratories certified to conduct drug and specimen validity tests on oral fluid specimens.

HHS-Certified Instrumented Initial Testing Facilities Approved to Conduct Urine Drug Testing:

In accordance with the Mandatory Guidelines using Urine effective February 1, 2024 (88 FR 70768), the following HHS-certified IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Dynacare, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780–784–1190 (Formerly: Gamma-Dynacare Medical Laboratories)

Note: *DOT does not allow IITFs to test DOT-regulated specimens.*

HHS-Certified Laboratories Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine effective February 1, 2024 (88 FR 70768), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823 (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917

Desert Tox, LLC, 5425 E Bell Rd, Suite 125, Scottsdale, AZ, 85254, 602–457–5411/623–748–5045

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890

Dynacare, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630, (Formerly: Gamma-Dynacare Medical Laboratories)

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

Laboratory Corporation of America Holdings, 7207 N Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986, (Formerly: Roche Biomedical Laboratories, Inc.)
Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)
Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)
MedTox Laboratories, Inc., 402 W County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244
Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088, Testing for Veterans Affairs (VA) Employees Only
Omega Laboratories, Inc., 2150 Dunwin Drive, Unit 1 & 2, Mississauga, ON, Canada L5L 5M8, 289–919–3188
Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory)
Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840
US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085, Testing for Department of Defense (DoD) Employees Only

Anastasia D. Flanagan,

Public Health Advisor, Division of Workplace Programs.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, email the SAMHSA Reports Clearance Officer at *alicia.broadus@samhsa.hhs.gov.*

Comments are invited on: (a) whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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 collection techniques or other forms of information technology.

Proposed Project: Programs To Reduce Underage Drinking—(OMB No. 0930–0316)—Revision

The Sober Truth on Preventing Underage Drinking Act (STOP Act) was passed by Congress in 2006, reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114–255) and the Consolidated Appropriations Act, 2023 (Pub. L. 117–328), and codified into law in 42 U.S.C. 290bb–25b: Programs to reduce underage drinking. The STOP Act contains four primary elements:

1. The award of community-based coalition enhancement grants for underage drinking prevention activities to eligible entities currently receiving funds under the Drug-Free Communities Act of 1997.

2. A national adult-oriented media public service campaign to prevent underage drinking, ''Talk. They Hear You.'', and an annual report to Congress evaluating the campaign.

3. An annual report to Congress summarizing federal prevention activities and the extent of progress in reducing underage drinking nationally, including data from national surveys conducted by federal agencies.

4. An annual report to Congress ''on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.'' The survey that is the subject of this request gathers data used to develop the state-by-state report on prevention and enforcement activities related to underage drinking.

Driven by the legislation and coordinated by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), each of these activities work together to prevent and reduce underage drinking. ICCPUD provides national leadership in federal policy and programming to support state and community activities that prevent and reduce underage drinking. The data collection activities described in this package serve to assess the outputs and outcomes of public health messaging and interventions. The data collection activities outlined in this package are:

1. *Survey of State Underage Drinking Prevention Policies, Programs, and Practices:* An annual survey mandated by the STOP Act legislation sent to an individual designated by the governor of all 50 states and the mayor of the District of Columbia;

2. *Policy Academy Evaluations:* An assessment of participant capacity and workforce development through ICCPUD's Alcohol Policy Academy and SAMHSA's State and Community Policy Academy;

3. ''*Parents' Night Out*'' *Evaluation:* Tools for distribution of materials and evaluation of presenters and participants, including a solicitation of feedback from presenters, an assessment of changes in knowledge, skills, and confidence of parents and caregivers after receiving the training and materials for ''Parents' Night Out'' and ''Talk. They Hear You.'' products, as well as Focus Groups with Parents and Campaign Partners;

4. ''*Talk. They Hear You.*'' *Mobile App Surveys:* A parent and caregiver survey and an app satisfaction survey. The parent survey will allow parents to provide their insight on campaign materials, general demographic information, and details on their conversations with youth regarding underage drinking and substance use. The satisfaction survey will assess perceptions of the app function and content to inform future ''Talk. They Hear You.'' campaign refinement.

5. ''*Talk. They Hear You.*'' *Community Partner Surveys:* A newsletter survey, a license survey, a feedback survey, and a product design request survey. Each tool will be used to engage partners, disseminate materials, provide technical assistance, and receive feedback.

6. *Screen4Success:* A pre-screener, screener, and consent/assent survey on the Screen4Success website. The tool is designed to screen for health, wellness, and well-being concerns and connect participants to resources in their area.

Survey of State Underage Drinking Prevention Policies, Programs, and Practices

The STOP Act states that the ''Secretary [of Health and Human Services] shall . . . annually issue a report on each state's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.'' The Secretary has delegated responsibility for this report to SAMHSA. Therefore, SAMHSA has developed a Survey of State Underage Drinking Prevention Policies, Programs, and Practices (the State Survey) to provide input for the state-by-state report on prevention and enforcement activities related to the underage drinking component of the annual *Report to Congress on the Prevention and Reduction of Underage Drinking.*

Congress' purpose in mandating the collection of data on state policies, programs, and practices through the State Survey is to provide policymakers and the public with otherwise unavailable but much needed information regarding state underage drinking prevention policies and programs. SAMHSA and other federal agencies that have underage drinking prevention as part of their mandate use the results of the State Survey to inform federal programmatic priorities, as do other stakeholders, including community organizations. The information gathered by the State Survey has established a resource for state agencies and the public for assessing policies and programs in their own state and for becoming familiar with the policies, programs, practices, and funding priorities of other states.

SAMHSA has determined that data on Categories #2 and #3 mandated in the STOP Act (as listed on page 2; enforcement and educational programs and programs targeting youth, parents, and caregivers) as well as states' collaborations with tribal governments, use of social marketing or counter-advertising campaigns, state-level interagency collaborations, and prevention workforce development activities are not available from secondary sources and therefore must be collected from the states themselves. The State Survey is therefore necessary to fulfill the Congressional mandate found in the STOP Act. Furthermore, the uniform collection of these data from the states over the last 15 years has created a valuable longitudinal dataset, and the State Survey's renewal is vital to maintaining this resource.

The State Survey is a single document that is divided into three sections: (1) enforcement of underage drinking laws; (2A) underage drinking prevention programs targeted to youth, families, parents, and caregivers, including data on the approximate number of persons served by these programs; (2B) state collaborations and best practices; (2C) interagency collaborations and state participation in social marketing media campaigns intended to reduce underage drinking; and (3) workforce development activities, including strategies and funds expended on recruiting and retaining a behavioral health workforce.

SAMHSA collects the required data using an online survey data collection platform. Links to the survey are distributed to states via email. The State Survey is sent to each state governor's office and the Office of the Mayor of the District of Columbia. SAMHSA provides both telephone and electronic technical support to state agency staff and emphasizes that the states are expected to provide data from existing state databases and other data sources available to them. The burden estimate below considers these assumptions.

The estimated annual response burden to collect this information is as follows:

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden	Wage rate	Total hour cost
State survey	51	1	51	18.5	943.50	$28.07	$26,484.05

Alcohol Policy Academy Evaluation

ICCPUD's Alcohol Policy Academy strives to reduce and prevent underage and excessive drinking by increasing the capacity of community coalitions to modify the community context through the policy process. The Alcohol Policy Academy includes 14 coalitions from across the U.S., with two individuals from each coalition serving as Academy participants. The Alcohol Policy Academy evaluation is designed to measure the effectiveness of increasing coalition capacity through the training and coaching of the policy process. Additionally, the evaluation will measure the increase in the policy training workforce through a mentee-to-coach development pipeline. The scope of the evaluation is limited to measuring the impact of the Alcohol Policy Academy curriculum on participants and coaches.

The evaluation comprises seven surveys and one focus group. Surveys are conducted after each monthly training and coaching call. The participant surveys seek feedback on changes in knowledge, skills, and confidence after each training and coaching call as well as feedback on the training content and training/coaching provider. The coach surveys track the progress of the coalitions. These surveys take the participants and coaches approximately 5–10 minutes each to complete. The participants also complete a baseline survey, a 12-month follow-up survey, and an 18-month follow-up survey. These surveys assess whether participants reach their own goals during the Alcohol Policy Academy, how they share their knowledge and skills gained, and how they continue to progress in the policy process. All surveys will be fielded using a web-based survey tool. The focus group within the cohort will collect qualitative data from the participants on their experience.

The table below indicates the estimated total annual burden on the participants and coaches of the Alcohol Policy Academy. The survey estimates include reading the instructions and questions and responding to each question. The focus group is scheduled for one hour and includes introductions, instructions, posing of questions, and open discussion.

The estimated annual response burden to collect this information is as follows:

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden	Wage rate	Total hour cost
Focus Group	28	1	28	1	28	$27.10	$758.80
Participant Post-Coaching Call Survey	28	10	280	0.125	35	27.10	948.50
Participant Post-Training Call Survey	28	10	280	0.125	35	27.10	948.50

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden	Wage rate	Total hour cost
Coach Post-Coaching Call Survey	3	70	210	0.17	35.7	50	1,785.00
Baseline	28	1	28	0.67	18.76	27.10	508.40
Follow-Up	28	1	28	1	28	27.10	758.80
Six-Month Follow-Up	28	1	28	0.67	18.76	27.10	508.40

''*Talk. They Hear You.*''

The ''Talk They Hear You'' campaign comprises a variety of tools and resources designed to decrease underage drinking by encouraging families, parents and caregivers, educators, and community members/organizations to proactively engage youth in conversations about alcohol and other substances. Research has demonstrated that active and engaged adults can reduce underage drinking.[1]

''Parents' Night Out'' Materials Download Survey

The ''Parents' Night Out'' Materials Download Survey will facilitate the download of materials by interested organizations, including local coalitions, health departments, schools, and other community groups. The survey will ask questions relevant to providing training and technical assistance for implementation and contact information for automated delivery of the materials.

The estimated annual response burden to collect this information is as follows:

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden	Wage rate	Total hour cost
''Parents' Night Out'' Materials Download Survey	500	1	500	0.05	25	$27.10	$677.50

''Parents' Night Out'' Evaluation

The ''Parents' Night Out'' Evaluation will assess changes in knowledge, skills, and confidence of parents and caregivers after receiving the training and materials from ''Parents' Night Out'' and ''Talk. They Hear You.'' products. This evaluation will be delivered in collaboration with community partners, who will be exposed to varying combinations of ''Parents' Night Out'' and materials to determine change before and after exposure. The information gleaned in surveys of participants and presenters of the sessions will allow the evaluation team to assess whether ''Parents' Night Out'' is being implemented as intended and which products are most useful in increasing parents' and caregivers' capacity and intentions. The results will be shared with the implementation team for ''Parents' Night Out'' curriculum modifications and for updating ''Talk. They Hear You.'' materials. Similarly, information collected regarding technical assistance from the Presenter Survey will be used to continuously improve the materials to best serve the needs of the users.

In addition to the ongoing *Parents' Night Out* evaluation, the *Talk. They Hear You.* team will conduct a series of four focus groups—two with parents and two with campaign partners—to gather feedback on campaign materials, messaging, and needs. Each group will include eight participants and be facilitated by two campaign evaluators. Parent groups will explore effective messaging strategies, preferred media channels, and desired resources. Partner groups will provide input on the usefulness of campaign materials and offer recommendations for training and technical assistance. Evaluators will analyze the discussions for key themes to inform ongoing campaign improvements. The table below indicates the estimated total annual burden on the participants and presenters of ''Parents' Night Out,'' and the focus group participants. The survey estimates include reading the instructions and questions and responding to each question.

The estimated annual response burden to collect this information is as follows:

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden	Wage rate	Total hour cost
''Parents' Night Out'' Participant Survey	1,000	1	1,000	0.12	120	* $17.50	$2,100.00
''Parents' Night Out'' Presenter Survey	200	1	200	0.08	16	27.10	433.60
Campaign Partner Evaluation Focus Groups	16	1	16	1	16	27.10	433.60
Parent Evaluation Focus Group	16	1	16	1	16	* 17.50	280.00

* *https://www.dol.gov/agencies/whd/minimum-wage/state.*

Mobile App Parent Survey

The ''Talk. They Hear You.'' mobile app provides families, parents, and caregivers access to resources, conversation practice sessions, and Screen4Success. The mobile app's Parent Survey will be linked within the ''Talk. They Hear You.'' mobile app for parents and caregivers of youth ages 12–20 to complete. Parents and caregivers will be able to provide their insight on campaign materials, general demographic information, and details on their conversations with youth regarding underage drinking and substance use. This feedback will help the campaign team better serve parents

[1] Glenn, S.D., Turrisi, R., Mallett, K.A., Waldron, M.S., Lenker, L.K. (2024). Examination of brief parent-based interventions to reduce drinking outcomes on a nationally representative sample of teenagers. *Journal of Adolescent Health, 74*(3) 449–457. *https://doi.org/10.1016/j.jadohealth.2023.09.010.*

and caregivers by tailoring resources to meet the age range of youth and parental areas of interest.

The estimated annual response burden to collect this information is as follows:

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden	Wage rate	Total hour cost
Mobile App Parent Survey	200	1	200	0.12	24	* $17.50	$420.00

* *https://www.dol.gov/agencies/whd/minimum-wage/state.*

Mobile App Satisfaction Survey

The campaign team is interested in continuing deployment of the User Satisfaction Survey. The overall objective of the survey is to determine users' satisfaction with the app and if the user would like to see any changes made to the app. The survey will inform SAMHSA on how the mobile app resonates with the intended users and determine whether the mobile app is effective at conveying the importance of talking with kids early and often about underage drinking and other substances use through guided conversations. This survey will be available at the bottom of each page of the mobile app and promoted through in-app pop-up notifications.

The table below indicates the estimated total annual burden on the respondents of the survey. The survey estimates include reading and responding to each question, and totals 3 minutes. The wage rate was determined based on the highest state minimum wage, as respondent locations are not collected.

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden	Wage rate	Total hour cost
Mobile App Satisfaction Survey	200	1	200	0.05	10	* $17.50	$175.00

* *https://www.dol.gov/agencies/whd/minimum-wage/state.*

Community Partner Newsletter Survey

The Newsletter Survey will be a brief survey designed for interested individuals to sign up to receive regular campaign communications via email. The newsletter is developed for organization members to engage with campaign materials, receive updates when new products are released, and participate in ''Talk. They Hear You.'' events. The newsletter also provides free pre-made social media content related to underage drinking prevention for organizations to share or customize.

The estimated annual response burden to collect this information is as follows:

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per	Total hour burden	Wage rate	Total hour cost
Newsletter Survey	240	1	240	0.05	12	* $17.50	$210.00

* *https://www.dol.gov/agencies/whd/minimum-wage/state.*

Community Partner License Survey

The License Survey is designed for organizations to register and partner with the ''Talk. They Hear You.'' campaign. In contrast to the Newsletter Survey, the License Survey is designed to be filled out once per organization. Partners will receive regular communication from the campaign outreach team and can access technical assistance as needed. Partners help facilitate the campaign at the local level by engaging their community, parents and caregivers, families, and educators. The campaign will highlight the work of partners periodically in the newsletters to share their successes and valuable efforts to disseminate ''Talk. They Hear You.'' products.

The estimated annual response burden to collect this information is as follows:

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden	Wage rate	Total hour cost
License Survey	260	1	260	0.08	20.8	$27.10	$563.68

Community Partner Feedback Survey

The Partner Feedback Survey will provide an opportunity for partners to share feedback on community engagement meetings and evaluate how current community partners are engaging with ''Talk. They Hear You.'' Partners who attend the community engagement meetings will be asked to complete the survey after each quarterly meeting. The survey will gather both qualitative and quantitative evaluation data to be used for campaign refinement and to improve technical assistance to licensed partners. The data gathered through the Partner Feedback Survey will be used to continuously enhance the materials and community engagement provided by ''Talk. They Hear You.''

The estimated annual response burden to collect this information is as follows:

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden	Wage rate	Total hour cost
Partner Feedback Survey	86	1	86	0.17	14.62	$27.10	$396.20

Product Design Request Survey

The Product Design Request Survey will allow partners to submit technical assistance requests for product customization, co-branding, resizing, or social media graphic development of existing ''Talk. They Hear You.'' materials. The survey is exclusively designed for licensed partners of the ''Talk. They Hear You.'' campaign, and will be distributed on the campaign website, through email newsletters, and during virtual campaign events.

The estimated annual response burden to collect this information is as follows:

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden	Wage rate	Total hour cost
Product Design Request Survey	100	1	100	0.17	17	$27.10	$460.70

Screen4Success

Screen4Success is designed for individuals and organizations to access free health, wellness, and well-being screening tools; collect consent/assent from parents and participants; navigate to local and national resources; and track referrals to services. Information collected at the consent of the participant will be shared with researchers to better inform prevention efforts and support services of the ''Talk. They Hear You.'' campaign. Additionally, organizations who use Screen4Success can utilize their aggregated, de-identified participant result data to inform local interventions, shape policy, and supplement applications to secure funding.

The estimated annual response burden to collect this information is as follows:

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden	Wage rate	Total hour cost
Pre-Screener	1,000	1	1,000	0.08	80	*$17.50	$1,400.00
Screener	1,000	1	1,000	0.3	300	*17.50	5,250.00
Parental Consent/Assent	1,000	1	1,000	0.04	40	*17.50	700.00
Participant Consent/Assent	1,000	1	1,000	0.04	40	*17.50	700.00

* *https://www.dol.gov/agencies/whd/minimum-wage/state.*

The two tables shown below detail the aggregate and combined total burden of the data collection activities listed above.

COMBINED ESTIMATED BURDEN FOR RESPONDENTS

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden	Wage rate	Total hour cost
State Survey	51	1	51	18.5	943.50	$28.07	$26,484.05
Focus Group	28	1	28	1	28	27.10	758.80
Participant Post-Coaching Call Survey	28	10	280	0.125	35	27.10	948.50
Participant Post-Training Call Survey	28	10	280	0.125	35	27.10	948.50
Coach Post-Coaching Call Survey	3	70	210	0.17	35.7	50	1,785.00
Baseline	28	1	28	0.67	18.76	27.10	508.40
Follow-Up	28	1	28	1	28	27.10	758.80
Six-Month Follow-Up	28	1	28	0.67	18.76	27.10	508.40
''Parents' Night Out'' Materials Download Survey	500	1	500	0.05	25	27.10	677.50
''Parents' Night Out'' Participant Survey	1000	1	1000	0.12	120	*17.50	2,100.00
''Parents' Night Out'' Presenter Survey	200	1	200	0.08	16	27.10	433.60
Campaign Partner Evaluation Focus Groups	16	1	16	1	16	27.10	433.60
Parent Evaluation Focus Group	16	1	16	1	16	*17.50	280.00
Mobile App Parent Survey	200	1	200	0.12	24	*17.50	420.00
Mobile App Satisfaction Survey	200	1	200	0.05	10	*17.50	175.00
Newsletter Survey	240	1	240	0.05	12	*17.50	210.00
License Survey	260	1	260	0.08	20.8	27.10	563.68
Partner Feedback Survey	86	1	86	0.17	14.62	27.10	396.20
Product Design Request Survey	100	1	100	0.17	17	27.10	460.70
Pre-Screener	1,000	1	1,000	0.08	80	*17.50	1,400.00
Screener	1,000	1	1,000	0.3	300	*17.50	5,250.00
Parental Consent/Assent	1,000	1	1,000	0.04	40	*17.50	700.00

COMBINED ESTIMATED BURDEN FOR RESPONDENTS—Continued

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden	Wage rate	Total hour cost
Participant Consent/Assent	1,000	1	1,000	0.04	40	* 17.50	700.00

** https://www.dol.gov/agencies/whd/minimum-wage/state.*

TOTAL BURDEN ON RESPONDENTS FOR ALL DATA COLLECTION TOOLS

Instrument	Number of respondents	Responses/ respondent (average)	Total responses	Hours per response (average)	Total hour burden	Wage rate (average)	Total hour cost
Total	7,040	5	7,751	1.11	1,894.14	$24.38	$46,900.73

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.

Carlos Graham,

Social Science Analyst.

[FR Doc. 2026–04128 Filed 2–27–26; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7103–N–04; OMB Control No.: 2528–0013]

60-Day Notice of Proposed Information Collection: Survey of Market Absorption of New Multifamily Units

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* May 1, 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. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Jason Bladen, Department of Housing and Urban Development, 451 7th Street SW, Room 8222, Washington, DC 20410. Comments may also be submitted via email to *PDRPublicComments@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Jason Bladen, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *PDRPublicComments@hud.gov,* telephone (202) 402–7054. 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 Mr. Bladen.

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: Survey of Market Absorption of New Multifamily Units.

OMB Approval Number: 2528–0013.

Type of Request: Extension without change to a currently approved collection.

Form Number: N/A.

Description of the need for the information and proposed use: The Survey of Market Absorption (SOMA) provides the data necessary to measure the rate at which new rental apartments and new condominium apartments are absorbed; that is, taken off the market, usually by being rented or sold, over the course of the first 12 months following completion of a building. The data are collected at quarterly intervals until the 12 months conclude, or until the units in a building are completely absorbed. The survey also provides estimates of certain characteristics, including asking rent/price, number of units, and number of bedrooms. The survey provides a basis for analyzing the degree to which new apartment construction is meeting the present and future needs of the public.

Respondents: Rental Agents/Builders.

Estimated Number of Respondents: 12,000 yearly (maximum).

Estimated Number of Responses: 48,000 yearly (maximum).

Frequency of Response: Four times (maximum).

Average Hours per Response: 15 minutes/initial interview and 5 minutes for any subsequent interviews (up to three additional, if necessary).

Total Estimated Burdens: 6,000 (12,000 buildings × 30 minutes).

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
SOMA	12,000	4	48,000	0.125 (30 minutes total divided by 4 interviews).	6,000	$43.57	$261,420

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.

John Gibbs,

Principal Deputy Assistant Secretary for Policy, Development and Research.

[FR Doc. 2026–04101 Filed 2–27–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2025–1299; FXIA16710900000–267–FF09A30000]

Foreign Endangered Species; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

DATES: We must receive comments by April 1, 2026.

ADDRESSES:

Obtaining Documents: The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at *https://www.regulations.gov* in Docket No. FWS–HQ–IA–2025–1299.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet: https://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2025–1299.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2025–1299; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Timothy MacDonald, by phone at 703–358–2185 or via email at *DMAFR@fws.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at *https://www.regulations.gov* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at *https://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

III. Permit Applications

We invite comments on the following applications.

Applicant: Saint Louis Zoo, Saint Louis, MO; Permit No. PER24036300

The applicant requests authorization to import biological samples derived from wild and captive-bred Cuban crocodiles (*Crocodylus rhombifer*) and American crocodiles (*Crocodylus acutus*) taken in the Zapata Swamp, Cuba, for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Trophy Applicants

The following applicants request permits to import sport-hunted trophies of male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

- *Applicant:* Stephanie Howard McGarrh, Faribault, MS; Permit No. PER22740555
- *Applicant:* Drake Dawson, New Bloomfield, MO; Permit No. PER23456382
- *Applicant:* Ennio Staffini, Annapolis, MD; Permit No. PER23468176
- *Applicant:* Scott Alan Limmer, Laporte, CO; Permit No. PER23588522
- *Applicant:* David Joseph Angel, Friendswood, TX; Permit No. PER23591126
- *Applicant:* Troy P. Clark, Columbia City, IN; Permit No. PER23601436

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching *https://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to *regulations.gov* and search for ''12345A''.

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Timothy MacDonald,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2026–04032 Filed 2–27–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2025–1331; FXIA16710900000–267–FF09A30000]

Foreign Endangered Species; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

DATES: We must receive comments by April 1, 2026

ADDRESSES:

Obtaining Documents: The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at *https://www.regulations.gov* in Docket No. FWS–HQ–IA–2025–1331.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet: https://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2025–1331.
- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2025–1331; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Timothy MacDonald, by phone at 703–358–2185 or via email at *DMAFR@fws.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at *https://www.regulations.gov* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at *https://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

III. Permit Applications

We invite comments on the following applications.

Applicant: Miami-Dade Zoological Park and Gardens dba Zoo Miami, Miami, FL; Permit No. PER24436897

The applicant requests a permit to import two live captive born tigers (*Panthera tigris*) from Adelaide Zoo, Australia, for the purpose of enhancing the propagation or survival of the species. This notification is for a single import.

Applicant: Louisiana State University, Baton Rouge, LA; Permit No. PER23594321

The applicant requests to renew their authorization to export and re-import non-living museum specimens of endangered and threatened animal species (excluding plant species) previously legally accessioned into the permittee's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Trophy Applicants

The following applicants request permits to import sport-hunted trophies of male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

- *Applicant:* Peter M. Strope, McDonald, PA; Permit No. PER24424540
- *Applicant:* Benedikt Ibing, Athens, GA; Permit No. PER24440607
- *Applicant:* Lon Edward Rehkop, Fredericktown, MO; Permit No. PER24510992
- *Applicant:* Joshua C. Stafford, Newton, IA; Permit No. PER24518230
- *Applicant:* Ethan R. Stafford, Newton, IA; Permit No. PER24520998
- *Applicant:* Gary P. Stafford, Monroe, IA; Permit No. PER24522111
- *Applicant:* Robert C. Stafford, Monroe, IA; Permit No. PER24522416
- *Applicant:* Scott Mahone, Mechanicsville, VA; Permit No. PER24543896
- *Applicant:* Daniel Boddy, Saint Clair, MI; Permit No. PER24537331
- *Applicant:* Charles Gurkin, Corinth, TX; Permit No. PER24546879
- *Applicant:* David Rider, Palestine, TX; Permit No. PER24570242
- *Applicant:* Benjamin Caleb Wright, Montgomery, TX; Permit No. PER24572409
- *Applicant:* Joseph Michael Dianda, Reno, NV; Permit No. PER24573867
- *Applicant:* Julie Renee Dianda, Reno, NV; Permit No. PER24579876
- *Applicant:* Michael Perry Dianda, Reno, NV; Permit No. PER24605672
- *Applicant:* John Timothy Foster Jr., Spicewood, TX; Permit No. PER24618904
- *Applicant:* James Lynn Matthews Jr., Midland, TX; Permit No. PER24864730
- *Applicant:* David Uehling, LaCrosse, WI; Permit No. PER24869767

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching *https://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to *regulations.gov* and search for ''12345A''.

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Timothy MacDonald,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2026–04021 Filed 2–27–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2025–0902; FXIA16710900000–267–FF09A30000]

Foreign Endangered Species; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

DATES: We must receive comments by April 1, 2026.

ADDRESSES:

Obtaining Documents: The applications, supporting materials, and any comments and other materials that we receive will be available for public inspection at *https://www.regulations.gov* in Docket No. FWS–HQ–IA–2025–0902.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet: https://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2025–0902.
- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2025–0902; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Timothy MacDonald, by phone at 703–358–2185 or via email at *DMAFR@fws.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make

international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at *https://www.regulations.gov* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at *https://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

III. Permit Applications

We invite comments on the following applications.

Applicant: Woodland Park Zoo, Seattle, WA; Permit No. PER22439339

The applicant requests a permit to export one captive-born female snow leopard (*Uncia* (=*Panthera*) *uncia*) to Calgary Zoo, Canada, for the purpose of enhancing the propagation or survival of the species. This notification is for a single export.

Applicant: Pinola Conservancy, Shreveport, LA; Permit No. PER22579904

The applicant requests a permit to export nine captive-born blue-billed curassows (*Crax alberti*) to Weltvogelpark Walsrode, Germany, for the purpose of enhancing the propagation or survival of the species. This notification is for a single export.

Applicant: Pittsburgh Zoo and Aquarium, Pittsburgh, PA; Permit No. PER22439241

The applicant requests a permit to export one captive-born female leopard (*Panthera pardus*) to Bjorneparken AS, Vikberget, Norway, for the purpose of enhancing the propagation or survival of the species. This notification is for a single export.

Applicant: Memphis Zoo, Memphis, TN; Permit No. PER22876538

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Black-and-white ruffed lemur.	*Varecia variegata.*
Bontebok	*Damalisucs pygarus (=dorcas) dorcas.*
Cheetah	*Acinonyx jubatus.*
Leopard	*Panthera pardus.*
Red-ruffed lemur	*Varecia rubra.*
Siamang	*Symphalangus syndactylus.*
Snow leopard	*Uncia (=Panthera) uncia.*
Southern white rhinoceros.	*Ceratotherium simum simum.*
Tiger	*Panthera tigris.*
Northern white-cheeked gibbon.	*Nomascus leucogenys.*

Applicant: Texas African Adventures, Hondo, TX; Permit No. PER19939244

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for red lechwe (*Kobus leche*), Eld's brow-antlered deer (*Cervus eldi*), swamp deer (*Cervus duvauceli*), and Arabian oryx (*Oryx leucoryx*), to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Dragonstone Ranch, Gatesville, TX; Permit No. PER23194144

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Black-and-white ruffed lemur.	*Varecia variegata.*
Brown lemur	*Eulemur fulvus.*
Red-ruffed lemur	*Varecia rubra.*
Ring-tailed lemur	*Lemur catta.*

Applicant: Texas African Adventures, Hondo, TX; Permit No. PER19939245.

The applicant requests a permit authorizing the culling of excess red lechwe (*Kobus leche*), Eld's brow-antlered deer (*Cervus eldi*), swamp deer (*Cervus duvauceli*), and Arabian oryx (*Oryx leucoryx*) from the captive herd maintained at their facility, to enhance the species' propagation and survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Trophy Applicants

The following applicants request permits to import sport-hunted trophies of male bontebok (*Damaliscus pygargus*

pygargus) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

- Applicant: Russell Lee Brines, Durham, CA; Permit No. PER22571162
- Applicant: James Cannella, Palm Harbor, FL; Permit No. PER22702471
- Applicant: Marla Dobson, Ranger, TX; Permit No. PER22722124
- Applicant: Adam Nietsche, Giddings, TX; Permit No. PER22723099
- Applicant: Ronald Browning, Lansing, MI; Permit No. PER22993975
- Applicant: Dustin Knutson, Mitchell, SD; Permit No. PER23001703
- Applicant: Benjamin Norris, Vestavia, AL; Permit No. PER23002769
- Applicant: Ryan Allowitz, Georgetown, TX; Permit No. PER23002846
- Applicant: Vanessa Lindner, Nashville, TN; Permit No. PER23023066
- Applicant: Leonard Wood, Midland, TX; Permit No. PER23023968
- Applicant: Amanda Bentley, The Woodlands, TX; Permit No. PER23053747
- Applicant: Sheldon McVay, Bartow, FL; Permit No. PER23188968

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching *https://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to *regulations.gov* and search for ''12345A''.

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Timothy MacDonald,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2026–04079 Filed 2–27–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–MB–2026–0166; FXMB123109WEBB0–267–FF09M26000; OMB Control Number 1018–0019]

Agency Information Collection Activities; North American Woodcock Singing Ground Survey

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew an information collection without change.

DATES: Interested persons are invited to submit comments on or before May 1, 2026.

ADDRESSES: Send your comments on the information collection request (ICR) by one of the following methods (please reference OMB Control No. 1018–0019 in the subject line of your comment):

- *Internet (preferred): https://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2026–0166.
- *U.S. mail:* Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W); Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act (PRA; 44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320, all information collections require approval under the PRA. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again inviting the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comments addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Migratory Bird Treaty Act (16 U.S.C. 703–712) designates the Department of the Interior as the primary agency responsible for managing migratory bird populations frequenting the United States and setting hunting regulations that allow for the well-being of migratory bird populations. These responsibilities dictate that we gather accurate data on various characteristics of migratory bird populations.

The North American Woodcock Singing Ground Survey is an essential part of the migratory bird management program. Federal, State, Provincial, Tribal, and local conservation agencies conduct the survey annually to provide the data necessary to determine the population status of the American

woodcock. In addition, the information is vital in assessing the relative changes in the geographic distribution of the species. We use the information primarily to develop recommendations for hunting regulations. Without information on the population's status, we might promulgate hunting regulations that:

- Are not sufficiently restrictive, which could cause harm to the woodcock population, or
- Are too restrictive, which would unduly restrict recreational opportunities afforded by woodcock hunting.

State, local, Tribal, Provincial, and Federal conservation agencies, as well as other participants, use Form 3–156 to conduct annual field surveys. Instructions for completing the survey and reporting data are on the reverse of the form and on the internet. Observers scan/email or scan/upload (via the link provided) Form 3–156 to State and Province coordinators and/or enter the information electronically through the internet at *https://naturecounts.ca/nc/amwo/main.jsp.*

We collect observer information (name and email address) so that we can contact the observer if questions or concerns arise. Observers provide information on:

- Sky condition, temperature, wind, and precipitation;
- Stop number;
- Odometer reading;
- Time at each stop;
- Number of American Woodcock males heard peenting (calling);
- Disturbance level; and/or
- Comments concerning the survey.

Data results are entered via a web browser application by the observer or a State or Province coordinator. A mobile application which operates on portable electronic devices is also available to enter data while in the field. Substantial improvements are still being made to the browser that will mimic the user experience of the mobile application. The data entry feature for both will still be collecting data on all the same fields within the survey form. For those routes with spatial data within the mobile application, a mapping feature allows observers to see each stop location along the route and keep track of their current location. This will assist in stop location verification efforts and help maintain a verified spatial reference for the survey. Stop location verification, or more broadly, device location verification, is the process of confirming the physical location of a user's device (phone, computer) using GPS, Wi-Fi, or cellular network data.

The administrator sends paper-based survey forms to every observer; however, the observer is not required to submit the paper-based results to the Service. They are advised to send a copy to State and Province coordinators for data entry, quality assurance and quality control checks, and/or follow up.

We use the information that we collect to analyze the survey data and prepare reports. Assessment of the population's status serves to guide the Service, the States, and the Canadian Government in the annual promulgation of hunting regulations.

Title of Collection: North American Woodcock Singing Ground Survey.

OMB Control Number: 1018–0019.

Form Number: Form 3–156.

Type of Review: Renewal, without change, of a currently approved collection.

Respondents/Affected Public: State, Provincial, local, and Tribal Governments.

Respondent's Obligation: Voluntary.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: None.

Requirement	Average number of annual respondents	Average number of responses each	Average number of annual responses	Average completion time per response (hours)	Estimated (rounded) annual burden hours
Survey—US (App Submission)					
Government	290	1	290	2.05	595
Survey—CAN (App Submission)					
Foreign Gov	100	1	100	2.05	205
Survey—US (In the Field App Collection and Submission)					
Government	291	1	291	1.92	559
Survey—CAN (In the Field App Collection and Submission)					
Foreign Gov	101	1	101	1.92	194
Survey—US					
Government	2	1	2	1.92	4
Survey—CAN					
Foreign Gov	36	1	36	1.92	69
Totals	820		820		1,626

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2026–04104 Filed 2–27–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516; #O2412–014–004–047181.1]

Notice of Realty Action: Recreation and Public Purposes (R&PP) Act Classification, Lease, and Subsequent Conveyance of Public Lands; Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM), Las Vegas Field Office, has examined and found suitable for classification, to lease and subsequently conveyance, approximately 121.95 acres of public land under the provisions of the R&PP Act, as amended. The City of Las Vegas proposes to develop the land into a public park to address the growing recreational needs in the northwestern part of the Las Vegas Valley.

DATES: Interested parties may submit written comments regarding the classification, lease, and subsequent conveyance of the land. To ensure your comments are considered, BLM must receive your comments on or before April 16, 2026. The BLM will publish this notice of reality action (NORA) once a week for 3 consecutive weeks in the *Las Vegas Review-Journal* newspaper.

ADDRESSES: Mail written comments to the BLM Las Vegas Field Office, Assistant Field Manager, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.

FOR FURTHER INFORMATION CONTACT: Brad Gallimore, Realty Specialist, by email: *BLM_NV_LVFO_LandTenureTeam@blm.gov,* or by telephone: (702) 515–5017. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The parcel is located on the northwest corner of Log Cabin Way and El Capitan Way in the northwest portion of Las Vegas, bounded on the west by the future extension of Skye Canyon Park Drive (Fort Apache Road alignment) and the north by future Moccasin Road in northwest Las Vegas, Nevada. The land is legally described as:

Mount Diablo Meridian, Nevada

T. 19 S., R. 60 E.,
Sec. 5, lot 5 and lots 8 thru 15, excepting those portions within the utility corridor under Public Law 113–291—Dec. 19, 2014 128STAT. 3863 (4) (A), lots 5, and 9 thru 11.

The area described contains 121.95 acres, according to the official plats of the surveys on file with the BLM.

Proposed development of the subject land includes the addition of sports fields, trails, public restrooms, associated parking, utilities, and other facilities. Additional information pertaining to this project is contained in case file N–99637, which may be reviewed at the BLM Las Vegas Field Office at the address above in the **ADDRESSES** section.

The lease and subsequent conveyance are consistent with the BLM Las Vegas Resource Management Plan, dated October 5, 1998. The proposed land use is in conformance with the 2004 Las Vegas Valley Disposal Boundary Final Environmental Impact Statement and Record of Decision as well as the 2017 Environmental Assessment (EA) and Decision Record for In-Valley Multi-Action Analysis. The proposed R&PP lease and subsequent conveyance was analyzed in the Las Vegas In-Valley Area Multi-Action Analysis EA (DOI–BLM–NV–S010–2016–0054–EA), which addressed all identified resource concerns. In addition, a determination of National Environmental Policy Act adequacy (DNA) (DOI–BLM–NV–S010–2023–0032–DNA) was completed for the lease.

The lease and subsequent conveyance, when issued, will be subject to the provisions of the R&PP Act, the applicable regulations of the Secretary of the Interior, and the following terms, conditions, and reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945); and

2. All minerals, together with the right to prospect for, mine, and remove such deposits for the same under applicable law and such regulations as the Secretary of the Interior may prescribe; and

3. Terms, conditions, or reservations required by law, including but not limited to those required by 43 CFR 2741.4, and as deemed necessary or appropriate by the authorized officer; and

4. An appropriate indemnification clause protecting the United States from claims arising out of the lessee's or patentee's use, occupancy, or operations on the leased or patented lands; and

5. Subject to valid existing rights.

Upon publication of this notice in the **Federal Register**, the land described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease and conveyance under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material disposal laws.

This notice opens the opportunity for the public to protest and/or appeal the classification and proposed realty action decision prior to the BLM issuing a lease and subsequent conveyance of the subject public lands, as proposed.

Classification Comments: Interested parties may submit written comments on the suitability of the land as a park in the City of Las Vegas. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, and whether the use is consistent with State and Federal programs.

Proposed Realty Action Comments: Interested parties may also submit written comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a public park.

Submit comments to the address in the **ADDRESSES** section by the date in the **DATES** section of this notice. Before including your address, phone number, email, or other personal identifying information in your comment, be advised that the entire comment, including personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Only written comments submitted to the Assistant Field Manager, BLM Las Vegas Field Office, will be considered properly

filed. Any adverse comments on the classification will be reviewed as protests by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action.

In the absence of any adverse comments, the decision will become effective on May 1, 2026.

(Authority: 43 CFR 2741.5)

Bruce L. Sillitoe,

Field Manager, Las Vegas Field Office.

[FR Doc. 2026–04022 Filed 2–27–26; 8:45 am]

BILLING CODE 4331–21–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6952; NPS–WASO–NAGPRA–NPS0042089; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Cobb Institute of Archaeology and the Department of Anthropology and Middle Eastern Cultures, Mississippi State University, Mississippi State, MS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Mississippi State University (MSU) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after April 1, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Tony Boudreaux, Cobb Institute of Archaeology and Department of Anthropology and Middle Eastern Cultures, Mississippi State University, 340 Lee Boulevard, Mississippi State, MS 39762, email *eab4@msstate.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of MSU, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 16 individuals have been identified. No associated funerary objects are present. These individuals are from four different collections curated by MSU. The Ben Hilbun Jr. Collection was donated by him to MSU. The provenience information for this collection is unknown, but it likely came from Oktibbeha County, MS. It includes the partial remains of at least one individual and no associated funerary items. The Robert C. Morris Collection was donated by him to MSU. The provenience information for this collection is unknown, but it likely came from Oktibbeha County, MS. It includes the partial remains of at least one individual and no associated funerary items. The W. W. Scales Collection was donated by him to MSU. The provenience information for this collection is unknown, but it likely came from Oktibbeha County, MS. It includes the partial remains of at least one individual and no associated funerary items. The fourth collections consists of Unprovenienced human remains for which MSU has no collection or context information. It includes the partial remains of at least 13 individual and no associated funerary items. These materials likely have been pulled from the collections for research or teaching at MSU in the past, and they likely are from Oktibbeha County, Mississippi.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

MSU has determined that:

- The human remains described in this notice represent the physical remains of 16 individuals of Native American ancestry.
- There is a connection between the human remains and the Jena Band of Choctaw Indians; Mississippi Band of Choctaw Indians; The Chickasaw Nation; and The Choctaw Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, MSU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. MSU is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04040 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6966; NPS–WASO–NAGPRA–NPS0042108; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Milwaukee Public Museum, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Milwaukee Public Museum intends to repatriate a certain cultural item that meets the definition of an unassociated funerary object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after April 1, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Dawn Scher Thomae, Milwaukee Public Museum, 800 W Wells Street, Milwaukee, WI 53233, email *thomae@mpm.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The

determinations in this notice are the sole responsibility of the Milwaukee Public Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The unassociated funerary object is a lead animal figure taken from ''an old Indian village'' at Indian Hill, Bedford, Westchester Co., New York known as Nanichiestawack. This village was occupied by the Wecquaesgeek, a Munsee band of Wappinger people until 1644 and is a known Lenape burial site. The item was accessioned by the Milwaukee Public Museum in 1905 as a donation from W.H. Ellsworth, a local Milwaukee, Wisconsin collector. No hazardous substances were used to treat this cultural item.

Determinations

The Milwaukee Public Museum has determined that:

- The one unassociated funerary object described in this notice is reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the Milwaukee Public Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Milwaukee Public Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04052 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6964; NPS–WASO–NAGPRA–NPS0042106; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the American Museum of Natural History intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after April 1, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Nell Murphy, American Museum of Natural History, 200 Central Park West, New York, NY 10024, email *nmurphy@amnh.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the American Museum of Natural History, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 10 cultural items have been requested for repatriation. The 10 unassociated funerary objects are one wood pipe section, one burial kapa (bark cloth), two cordage samples, two kapa samples, and four sticks. The items were collected from unknown locations in Hawaii. For all but the one burial kapa, Museum records indicate a locale of ''HI, Burial Cave''. The locale information for the burial tapa is simply Hawaii. All 10 items were donated to the Museum by Dr. D'Alte A. Welch, a malacologist at the Bernice Pauahi Bishop Museum and later a professor at John Carroll University in Ohio. The AMNH received the items in 1952 across two accessions.

While it no longer does so, in the past, the Museum applied potentially hazardous pesticides to items in the collections. Museum records do not list specific objects treated or which of several chemicals used were applied to a particular item. Therefore, those handling this material should follow the advice of industrial hygienists or medical personnel with specialized training in occupational health or with potentially hazardous substances.

Determinations

The American Museum of Natural History has determined that:

- The 10 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Hui Iwi Kuamo.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice

under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the American Museum of Natural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The American Museum of Natural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04049 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6956; NPS–WASO–NAGPRA–NPS0042092; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Wisconsin Historical Society, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Wisconsin Historical Society intends to repatriate a certain cultural item that meets the definition of a sacred object/object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after April 1, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Jacqueline Pozza Reisner, Wisconsin Historical Society, 204 S Thornton Avenue, Madison, WI 53703, email *jacqueline.pozza@wisconsinhistory.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Wisconsin Historical Society, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one sacred object/object of cultural patrimony is an Ojibwe presentation pipe. Its carved wooden stem has sections painted red, attached horsehair and a pileated woodpecker scalp, and white, red, and brown quillwork with Thunderbird designs. Its L-shaped catlinite bowl has two human faces on opposite sides of the bowl and a carved buffalo figure on the anterior edge. WHS documentation indicates that ''Taychegwiaunee, a member of the Ojibwe Band from the south shore of Lake Superior [the LaPointe Band], presented this pipe to Wisconsin's territorial governor James Duane Doty [at Fort Winnebago] on behalf of his father, Chief Buffalo,'' on February 12, 1844. National Archives documentation indicates that the pipe was presented to Doty with the direction to pass it onto President Tyler for use in a future meeting with the Band. Doty kept the pipe, and it was eventually added to WHS' collections. WHS has no documentation that this pipe includes or was treated with any potentially hazardous substances.

Determinations

The Wisconsin Historical Society has determined that:

- The one sacred object/object of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural item described in this notice and the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin and the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the Wisconsin Historical Society must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Wisconsin Historical Society is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04043 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6948; NPS–WASO–NAGPRA–NPS0042086; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of California, Santa Barbara, Repository for Archaeological and Ethnographic Collections, Santa Barbara, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Santa Barbara (UCSB), Repository for Archaeological

and Ethnographic Collections has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after April 1, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Hugh Radde, University of California, Santa Barbara, CA 93106, email *NAGPRA@ucsb.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the UCSB Repository for Archaeological and Ethnographic Collections, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified (Accession 823.Yaqui). The 31 associated funerary objects are ceramic pottery fragments. The identity of the original collector and the date of removal are unknown. The collection was previously held by R.O. Browne, an individual known to have collected and looted cultural materials from various regions, including Arizona. The materials were reportedly stored in a private storage unit on his property until his death. In 1995, portions of his collection were donated posthumously to UC Santa Barbara. At the time of donation, the collection had been labeled as ''Yaqui''. It is unknown whether the individual and objects were treated with preservative or other potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The UCSB Repository for Archaeological and Ethnographic Collections has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 31 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Pascua Yaqui Tribe of Arizona.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the UCSB Repository for Archaeological and Ethnographic Collections must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The UCSB Repository for Archaeological and Ethnographic Collections is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04036 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6885; NPS–WASO–NAGPRA–NPS0042085; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Maine, Anthropology Department, Orono, ME

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Maine has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice. The human remains and associated funerary objects were removed from several locations within the state of Maine.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after April 1, 2026.

ADDRESSES: Send written requests for repatriation of human remains and associated funerary objects in this notice to Dr. Bonnie Newsom, Anthropology Department, University of Maine, 5773 South Stevens Hall, Orono, ME 04469, email *bonnie.newsom@maine.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Maine, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing one individual were removed from Site 17.125, a shell midden site located on Halls Island in Muscongus Bay in Knox County, Maine. The remains were removed in 1983 during excavations conducted by Dr. David Sanger and were returned to the University of Maine. The remains have been identified as one human tarsal phalanx; age and sex were not determined. No associated funerary objects are present. Dentate-decorated pottery found at the site suggests the site dates to the Middle Woodland Period. Based on the context

of the human remains in a shell midden site with Native American artifacts, it is reasonable to assume the human remains are Native American.

Human remains representing at least one individual were removed from the Grindle site (ME 42.10) located in Blue Hill in Hancock County, Maine. The remains were removed in 1968 during excavations conducted by Dr. Dean Snow and were returned to the University of Maine. The remains have been identified as three human left metatarsal bones, age and sex were not determined. No associated funerary objects are present. Charcoal found near the remains was radiocarbon dated to 820±80 BP (A.D. 1130±80), based on this Middle Woodland Period date and the context of the remains in a shell midden site with Native American artifacts it is reasonable to assume the human remains are Native American.

Human remains representing at least one individual were removed from the Holmes Point East site (ME 62.06) in Machiasport, Washington County, Maine. The remains were removed in 1973 by Robert MacKay from the University of Maine during field school excavations and returned to the University of Maine. The sex of the individual is indeterminate; their age is between seven and 15 years old. The remains include 11 bone fragments identified as the following elements: scapula, femur, manubrium, atlas, axis, cervical vertebra, and thoracic vertebra. No associated funerary objects are present. No radiocarbon date is associated with the remains; however, based on the context of the remains in a Woodland Period shell midden site with Native American artifacts it is reasonable to assume the human remains are Native American.

Between 1968 and 1969 Dr. Dean R. Snow from the University of Maine removed the contents of 18 grave lots from the Hathaway Cemetery site (ME 91.01) located in Passadumkeag, Penobscot County, Maine. Dr. Snow noted that most, if not all, of the graves were cremation burials. Radiocarbon dates of the burials range from 200±80 BP (A.D. 1750) to 5156±185 BP (3200 BC). The current University of Maine collection contains a minimum of 11 individuals. None of the human bone remains were identified to element, and age and sex were not determined. The collection includes over 107 small calcined human bone fragments, often mixed with burial fill samples containing ocher and charcoal. The 240 associated funerary objects include a split cobble, ground slate points, gouges, celt fragments, bifaces, scrapers, a graver, a drill fragment, hammerstones, a plummet, abraders, a stone amulet, pebbles, cobbles, lithic flakes, a flaked cobble, pieces of phyllite, a chert nodule, a strike-a-lite, an iron concretion, a clay lump, ocher samples some with human bone, charcoal samples, burial fill samples some with human bone, and bark and wood samples. Based on the association of red ocher, the radiocarbon dates, and the above-listed funerary objects, it is reasonable to assume these burials are Native American.

The Bradley Cemetery site (ME 74.01) is a large Late Archaic Period cemetery located in Bradley, Penobscot County, Maine. A radiocarbon date on birch bark recovered from a limonite concretion adhered to a celt excavated in 1969 provided a date of 4,590±120 years BP (2640 BC). The University of Maine holds the remains from 12 grave lots removed from the cemetery by Robert MacKay in 1969 and 1971 while he was an archaeologist at the University of Maine. The University also owns a collection of artifacts removed from the cemetery by James Hosmer in the 1960s, an employee of the Maine Department of Transportation (DOT), collected when the DOT was removing gravel from the site. In 1984 Dr. David Sanger of the University of Maine returned to Bradley cemetery to conduct archaeological excavations as part of a proposed hydroelectric dam relicensing project. He determined that the cemetery had been destroyed. No human remains are present in the collection from the Bradley Cemetery. The 113 associated funerary objects from the 12 graves include; ground slate points, gouges, celts, a celt preform, rounded pebbles, hammerstones, plummets, cobbles, modified cobbles, a cobble with a hole, stemmed bifaces, slate bayonet fragments, a lithic flake, a lithic chunk, ground slate fragments, whetstones, stone effigies, a fire-cracked-rock, pyrite samples, and ocher samples. Based on the description of the graves at the cemetery, the radiocarbon date, the presence of red ocher, and the associated funerary objects it is reasonable to assume these funerary objects were removed from Native American burials.

The Young Site (ME 73.10) is located on the north bank of Pushaw Stream in Alton, Penobscot County, Maine. In 1975 and 1977, Dr. David Sanger from the University of Maine conducted excavations at the site and removed a cremation burial. Eight radiocarbon dates on charcoal from the cremation burial produced dates ranging from 3105±50 BP to 3715±60 BP. No human remains were found within the cremation burial. However, 57 funerary objects were removed from the burial and housed at the University of Maine. The 57 associated funerary objects include 51 biface fragments, two hammerstones, two retouched lithic flakes, and two slate bayonet fragments that refit. Based on the presence of red ocher within the cremation burial, the radiocarbon dates, and the associated funerary objects, it is reasonable to assume this is a Native American burial.

The Erkkila Cemetery site (ME–27.03) is located in Warren, Knox County, Maine. In 1995 Dr. Brian Robinson removed a burial from the cemetery that was exposed during gravel quarrying activities. Robinson brought the human remains and associated funerary objects to the University of Maine in 2004. The burial contained a minimum of one individual represented by a mandible, a maxilla (articulated when found), two frontal skull fragments, one posterior skull fragment, one femur fragment, one femur or humerus fragment and numerous tiny unidentified bone fragments included in burial fill samples. The sex and age of the individual are indeterminate due to the fragmentary state of the bones and the fact that Robinson coated them with B–72, a thermoplastic resin, to preserve them. A radiocarbon date on wood charcoal from the burial produced a date of 1760±70 years BP. The collection also contains ocher and charcoal samples collected from burials at the cemetery by Richard Orcutt. The 57 associated funerary objects include a copper bead with cordage, 12 rocks, a fire-cracked-rock, charred wood samples, ocher samples, charcoal samples, charcoal and sediment samples, some with human bone, feature and burial fill samples, some with human bone, one burial fill sample with copper, and seven casts (two casts made of skull fragments, two casts of the upper mandible, two casts of the lower mandible, and a cast of a stone effigy found by a collector. The stone effigy that was cast is not part of the collection housed at the University of Maine, Orono). Based on the description of the grave, the radiocarbon date, the presence of red ocher and the associated funerary objects it is reasonable to assume this burial is Native American.

Dr. David Sanger from the University of Maine conducted excavations at the Eddington Bend Site (ME 74.08) in 1986 and 1989 as part of a proposed hydroelectric dam relicensing project. The Eddington Bend Site is located in Eddington, Penobscot County, Maine. These excavations removed part of a burial feature with the remains of a minimum of nine individuals including three subadults aged 6–15, one male

aged 19–21, four adult males aged 35–45, 40–50, and 25–40, and one adult female of indeterminate age. Most of these remains were repatriated in 1998 (**Federal Register** 63 FR 4285, January 28, 1998). Recent inventorying efforts at the University of Maine identified additional human remains from this burial feature including 265 small bone fragments: seven mandibular fragments, four fibular fragments, 43 skull fragments, seven rib fragments, four vertebrae fragments, 10 sacral fragments, 69 long bone fragments, 23 teeth fragments, and 98 unidentified fragments. The 34 associated funerary objects include bifaces, both complete and fragmentary, an ocher-stained cobble, ocher samples, and eight casts of human bones removed from a grave at the site. Dr. Brian Robinson had a rubber mold of a Susquehanna Tradition stone striker made for creating casts of the artifact. He also made eight casts of human bones removed from a grave at the site. The bone used to make the casts and the artifact used to make the rubber mold are not in collections housed at the University of Maine, Orono. Remains from this burial feature were previously determined to be Native American based on dental morphology.

Dr. Brian Robinson removed human remains representing at least one individual from the Nevin site (ME 42.01) located in Blue Hill, Hancock County, Maine. The individual is represented by one unidentified human bone fragment. The 25 associated funerary objects removed from the site include a ridged hammerstone fragment, a lithic core fragment, a celt fragment, abraders, a ground stone tool fragment, a pecked cobble, a biface tip, utilized lithic flakes, a lithic flake, one bird bone fragment, two plaster casts of bone artifacts from burials, five wax flakes scraped from funerary objects after casting the objects, and six sealed glass vials of bone apatite from human remains removed from the site but not housed at the University of Maine. A total of 12 radiocarbon dates were obtained and reported by Dr. Douglas Byers in 1979 on habitation debris from site deposits, including bone, oyster shell, and a swordfish rostrum. This material was dated by the Smithsonian Institute, and the dates ranged from 2,660±85 years BP to 4,245±115 years BP.

Human remains representing, at least, one individual were removed from unknown sites in Maine. These remains were donated to the University of Maine over its history and include two small fragments of unidentified calcined human bone and six samples of red ocher that likely contain human bone, but the samples were not investigated to try to confirm the presence of human remains. The six associated funerary objects are six samples of red ocher.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice to be the Houlton Band of Maliseet Indians; Mi'kmaq Nation (previously listed as Aroostook Band of Micmacs); Passamaquoddy Tribe; and Penobscot Nation.

Determinations

The University of Maine has determined that:

- The human remains described in this notice represent the physical remains of a minimum of 26 individuals of Native American ancestry.
- The 532 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Houlton Band of Maliseet Indians; Mi'kmaq Nation (*previously* listed as Aroostook Band of Micmacs); Passamaquoddy Tribe; and the Penobscot Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the University of Maine must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Maine is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04035 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6967; NPS–WASO–NAGPRA–NPS0042109; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Cincinnati Museum Center, Cincinnati, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Cincinnati Museum Center intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after April 1, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Tyler Swinney, Cincinnati Museum Center, 1301 Western Avenue, Cincinnati, OH 45203, email *tswinney@cincymuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Cincinnati Museum Center, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 10 cultural items have been requested for repatriation. The 10 sacred objects are two poi pounders, three adzes, two bowling stones, one octopus lure sinker, one wood platter, and one

whale tooth pendant necklace. These cultural items were collected from the Hawaiian Islands and donated to the museum by Thomas Conway, Leland Banning, and Amos Brokaw and were accessioned in 1994, 1939, and 2019, respectively. The Cincinnati Museum Center has no records indicating that these cultural items were exposed to any hazardous substances while in the stewardship of the museum.

Through consultation, it has been determined that these cultural items qualify as sacred items because of their ceremonial function during the ʻike pāpālua ceremonies, where traditional leaders renew the ceremony of spiritual communication with the ancestors.

Determinations

The Cincinnati Museum Center has determined that:

- The 10 sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Hui Iwi Kuamoʻo.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the Cincinnati Museum Center must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Cincinnati Museum Center is responsible for sending a copy of this notice to the Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04053 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6962; NPS–WASO–NAGPRA–NPS0042096; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: California Department of Parks and Recreation, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California Department of Parks and Recreation intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after April 1, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Leslie L. Hartzell, NAGPRA Coordinator, California Department of Parks and Recreation, P.O. Box 942896, Sacramento, CA 94296–0001, email *Leslie.Hartzell@parks.ca.gov*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California Department of Parks and Recreation, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 29 cultural items have been requested for repatriation.

The 16 lots of unassociated funerary objects are modified stone, unmodified stone, charcoal, crystal, faunal bone, bone tools, glass fragments, hoof shoes, wood tools, nails, pendant, ochre, seed, shell, wood, and unidentified items. In 1977, the cultural items were removed from CA–ELD–201 (Pedersen Site), in Eldorado County, CA, during salvage data recovery work led by John W. Foster during a period of drought at Folsom Reservoir.

The four lots of unassociated funerary objects are projectile points (whole or fragments), an obsidian flake, soapstone objects, a volcanic glass chunk. Between 2004 and 2005, the cultural items were removed from CA–ELD–260 in Eldorado County, CA, during a DPR project at Folsom Lake State Recreation Area.

The two lots of unassociated funerary objects are chipped stone artifacts or debitage and a drilled soapstone chunk. The cultural items were removed from CA–ELD–262 in Eldorado County, CA, during a DPR project at Folsom Lake State Recreation Area.

The four lots of unassociated funerary objects are granite pestle, greenstone hammer, cobble chopper, and glass trade bead. In 1980, Fritz Riddell removed the cultural items from CA–SAC–185, in Sacramento County, CA, at Folsom Lake State Recreation Area.

The one lot of unassociated funerary objects is a glass bead (082–X–3910). At an unknown date, the cultural item was removed from CA–SAC–29, in Sacramento County, CA. At an unknown date, Curtis A. Boyd transferred the cultural item to California Department of Parks and Recreation.

The two lots of unassociated funerary objects are flaked stone and ground stone. At an unknown date, the cultural items were removed from CA–SAC–320, located on private property in Sacramento County, CA, by a ''pot hunter'' and received by DPR in 1983.

Determinations

The California Department of Parks and Recreation has determined that:

- The 29 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the California Department of Parks and Recreation must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The California Department of Parks and Recreation is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04047 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6953; NPS–WASO–NAGPRA–NPS0042090; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Missouri-St. Louis, St. Louis, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Missouri-St. Louis (UMSL) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after April 1, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Patti J. Wright, Ph.D., Dept. of Anthropology and Archaeology, 507 Clark Hall, One University Blvd., St. Louis, MO 63121, email *pjwright@umsl.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the UMSL, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 47 individuals have been identified. The 1,130 associated funerary objects are 86 lots of flotation samples and mound fill and 1,044 objects including stone artifacts, hematite/ocher fragments, carbonized plant remains, animal remains including mussel shell, daub and sherds. Solto Mounds (23SC12) was located in St.Charles County, Missouri, and excavated by a team from Southern Illinois University at Edwardsville.

Human remains representing, at least, 25 individuals have been identified. The 99 associated funerary objects are sherds, burned clay and limestone, lithic debris, and galena and sandstone fragments. Portions of the Stelzer Site (23SC910) was located in St. Charles County, Missouri, and the remains were recovered during the 1993 flood by staff of the UMSL Archaeological Survey.

Human remains representing, at least, two individuals have been identified. No associated funerary objects are present. Bluff or Kreilich Site (23STG300/23SG218) was located in Ste. Genevieve County, Missouri, and excavated by the University of Missouri-Columbia (UMC) staff and these two crania were likely borrowed from UMC in the late 1970s.

Human remains representing, at least, one individual have been identified. No associated funerary remains are present. 23STG168 was located in Ste. Genevieve County, Missouri and excavated in 1983 by UMSL staff as a part of a CRM project.

Human remains representing, at least, 23 individuals have been identified. The six associated funerary objects are a bannerstone frag, hammerstones, and faunal remains. Riverbend East and West (23SL78/79), St. Louis County, Missouri, was excavated 1960–1962 by Dale Henning, then of UMC.

Human remains representing, at least, 16 individuals have been identified. The two associated funerary objects are a cores. The Simpson Quarry site (23SL122) is located in St. Louis County, Missouri.

Humans remains representing, at least, one individual have been identified. No associated funerary items are present. The Pullian site (23LN112) is located in Lincoln County, Missouri, and was investigated by UMSL staff after reports from property owner.

Human remains representing, at least, 49 individuals have been identified. No associated funerary remains are present. The remains are from multiple unknown sites in east central Missouri surrendered by members of the public in the 1970s and 1980s.

Human remains representing, at least, 30 individuals have been identified. The 313 associated funerary remains include 312 ceramic and stone artifacts and one 25,184 g lot of flotation and soil samples. The Truman Site (23SC924) was located in St. Charles County, MO, and was excavated as part of several CRM projects by UMSL staff.

Human remains representing, at least, 32 individuals have been identified. The 385 associated funerary items are stone and ceramic artifacts. The Blick Collection reflects a number of St. Louis, Missouri regional site locations (no site numbers assigned) amassed by a local collector in the 1960s and donated to UMSL in 2010.

Human remains representing, at least, 20 individuals have been identified. No associated funerary remains are present. The Bridgeton Site (23SL442) was located in St. Louis County, Missouri, and was excavated during UMSL 1983, 1984, and 1985 field schools.

Human remains representing, at least, 19 individuals have been identified. No associated funerary remains are present. The Bridgeton Terrace Site (23SL12) was located adjacent to 23SL442 above in St. Louis County, MO. It was investigated during the UMSL field schools 1983, 1984, and 1985.

Human remains representing, at least, four individuals have been identified. The 1,337 associated funerary items include ceramic and stone artifacts and one 1092.7g lot of flotation and soil samples. Gateway Academy is located in St. Louis County Missouri, and portions of it were excavated by UMSL staff.

Human remains representing, at least, one individual have been identified. No

associated funerary items are present. The remain was recovered from Jefferson Barracks (23SL108) and turned into the UMSL Archaeological Survey.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The UMSL has determined that:

- The human remains described in this notice represent the physical remains of 270 individuals of Native American ancestry.
- The 3,272 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and The Osage Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the UMSL must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The UMSL is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04041 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6968; NPS–WASO–NAGPRA–NPS0042110; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Rutgers, The State University of New Jersey, New Brunswick, NJ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Rutgers, the State University of New Jersey has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after April 1, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Carol McCarty, Rutgers, the State University of New Jersey, 85 Somerset Street, New Brunswick, NJ 08904, email *nagpra_runb@rutgers.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Rutgers, the State University of New Jersey, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual has been identified. No associated funerary objects are present. On an unknown date, a collection was donated and housed at Rutgers University in New Brunswick, NJ. In November 2024, ancestral remains were identified in the collection. No institutional records of provenance exist for these individuals. The ancestral remains are extremely fragmentary, making further assessment beyond an MNI=1 impractical. Provenance information associated with these ancestral remains is limited. Associations with storage location and handwritten information with and on the remains indicate a connection with the late Seton Hall archaeologist Herbert Kraft through John Cavallo. John Cavallo directed contract archaeology work through the Rutgers Center for Public Archaeology from 1991–1998. Cavallo's papers indicate a connection with Herbert Kraft. Therefore, it is suspected that the ancestral remains came to Rutgers from Kraft through Cavallo. Herbert Kraft conducted both documented and undocumented excavations in various New Jersey locations.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

Rutgers, the State University of New Jersey has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the Rutgers, the State University of New Jersey must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human

remains are considered a single request and not competing requests. The Rutgers, the State University of New Jersey is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04054 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6955; NPS–WASO–NAGPRA–NPS0042091; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Interior, Bureau of Land Management, Colorado State Office, Lakewood, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Land Management, Colorado State Office (BLM Colorado State Office), intends to carry out the disposition of human remains, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the human remains or cultural items in this notice may occur on or after April 1, 2026. If no claim for disposition is received by March 2, 2027, the human remains or cultural items in this notice will become unclaimed human remains or cultural items.

ADDRESSES: Send written claims for disposition of the human remains or cultural items in this notice to Natalie Clark, Deputy Preservation Officer, Bureau of Land Management, Colorado State Office, 2815 H Road, Grand Junction, CO 81506, email *BLM_CO_NAGPRA@blm.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM Colorado State Office and additional information on the human remains in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, human remains representing at least one individual have been reasonably identified. The human remains consist of one phalanx, one medium to large bone, and multiple bone fragments. The one lot of unassociated funerary objects and/or sacred objects are beads, bone tubes, bone tools, ceramic sherds, faunal bone, stone tools, flakes, projectile points, and groundstone. The human remains and unassociated funerary objects and/or sacred objects were removed from Rio Blanco County, Colorado, specifically archaeological site 5RB104 (''Sky Aerie Promontory''), in 1993. At the time, the human remains of at least nine individuals were removed from the site and were reburied elsewhere circa 2000 in consultation and coordination with the Ute Indian Tribe of the Uintah and Ouray Reservation. The human remains in this notice are likely part of the original nine individuals. The site was heavily looted prior to excavation, resulting in the disassociation of cultural items from their original context. Due to the site disturbance, the funerary objects have been identified as unassociated because they were removed from a specific area where a burial site is known to have existed, but the burial site is no longer extant.

Determinations

The BLM Colorado State Office has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- The one or more unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- The one or more sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- The Hopi Tribe of Arizona; Pueblo of Jemez, New Mexico; Pueblo of Zia, New Mexico; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and the Ute Mountain Ute Tribe have priority for disposition of the human remains or cultural item described in this notice.

Claims for Disposition

Written claims for disposition of the human remains or cultural items in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by March 2, 2027, the human remains or cultural items in this notice will become unclaimed human remains or cultural items. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition.

Disposition of the human remains or cultural items in this notice may occur on or after April 1, 2026. If competing claims for disposition are received, the BLM Colorado State Office must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the human remains or cultural items are considered a single request and not competing requests. The BLM Colorado State Office is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04042 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6958; NPS–WASO–NAGPRA–NPS0042093; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Long Beach, Long Beach, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), California State University, Long Beach has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after April 1, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Miztlayolxochitl Aguilera, California State University Long Beach, 1250 Bellflower Blvd., Long Beach, CA 90840, email *Miztla.Aguilera@csulb.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of California State University, Long Beach and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, four individuals have been identified. The three associated funerary objects are two Steatite fragments and one lot of shell. In the late 1960's Mr. William Wallace took his CSULB archaeology field class to the construction site of Lake Los Angeles to perform salvage archaeology. The site is identified as LAN–192, in Los Angeles County, California. By April 3, 2023, 4 individuals associated with the site were identified in California State University, Long Beach's collections. Two had catalog numbers matching in-house inventory and the other two matched by taphonomy. Internal catalogs record the three associated funerary objects. This collection is referred to in previous reports as the ''Palmdale'' collection.

CSULB is unaware of the presence of any potentially hazardous substances used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains and associated funerary objects described in this notice.

Determinations

California State University, Long Beach has determined that:

- The human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- The three objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Yuhaaviatam of San Manuel Nation (previously listed as San Manuel Band of Mission Indians, California).

Requests for Repatriation

Written requests for repatriation of human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, California State University, Long Beach must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. California State University, Long Beach is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04044 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6963; NPS–WASO–NAGPRA–NPS0042097; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the American Museum of Natural History (AMNH) has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after April 1, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Nell Murphy, American Museum of Natural History, 200 Central Park West, New York, NY 10024, email *nmurphy@amnh.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the American Museum of Natural History, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

One associated funerary object has been identified. The associated funerary object is a smoking pipe from ''Kukinumi Cave,'' Kohala, HI. This

location has been identified through consultation as Kukui Umi Cave, a well-known burial cave on Hawaii island. Catalog information further states that the item was found ''inside coffin with Old Hawaiian'' and gives a burial date of approximately 1860–1870.

The pipe was part of a larger accession sold to the AMNH in 1946 by Lt. Col. Linscott A. Hall, who was stationed at Fort Kamehameha on Oahu for two and a half years, beginning in 1937. Lt. Col. Hall reached the rank of Brigadier General in the U.S. Air Force before his retirement in 1970, following a military career that spanned over three decades. In addition to his military service, Hall taught at the U.S. Military Academy. Though the pipe was found in association with human remains at a known location, the human remains were never accessioned by the Museum. Museum accession records include a letter from Lt. Col. Hall stating that all human remains were turned over to local Army Medics, under a Captain Thompson at Fort Kamehameha ''for instructional purposes.''

While it no longer does so, in the past, the Museum applied potentially hazardous pesticides to items in the collections. Museum records do not list specific objects treated or which of several chemicals used were applied to a particular item. Therefore, those handling this material should follow the advice of industrial hygienists or medical personnel with specialized training in occupational health or with potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

Determinations

The American Museum of Natural History has determined that:

- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary object described in this notice and the Hui Iwi Kuamo'o.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the American Museum of Natural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The American Museum of Natural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04048 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6950; NPS–WASO–NAGPRA–NPS0042088; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Ohio History Connection, Columbus, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Ohio History Connection intends to repatriate a certain cultural item that meets the definition of a sacred object and that has a cultural affiliation with the Native Hawaiian organization in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after April 1, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Stephanie Kline, Ohio History Connection, 800 E 17th Avenue, Columbus, OH 43211, email *nagpra@ohiohistory.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Ohio History Connection, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one sacred object is a pololū (previously identified as an ihe [spear]). This pololū was donated to Ohio

Historical Society (now Ohio History Connection) by Elizabeth R. (Mrs. George) Ocshier on August 2, 1978. According to Mrs. Ocshier, her grandfather, Henry Hiram Ellis, received this item from the Royal Governor of Kaua'i, Paul Puhuila Kanoa, when visiting Hawai'i in 1890. Records suggest that this item was removed from Ni'ihau, Kaua'i County, Hawai'i. A varnish may have been applied to the the pololū on an unknown date. Additionally, possible plaster and/or bird droppings and paper adhere to the surface of the item.

Determinations

The Ohio History Connection has determined that:

- The one sacred object described in this notice is a specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Hui Iwi Kuamo'o.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the Ohio History Connection must

determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Ohio History Connection is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04039 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6965; NPS–WASO–NAGPRA–NPS0042107; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: The Barnes Foundation, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Barnes Foundation intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after April 1, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Andrea Cakars, Barnes Foundation, 2025 Benjamin Franklin Parkway, Philadelphia, PA 19130, email *acakars@barnesfoundation.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Barnes Foundation, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of five cultural items have been requested for repatriation. The five objects of cultural patrimony are all pottery vessels. The vessels were made by members of the Santa Ana Pueblo between circa 1840 and 1870. They were acquired by Dr. Albert C. Barnes in the years 1929–1931 in New Mexico. One was a gift from the artist Andrew Dasburg. They are made of fired clay, basalt temper, and slip and have polychrome decoration. They measure between 4¾ and 13⅜ inches height and between 6⅛ and 17 inches width. They are not known to have been treated with any potentially hazardous substances.

Determinations

The Barnes Foundation has determined that:

- The five objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Pueblo of Santa Ana, New Mexico.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the Barnes Foundation must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Barnes Foundation is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04051 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6961; NPS–WASO–NAGPRA–NPS0042095; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: California Department of Parks and Recreation, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California Department of Parks and Recreation intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after April 1, 2026

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Leslie L. Hartzell, NAGPRA Coordinator, California Department of Parks and Recreation, P.O. Box 942896, Sacramento, CA 94296–0001, email *Leslie.Hartzell@parks.ca.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California Department of Parks and Recreation, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 140 lots of cultural items have been requested for repatriation.

The 58 lots of objects of cultural patrimony are flaked stone artifacts, groundstone artifacts, hammerstones, modified bone, organic ecofacts, petroglyph, pottery artifacts, shell bead necklace, shell beads, stone ecofacts, stone marker, and wood artifacts. Some

of the cultural items are physically attached to display mounts. Between 1928 and 1979, Howard Arden Edwards and Grace Wilcox Oliver acquired the cultural items from multiple locations in southern California: Alkali Springs, Barrel Springs, Big Rock Creek, Fairmont, Tameobit (Lovejoy Springs), Moody Springs, the Palmdale area, Pinnacle Butte, and Piute Butte, in the Antelope Valley in northern Los Angeles County; Indian Meadows in the Littlerock Canyon/Littlerock Creek area in the Antelope Valley in northern Los Angeles County; the Antelope Valley in northern Los Angeles County and southeastern Kern County; the Muroc area on what is now Edwards Air Force Base, and the Rosamond area in the Antelope Valley in southeastern Kern County; the San Bernardino area in San Bernardino County; the Barstow area, the Black Mountain area, the Cronese Valley, Indian Springs in Superior Valley, and Newberry Springs in northwest San Bernardino County; and Vasquez Rocks in Agua Dulce in northern Los Angeles County. State Parks records do not indicate which items Edwards and Oliver removed from sites themselves and which items were removed by others. On June 25, 1979, Grace Wilcox Oliver transferred the cultural items to the California Department of Parks and Recreation (CDPR). (ACCN.082–309 and ACCN.498–1)

The 12 lots of objects of cultural patrimony are modified bone, soil samples, organic ecofacts, stone ecofacts, fire-affected rocks, flaked stone artifacts, groundstone artifacts, hammerstones, pottery artifacts, modified shell, shell beads, and historic items. Some of the cultural items are physically attached to display mounts. The cultural items were removed from Tameobit (Lovejoy Springs) in the Antelope Valley in northern Los Angeles County, California. Between 1928 and 1979, Howard Arden Edwards and Grace Wilcox Oliver acquired items removed from the site by an unknown individual at an unknown date. In 1954, the Archaeological Survey Association removed items from the site. In 1989, Bruce Love and Cerro Coso College removed items from the site. In 1990–1991, Bruce Love removed items from the site. On June 25, 1979, Grace Wilcox Oliver transferred the cultural items acquired by Edwards and Oliver, as well as the cultural items removed by the Archaeological Survey Association, to CDPR. On January 17, 2017, Bruce Love transferred the cultural items he removed with Cerro Coso College and on his own to CDPR . (ACCN.498–81 and ACCN.082–309)

The 22 lots of objects of cultural patrimony are bone fragments, fire-affected rocks, flaked stone artifacts, fossils, groundstone artifacts, hammerstones, historic items, organic ecofacts, pottery sherds, shell beads, soil, and stone ecofacts. Between 1998 and 2009, Rick Norwood removed the cultural items from multiple locations in Antelope Valley: Acton, south of the Antelope Valley in northern Los Angeles County; Barrel Springs, the Lancaster Area, and the Palmdale area in the Antelope Valley in northern Los Angeles County; and the Rosamond area in the Antelope Valley in southeastern Kern County. On January 23, 2009, Rick Norwood transferred the cultural items to CDPR. (ACCN.498–55)

The one lot of objects of cultural patrimony are groundstone artifacts. On an unknown date, Dana Grabb removed the cultural items from Piute Butte in the Antelope Valley in northern Los Angeles County, California. On May 15, 1997, Dana Grabb transferred the cultural items to CDPR. (ACCN.498–26)

The five lots of objects of cultural patrimony are modified bone, flaked stone artifacts, groundstone artifacts, modified shell, and shell bead. On an unknown date, Roger Robinson removed the cultural items from Barrel Springs in the Antelope Valley in northern Los Angeles County, California. In 1998, Roger Robinson transferred the cultural items to CDPR. (ACCN.498.28)

The 10 lots of objects of cultural patrimony are modified bone, faunal bone fragments, stone ecofacts, organic ecofacts, fire-affected rocks, flaked stone artifacts, groundstone artifacts, hammerstones, metal artifacts, and pottery sherds. In 1988, Bruce Love, under contract to Stanley and Lois Sevilla, removed the cultural items from Barrel Springs in the Antelope Valley in northern Los Angeles County, California. On June 1, 1998, Stanley and Lois Sevilla transferred the cultural items to CDPR. (ACCN.498–29)

The one lot of objects of cultural patrimony are groundstone artifacts. On an unknown date, Stanley Brugh removed the cultural items from Lake Hughes, south of the Antelope Valley in northern Los Angeles County, California. On February 14, 2006, Stanley Brugh transferred the cultural items to CDPR. (ACCN.498–41)

The one lot of objects of cultural patrimony are groundstone artifacts. On an unknown date, Anthony Binando's father removed the cultural items from Tameobit (Lovejoy Springs) in the Antelope Valley in northern Los Angeles County, California. On February 19, 2002, Anthony Binando transferred the cultural items to CDPR. (ACCN.498–43)

The two lots of objects of cultural patrimony are groundstone artifacts and hammerstone. At an unknown date, an unknown person removed the cultural items from the Lancaster area in the Antelope Valley in northern Los Angeles County, California. On January 15, 2008, an anonymous donor transferred the cultural items to CDPR. (ACCN.498–49)

The three lots of objects of cultural patrimony are stone ecofacts, flaked stone artifacts, and groundstone artifacts. Between the 1920s and 1940s, ancestors of Virginia M. Sitzman removed the cultural items from the Lancaster area in the Antelope Valley in northern Los Angeles County, California. On March 15, 2006, Sitzman transferred the cultural items to CDPR. (ACCN.498–50)

The four lots of objects of cultural patrimony are juniper house, organic ecofacts, flaked stone artifacts, and groundstone artifacts. In 1966, Charles Rozaire removed the cultural items from the Palmdale area in the Antelope Valley in northern Los Angeles County, California. In 1966, Rozaire transferred the cultural items to the Natural History Museum of Los Angeles County. On March 10, 1997, the Natural History Museum of Los Angeles County transferred the cultural items to CDPR. (ACCN.498–51)

The one lot of objects of cultural patrimony are flaked stone artifacts. In 2008 and 2009, California State Parks removed the cultural items are from Piute Butte in the Antelope Valley in northern Los Angeles County, California, within Antelope Valley Indian Museum State Historic Park. (ACCN.498–54) No potentially hazardous substances have been used to treat the cultural items.

The one lot of objects of cultural patrimony are groundstone artifacts. On an unknown date, Alex Littlebow removed the cultural items from the Rosamond area in the Antelope Valley in southeastern Kern County, California. On October 1, 2010, Alex Littlebow transferred the cultural items to CDPR. (ACCN.498–68)

The one lot of objects of cultural patrimony are groundstone artifacts. On an unknown date, Darline Donna Coon removed the cultural items from the Antelope Valley in northern Los Angeles County and southeastern Kern County, California. On August 2, 2013, her son Donald Orr transferred the cultural items to CDPR. (ACCN.498–73)

The one lot of objects of cultural patrimony are groundstone artifacts. In

2014, Discovery Works removed the cultural items from Leona Valley, south of the Antelope Valley in northern Los Angeles County, California. On September 25, 2014, Discovery Works transferred the cultural items to CDPR. (ACCN.498–75)

The one lot of objects of cultural patrimony are groundstone artifacts. On an unknown date, Muir Thompson removed the cultural items from Lake Hughes, south of the Antelope Valley in northern Los Angeles County, California. On June 15, 2015, Muir Thompson transferred the cultural items to CDPR. (ACCN.498–79)

The one lot of objects of cultural patrimony are groundstone artifacts. On an unknown date, Alex Littlebow removed the cultural items from the Antelope Valley in northern Los Angeles County and southeastern Kern County, California. On October 22, 2017, Alex Littlebow transferred the cultural items to CDPR. (ACCN.498–82)

The seven lots of objects of cultural patrimony are organic ecofacts, stone ecofacts, fire-affected rocks, flaked stone artifacts, groundstone artifacts, hammerstone, and bottle fragment. In 2006, ArchaeoPaleo Resource Management removed the cultural items from site CA–LAN–3681 in Agua Dulce in northern Los Angeles County, California. On December 21, 2017, ArchaeoPaleo Resource Management transferred the cultural items to CDPR. (ACCN.498–83)

The one lot of objects of cultural patrimony are flaked stone artifact. On February 20, 2016, CDPR removed the cultural items from Fairmont in the Antelope Valley in northern Los Angeles County, California, in Antelope Valley California Poppy Reserve State Natural Reserve. (ACCN.499–20)

The one lot of objects of cultural patrimony are groundstone artifact. In December 1985, CDPR staff removed the cultural items from Saddleback Butte in the Antelope Valley in northern Los Angeles County, California, in Saddleback Butte State Park. The presence of any potentially hazardous substances being used to treat the cultural items at Saddleback Butte State Park visitor center is unknown. (ACCN.568–2)

The six lots of objects of cultural patrimony are organic ecofacts, fire-affected rocks, flaked stone artifacts, groundstone artifacts, pottery artifacts, and shell beads. On an unknown date, unknown people removed the cultural items from Saddleback Butte in the Antelope Valley in northern Los Angeles County, California, Saddleback Butte State Park. The presence of any potentially hazardous substances being used to treat the cultural items at Saddleback Butte State Park visitor center is unknown. (ACCN.568–3)

Unless stated above, the presence of any potentially hazardous substances being used to treat the cultural items prior to CDPR acquiring the items is unknown. Unless state above, all of the cultural items are housed at the Antelope Valley Indian Museum. The museum was tented for termites in August 1992. There have been no other chemical treatments after that date.

Determinations

The California Department of Parks and Recreation has determined that:

- The 140 lots objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Yuhaaviatam of San Manuel Nation (previously listed as San Manuel Band of Mission Indians, California).

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the California Department of Parks and Recreation must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The California Department of Parks and Recreation is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04046 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6971; NPS–WASO–NAGPRA–NPS0042112; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Nassau County Department of Parks, Recreation & Museums, Garvies Point Museum & Preserve, Glen Cove, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Nassau County Department of Parks, Recreation & Museums—Garvies Point Museum & Preserve has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after April 1, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Veronica Natale, Garvies Point Museum & Preserve, 50 Barry Drive, Glen Cove, NY 11542, email *vnatale@nassaucountyny.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Nassau County Department of Parks, Recreation & Museums—Garvies Point Museum & Preserve, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The remains consist of the femora, left tibia and fibula, eight thoracic vertebrae, the radii and humeri, and two metacarpals; most of the bones are fragmentary. Tufano site nears Athens, Greene County, NY. They were

collected on August 27, 1964, by Columbia University and later donated to Nassau County Department of Parks, Recreation & Museums—Garvies Point Museum & Preserve in 1970.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The Nassau County Department of Parks, Recreation & Museums—Garvies Point Museum & Preserve has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the Nassau County Department of Parks, Recreation & Museums—Garvies Point Museum & Preserve must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Nassau County Department of Parks, Recreation & Museums—Garvies Point Museum & Preserve is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04050 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6949; NPS–WASO–NAGPRA–NPS0042087; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), San Bernardino County Museum has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after April 1, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Gabrielle Carpentier, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, email *gabrielle.carpentier@sbcm.sbcounty.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of San Bernardino County Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, four individuals have been identified. The two associated funerary objects are one lot of faunal bone and one lot of stone. A letter is included with these ancestral remains and associated funerary objects which states the following: ''In the late 1950s my friend, Gordon Redfeldt took me to his property in Lemoore, California. He had relatives living in the area. I helped him excavate a burial on his property. He explained that these were Tulerino Indians. After we photographed the flex burial, he gave it to me. I planned to build a case for display of the burial, but I never accomplished this. Since that time, our society, and I, have come to realize that these items should not be privately held. They should be returned to their original sites. Edward Rutherford''

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

San Bernardino County Museum has determined that:

- The human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- The two objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria; Tejon Indian Tribe; and the Tule River Indian Tribe of the Tule River Reservation, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, San Bernardino County Museum must determine the most appropriate requestor prior to repatriation. Requests for joint

repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. San Bernardino County Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04037 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6969; NPS–WASO–NAGPRA–NPS0042111; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Santa Barbara Museum of Natural History, Santa Barbara, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Santa Barbara Museum of Natural History has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after April 1, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Luke Swetland, President and CEO, Santa Barbara Museum of Natural History, 2559 Puesta del Sol, Santa Barbara, CA 93105, email *lswetland@sbnature2.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Santa Barbara Museum of Natural History, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals were likely removed from Madison County, Illinois. In 2007, an anonymous package containing these human remains was mailed to the Santa Barbara Museum of Natural History. The human remains consist of 60% of an intact cranium, and one mandible. The package also contained a type-written note that says: ''The skull and jaw bones were found in a closet while cleaning out a person's belongings . . . it appears that the person who collected them dug them up when he was a child in southern Illinois. From what I have been able to determine, he dug them up about 80 years ago on farmland that was about 18 miles from the site of Cahokia. We had absolutely no idea what to do with these bones and want to make sure they are handled respectfully . . . and so are sending them to the Natural History Museum for handling.'' No associated funerary objects are present.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Santa Barbara Museum of Natural History has determined that:

- The human remains described in this notice represent the physical remains of at least two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Absentee Shawnee Tribe of Indians of Oklahoma; Eastern Shawnee Tribe of Oklahoma; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Kickapoo Traditional Tribe of Texas; Match-E-Be-Nash-She-Wish Band of Pottawatomi (previously listed as Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan); Miami Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Quapaw Nation; Sac & Fox Nation of Missouri in Kansas and Nebraska; The Osage Nation; Thlopthlocco Tribal Town; and the Winnebago Tribe of Nebraska.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the Santa Barbara Museum of Natural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Santa Barbara Museum of Natural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04055 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6960; NPS–WASO–NAGPRA–NPS0042094; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion Amendment: Missouri Historical Society, St. Louis, MO

AGENCY: National Park Service, Interior.

ACTION: Notice; amendment.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Missouri Historical Society (MHS) has amended a notice of inventory completion published in the **Federal Register** on December 19, 2025. This notice amends the Indian Tribes or Native Hawaiian organizations with cultural affiliation.

DATES: Repatriation of the associated funerary objects may occur on or after April 1, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects to Brady Wolf, Missouri Historical Society, 225 S Skinker Blvd.,

St. Louis, MO 63105, email *bwolf@mohistory.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the MHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Amendment

This notice amends the determination of cultural affiliation published in a notice of inventory completion in the **Federal Register** (90 FR 59539, December 19, 2025). Repatriation of the associated funerary objects in the original notice of inventory completion has not occurred.

Determinations

The MHS has determined that:

- There is a connection between the associated funerary objects described in this notice and the Ione Band of Miwok Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; and the Yocha Dehe Wintun Nation, California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in the original notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in the original notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, the MHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The MHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04045 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6972; NPS–WASO–NAGPRA–NPS0042113; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), San Bernardino County Museum has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after April 1, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Gabrielle Carpentier, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, email *gabrielle.carpentier@sbcm.sbcounty.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of San Bernardino County Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. This individual was removed near Visalia, California.

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. This individual was removed from Ducor, California, near Porterville, by Benjamin McCown.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

San Bernardino County Museum has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Picayune Rancheria of the Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria; Tejon Indian Tribe; and the Tule River Indian Tribe of the Tule River Reservation, California.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after April 1, 2026. If competing requests for repatriation are received, San Bernardino County Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. San Bernardino County Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25

U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 20, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–04038 Filed 2–27–26; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–609]

Effects on the U.S. Economy of Revoking China's Permanent Normal Trade Relations Status

AGENCY: United States International Trade Commission.

ACTION: Notice of investigation.

SUMMARY: The U.S. International Trade Commission has self-instituted Investigation No. 332–609, *Effects on the U.S. Economy of Revoking China's Permanent Normal Trade Relations Status,* to produce a report as directed by the U.S. House of Representatives Committee on Appropriations analyzing revocation of permanent normal trade relations treatment for all products of China.

DATES:

April 13, 2026: Deadline for filing all written submissions.

August 21, 2026: Anticipated date for publication of the report.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Project Leader Tamara Gurevich (202–205–3404 or *Tamara.Gurevich@usitc.gov*) or Deputy Project Leaders Theron Gray (202–205–3132 or *Theron.Gray@usitc.gov*) and Tyler Berard (202–205–3354 or *Tyler.Berard@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact Brian Allen (202–205–3034 or *Brian.Allen@usitc.gov*) of the Commission's Office of the General Counsel. The media should contact Claire Huber, Office of External Relations (202–205–1819 or *Claire.Huber@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. General information concerning the Commission may be obtained by accessing its internet address (*https://www.usitc.gov*). 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.

SUPPLEMENTARY INFORMATION:

Background: The Commerce, Justice, Science; Energy and Water Development; and Interior and Environment Appropriations Act, 2026 (the Act), signed by the President on January 23, 2026, provides funding for the Commission for fiscal year 2026. Public Law 119–74. A report of the House of Representatives Committee on Appropriations (Committee) accompanying the Act contains language directing the Commission to conduct an investigation and prospective economic analysis of revoking permanent normal trade relations (PNTR) treatment for all products of China on the U.S. economy, U.S. industry, and product sourcing over a six-year period. The Committee in its report states that the Commission report in this investigation (1) should include detailed information, to the extent practicable, on U.S. trade, production, and prices in the industries that would be directly and most affected by the imposition of rates of duty in column 2 of the Harmonized Tariff Schedule of the United States on products of China; (2) should examine an alternative scenario in which Congress revokes PNTR treatment, with a five-year phase-in of tariffs, on a subset of national security products from China; and (3) should be transmitted to the House of Representatives and Senate Committees on Appropriations within 210 days of the Act's enactment. Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2026, H.R. Rep. No. 119–272, at 109 (2025); 172 Cong. Rec. H255 (daily ed. Jan. 8, 2026).

The Commission is self-instituting this investigation under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) to produce a report containing information and analysis as detailed above and will publish its report no later than August 21, 2026.

Written submissions: The Commission does not plan to hold a public hearing in connection with the preparation of this report. Interested persons are invited to file written submissions and other information concerning the matters to be addressed in this investigation. All written submissions should be addressed to the Secretary, and should be received no later than 5:15 p.m., April 13, 2026. All written submissions must conform to the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802), email *EDIS3help@usitc.gov,* or consult the Commission's *Handbook on Filing Procedures.*

Confidential business information: Any submissions that contain confidential business information (CBI) must also conform with the requirements in section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''nonconfidential'' version, and that the CBI is clearly identified by means of brackets. All written submissions, except for CBI, will be made available for inspection by interested persons.

The Commission will not include any CBI in its report. However, all information, including CBI, submitted in this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel for cybersecurity or other security purposes. The Commission will not otherwise disclose any CBI in a manner that would reveal the operations of the firm supplying the information.

Summaries of views of interested persons: Interested persons wishing to have a summary of their views included in the report should include a summary with a written submission on or before April 13, 2026, and should mark the summary as having been provided for that purpose. The summary should be clearly marked as ''summary for inclusion in the report'' at the top of the page. The summary may not exceed 500 words and should not include any CBI. The summary will be published as provided if it meets these requirements

and is germane to the subject matter of the investigation. The Commission will list the name of the organization furnishing the summary and will include a link where the written submission can be found.

By order of the Commission.

Issued: February 26, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04100 Filed 2–27–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1092 (Third Review)]

Diamond Sawblades and Parts Thereof From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the antidumping duty order on diamond sawblades and parts thereof from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted March 2, 2026. To be assured of consideration, the deadline for responses is April 1, 2026. Comments on the adequacy of responses may be filed with the Commission by May 8, 2026.

FOR FURTHER INFORMATION CONTACT: Alexis Yim (202–708–1446), 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 November 4, 2009, the Department of Commerce (''Commerce'') issued an antidumping duty order on imports of diamond sawblades and parts thereof from China (74 FR 57145). Commerce issued a continuation of the antidumping duty order on imports of diamond sawblades and parts thereof from China following Commerce's and the Commission's first five-year reviews, effective September 18, 2015 (80 FR 56441) and second five-year reviews, effective April 12, 2021 (86 FR 18942). The Commission is now conducting a third five-year review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full or expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination, its full first five-year review, and its expedited second five-year review, the Commission defined the *Domestic Like Product* as diamond sawblades and parts thereof, coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, its full first five-year review, and its expedited second five-year review, the Commission defined the *Domestic Industry* as all domestic producers of diamond sawblades, including the assemblers in addition to all domestic producers of finished diamond sawblades and component parts. The Commission also determined in its original determination and its full first five-year review that appropriate circumstances existed to exclude certain companies from the domestic industry under the related parties provision, but did not exclude any firms from the domestic industry in its expedited second five-year review.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on April 1, 2026. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is 5:15 p.m. on May 8, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–674, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information To Be Provided in Response to This Notice of Institution: As used below, the term ''firm'' includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at *https://usitc.gov/reports/response_noi_worksheet,* where one can download and complete the ''NOI worksheet'' Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2019.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or

the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2025, except as noted (report quantity data in units and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in units and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in units and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2019, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 24, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04069 Filed 2–27–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Request for Extension of a Previously Approved Information Collection and Request for Comment; Request for Comment on Designation of Confidential Information

AGENCY: United States International Trade Commission.

ACTION: 60-Day notice and request for comment.

SUMMARY: This notice announces the intention of the U.S. International Trade Commission (Commission) to request a three-year extension, under the Paperwork Reduction Act of 1995 (the Act), of the current generic survey clearance that the Office of Management and Budget (OMB) previously approved. The Commission uses this clearance to issue information collections for investigations that it is required to conduct under the Tariff Act of 1930, the Trade Act of 1974, and other trade-remedy statutes that require or authorize the Commission to make findings or determinations. The current generic survey clearance is assigned OMB Control No. 3117–0016; it will expire on June 30, 2026. The Commission requests comments concerning the proposed information collections under section 3506(c)(2)(A) of the Act; this notice

describes such comments in greater detail in the **SUPPLEMENTARY INFORMATION** section below. In addition, the Commission is seeking public comment on how, if at all, it should revise these questionnaires in light of the decision by the Court of Appeals for the Federal Circuit cited below.

DATES: To assure that the Commission will consider your comments, it must receive them no later than 60 days after publication of this notice in the **Federal Register**.

ADDRESSES: Submit signed comments identified by docket number MISC–048 via the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*) or to Lisa Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E St. SW, Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the proposed information collection and supporting documentation from Stamen Borisson, Office of Investigations, *stamen.borisson@usitc.gov,* (202) 205–3125. 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. You may also obtain general information concerning the Commission by accessing its website (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION:

Request for Comments

The Commission solicits comments on its collection of information through questionnaires issued in its import injury investigations with respect to two issues.

First, the Commission solicits comments in connection with the Paper Work Reduction Act as to: (1) whether the proposed information collection is necessary for the proper performance of the Commission's functions; (2) the accuracy of the Commission's estimate of the burden of the proposed information collection; (3) the quality, utility, clarity, and design of the information to be collected; and (4) minimization of the burden of the proposed information collection on those who are to respond (including through the use of appropriate automation, electronic filing, or other forms of information technology).To the extent appropriate, please cite to specific experiences that your firm has had with other governmental surveys and data collections.

Second, on February 2, 2026, the Court of Appeals for the Federal Circuit issued its decision *In re United States.* The Court held that ''the Commission's practice of automatically designating all questionnaire responses as confidential is not authorized by the statute.'' *In re United States,* 2025–127, slip op. at 21 (Feb. 2, 2026). The Commission solicits comments as to how it should designate confidential information or otherwise revise its questionnaires in light of the Federal Circuit decision.

Summary of the Proposed Information Collections

(1) Need for the Proposed Information Collections

The Commission utilizes, or may utilize, the information requested in questionnaires and five-year review institution notices issued under the generic survey clearance in the following statutory investigation types: antidumping duty, countervailing duty, safeguards, other import competition, market disruption, interference with programs of the U.S. Department of Agriculture, and cross-border long-haul trucking. This clearance also covers questionnaires needed for new types of trade-remedy investigations when directed in new legislation, such as rules of origin investigations or other matters in which the Commission is directed to make a determination or finding. The vast majority of information requests issued by the Commission under the existing generic clearance authority relate to antidumping and countervailing duty investigations, or reviews of orders previously issued in such investigations. The Commission's generic survey clearance to issue questionnaires does not apply to fact-finding investigations conducted under section 332 of the Tariff Act of 1930.

The information provided by firms in response to the questionnaires under this authority provides information that the Commission uses in making its findings and determinations. Commission staff consolidates submitted information and provides it to the Commission primarily in the form of data tables, figures, and analysis within a written report. In addition, the Commission treats information provided in the questionnaires as confidential and releases completed questionnaires returned by industry participants to representatives of parties to its investigations under an administrative protective order, the terms of which safeguard the confidentiality of any business proprietary or business confidential information. Representatives of interested parties also receive a confidential version of Commission reports under that same administrative protective order. Included in the proposed generic clearance is the administrative protective order application form and the forms associated with submitting new petitions to the Commission. Also included in the proposed generic clearance are the institution notices for the five-year reviews of antidumping and countervailing duty orders and suspended investigations. The Commission evaluates responses to the institution notices, which will form much of the record supporting the Commission's determinations to conduct either expedited or full five-year reviews of existing antidumping and countervailing duty orders.

(2) Information Collection Plan

The Commission sends questionnaires for specific investigations to all identified domestic producers of the product(s) in question subject to the Commission proceeding. The Commission also sends importer and purchaser questionnaires to all substantial U.S. importers and purchasers of the product(s). Further, the Commission sends questionnaires to all foreign manufacturers of the product(s) in question that are represented by counsel, and, in addition, it attempts to contact any other foreign manufacturers, especially if they export the product(s) in question to the United States. Firms receiving questionnaires include businesses, farms, and other for-profit institutions; responses by domestic firms are mandatory. The Commission publishes institution notices for the five-year reviews in the **Federal Register** and solicits comments from interested parties (*e.g.,* U.S. producers within the industry in question, as well as labor unions or representative groups of workers, U.S. importers and foreign exporters, and involved foreign country governments).

(3) Description of the Information To Be Collected

These questionnaires are based on long-established, generic formats, that align the data being gathered to the specific points of analysis that the statutes direct the Commission to analyze, although the content of each questionnaire will differ based on the needs of a particular investigation. Producer questionnaires generally consist of the following four parts: (part I) general questions relating to the organization and activities of the firm; (part II) data on capacity, production,

inventories, employment, and the quantity and value of the firm's shipments and purchases from various sources; (part III) financial data, including income-and-loss data on the product in question, data on asset valuation, research and development expenses, and capital expenditures; and (part IV) pricing and market factors. Questionnaires may, on occasion, also contain additional parts depending on the facts of the case and the arguments raised by interested parties, the most frequent of which relate to information to assess proposed alternative definitions of the domestic like product.

Importer questionnaires generally consist of three parts: (part I) general questions relating to the organization and activities of the firm; (part II) data on the firm's imports and the shipment and inventories of its imports; and (part III) pricing and market factors similar to that requested in the domestic producer questionnaire. Purchaser questionnaires generally consist of four parts: (part I) general questions relating to the organization and activities of the firm; (part II) data concerning the purchases of the product by the firm and the names of the firm's vendors; (part III) market characteristics and purchasing practices; and (part IV) comparisons between imported and U.S.-produced product. The Commission may send an abbreviated purchaser questionnaire: (1) in a preliminary phase investigation, consisting of two parts: (part I) data concerning the purchases of the product by the firm; and (part II) questions regarding purchasing practices; or (2) in an adequacy phase of a review investigation, consisting of one part: (part I) general questions regarding the industry. Foreign producer questionnaires generally consist of: (part I) general questions relating to the organization and activities of the firm; (part II) data concerning the firm's manufacturing operations; and may include (part III) market factors. The notices of institution for the five-year reviews include 11 specific requests for information that firms are to provide if their response is to be considered by the Commission.

(4) Estimated Burden of the Proposed Information Collection

The Commission estimates that information collections issued under the requested generic clearance will impose an average annual burden of 409,250 hours on 12,935 respondents (*i.e.,* recipients that provide a response to the Commission's questionnaires, notices of institution of five-year reviews, and other investigations and forms).

(5) Minimization of Burden

The Commission periodically reviews its investigative processes, including data collection, to reduce the information burden. Questionnaires clearly state that reasonable estimates are acceptable for certain items. The questionnaires are designed in part with check-in type formats to simplify the response. The reporting burden is reduced by limiting data to a terminal year when a time series is not required. Moreover, the reporting burden for smaller firms is reduced in that the sections of the questionnaire that are applicable to their operations are typically more limited and, when pertinent, there are fewer requested data points. The Commission will not accept requests by parties to expand the data collection or add items to the questionnaire for specific investigations if it believes that such requests will increase the response burden without substantially adding to the investigative record. Respondents submit the information provided in response to the Commission's notices of institution for the five-year reviews electronically to the Commission's Electronic Data Information System (EDIS) and Electronic Docket. In addition, the Commission has reduced the information burden by streamlining the questionnaires. For example, the Commission removed redundant fields, added auto-calculated reconciliation fields, enabled population of whole data tables, reduced the number of years for which data is collected in certain five-year reviews, and streamlined data collections for preliminary proceedings.

No record keeping burden is known to result from the proposed collection of information.

By order of the Commission.

Issued: February 25, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04025 Filed 2–27–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain TOPCON Solar Cells, Modules, Panels, Components Thereof and Products Containing Same, DN 3887;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of First Solar, Inc. on February 24, 2026. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain TOPCON solar cells, modules, panels, components thereof and products containing same. The complaint names as respondents: AXITEC, LLC of Radnor, PA; AXITEC Energy GmbH & Co. KG of Germany; AXITEC SOLAR, LLC of Newark, Delaware; Canadian Solar Inc. of Canada; CSI Solar Co., Ltd. of China; Canadian Solar (USA) Inc. of Walnut Creek, CA; Canadian Solar Manufacturing (Thailand) Co., Ltd. of Thailand; Canadian Solar US Module Manufacturing Corporation of Mesquite, TX; Canadian Solar International Ltd. of Hong Kong; JA Solar Technology Co., Ltd. of China; JA Solar USA, Inc. of San Jose, CA; JA Solar AZ, LLC of Phoenix, AZ; JA Solar International, Ltd. of Hong Kong; JA Solar Vietnam Co., Ltd. of Vietnam; JinkoSolar Holding Co., Ltd. of China; Jinko Solar Co., Ltd. of China; Jinko Solar (Vietnam) Industries Co. Ltd. of Vietnam; Jinko Solar Technology

Sdn. Bhd. of Malaysia; Zhejiang Jinko Solar Co., Ltd. of China; JinkoSolar (U.S.) Inc. of Campbell, CA; JinkoSolar (U.S.) Manufacturing Inc. of Dover, DE; JinkoSolar (U.S.) Industries Inc. of Jacksonville, FL; Mundra Solar PV Limited of India; Mundra Solar Energy Ltd. of India; Adani Green Energy Ltd. of India; Philadelphia Solar LLC of Jordan; Philadelphia Solar USA Inc. of San Mateo, CA; Hanwha Q CELLS USA Inc. of Dalton, GA; Hanwha Q CELLS America Inc. of Irvine, CA; Hanwha Q CELLS USA Corp. of Irvine, CA; Hanwha Solutions Corporation of Korea; Jiangsu Runergy New Energy Technology Co., Ltd of China; Runergy USA Inc. of Pleasanton, CA; Runergy Alabama Inc. of Huntsville, AL; Runergy USA Trading LLC of Dover, DE; Runergy PV Technology (Thailand) Co., Ltd. of Thailand; Trina Solar Co., Ltd. of China; Trina Solar (U.S.), Inc. of Fremont, CA; Trina Solar Energy Development Co., Ltd. of Vietnam; Changzhou Trina Solar Energy Co., Ltd. of China; Trina Solar Yiwu Technology Co., Ltd. of China; T1 Energy, Inc. of Austin, TX; T1 G1 Dallas Solar Module LLC of Wilmer, TX; Vietnam Sunergy Joint Stock Company of Vietnam; VSUN Solar USA Inc. of Fremont, CA; Toyo Co., Ltd. of Japan; and Toyo Solar Texas, LLC of Humble, TX. The complainant requests that the Commission issue a general exclusion order, or in the alternative issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3887'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: February 25, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04080 Filed 2–27–26; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–653 and 731–TA–1527 (Review)]

Standard Steel Welded Wire Mesh From Mexico; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the countervailing and antidumping duty orders on imports of standard steel welded wire mesh from Mexico would be likely to lead to continuation or recurrence of material

injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted March 2, 2026. To be assured of consideration, the deadline for responses is April 1, 2026. Comments on the adequacy of responses may be filed with the Commission by May 8, 2026.

FOR FURTHER INFORMATION CONTACT: Alec Resch (202–708–1448), 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 April 12, 2021, the Department of Commerce (''Commerce'') issued a countervailing duty order on imports of standard steel welded wire mesh from Mexico (86 FR 18940). On August 9, 2021, Commerce issued an antidumping duty order on imports of standard steel welded wire mesh from Mexico (86 FR 43525). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Country* in these reviews is Mexico.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations, the Commission defined a single *Domestic Like Product* consisting of standard wire mesh that is coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined one *Domestic Industry* consisting of all domestic producers of standard wire mesh, except for one firm for which the Commission determined that appropriate circumstances existed to exclude it from the domestic industry as a related party.

(5) The *Order Dates* are the dates that the antidumping and countervailing duty orders under review became effective. In the review of the countervailing duty order, the *Order Date* is April 12, 2021. In the review of the antidumping duty order, the *Order Date* is August 9, 2021.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is on or before 5:15 p.m. on April 1, 2026. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is on or before 5:15 p.m. on May 8, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–675, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in these reviews.

Information to be Provided in Response to This Notice of Institution: As used below, the term ''firm'' includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at *https://usitc.gov/reports/response_noi_worksheet,* where one can download and complete the ''NOI worksheet'' Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing and antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in § 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Dates.*

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2025, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include

both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping and/or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping and/or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* since the *Order Dates,* and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 24, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04072 Filed 2–27–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–639, 641–642 and 731–TA–1475–1479, 1481–1483, 1485–1492 (Review)]

Common Alloy Aluminum Sheet From Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the countervailing duty orders on common alloy aluminum sheet (''CAAS'') from Bahrain, India, and Turkey and the revocation of the antidumping duty orders on CASS from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted March 2, 2026. To be assured of consideration, the deadline for responses is April 1, 2026. Comments on the adequacy of responses may be filed with the Commission by May 8, 2026.

FOR FURTHER INFORMATION CONTACT: Laurel Schwartz (202–205–2398), 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 April 27, 2021, the Department of Commerce (''Commerce'') issued countervailing duty orders on imports of CASS from Bahrain, India, and Turkey (86 FR 22144) and

antidumping duty orders on imports of CAAS from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey (86 FR 22139). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations, the Commission defined a single *Domestic Like Product* as all CAAS coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the *Domestic Industry* as all domestic producers of CAAS.

(5) The *Order Date* is the date that the countervailing and antidumping duty orders under review became effective. In these reviews, the *Order Date* is April 27, 2021.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is on or before 5:15 p.m. on April 1, 2026. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is on or before 5:15 p.m. on May 8, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this

time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–680 expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information to be Provided in Response to this Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at *https://usitc.gov/reports/response_noi_worksheet,* where one can download and complete the ''NOI worksheet'' Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing and antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in § 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date.*

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2025, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping and/or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject*

Merchandise imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping and/or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the *Order Date,* and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

Issued: February 24, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04070 Filed 2–27–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–650–651 (Review)]

Phosphate Fertilizers From Morocco and Russia; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the countervailing duty orders on phosphate fertilizers from Morocco and Rusia would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted March 2, 2026. To be assured of consideration, the deadline for responses is April 1, 2026. Comments on the adequacy of responses may be filed with the Commission by May 8, 2026.

FOR FURTHER INFORMATION CONTACT: Camille Bryan (202–205–2811), 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 April 7, 2021, the Department of Commerce (''Commerce'') issued countervailing duty orders on imports of phosphate fertilizers from Morocco and Russia (86 FR 18037). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Morocco and Russia.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations, the Commission defined a single *Domestic Like Product* consisting of phosphate fertilizers coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the *Domestic Industry* as all producers of phosphate fertilizers.

(5) The *Order Date* is the date that the countervailing duty orders under review became effective. In these reviews, the *Order Date* is April 7, 2021.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is on or before 5:15 p.m. on April 1, 2026. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is on or before 5:15 p.m. on May 8, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–676, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at

https://usitc.gov/reports/response_noi_worksheet, where one can download and complete the ''NOI worksheet'' Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in § 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date.*

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2025, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the *Order Date,* and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of

production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 24, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04068 Filed 2–27–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–654–655 and 731–TA–1529–1532 (Review)]

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Czechia, Russia, South Korea, and Ukraine; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the countervailing duty orders on imports of seamless carbon and alloy steel standard, line, and pressure pipe (''SSLP pipe'') from Russia and South Korea and the revocation of the antidumping duty orders on SSLP pipe from Czechia, Russia, South Korea, and Ukraine would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted March 2, 2026. To be assured of consideration, the deadline for responses is April 1, 2026. Comments on the adequacy of responses may be filed with the Commission by May 8, 2026.

FOR FURTHER INFORMATION CONTACT: Julie Duffy (202–708–2579), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On April 26, 2021, the Department of Commerce (''Commerce'') issued an antidumping duty order on imports of SSLP pipe from Czechia (86 FR 22031). On August 23, 2021, Commerce issued countervailing duty orders on imports of SSLP pipe from Russia and South Korea (86 FR 47060) and antidumping duty orders on imports of SSLP pipe from Russia, South Korea, and Ukraine (86 FR 47055). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Czechia, Russia, South Korea, and Ukraine.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations, the Commission defined a single *Domestic Like Product* of all SSLP pipe, coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the *Domestic Industry* to include all domestic producers of the *Domestic Like Product.*

(5) The *Order Date* is the date that the countervailing and antidumping duty orders under review became effective. In the antidumping duty review concerning Czechia, the *Order Date* is April 26, 2021. In the reviews concerning the countervailing duty orders on imports from Russia and South Korea and the antidumping duty orders on imports from Russia, South Korea, and Ukraine, the *Order Date* is August 23, 2021.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying

investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is on or before 5:15 p.m. on April 1, 2026. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is on or before 5:15 p.m. on May 8, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–677, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in these reviews.

Information to be Provided in Response to this Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at *https://usitc.gov/reports/response_noi_worksheet,* where one can download and complete the ''NOI worksheet'' Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the orders on the

Domestic Industry in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in § 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Dates.*

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2025, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping and/or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping and/or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the *Order Dates,* and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 24, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04075 Filed 2–27–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–652 and 731–TA–1524–1526 (Review)]

Silicon Metal From Bosnia and Herzegovina, Iceland, Kazakhstan, and Malaysia; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the countervailing duty order on imports of silicon metal from Kazakhstan and the revocation of the antidumping duty orders on silicon metal from Bosnia and Herzegovina, Iceland, and Malaysia would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted March 2, 2026. To be assured of consideration, the deadline for responses is April 1, 2026. Comments on the adequacy of responses may be filed with the Commission by May 8, 2026.

FOR FURTHER INFORMATION CONTACT: Jesse Sanchez (202–205–2402), 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 April 19, 2021, the Department of Commerce (''Commerce'') issued a countervailing duty order on imports of silicon metal from Kazakhstan (86 FR 20365) and antidumping duty orders on imports of silicon metal from Bosnia and Herzegovina and Iceland (86 FR 20364). On August 19, 2021, Commerce issued an antidumping duty order on imports of silicon metal from Malaysia (86 FR 46677). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) Subject Merchandise is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The Subject Countries in these reviews are Bosnia and Herzegovina, Iceland, Kazakhstan, and Malaysia.

(3) The Domestic Like Product is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations, the Commission defined a single *Domestic Like Product* consisting of silicon metal, coextensive with Commerce's scope.

(4) The Domestic Industry is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the *Domestic Industry* as all domestic producers of silicon metal.

(5) The Order Dates are the dates that the orders under review became effective. In the reviews concerning the countervailing duty order on imports from Kazakhstan and the antidumping duty orders on imports from Bosnia and Herzegovina and Iceland, the *Order Date* is April 19, 2021. In the review concerning the antidumping duty order on imports from Malaysia, the *Order Date* is August 19, 2021.

(6) An Importer is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21

days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is on or before 5:15 p.m. on April 1, 2026. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is on or before 5:15 p.m. on May 8, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–678, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information to be Provided in Response to this Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at *https://usitc.gov/reports/response_noi_worksheet,* where one can download and complete the ''NOI worksheet'' Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in § 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date*s.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or

the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2025, except as noted (report quantity data in short tons contained silicon and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons contained silicon and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping and/or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons contained silicon and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping and/or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the *Order Date*s, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 24, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04074 Filed 2–27–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–649 and 731–TA–1523 (Review)]

Twist Ties From China; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the countervailing and antidumping duty orders on twist ties from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted March 2, 2026. To be assured of consideration, the deadline for responses is April 1, 2026. Comments on the adequacy of responses may be filed with the Commission by May 8, 2026.

FOR FURTHER INFORMATION CONTACT: Juan Carlos Pena-Flores (202–205–3169), 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 April 14, 2021, the Department of Commerce (''Commerce'') issued countervailing and antidumping duty orders on imports of twist ties from China (86 FR 19602). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Country* in these reviews is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations, the Commission defined the *Domestic Like Product* as a single like product, consisting of twist ties, coextensive with the scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the *Domestic Industry* as all producers of twist ties.

(5) The *Order Date* is the date that the countervailing and antidumping duty orders under review became effective. In these reviews, the *Order Date* is April 14, 2021.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is on or before 5:15 p.m. on April 1, 2026. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is on or before 5:15 p.m. on May 8, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,*

available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–673, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information to be Provided in Response to this Notice of Institution: As used below, the term ''firm'' includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at *https://usitc.gov/reports/response_noi_worksheet,* where one can download and complete the ''NOI worksheet'' Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing and antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in § 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date.*

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2025, except as noted (report quantity data in number of twist ties and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in number or twist ties and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping and/or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total

U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in number of twist ties and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping and/or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* since the *Order Date,* and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 24, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04071 Filed 2–27–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–610]

Impact on U.S. Industry of China's State Support and Pricing Practices in the Biotechnology Sector

AGENCY: United States International Trade Commission.

ACTION: Notice of investigation and scheduling of a public hearing.

SUMMARY: The U.S. International Trade Commission has self-instituted Investigation No. 332–610, *Impact on U.S. Industry of China's State Support and Pricing Practices in the Biotechnology Sector,* to produce a report as directed by the U.S. Senate Committee on Appropriations reviewing the extent to which Chinese state support and pricing practices in the biotechnology sector may be affecting market share and competitiveness of the U.S. industry.

DATES:

May 11, 2026: Deadline for filing requests to appear at the public hearing.

May 14, 2026: Deadline for filing prehearing briefs and statements.

May 20, 2026: Deadline for filing electronic copies of hearing oral statements.

May 27–28, 2026: Public hearing.

June 11, 2026: Deadline for filing posthearing briefs.

July 17, 2026: Deadline for filing all other written submissions.

January 22, 2027: Anticipated date for publication of the report.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC 20436. All written submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Project Leader Nathan Lotze (202–205–3231 or *nathan.lotze@usitc.gov*) or Deputy Project Leaders Lin Jones (202–205–3246 or *lin.jones@usitc.gov*) and Grace Robinson (202–205–3711 or *grace.robinson@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact Brian Allen (202–205–3034 or *brian.allen@usitc.gov*) of the Commission's Office of the General Counsel. The media should contact Claire Huber, Office of External Relations (202–205–1819 or *claire.huber@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its website (*https://www.usitc.gov*). 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.

SUPPLEMENTARY INFORMATION:

Background: The Commerce, Justice, Science; Energy and Water Development; and Interior and Environment Appropriations Act, 2026 (the Act), signed by the President on January 23, 2026, provides funding for the Commission for fiscal year 2026. Public Law 119–74. A report of the Senate Committee on Appropriations (Committee) accompanying the Act contains language directing the Commission to review the extent to which Chinese state support and pricing practices in the biotechnology sector may be affecting U.S. market share and competitiveness. The Committee in its

report states that the Commission report in this investigation (1) should include detailed information, to the extent practicable, on the degree of subsidization and market overcapacity by Chinese biotechnology firms and its impact on U.S. industry, including genomic sequencing, synthetic biology, and active pharmaceutical ingredient manufacturing; (2) should examine the extent to which Chinese state support and pricing practices may be affecting U.S. market share and competitiveness in biotechnology-related products and services; and (3) should be transmitted to the House of Representatives and Senate Committees on Appropriations within 12 months of the Act's enactment. Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill, S. Rept. No. 119–44, at 174–75 (2025); 172 Cong. Rec. H255 (daily ed. Jan. 8, 2026).

The Commission is self-instituting this investigation under section 332(b) of the Trade Act of 1974 (19 U.S.C. 1332(b)) to produce a report containing information and analysis as detailed above and will publish its report no later than January 22, 2027.

Public hearing: A public hearing in connection with this investigation will be held beginning at 9:30 a.m., May 27, 2026, and continuing, if necessary, on May 28, 2026, in the Main Hearing Room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. The hearing can also be accessed remotely using the WebEx videoconference platform. A link to the hearing will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.*

Requests to appear at the hearing should be filed with the Secretary to the Commission no later than 5:15 p.m., May 11, 2026, in accordance with the requirements in the ''Written Submissions'' section below. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear as a witness via videoconference must include a statement explaining why the witness cannot appear in person; the Chair, or other person designated to conduct the investigation, may at their discretion for good cause shown, grant such requests. Requests to appear as a witness via videoconference due to illness or a positive COVID–19 test result may be submitted by 3 p.m. the business day prior to the hearing.

All prehearing briefs and statements should be filed no later than 5:15 p.m., May 14, 2026. To facilitate the hearing, including the preparation of an accurate written public transcript of the hearing, a written copy of oral testimony to be presented at the hearing must be submitted to the Commission electronically no later than noon, May 20, 2026. All posthearing briefs and statements should be filed no later than 5:15 p.m., June 11, 2026. Posthearing briefs and statements should address matters raised at the hearing. For a description of the different types of written briefs and statements, see the ''Definitions'' section below.

In the event that, as of the close of business on May 11, 2026, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant should check the Commission website as indicated above for information concerning whether the hearing will be held.

Written submissions: In lieu of or in addition to participating in the hearing, interested persons are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received no later than 5:15 p.m., July 17, 2026. All written submissions must conform to the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802), email *EDIS3help@usitc.gov,* or consult the Commission's *Handbook on Filing Procedures.*

Definitions of types of documents that may be filed; Requirements: In addition to requests to appear at the hearing, this notice provides for the possible filing of four types of documents: prehearing briefs, hearing oral statements, posthearing briefs, and other written submissions.

(1) *Prehearing briefs* refers to written materials relevant to the investigation and submitted in advance of the hearing, and includes written views on matters that are the subject of the investigation, supporting materials, and any other written materials that you consider will help the Commission in understanding your views. You should file a prehearing brief particularly if you plan to testify at the hearing on behalf of an industry group, company, or other organization, and wish to provide detailed views or information that will support or supplement your testimony.

(2) *Hearing oral statements* refers to the actual oral statement that you intend to present at the hearing. Do not include any confidential business information (CBI) in that statement. If you plan to testify, you must file a written copy of your oral statement by the date specified in this notice. This statement will allow Commissioners to understand your position in advance of the hearing and will also assist the court reporter in preparing an accurate transcript of the hearing (*e.g.,* names spelled correctly).

(3) *Posthearing briefs* refers to submissions filed after the hearing by persons who appeared at the hearing. Such briefs: (a) should be limited to matters that arose during the hearing; (b) should respond to any Commissioner and staff questions addressed to you at the hearing; (c) should clarify, amplify, or correct any statements you made at the hearing; and (d) may, at your option, address or rebut statements made by other participants in the hearing.

(4) *Other written submissions* refers to any other written submissions that interested persons wish to make, regardless of whether they appeared at the hearing, and may include new information or updates of information previously provided.

In accordance with the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure,* the document must identify on its cover (1) the investigation number and title and the type of document filed (*i.e.,* prehearing brief, hearing oral statement of (name), posthearing brief, or written submission); (2) the name and signature of the person filing it; (3) the name of the organization that the submission is filed on behalf of; and (4) whether it contains CBI. If it contains CBI, it must comply with the marking and other requirements set out below in this notice relating to CBI. Submitters of written documents (other than hearing oral statements) are encouraged to include a short summary of their position or interest at the beginning of the document, and a table of contents when the document addresses multiple issues.

Confidential business information: Any submissions that contain CBI must also conform to the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''nonconfidential'' version, and that the CBI is clearly identified by means of brackets. All written submissions, except for CBI, will be made available for inspection by interested persons.

The Commission will not include any CBI in its report. However, all information, including CBI, submitted in this investigation may be disclosed to and used by: (i) the Commission, its employees and offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission, including under 5 U.S.C. Appendix 3; or (ii) U.S. government employees and contract personnel for cybersecurity purposes. The Commission will not otherwise disclose any CBI in a way that would reveal the operations of the firm supplying the information.

Summaries of views of interested persons: Interested persons wishing to have a summary of their views included in the report should include a summary with a written submission on or before July 17, 2026, and should mark the summary as having been provided for that purpose. The summary should be clearly marked as ''summary for inclusion in the report'' at the top of the page. The summary may not exceed 500 words and should not include any CBI. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will list the name of the organization furnishing the summary and will include a link where the written submission can be found.

By order of the Commission.

Issued: February 26, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04103 Filed 2–27–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1014 and 1016 (Fourth Review)]

Polyvinyl Alcohol From China and Japan; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the antidumping duty orders on polyvinyl alcohol from China and Japan would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted March 2, 2026. To be assured of consideration, the deadline for responses is April 1, 2026. Comments on the adequacy of responses may be filed with the Commission by May 8, 2026.

FOR FURTHER INFORMATION CONTACT: Rachel Devenney (202–205–3172), 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 July 2, 2003, the Department of Commerce (''Commerce'') issued an antidumping duty order on imports of polyvinyl alcohol from Japan (68 FR 39518). On October 1, 2003, Commerce issued an antidumping duty order on imports of polyvinyl alcohol from China (68 FR 56620). Commerce issued a continuation of the antidumping duty orders on imports of polyvinyl alcohol from China and Japan following Commerce's and the Commission's first five-year reviews, effective April 13, 2009 (74 FR 16834), second five-year reviews, effective May 27, 2015 (80 FR 30208), and third five-year reviews, effective April 9, 2021 (86 FR 18507). The Commission is now conducting fourth reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are China and Japan.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations and its full first, expedited second, and full third five-year review determinations, the Commission defined the *Domestic Like Product* as all domestically produced polyvinyl alcohol meeting the specifications stated in Commerce's scope definition.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations and its full first, expedited second, and full third five-year review determinations, the Commission defined the *Domestic Industry* as all domestic producers of polyvinyl alcohol.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an

earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on April 1, 2026. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is 5:15 p.m. on May 8, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–679, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at *https://usitc.gov/reports/response_noi_worksheet,* where one can download and complete the ''NOI worksheet'' Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2019.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2025, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2019, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 24, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04076 Filed 2–27–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–789 and 731–TA–1777 (Preliminary)]

Truck Bed Covers From China; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–789 and 731–TA–1777 (Preliminary) pursuant to the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of truck bed covers from China, provided for in subheading 8708.29.51 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of China. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by April 13, 2026. The Commission's views must be transmitted to Commerce within five business days thereafter, or by April 20, 2026.

DATES: February 25, 2026.

FOR FURTHER INFORMATION CONTACT: Caitlyn Costello ((202) 205–2058), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on February 25, 2026, by RealTruck, Inc., Ann Arbor, MI.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Office of Investigations will hold a staff conference in connection with the preliminary phase of these investigations beginning at 9:30 a.m. on March 18, 2026. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before noon on March 16, 2026. Please provide an email address for each conference participant in the email. Information on conference procedures, format, and participation, including guidance for requests to appear as a witness via videoconference, will be available on the Commission's Public Calendar (Calendar (USITC) | United States International Trade Commission). A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before 5:15 p.m. on March 23, 2026, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than 4:00 p.m. on March 17, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and

operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: February 25, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04026 Filed 2–27–26; 8:45 am]

BILLING CODE 7020–02–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 26–014]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel (ASAP).

DATES: Monday, March 16, 2026, 2:00 p.m. to 3:30 p.m., eastern time.

ADDRESSES: Public attendance will be virtual only. See dial in information below under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Ms. Marcia Guignard, ASAP Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–4717 or *marcia.guinard@nasa.gov.*

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its First Quarterly Meeting for 2026. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

—Updates on the Commercial Crew Program
—Updates on Advanced Exploration Systems Program
—Updates on Health and Human Exploration

This meeting is only available telephonically. Any interested person may call the USA toll free conference call number 800–369–3107; passcode 3116192 and then the # sign. At the beginning of the meeting, members of the public may make a verbal presentation to the Panel on the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Marcia Guignard, at *marcia.guignard@nasa.gov,* or at (202) 358–4717 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel via electronic submission to Ms. Guignard at the email address previously noted. Verbal presentations and written statements should be limited to the subject of safety in NASA. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Jamie M. Krauk,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2026–04064 Filed 2–27–26; 8:45 am]

BILLING CODE 7510–13–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104890; File No. SR–NYSETEX–2026–05]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing of Proposed Rule Change, As Modified by Amendment No. 1, To Adopt New Rule 5.2(j)(9) Relating to the Listing and Trading of Class Exchange-Traded Fund Shares

February 25, 2026.

On February 12, 2026, NYSE Texas, Inc. (''NYSE Texas'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt new NYSE Texas Rule 5.2(j)(9) relating to the listing and trading of Class Exchange-Traded Fund Shares. On February 23, 2026, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original filing in its entirety. The proposed rule change, as modified by Amendment No. 1, is 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, as modified by Amendment No. 1, 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 (1) adopt a new Rule 5.2(j)(9) to permit the generic listing and trading of Class Exchange-Traded Fund (''ETF'') Shares, and (2) make certain conforming changes to the Exchange's rules to accommodate the proposed listing of Class ETF Shares. This Amendment No. 1 to SR–NYSETEX–2026–05 replaces SR–NYSETEX–2026–05 as originally filed and supersedes such filing in its entirety. 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 (1) adopt a new Rule 5.2(j)(9) to permit the generic listing and trading, or trading pursuant to unlisted trading privileges, of Class ETF Shares, and (2) make certain conforming changes to the Exchange's rules to accommodate the proposed listing of Class ETF Shares.

Consistent with other products (specifically, Investment Company Units listed pursuant to Rule 5.2(j)(3), Managed Fund Shares listed pursuant to Rule 8.600, and ETF Shares listed pursuant to Rule 5.2(j)(8)), Class ETF Shares would be permitted to be listed and traded on the Exchange without prior Commission approval order or notice of effectiveness pursuant to Section 19(b) of the Act.[3]

[3] Rule 19b–4(e)(1) provides that the listing and trading of a new derivative securities product by a

Continued

As further discussed below, proposed Rule 5.2(j)(9) is based on Rule 5.2–E(j)(9) of the Exchange's affiliated exchange, NYSE Arca, Inc. (''NYSE Arca''), with only certain non-substantive conforming changes to replace internal references to NYSE Arca rules with references to the corresponding NYSE Texas rules.

Proposed Rule Change

Proposed Rule 5.2(j)(9)(a) would provide that the Exchange will consider for trading, whether by listing or pursuant to unlisted trading privileges, Class ETF Shares that meet the criteria of the proposed rule.[4] Proposed Rule 5.2(j)(9)(a) is based on NYSE Arca Rule 5.2–E(a)(j)(9)(a) without any changes.

Proposed Rule 5.2(j)(9)(b), titled ''Applicability,'' would provide that the proposed rule would be applicable only to Class ETF Shares. Except to the extent inconsistent with proposed Rule 5.2(j)(9), or unless the context otherwise requires, the rules and procedures of the Board of Directors shall be applicable to the trading on the Exchange of such securities. Class ETF Shares are included within the definition of ''security'' or ''securities'' as such terms are used in the Rules of the Exchange. Proposed Rule 5.2(j)(9)(b) is based on NYSE Arca Rule 5.2–E(j)(9)(b) without any changes.

Proposed Rule 5.2(j)(9)(c), titled ''Definitions,'' would set forth the meanings of terms as used in the Rule unless the context otherwise requires. Proposed Rule 5.2(j)(9)(c) is based on NYSE Arca Rule 5.2–E(j)(9)(c) with only non-substantive changes as noted below.

Proposed Rule 5.2(j)(9)(c)(1) would provide that the term ''Class ETF Shares'' means shares of the ETF Class issued by a Multi-Class Fund. Proposed Rule 5.2(j)(9)(c)(1) is based on NYSE Arca Rule 5.2–E(j)(9)(c)(1) without any changes.

Proposed Rule 5.2(j)(9)(c)(2) would provide that the term ''ETF Class'' means the class of exchange-traded shares of a Multi-Class Fund that (i) operates as an exchange-traded fund pursuant to exemptive relief granted by order under the Investment Company Act (''Multi-Class Fund Exemptive Relief''), and (ii) is in compliance with the requirements of Rules 5.2(j)(9)(e)(1)(ii) and 5.2(j)(9)(e)(2)(A)(ii) discussed below on an initial and continued listing basis. Proposed Rule 5.2(j)(9)(c)(2) is based on NYSE Arca Rule 5.2–E(j)(9)(c)(2) with only non-substantive changes to update internal references to refer to NYSE Texas rules rather than NYSE Arca rules.

Proposed Rule 5.2(j)(9)(c)(3) would provide that the term ''Multi-Class Fund'' means a registered open-end management company that (i) pursuant to Multi-Class Fund Exemptive Relief, issues Class ETF Shares and one or more classes of shares that are not exchange traded, and (ii) is in compliance with the conditions and requirements of the Multi-Class Fund Exemptive Relief. Proposed Rule 5.2(j)(9)(c)(3) is based on NYSE Arca Rule 5.2–E(j)(9)(c)(3) without any changes.

Proposed Rule 5.2(j)(9)(c)(4) would provide that the term ''Reporting Authority'' in respect of a particular Multi-Class Fund means the Exchange, an institution, or a reporting service designated by the Exchange or by the exchange that lists Class ETF Shares (if the Exchange is trading such securities pursuant to unlisted trading privileges) as the official source for calculating and reporting information relating to such Multi-Class Fund, including, but not limited to, the amount of any dividend equivalent payment or cash distribution to holders of Class ETF Shares, net asset value, index or portfolio value, the current value of the portfolio of securities required to be deposited in connection with the issuance of Class ETF Shares, or other information relating to the issuance, redemption or trading of Class ETF Shares. A Multi-Class Fund may have more than one Reporting Authority, each having different functions. Proposed Rule 5.2(j)(9)(c)(4) is based on NYSE Arca Rule 5.2–E(j)(9)(c)(4) without any changes.

Proposed Rule 5.2(j)(9)(d), titled ''Limitation of Exchange Liability,'' would provide that neither the Exchange, the Reporting Authority, nor any agent of the Exchange shall have any liability for damages, claims, losses or expenses caused by any errors, omissions, or delays in calculating or disseminating any current index or portfolio value; the current value of the portfolio of securities required to be deposited to the Multi-Class Fund in connection with the issuance of Class ETF Shares; the amount of any dividend equivalent payment or cash distribution to holders of Class ETF Shares; net asset value; or other information relating to the purchase, redemption, or trading of Class ETF Shares, resulting from any negligent act or omission by the Exchange, the Reporting Authority, or any agent of the Exchange, or any act, condition, or cause beyond the reasonable control of the Exchange, its agent, or the Reporting Authority, including, but not limited to, an act of God; fire; flood; extraordinary weather conditions; war; insurrection; riot; strike; accident; action of government; communications or power failure; equipment or software malfunction; or any error, omission, or delay in the reports of transactions in one or more underlying securities. Proposed Rule 5.2(j)(9)(d) is based on NYSE Arca Rule 5.2–E(j)(9)(d) without any changes.

Proposed Rule 5.2(j)(9)(e) would provide that the Exchange may approve Class ETF Shares of a Multi-Class Fund for listing and/or trading (including pursuant to unlisted trading privileges) pursuant to Rule 19b–4(e) of the Act. For each listed Class ETF Shares, the ETF Class and the Multi-Class Fund issuing the Class ETF Shares, as applicable, must satisfy the requirements of Rule 5.2(j)(9) upon initial listing and, except for subparagraph (1)(A) of Rule 5.2(j)(9)(e), on a continuing basis. An issuer of such securities must notify the Exchange of any failure to comply with such requirements. Proposed Rule 5.2(j)(9)(e) is based on NYSE Arca Rule 5.2–E(j)(9)(e) with only a non-substantive change to update an internal reference

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self-regulatory organization (''SRO'') is not deemed a proposed rule change, pursuant to paragraph (c)(1) of Rule 19b–4, if the Commission has approved, pursuant to Section 19(b) of the Act, the SRO's trading rules, procedures and listing standards for the product class that would include the new derivative securities product and the SRO has a surveillance program for the product class. As contemplated by proposed Rule 5.2(j)(9), the Exchange proposes to establish generic listing standards for Class ETF Shares of the ETF Class (as defined herein) that would be required to operate as an ETF pursuant to the Multi-Class Fund Exemptive Relief (as defined herein) and be in compliance with the conditions and requirements of Rule 6c–11 under the Investment Company Act of 1940 (the ''Investment Company Act''), except as noted in the Multi-Class Fund Exemptive Relief. Class ETF Shares listed under proposed Rule 5.2(j)(9) would therefore not need a separate proposed rule change pursuant to Rule 19b–4 before it can be listed and traded on the Exchange.

[4] To the extent that Class ETF Shares do not satisfy one or more of the criteria in proposed Rule 5.2(j)(9), the Exchange may file a separate proposal under Section 19(b) of the Act in order to list such securities on the Exchange. Any of the statements or representations in that proposal regarding the index composition, the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values (as applicable), or the applicability of Exchange listing rules specified in any filing to list such Class ETF Shares shall constitute continued listing requirements for the Class ETF Shares. Further, in the event that Class ETF Shares become listed under proposed Rule 5.2(j)(9) and subsequently can no longer satisfy the requirements of proposed Rule 5.2(j)(9), such Class ETF Shares may be listed as Investment Company Units pursuant to Rule 5.2(j)(3) or Managed Fund Shares under Rule 8.600, as applicable, as long as the Class ETF Shares meet all listing requirements applicable under the alternate listing rule. If the Class ETF Shares do change listing standards, the Exchange would have to comply with all requirements of Rule 19b–4(e) with respect to such Class ETF Shares.

to refer to the NYSE Texas rule rather than the NYSE Arca rule.

Proposed Rule 5.2(j)(9)(e)(1), titled ''Initial and Continued Listing,'' would provide that Class ETF Shares will be listed and traded on the Exchange provided that: (i) the Multi-Class Fund is eligible to operate an ETF Class as an exchange-traded fund pursuant to, and is otherwise in compliance with the terms and conditions of, the Multi-Class Fund Exemptive Relief; (ii) the ETF Class is in compliance with the conditions and requirements of Rule 6c–11 under the Investment Company Act, except as noted in such Multi-Class Fund Exemptive Relief; and (iii) the ETF Class and the Multi-Class Fund each satisfies the requirements of this Rule, as applicable, on an initial and continued listing basis. Proposed Rule 5.2(j)(9)(e)(1)(A), titled ''Initial Shares Outstanding,'' would provide that the Exchange will establish a minimum number of Class ETF Shares required to be outstanding at the time of commencement of trading on the Exchange. Proposed Rules 5.2(j)(9)(e)(1) and 5.2(j)(9)(e)(1)(A) are based on NYSE Arca Rules 5.2–E(j)(9)(e)(1) and 5.2–E(j)(9)(e)(1)(A) without any changes.

Proposed Rule 5.2(j)(9)(e)(2), titled ''Suspension of trading or removal,'' would provide that the Exchange will consider the suspension of trading in, and will commence delisting proceedings under Article 22, Rule 4 of, Class ETF Shares under any of the following circumstances:

- if the Exchange becomes aware that with respect to the Class ETF Shares: (i) the Multi-Class Fund is no longer eligible to operate an ETF Class as an exchange-traded fund pursuant to, or is otherwise no longer in compliance with the terms and conditions of, the Multi-Class Fund Exemptive Relief; or (ii) the ETF Class is no longer in compliance with the conditions and requirements of Rule 6c–11 under the Investment Company Act, except as noted in such Multi-Class Fund Exemptive Relief (proposed Rule 5.2(j)(9)(e)(2)(A));
- if any of the other listing requirements set forth in proposed Rule 5.2(j)(9) are not continuously maintained (proposed Rule 5.2(j)(9)(e)(2)(B));
- if, following the initial twelve-month period after commencement of trading on the Exchange of Class ETF Shares, there are fewer than 50 beneficial holders of Class ETF Shares (proposed Rule 5.2(j)(9)(e)(2)(C)); or
- if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable (proposed Rule 5.2(j)(9)(e)(2)(D)).

Proposed Rule 5.2(j)(9)(e)(2) and the subparagraphs thereunder are based on NYSE Arca Rule 5.2–E(j)(9)(e)(2) and its subparagraphs with only non-substantive changes to update internal references to refer to NYSE Texas rules rather than NYSE Arca rules.

Proposed Rule 5.2(j)(9)(f) would provide that transactions in Class ETF Shares will occur during the trading hours specified in Rule 7.34(a). Proposed Rule 5.2(j)(9)(f) is based on NYSE Arca Rule 5.2–E(j)(9)(f) with only a non-substantive change to update an internal reference to refer to the NYSE Texas rule rather than the NYSE Arca rule.

Proposed Rule 5.2(j)(9)(g), titled ''Surveillance Procedures,'' would provide that the Exchange will implement and maintain written surveillance procedures for Class ETF Shares. Proposed Rule 5.2(j)(9)(g) is based on NYSE Arca Rule 5.2–E(j)(9)(g) without any changes.

Proposed Rule 5.2(j)(9)(h), titled ''Termination,'' would provide that with respect to the Class ETF Shares, upon termination of the Multi-Class Fund or the ETF Class, as the case may be, the Exchange requires that the Class ETF Shares be removed from Exchange listing. Proposed Rule 5.2(j)(9)(h) is based on NYSE Arca Rule 5.2–E(j)(9)(h) without any changes.

The Exchange proposes to add Commentary .01 to proposed Rule 5.2(j)(9). Proposed Commentary .01 to Rule 5.2(j)(9) would provide that the following requirements shall be met by Class ETF Shares on an initial and continued listing basis. Proposed Commentary .01 and the subparagraphs thereunder are based on Commentary .01 to NYSE Arca Rule 5.2–E(j)(9) and its subparagraphs without any changes.

Subsection (a)(1) of proposed Commentary .01 would provide that with respect to Class ETF Shares based on an index, if the underlying index is maintained by a broker-dealer or fund adviser, the broker-dealer or fund adviser will erect and maintain a ''fire wall'' around the personnel who have access to information concerning changes and adjustments to the index and the index will be calculated by a third party who is not a broker-dealer or fund adviser.

Subsection (a)(2) of proposed Commentary .01 would provide that any advisory committee, supervisory board, or similar entity that advises a Reporting Authority (as defined in the proposed rule) or that makes decisions on the index composition, methodology and related matters, must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the applicable index.

Subsection (b) of proposed Commentary .01 would provide that with respect to a Multi-Class Fund that is actively managed, if the investment adviser to the Multi-Class Fund issuing Class ETF Shares is affiliated with a broker-dealer, such investment adviser will erect and maintain a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such Multi-Class Fund's portfolio. Further, personnel who make decisions on the portfolio composition must be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the applicable portfolio. The Reporting Authority that provides information relating to the Multi-Class Fund's portfolio must also implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of such portfolio.

Proposed Conforming Changes

The Exchange proposes to add Class ETF Shares to the definition of ''Derivative Securities Product and UTP Derivative Securities Product'' in Rule 1.1(k). This proposed change would align the treatment of Class ETF Shares with how other exchange-traded products are treated under the Exchange's rules. The proposed changes to Rule 1.1(k) would also align with the inclusion of Class ETF Shares in the definition of ''Derivative Securities Product and UTP Derivative Securities Product'' in NYSE Arca Rule 1.1.

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)(5),[6] 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 believes proposed Rule 5.2(j)(9) would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest by establishing generic standards for

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

listing and trading of Class ETF Shares. Proposed Rule 5.2(j)(9) would allow Class ETF Shares that meet the requirements of the Rule to be listed and traded on the Exchange without prior Commission approval order or notice of effectiveness pursuant to Section 19(b) of the Act. Accordingly, the proposed rule change would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest because it would facilitate efficient procedures for listing Class ETF Shares that meet the requirements of proposed Rule 5.2(j)(9), thereby reducing the time, resources, and costs associated with bringing new series of Class ETF Shares to market and promoting competition among issuers of such products, to the benefit of the market participants. In addition, the Exchange believes that the proposed rule change would further the intended objective of Rule 19b–4(e) under the Act by permitting Class ETF Shares that satisfy the proposed listing standards in proposed Rule 5.2(j)(9) to be listed and traded without separate Commission approval.

The Exchange further believes that the proposed changes would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest because the proposed rules are based on the rules of the Exchange's affiliated market, NYSE Arca, which rules have been approved by the Commission. Accordingly, the proposed rule changes would facilitate the Exchange's ability to list and trade Class ETF Shares under generic listing standards identical to NYSE Arca's. The Exchange also believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system by promoting consistency across the rules of affiliated exchanges.

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. Instead, the Exchange believes that the proposed rule change would facilitate the listing and trading of Class ETF Shares through an efficient process that would enhance competition among market participants, to the benefit of investors and the marketplace. The Exchange believes that the proposed generic listing standards in Rule 5.2(j)(9) would reduce the timeframe for bringing additional series of Class ETF Shares to market, thereby reducing the burdens on issuers and other market participants and promoting competition among issuers of such products.

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 self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the 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, as modified by Amendment No. 1, 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–2026–05 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–NYSETEX–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–NYSETEX–2026–05 and should be submitted on or before March 23, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04018 Filed 2–27–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104886; File No. SR–Nasdaq–2025–109]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Extend the Exchange's U.S. Equities Trading Hours to 23 Hours a Day, Five Days a Week

February 25, 2026.

On December 29, 2025, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to extend the Nasdaq trading hours for U.S. equities to 23 hours a day for five days a week. The proposed rule change was published for comment in the **Federal Register** on January 13, 2026.[3] The Commission received comments on the proposed rule change.[4]

Section 19(b)(2) of the Act[5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents,

[7] 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. 104563 (Jan. 8, 2026), 91 FR 1350 (''Notice'').

[4] Comment letters on the proposal are available at *https://www.sec.gov/rules-regulations/public-comments/sr-nasdaq-2025-109*

[5] 15 U.S.C. 78s(b)(2).

the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is February 27, 2026. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates April 13, 2026, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NASDAQ–2025–109).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04015 Filed 2–27–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104893; File No. SR–OPRA–2025–02]

Options Price Reporting Authority; Order Approving Amendment, as Modified by Amendment No. 1 Thereto, To Modify the OPRA Fee Schedule Regarding Certain Direct Access Connectivity Fees

February 25, 2026.

I. Introduction

On November 13, 2025, the Options Price Reporting Authority (''OPRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 11A of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 608 of Regulation National Market System (''NMS'') thereunder,[2] a proposal to amend the Limited Liability Company Agreement of the Options Price Reporting Authority, LLC (''OPRA Plan'').[3] The proposed OPRA Plan amendment (''Amendment'') would amend several aspects of the OPRA Fee Schedule.[4] The Amendment was published for comment in the **Federal Register** on December 1, 2025.[5] The Commission has not received any comments. On February 23, 2026, OPRA submitted Amendment No. 1 to make technical changes to the Amendment.[6] This order approves the Amendment as modified by Amendment No. 1.

II. Background and Description of the Amendment

A. Background

The OPRA Plan provides for the collection and dissemination of last sale and quotation information [7] on options that are traded on the participant exchanges. The Securities Industry Automation Corporation (''SIAC'') is OPRA's ''processor,'' meaning that SIAC gathers the last sale and quote information from each of the OPRA Plan members, consolidates that information, and disseminates the consolidated OPRA Data.[8] Section 5.4(d) of the OPRA Plan requires OPRA to make publicly available a schedule of OPRA's effective fees and charges.[9] Rule 608(a)(5) of Regulation NMS requires every national market system plan, or any amendment thereto, to include a description of the manner in which any facility contemplated by the plan or amendment will be operated. Such description must include, to the extent applicable, ''[t]he method by which any fees or charges collected on behalf of all of the sponsors and/or participants in connection with access to, or use of, any facility contemplated by the plan or amendment will be determined and imposed (including any provision for distribution of any net proceeds from such fees or charges to the sponsors and/or participants) and the amount of such fees or charges. . . .'' [10]

B. Description of the Amendment

The Amendment, as modified by Amendment No. 1 thereto, is designed to provide clarity and transparency regarding (1) the definition of ''direct access'' to OPRA Data and how such access can be obtained; (2) the connectivity fees charged to subscribers who obtain direct access to OPRA Data; and (3) how the existing ''Direct Access Fee'' is charged by OPRA.[11] In addition, the Amendment, as modified by Amendment No. 1 thereto, includes certain technical clarifying changes.[12]

1. Direct Access Definition and Direct Access Connectivity Fees

OPRA Data is currently disseminated over a dedicated, low-latency national market system network, the ''NMS Network,'' that exists only within the Mahwah Data Center.[13] OPRA proposes to update its Fee Schedule to include a definition of direct access to OPRA Data that more accurately reflects how consumers of OPRA Data currently receive access to such data. Specifically, OPRA proposes ''direct access'' to OPRA Data be defined as ''receiving OPRA Data through a connection to a port on the 'NMS Network'' in the data center operated by SIAC and its affiliates located in the Mahwah Data Center. OPRA is further amending its Fee Schedule to state that access to OPRA Data is provided through either a

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] The OPRA Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Exchange Act and Rule 608 thereunder. *See* Securities Exchange Act Release No. 17638 (Mar. 18, 1981), 22 SEC. Docket 484 (Mar. 31, 1981). The full text of the OPRA Plan and a list of its members are available at *https://www.opraplan.com/.*

[4] The full text of the OPRA fee schedule is available at *https://www.opraplan.com/.*

[5] *See* Securities Exchange Act Release No. 104267 (Nov. 25, 2025), 90 FR 55226 (''Notice'').

[6] Amendment No. 1 made the following technical changes to the Amendment: (1) updated references to the fees for the 10 Gb and 40 Gb access ports and their effective dates that were amended by the proposed rule changes cited in note 16, infra; and (2) updated references to the name of NYSE Chicago, Inc. to be NYSE Texas, Inc. *See infra* note 16. *See also* Securities Exchange Act Release No. 102507 (Feb. 28, 2025), 90 FR 11445 (Mar. 6, 2025) (SR–NYSECHX–2025–01) (reflecting the name change of NYSE Chicago, Inc.).

[7] The OPRA Plan defines ''Options Information'' as Last Sale Reports and Quotation Information and any other information transmitted over the information reporting system administered by OPRA. *See* OPRA Plan, Article I, Section 1.1. Throughout this order, such information is referred to as ''OPRA Data.''

[8] *See* Notice, *supra* note 5 at 55226.

[9] *See* OPRA Plan, Article V, Section 5.4(d)(i).

[10] 17 CFR 242.608(a)(5). Rule 600(b)(78) defines ''Plan Processor'' as any self-regulatory organization or securities information processor acting as an exclusive processor in connection with the development, implementation and/or operation of any facility contemplated by an effective national market system plan. 17 CFR 242.600(b)(78).

[11] OPRA is not modifying the amounts of the Connectivity or Direct Access Fees. *See* Notice, *supra* note 5 at 55228.

[12] *See id.* at 55226–28. Specifically, OPRA proposes to update a reference in the Fee Schedule to reflect the current OPRA website ''*www.opraplan.com*'' and remove an obsolete reference to ''opradata.com'' and update the footnote references to reflect the renumbering of footnotes required by the addition of a new footnote that includes the new definition of ''direct access'' to OPRA Data. *See also supra* note 6 (concerning the name change of NYSE Chicago, Inc.).

[13] *See id.* at 55226–27. OPRA Data was previously disseminated over the Secure Financial Transaction Infrastructure (''SFTI'') network. Unlike the NMS Network, the SFTI network allowed subscribers to access OPRA Data at many access points outside of the Mahwah Data Center. *See id.* at 55226–27. According to OPRA, although direct access to OPRA Data is provided only at the Mahwah Data Center, subscribers also can access OPRA Data through other networks and from other locations using services and connectivity provided by vendors who have executed a Vendor Agreement with OPRA. *See id.* at 55228.

10 Gb or 40 Gb access port.[14] The connectivity fees associated with obtaining direct access to OPRA Data through a port on the NMS Network (the ''Connectivity Fees'') were previously filed by SIAC's affiliates, The New York Stock Exchange LLC, NYSE Arca, Inc., NYSE American LLC, and NYSE National, Inc. (collectively, ''NYSE'') and approved by the Commission on May 7, 2020 [15] and revised in September 2025.[16] The Amendment, as modified by Amendment No. 1 thereto, would update the OPRA Fee Schedule to reflect the Connectivity Fees associated with obtaining direct access to OPRA Data.[17]

2. Direct Access Fee Payable to OPRA

The Amendment also proposes several changes to the current ''Direct Access Fee'' provision of the Fee Schedule. First, OPRA proposes to delete the monthly $100 additional circuit connection charge because OPRA does not currently and has never charged this fee. In addition, OPRA proposes to delete a sentence in the Fee Schedule stating that the monthly Direct Access Fee ''includes one primary circuit and one back-up circuit connection to the processor'' because it implies, incorrectly, that OPRA, rather than an affiliate of SIAC, provides circuits on the NMS Network. Finally, OPRA proposes certain clarifying language to more accurately reflect how OPRA Data is currently distributed.[18]

III. Discussion and Commission Findings

Section 11A of the Exchange Act authorizes the Commission, by rule or order, to authorize or require the self-regulatory organizations (''SROs'') to act jointly with respect to matters as to which they share authority under the Exchange Act in planning, developing, operating, or regulating a national market system or one or more facilities thereof.[19] Rule 608 of Regulation NMS authorizes two or more SROs, acting jointly, to file with the Commission proposed amendments to an effective NMS plan, and further provides that no amendment may become effective unless approved by the Commission or otherwise permitted to be put into effect upon filing with the Commission.[20]

The Commission shall approve an amendment to an effective plan, with such changes or subject to such conditions as the Commission may deem necessary or appropriate, if it finds that such plan or amendment is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Exchange Act.[21]

The Commission finds that the Amendment, as modified by Amendment No. 1 thereto, is consistent with the requirements of the Exchange Act and Rule 608 of Regulation NMS for the reasons set forth below.[22] As described in the Notice, the OPRA Plan members seek to amend the OPRA Fee Schedule to ''provide clarity to the public regarding the definition of direct access to OPRA Data, how direct access can be obtained, and to provide the public with additional transparency regarding the connectivity fees charged to subscribers who obtain direct access to OPRA Data.'' [23] Further, according to the OPRA Plan members, the Amendment, as modified by Amendment No. 1 thereto, is designed to ''provide additional clarity regarding the Direct Access Fee that is charged by OPRA.'' [24] The proposed amendments to the OPRA Fee Schedule are appropriate in the public interest and for the protection of investors because they will correct inaccuracies and omissions regarding the definition of direct access to OPRA Data, how such direct access to OPRA Data is obtained, and the fees associated (both Connectivity Fees and the Direct Access Fee) with such access. These changes are appropriate in the public interest and consistent with the Exchange Act because they will provide accurate information to persons and entities seeking to access OPRA Data.

For the reasons discussed above, the Commission finds that the Amendment, as modified by Amendment No. 1 thereto, is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Exchange Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 11A of the Exchange Act,[25] and Rule 608(b)(2) of Regulation NMS thereunder,[26] that the Amendment to the OPRA Plan as modified by Amendment No. 1 thereto (File No. SR–OPRA–2025–02) be, and hereby is, *approved*.

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04062 Filed 2–27–26; 8:45 am]

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[14] To obtain an NMS Network port, a subscriber must enter into a contract with an affiliate of SIAC, NYSE Technologies Connectivity, Inc., and the port is then provided by another affiliate of SIAC, the ICE Global Network, which also maintains the NMS Network. *See id.* at 55226. A subscriber does not have to be co-located in the Mahwah Data Center to obtain direct access to OPRA Data through the NMS Network. Instead, a subscriber could choose to use a telecommunication circuit to access its port on the NMS Network through the Meet Me Room in the Mahwah Data Center. *See id.* at 55227.

[15] Securities Exchange Act Release No. 88837 (May 7, 2020), 85 FR 28671 (May 13, 2020) (SR–NYSE–2019–46, SR–NYSENAT–2019–19, SR–NYSEArca–2019–61, SR–NYSEAMER–2019–34) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to Amend the Exchanges' Co-Location Services to Offer Co-Location Users Access to the NMS Network). Direct access connections to the NMS Network are provided at no additional charge when subscribers purchase 10 Gb or 40 Gb connections on one of the two local area networks located in the Mahwah Data Center—either the Liquidity Center Network (''LCN'') or the IP Network. NYSE's current Connectivity Fee Schedule is available at: *https://www.nyse.com/publicdocs/Wireless_Connectivity_Fees_and_Charges.pdf.*

[16] *See* Securities Exchange Act Release Nos. 104062 (Sept. 25, 2025), 90 FR 46950 (Sept. 30, 2025) (SR–NYSEAMER–2025–60); and 104063 (Sept. 25, 2025), 90 FR 47038 (Sept. 30, 2025) (SR–NYSEARCA–2025–71). *See also* Securities Exchange Act Release Nos. 104061 (Sept. 25, 2025), 90 FR 47009 (Sept. 30, 2025) (SR–NYSE–2025–37); 104064 (Sept. 25, 2025), 90 FR 46960 (Sept. 30, 2025) (SR–NYSENAT–2025–23); and 104065 (Sept. 25, 2025), 90 FR 46966 (Sept. 30. 2025) (SR–NYSETEX–2025–35). Only NYSE Arca, Inc. and NYSE American LLC trade options.

[17] According to OPRA, Connectivity Fees are charged to purchasers on behalf of NYSE by NYSE Technologies Connectivity, Inc. OPRA states that it does not directly charge any connectivity fees, collect any connectivity fees, or receive any portion of the Connectivity Fees collected by NYSE, but believes it is appropriate to include such fees on its Fee Schedule. *See* Notice, *supra* note 5 at 55227.

[18] *See id.* at 55228.

[19] *See* 15 U.S.C. 78k–1(a)(3)(B).

[20] 17 CFR 242.608(a)(1) and (b)(1).

[21] *See* 17 CFR 242.608(b)(2).

[22] *See* 17 CFR 242.608.

[23] *See* Notice, *supra* note 5 at 55226.

[24] *Id.*

[25] 15 U.S.C. 78k–1.

[26] 17 CFR 242.608(b)(2).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104889; File No. SR–NYSE–2026–10]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change, As Modified by Amendment No. 1, To Adopt New Rule 5.2(j)(9) Relating to the Listing and Trading of Class Exchange-Traded Fund Shares

February 25, 2026.

On February 12, 2026, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission

(''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt new NYSE Rule 5.2(j)(9) relating to the listing and trading of Class Exchange-Traded Fund Shares. On February 23, 2026, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original filing in its entirety. The proposed rule change, as modified by Amendment No. 1, is 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, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to (1) adopt a new Rule 5.2(j)(9) to permit the generic listing and trading of Class Exchange-Traded Fund (''ETF'') Shares, and (2) make certain conforming changes to the Exchange's rules to accommodate the proposed listing of Class ETF Shares. This Amendment No. 1 to SR–NYSE–2026–10 replaces SR–NYSE–2026–10 as originally filed and supersedes such filing in its entirety. 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 (1) adopt a new Rule 5.2(j)(9) to permit the generic listing and trading, or trading pursuant to unlisted trading privileges, of Class ETF Shares, and (2) make certain conforming changes to the Exchange's rules to accommodate the proposed listing of Class ETF Shares.

Consistent with other products (specifically, Investment Company Units listed pursuant to Rule 5.2(j)(3), Managed Fund Shares listed pursuant to Rule 8.600, and ETF Shares listed pursuant to Rule 5.2(j)(8)), Class ETF Shares would be permitted to be listed and traded on the Exchange without prior Commission approval order or notice of effectiveness pursuant to Section 19(b) of the Act.[3]

As further discussed below, proposed Rule 5.2(j)(9) is based on Rule 5.2–E(j)(9) of the Exchange's affiliated exchange, NYSE Arca, Inc. (''NYSE Arca''), with only certain non-substantive conforming changes to replace internal references to NYSE Arca rules with references to the corresponding NYSE rules.

Proposed Rule Change

Proposed Rule 5.2(j)(9)(a) would provide that the Exchange will consider for trading, whether by listing or pursuant to unlisted trading privileges, Class ETF Shares that meet the criteria of the proposed rule.[4] Proposed Rule 5.2(j)(9)(a) is based on NYSE Arca Rule 5.2–E(a)(j)(9)(a) without any changes.

Proposed Rule 5.2(j)(9)(b), titled ''Applicability,'' would provide that the proposed rule would be applicable only to Class ETF Shares. Except to the extent inconsistent with proposed Rule 5.2(j)(9), or unless the context otherwise requires, the rules and procedures of the Board of Directors shall be applicable to the trading on the Exchange of such securities. Class ETF Shares are included within the definition of ''security'' or ''securities'' as such terms are used in the Rules of the Exchange. Proposed Rule 5.2(j)(9)(b) is based on NYSE Arca Rule 5.2–E(j)(9)(b) without any changes.

Proposed Rule 5.2(j)(9)(c), titled ''Definitions,'' would set forth the meanings of terms as used in the Rule unless the context otherwise requires. Proposed Rule 5.2(j)(9)(c) is based on NYSE Arca Rule 5.2–E(j)(9)(c) with only non-substantive changes as noted below.

Proposed Rule 5.2(j)(9)(c)(1) would provide that the term ''Class ETF Shares'' means shares of the ETF Class issued by a Multi-Class Fund. Proposed Rule 5.2(j)(9)(c)(1) is based on NYSE Arca Rule 5.2–E(j)(9)(c)(1) without any changes.

Proposed Rule 5.2(j)(9)(c)(2) would provide that the term ''ETF Class'' means the class of exchange-traded shares of a Multi-Class Fund that (i) operates as an exchange-traded fund pursuant to exemptive relief granted by order under the Investment Company Act (''Multi-Class Fund Exemptive Relief''), and (ii) is in compliance with the requirements of Rules 5.2(j)(9)(e)(1)(ii) and 5.2(j)(9)(e)(2)(A)(ii) discussed below on an initial and continued listing basis. Proposed Rule 5.2(j)(9)(c)(2) is based on NYSE Arca Rule 5.2–E(j)(9)(c)(2) with only non-substantive changes to update internal references to refer to NYSE rules rather than NYSE Arca rules.

Proposed Rule 5.2(j)(9)(c)(3) would provide that the term ''Multi-Class Fund'' means a registered open-end management company that (i) pursuant to Multi-Class Fund Exemptive Relief, issues Class ETF Shares and one or more classes of shares that are not exchange traded, and (ii) is in compliance with the conditions and requirements of the Multi-Class Fund Exemptive Relief. Proposed Rule 5.2(j)(9)(c)(3) is based on NYSE Arca Rule 5.2–E(j)(9)(c)(3) without any changes.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Rule 19b–4(e)(1) provides that the listing and trading of a new derivative securities product by a self-regulatory organization (''SRO'') is not deemed a proposed rule change, pursuant to paragraph (c)(1) of Rule 19b–4, if the Commission has approved, pursuant to Section 19(b) of the Act, the SRO's trading rules, procedures and listing standards for the product class that would include the new derivative securities product and the SRO has a surveillance program for the product class. As contemplated by proposed Rule 5.2(j)(9), the Exchange proposes to establish generic listing standards for Class ETF Shares of the ETF Class (as defined herein) that would be required to operate as an ETF pursuant to the Multi-Class Fund Exemptive Relief (as defined herein) and be in compliance with the conditions and requirements of Rule 6c–11 under the Investment Company Act of 1940 (the ''Investment Company Act''), except as noted in the Multi-Class Fund Exemptive Relief. Class ETF Shares listed under proposed Rule 5.2(j)(9) would therefore not need a separate proposed rule change pursuant to Rule 19b–4 before it can be listed and traded on the Exchange.

[4] To the extent that Class ETF Shares do not satisfy one or more of the criteria in proposed Rule 5.2(j)(9), the Exchange may file a separate proposal under Section 19(b) of the Act in order to list such securities on the Exchange. Any of the statements or representations in that proposal regarding the index composition, the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values (as applicable), or the applicability of Exchange listing rules specified in any filing to list such Class ETF Shares shall constitute continued listing requirements for the Class ETF Shares. Further, in the event that Class ETF Shares become listed under proposed Rule 5.2(j)(9) and subsequently can no longer satisfy the requirements of proposed Rule 5.2(j)(9), such Class ETF Shares may be listed as Investment Company Units pursuant to Rule 5.2(j)(3) or Managed Fund Shares under Rule 8.600, as applicable, as long as the Class ETF Shares meet all listing requirements applicable under the alternate listing rule. If the Class ETF Shares do change listing standards, the Exchange would have to comply with all requirements of Rule 19b–4(e) with respect to such Class ETF Shares.

Proposed Rule 5.2(j)(9)(c)(4) would provide that the term ''Reporting Authority'' in respect of a particular Multi-Class Fund means the Exchange, an institution, or a reporting service designated by the Exchange or by the exchange that lists Class ETF Shares (if the Exchange is trading such securities pursuant to unlisted trading privileges) as the official source for calculating and reporting information relating to such Multi-Class Fund, including, but not limited to, the amount of any dividend equivalent payment or cash distribution to holders of Class ETF Shares, net asset value, index or portfolio value, the current value of the portfolio of securities required to be deposited in connection with the issuance of Class ETF Shares, or other information relating to the issuance, redemption or trading of Class ETF Shares. A Multi-Class Fund may have more than one Reporting Authority, each having different functions. Proposed Rule 5.2(j)(9)(c)(4) is based on NYSE Arca Rule 5.2–E(j)(9)(c)(4) without any changes.

Proposed Rule 5.2(j)(9)(d), titled ''Limitation of Exchange Liability,'' would provide that neither the Exchange, the Reporting Authority, nor any agent of the Exchange shall have any liability for damages, claims, losses or expenses caused by any errors, omissions, or delays in calculating or disseminating any current index or portfolio value; the current value of the portfolio of securities required to be deposited to the Multi-Class Fund in connection with the issuance of Class ETF Shares; the amount of any dividend equivalent payment or cash distribution to holders of Class ETF Shares; net asset value; or other information relating to the purchase, redemption, or trading of Class ETF Shares, resulting from any negligent act or omission by the Exchange, the Reporting Authority, or any agent of the Exchange, or any act, condition, or cause beyond the reasonable control of the Exchange, its agent, or the Reporting Authority, including, but not limited to, an act of God; fire; flood; extraordinary weather conditions; war; insurrection; riot; strike; accident; action of government; communications or power failure; equipment or software malfunction; or any error, omission, or delay in the reports of transactions in one or more underlying securities. Proposed Rule 5.2(j)(9)(d) is based on NYSE Arca Rule 5.2–E(j)(9)(d) without any changes.

Proposed Rule 5.2(j)(9)(e) would provide that the Exchange may approve Class ETF Shares of a Multi-Class Fund for listing and/or trading (including pursuant to unlisted trading privileges) pursuant to Rule 19b–4(e) of the Act. For each listed Class ETF Shares, the ETF Class and the Multi-Class Fund issuing the Class ETF Shares, as applicable, must satisfy the requirements of Rule 5.2(j)(9) upon initial listing and, except for subparagraph (1)(A) of Rule 5.2(j)(9)(e), on a continuing basis. An issuer of such securities must notify the Exchange of any failure to comply with such requirements. Proposed Rule 5.2(j)(9)(e) is based on NYSE Arca Rule 5.2–E(j)(9)(e) with only a non-substantive change to update an internal reference to refer to the NYSE rule rather than the NYSE Arca rule.

Proposed Rule 5.2(j)(9)(e)(1), titled ''Initial and Continued Listing,'' would provide that Class ETF Shares will be listed and traded on the Exchange provided that: (i) the Multi-Class Fund is eligible to operate an ETF Class as an exchange-traded fund pursuant to, and is otherwise in compliance with the terms and conditions of, the Multi-Class Fund Exemptive Relief; (ii) the ETF Class is in compliance with the conditions and requirements of Rule 6c–11 under the Investment Company Act, except as noted in such Multi-Class Fund Exemptive Relief; and (iii) the ETF Class and the Multi-Class Fund each satisfies the requirements of this Rule, as applicable, on an initial and continued listing basis. Proposed Rule 5.2(j)(9)(e)(1)(A), titled ''Initial Shares Outstanding,'' would provide that the Exchange will establish a minimum number of Class ETF Shares required to be outstanding at the time of commencement of trading on the Exchange. Proposed Rules 5.2(j)(9)(e)(1) and 5.2(j)(9)(e)(1)(A) are based on NYSE Arca Rules 5.2–E(j)(9)(e)(1) and 5.2–E(j)(9)(e)(1)(A) without any changes.

Proposed Rule 5.2(j)(9)(e)(2), titled ''Suspension of trading or removal,'' would provide that the Exchange will consider the suspension of trading in, and will commence delisting proceedings under Rule 5.5(m) of, Class ETF Shares under any of the following circumstances:

- if the Exchange becomes aware that with respect to the Class ETF Shares: (i) the Multi-Class Fund is no longer eligible to operate an ETF Class as an exchange-traded fund pursuant to, or is otherwise no longer in compliance with the terms and conditions of, the Multi-Class Fund Exemptive Relief; or (ii) the ETF Class is no longer in compliance with the conditions and requirements of Rule 6c–11 under the Investment Company Act, except as noted in such Multi-Class Fund Exemptive Relief (proposed Rule 5.2(j)(9)(e)(2)(A));
- if any of the other listing requirements set forth in proposed Rule 5.2(j)(9) are not continuously maintained (proposed Rule 5.2(j)(9)(e)(2)(B));
- if, following the initial twelve-month period after commencement of trading on the Exchange of Class ETF Shares, there are fewer than 50 beneficial holders of Class ETF Shares (proposed Rule 5.2(j)(9)(e)(2)(C)); or
- if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable (proposed Rule 5.2(j)(9)(e)(2)(D)).

Proposed Rule 5.2(j)(9)(e)(2) and the subparagraphs thereunder are based on NYSE Arca Rule 5.2–E(j)(9)(e)(2) and its subparagraphs with only non-substantive changes to update internal references to refer to NYSE rules rather than NYSE Arca rules.

Proposed Rule 5.2(j)(9)(f) would provide that transactions in Class ETF Shares will occur during the trading hours specified in Rule 7.34(a). Proposed Rule 5.2(j)(9)(f) is based on NYSE Arca Rule 5.2–E(j)(9)(f) with only a non-substantive change to update an internal reference to refer to the NYSE rule rather than the NYSE Arca rule.

Proposed Rule 5.2(j)(9)(g), titled ''Surveillance Procedures,'' would provide that the Exchange will implement and maintain written surveillance procedures for Class ETF Shares. Proposed Rule 5.2(j)(9)(g) is based on NYSE Arca Rule 5.2–E(j)(9)(g) without any changes.

Proposed Rule 5.2(j)(9)(h), titled ''Termination,'' would provide that with respect to the Class ETF Shares, upon termination of the Multi-Class Fund or the ETF Class, as the case may be, the Exchange requires that the Class ETF Shares be removed from Exchange listing. Proposed Rule 5.2(j)(9)(h) is based on NYSE Arca Rule 5.2–E(j)(9)(h) without any changes.

The Exchange proposes to add Commentary .01 to proposed Rule 5.2(j)(9). Proposed Commentary .01 to Rule 5.2(j)(9) would provide that the following requirements shall be met by Class ETF Shares on an initial and continued listing basis. Proposed Commentary .01 and the subparagraphs thereunder are based on Commentary .01 to NYSE Arca Rule 5.2–E(j)(9) and its subparagraphs without any changes.

Subsection (a)(1) of proposed Commentary .01 would provide that with respect to Class ETF Shares based on an index, if the underlying index is maintained by a broker-dealer or fund adviser, the broker-dealer or fund adviser will erect and maintain a ''fire wall'' around the personnel who have

access to information concerning changes and adjustments to the index and the index will be calculated by a third party who is not a broker-dealer or fund adviser.

Subsection (a)(2) of proposed Commentary .01 would provide that any advisory committee, supervisory board, or similar entity that advises a Reporting Authority (as defined in the proposed rule) or that makes decisions on the index composition, methodology and related matters, must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the applicable index.

Subsection (b) of proposed Commentary .01 would provide that with respect to a Multi-Class Fund that is actively managed, if the investment adviser to the Multi-Class Fund issuing Class ETF Shares is affiliated with a broker-dealer, such investment adviser will erect and maintain a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such Multi-Class Fund's portfolio. Further, personnel who make decisions on the portfolio composition must be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the applicable portfolio. The Reporting Authority that provides information relating to the Multi-Class Fund's portfolio must also implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of such portfolio.

Proposed Conforming Changes

The Exchange proposes to add Class ETF Shares to the definition of ''Exchange Traded Product and UTP Exchange Traded Product'' in Rule 1.1(1). This proposed change would align the treatment of Class ETF Shares with how other exchange-traded products are treated under the Exchange's rules. The proposed changes to Rule 1.1(l) would also align with the inclusion of Class ETF Shares in the definition of ''Derivative Securities Product and UTP Derivative Securities Product'' in NYSE Arca Rule 1.1.

The Exchange also proposes conforming changes to Section 302.00 of the NYSE Listed Company Manual, which sets forth requirements related to annual meetings.[5] The Exchange proposes to amend Section 302.00 to include Class ETF Shares listed pursuant to Rule 5.2(j)(9) in the list of securities for which the requirements concerning annual meetings do not apply.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5),[7] 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 believes proposed Rule 5.2(j)(9) would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest by establishing generic standards for listing and trading of Class ETF Shares. Proposed Rule 5.2(j)(9) would allow Class ETF Shares that meet the requirements of the Rule to be listed and traded on the Exchange without prior Commission approval order or notice of effectiveness pursuant to Section 19(b) of the Act. Accordingly, the proposed rule change would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest because it would facilitate efficient procedures for listing Class ETF Shares that meet the requirements of proposed Rule 5.2(j)(9), thereby reducing the time, resources, and costs associated with bringing new series of Class ETF Shares to market and promoting competition among issuers of such products, to the benefit of the market participants. In addition, the Exchange believes that the proposed rule change would further the intended objective of Rule 19b–4(e) under the Act by permitting Class ETF Shares that satisfy the proposed listing standards in proposed Rule 5.2(j)(9) to be listed and traded without separate Commission approval.

The Exchange further believes that the proposed changes would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest because the proposed rules are based on the rules of the Exchange's affiliated market, NYSE Arca, which rules have been approved by the Commission. Accordingly, the proposed rule changes would facilitate the Exchange's ability to list and trade Class ETF Shares under generic listing standards identical to NYSE Arca's. The Exchange also believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system by promoting consistency across the rules of affiliated exchanges.

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. Instead, the Exchange believes that the proposed rule change would facilitate the listing and trading of Class ETF Shares through an efficient process that would enhance competition among market participants, to the benefit of investors and the marketplace. The Exchange believes that the proposed generic listing standards in Rule 5.2(j)(9) would reduce the timeframe for bringing additional series of Class ETF Shares to market, thereby reducing the burdens on issuers and other market participants and promoting competition among issuers of such products.

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 self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the 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, as modified by Amendment No.

[5] The Exchange also proposes two non-substantive formatting changes in Section 302.00.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

1, 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–2026–10 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–2026–10. 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–2026–10 and should be submitted on or before March 23, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04017 Filed 2–27–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104892; File No. 4–443]

Joint Industry Plan; Order Approving Amendment To Add Paragraph (c) to Section 6 of the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options (OLPP) To Create a Forum for Discussion Concerning Plan Matters

February 25, 2026.

I. Introduction

On November 13, 2025, Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGX Exchange, Inc., and Cboe Exchange, Inc., on behalf of the Sponsors[1] of the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options Submitted Pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934 (''Options Listing Procedures Plan,'' ''OLPP,'' or ''Plan''),[2] filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 11A of the Securities Exchange Act of 1934 (''Exchange Act'')[3] and Rule 608 of Regulation NMS thereunder,[4] a proposed amendment to the OLPP (''Amendment'').[5] The Amendment proposes to add a provision to the OLPP authorizing the OLPP Sponsors to act jointly to discuss issues within the scope of the Plan, authority which is intended to facilitate both discussions among the Sponsors and, as appropriate, discussions among the Sponsors and other industry participants, concerning ways to achieve and enhance a fair and orderly market for options trading. As discussed below, the Amendment also includes governance provisions with respect to the manner in which the Plan discussions will take place and a provision requiring that Plan discussions cannot take place without a Commission staff observer present. The Amendment was published for comment in the **Federal Register** on December 1, 2025.[6] The Commission has not received any comments. This order approves the Amendment.

II. Background and Description of the Amendment

A. Background

The OLPP is a national market system plan that, among other things, provides procedures for listing and trading new multiply listed options classes and selecting new options series. As the number of listed options classes and series, and the number of options exchanges, increase over time, the amount of options quotation data that market participants encounter increases, which presents certain issues and ideas for how to address them.[7] For example, as discussed in the Notice, the Commission approved an OLPP amendment from the Sponsors that was intended to reduce the amount of quote traffic that had resulted from the adoption of the Options Penny Pilot Program, which permitted the options exchanges to quote certain options series in one-cent and five-cent increments and thus expanded the number of series quoted.[8]

B. Description of the Amendment

The Amendment will authorize the Plan Sponsors to act jointly to discuss matters within the scope of the Plan for the purpose of discussing whether to file proposed Plan amendments, or whether exchanges on their own motion are considering filing proposed rule changes with the Commission, in either case to promote, where appropriate, uniform procedures and standards for multiply listed options overlying equity securities to facilitate their trading on multiple exchanges (''Plan discussions''). Matters within the scope of the Plan that may be the subject of such discussions could include for example: procedures for the listing of standardized options; options adjustments; criteria related to permissible classes of options overlying equity securities and series' strikes, expirations, and trading increments; and the potential reduction of the number of listed option series to mitigate quote message traffic and address capacity issues.

The Amendment provides several prerequisites and conditions for Plan discussions to occur, which are

[8] 17 CFR 200.30–3(a)(12).

[1] The Sponsors of the OLPP are: BOX Exchange LLC; Cboe BZX Exchange, Inc.; Cboe C2 Exchange, Inc.; Cboe EDGX Exchange, Inc.; Cboe Exchange, Inc.; MEMX LLC; Miami International Securities Exchange LLC; MIAX Emerald, LLC; MIAX Pearl, LLC; MIAX Sapphire, LLC; Nasdaq BX, Inc.; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; Nasdaq MRX, LLC; Nasdaq PHLX LLC; The Nasdaq Stock Market LLC; NYSE American LLC; NYSE Arca, Inc.; and The Options Clearing Corporation (''OCC'').

[2] OLPP is a national market system plan approved by the Commission pursuant to Section 11A of the Exchange Act and Rule 608 thereunder. *See* Securities Exchange Act Release No. 44521 (July 6, 2001), 66 FR 36809 (July 13, 2001). The full text of the OLPP is available at *https://www.theocc.com/getmedia/198bfc93-5d51-443c-9e5b-fd575a0a7d0f/options_listing_procedures_plan.pdf.*

[3] 15 U.S.C. 78k–1.

[4] 17 CFR 242.608.

[5] The Sponsors previously filed an amendment on October 31, 2024. *See* Securities Exchange Act Release No. 101640 (Nov. 15, 2024), 89 FR 92238 (Nov. 21, 2024). On February 19, 2025, the Sponsors withdrew that amendment. The Amendment revised the October 2024 version by adding several prerequisites and conditions for Plan discussions to occur to promote transparency and participation.

[6] *See* Securities Exchange Act Release No. 104268 (Nov. 25, 2025), 90 FR 55203 (Dec. 1, 2025) (''Notice'').

[7] *See, e.g.,* Letter from Ellen Green, Managing Director, SIFMA, dated Apr. 8, 2019, *available at https://www.sifma.org/resources/submissions/letters/options-market-structure-proliferation-of-listed-options-series-available-for-quoting-and-trading/. See also* Notice, *supra* note 6, at 90 FR 55205 (noting the increase in series listed per day has increased from 1,107,980 in June 2020 to 1,406,632 in June 2024).

[8] *See also* Notice, *supra* note 6, at 90 FR 55204. *See also* Securities Exchange Act Release No. 60531 (Aug. 19, 2009), 74 FR 43173 (Aug. 26, 2009).

intended to promote transparency and participation. First, the Sponsors may hold Plan discussions as frequently as they deem necessary and appropriate.[9] Any Sponsor may request Plan discussions be held, and such discussions may occur as part of broader industry group meetings. Second, an agenda for any Plan discussions must be prepared and distributed at least two business days in advance of such discussions to all persons required to be present.[10] Any Sponsor may object to the inclusion of any proposed agenda item, in which case that item would be removed from the agenda. Third, the following persons must be present during any Plan discussions: (i) one or more representatives of each Sponsor; (ii) legal counsel for each exchange Sponsor (who may also serve as the representative); and (iii) one or more Commission staff observers.[11] The Sponsors may invite additional observers, including representatives of industry members and/or industry groups, to attend such discussions (or portions thereof), though any Sponsor may object to such invitation in which case that observer would not be permitted to attend such discussions. Fourth, one Sponsor representative must take minutes of any Plan discussions and provide each Sponsor with an opportunity to review and approve such minutes.[12] Following any Plan discussions, the Sponsors can act jointly for purposes of determining whether to file with the Commission one or more proposed amendments to the Plan or one or more proposed rule change filings pursuant to Rule 19b–4 under the Exchange Act for matters within the scope of the Plan that were the subject of Plan discussions.[13]

III. Discussion and Commission Findings

Section 11A of the Exchange Act authorizes the Commission, by rule or order, to authorize or require the self-regulatory organizations (''SROs'') to act jointly with respect to matters as to which they share authority under the Exchange Act in planning, developing, operating, or regulating a national market system or one or more facilities thereof.[14] Rule 608 of Regulation NMS authorizes two or more SROs, acting jointly, to file with the Commission proposed amendments to an effective national market system plan, and further provides that no amendment may become effective unless approved by the Commission or otherwise permitted to be put into effect upon filing with the Commission.[15]

The Commission shall approve an amendment to an effective plan, with such changes or subject to such conditions as the Commission may deem necessary or appropriate, if it finds that such plan or amendment is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Exchange Act.[16]

The Commission finds that the Amendment is consistent with the requirements of the Exchange Act and Rule 608 of Regulation NMS for the reasons set forth below.[17] The Amendment will provide a forum and procedures for the Sponsors and other parties to jointly discuss matters concerning options listing ''to achieve and enhance a fair and orderly market for options trading.'' [18] The Amendment also includes governance provisions with respect to convening and conducting such discussions, including how a discussion should be initiated, formation of the agenda for a discussion, required representatives for the discussion (including Commission staff observers), and maintenance of written records for the discussions. These provisions provide a reasonable framework to promote participation and transparency about discussions between Sponsors and other parties, while helping to ensure such discussions are limited to matters within the scope of the Plan.

Finally, the Amendment authorizes the convening of a forum for Plan discussions, but does not provide the Sponsors with any new authority to take action under the Plan. Rather, any proposed changes to the Plan or any exchange rules that result from Plan discussions would require a formal proposal that would be filed with the Commission and published for public notice and comment. The Amendment is designed to facilitate broad dialogue on options listings, which can involve highly technical and complex questions and considerations and thus can benefit from a deliberative process that solicits a multitude of views. As a result, Sponsors will have access to valuable industry expertise thereby facilitating their ability to draft and file thoughtful and thoroughly considered Plan amendments and SRO proposed rule changes that are better positioned to elicit meaningful public comment.

For the reasons discussed above, the Commission finds that the Amendment is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Exchange Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 11A of the Exchange Act [19] and Rule 608(b)(2) of Regulation NMS thereunder,[20] that the Amendment to the Options Listing Procedures Plan (File No. 4–443) be, and hereby is, *approved.*

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04060 Filed 2–27–26; 8:45 am]

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[9] *See* proposed Section 6(c)(1) of the OLPP.

[10] *See id.* at 6(c)(2).

[11] *See id.* at 6(c)(3).

[12] *See id.* at 6(c)(4).

[13] *See id.* at 6(c)(5).

[14] *See* 15 U.S.C. 78k–1(a)(3)(B).

[15] 17 CFR 242.608(a)(1) and (b)(1).

[16] *See* 17 CFR 242.608(b)(2).

[17] 17 CFR 242.608.

[18] *See* Notice, *supra* note 6, at 90 FR 55203–04.

[19] 15 U.S.C. 78k–1.

[20] 17 CFR 242.608(b)(2).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104894; File No. S7–2026–06]

Notice of an Application of the 24X National Exchange LLC for a Temporary, Conditional Exemption From Certain Requirements of Rule 602 of Regulation NMS, Certain Requirements of Certain Equity Data Plans, and Section 19(g)(1) of the Securities Exchange Act of 1934, Pursuant to Section 36 of the Securities Exchange Act of 1934 and Rule 602 and 608 of Regulation NMS, To Permit Certain Overnight Trading, and Request for Comment

February 25, 2026.

On December 15, 2025, the Securities and Exchange Commission (the ''Commission'') received an application from the 24X National Exchange LLC (''24X'' or the ''Exchange'') to obtain a temporary, conditional exemption,[1]

[1] *See* Letter from David Sassoon, General Counsel, 24X, dated December 15, 2025 (''Application''). The Application is attached as an Appendix to this notice. The Appendix may be found on *https://www.sec.gov/rules-regulations/exchange-act-exemptive-notices-orders.* Defined terms in this notice are the same as used in the Application, unless otherwise noted.

pursuant to Section 36 of the Securities Exchange Act of 1934 (''Exchange Act'') [2] and/or where applicable under Rules 602(d) [3] and 608(e) [4] of Regulation NMS under the Exchange Act, in accordance with relevant procedures set forth in Exchange Act Rule 0–12.[5] Specifically, 24X requests exemptive relief, subject to certain conditions, from (1) certain requirements of Rule 602 of Regulation NMS under the Exchange Act; [6] (2) certain requirements of the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (''UTP Plan'') [7] and the Consolidated Quotation Plan (''CQ Plan'') [8] with regard to the reporting of quoting activity during the 24X Market Session; [9] and (3) the requirement under Section 19(g)(l) of the Exchange Act [10] to comply with certain requirements set forth in 24X Rules 1.5(c) and 11.6, to permit the Exchange to offer trading during the 24X Market Session [11] (together, the ''Temporary Quotation Reporting Exemption'').[12] The exemptive relief requested by the Exchange would permit the Exchange to commence operation during the 24X Market Session (*i.e.,* generally, permitting trading overnight Sundays through Thursdays) prior to the relevant Equity Data Plans [13] being amended to collect, consolidate, process and disseminate quotation and transaction information at all times during the 24X Market Session. The Commission is publishing this notice to provide interested persons with an opportunity to comment.

I. Background

On November 27, 2024, the Commission granted the 24X Form 1 application for registration as a national securities exchange, which included 24X rules that will allow it to ultimately operate 23 hours a day, 5 days per week.[14] Specifically, the 24X rules provide for four trading sessions—a Pre-Market Session (4:00 a.m.–9:30 a.m. Eastern Time (''ET'')), a Core Market Session (9:30 a.m.–4:00 p.m. ET), a Post-Market Session (4:00 p.m.–8:00 p.m. ET),[15] and a 24X Market Session (9:00 p.m.–4:00 a.m. ET every Sunday, Monday, Tuesday, Wednesday, and Thursday night that precedes a U.S. Business Day).[16]

On October 14, 2025, 24X commenced operations allowing trading during three of these four trading sessions, namely the Pre-Market, Core Market, and Post-Market Sessions. However, as approved by the Commission,[17] 24X Rule 1.5(c) provides that, the Exchange shall not commence operation of the 24X Market Session unless the Equity Data Plans (1) have established a mechanism to collect, consolidate, process and disseminate quotation and transaction information at all times during the 24X Market Session that is equivalent to the mechanism established for Exchange Trading Hours other than the 24X Market Session, and (2) have provided the Exchange with notification that they are prepared to collect, consolidate, process and disseminate quotation and transaction information to accommodate the 24X Market Session.[18] Further, as approved by the Commission,[19] 24X Rule 1.5(c) provides that prior to commencing its operation of the 24X Market Session, the Exchange will file a proposed rule change pursuant to Section 19(b) of the Exchange Act and the rules thereunder confirming that the Exchange is able to comply with its obligations under the Exchange Act and the rules thereunder during the 24X Market Session and that such Equity Data Plans are prepared to collect, consolidate, process and disseminate quotation and transaction information at all times during the 24X Market Session (''24X Market Session Proposed Rule Change''). Finally, 24X Rule 1.5(c) states that the 24X Market Session Proposed Rule Change must be filed with the Commission within 18 months of the Commission's approval of the Exchange's application for registration as a national securities exchange (*i.e.,* May 27, 2026), and that if it is not filed within those 18 months, the Exchange will promptly file a proposed rule change to remove the rules that apply to the 24X Market Session. In the 24X Approval Order, the Commission stated that requiring the 24X Market Session to operate concurrently with the operation of the Equity Data Plans would enhance transparency during the 24X Market Session and promote the goals of the national market system.[20]

II. Summary of the Application and Proposed Conditions

In its Application,[21] the Exchange states that in proposing 24X Rules 11.6 and 1.5(c), it believed that 18 months

[2] 15 U.S.C. 78mm. Section 36(a)(1) of the Exchange Act gives the Commission the authority to exempt any person, security or transaction or any class or classes of persons, securities or transactions, conditionally or unconditionally, from any Exchange Act provision or any rule or regulation thereunder by rule, regulation or order, to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors.

[3] 17 CFR 242.602(d). Rule 602(d) of Regulation NMS states that the Commission may exempt from the provisions of Rule 602, either unconditionally or on specified terms and conditions, ''any responsible broker or dealer, electronic communications network, national securities exchange, or national securities association if the Commission determines that such exemption is consistent with the public interest, the protection of investors and the removal of impediments to and perfection of the mechanism of a national market system.''

[4] 17 CFR 242.608(e). Rule 608(e) of Regulation NMS states that that ''[t]he Commission may exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any self-regulatory organization, member thereof, or specified security, if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanisms of, a national market system.''

[5] 17 CFR 240.0–12. Exchange Act Rule 0–12 sets forth procedures for filing applications for orders for exemptive relief pursuant to Section 36 of the Exchange Act.

[6] 17 CFR 242.602.

[7] *See* UTP Plan, available at *https://www.utpplan.com/utp_plan.*

[8] *See* CQ Plan, available at *https://www.ctaplan.com/plans.*

[9] *See* 24X Rule 1.5. The complete 24X Rulebook is available at *https://equities.24exchange.com/api/media/file/24X%20Rulebook%2001.15.2026.pdf.*

[10] 15 U.S.C. 78s(g)(1)

[11] *See* 24X Rules 1.5(c) and 11.6.

[12] *See* Application, p. 9–11.

[13] *See* 24X Rule 1.5(o) which defines the term ''Equity Data Plans'' as the ''effective national market system plan(s) that govern the collection, consolidation, processing and dissemination of consolidated equity market data via the exclusive securities information processors (''SIPs''), including (1) Consolidated Tape Association Plan (''CTA Plan''), (2) Consolidated Quotation Plan (''CQ Plan''), (3) the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation, and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (''UTP Plan''), and (4) any successor thereto to the named Plan(s).''

[14] *See* Exchange Act Release No. 101777 (Nov. 27, 2024), 89 FR 97092 (Dec. 6, 2024) (In the Matter of the Application of 24X National Exchange LLC for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission) (''24X Approval Order'').

[15] *See* 24X Rules 1.5(z), (1), and (y), respectively. On Sept. 24, 2025, 24X amended its hours for the Post-Market Session so that it concludes at 8:00 p.m. ET and the 24X Market Session so that it begins at 9:00 p.m. *See* Exchange Act Release No. 104086 (Sept. 26, 2025), 90 FR 46978 (Sept. 30, 2025).

[16] *See* 24X Rule 1.5(c). *See* 24X Rule 1.5(ll) which defines the term ''U.S. Business Day'' as ''any Monday, Tuesday, Wednesday, Thursday or Friday other than any of the following U.S. holidays if they are celebrated on a Monday, Tuesday, Wednesday, Thursday or Friday: New Year's Day, Martin Luther King Jr. Day, President's Day, Good Friday, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day Eastern Time, or such other holiday(s) as published by the Exchange from time to time.''

[17] *See* 24X Approval Order, 89 FR at 97105.

[18] *See* 24X Rule 1.5(c).

[19] *See* 24X Approval Order, 89 FR at 97108.

[20] *See id.*

[21] *See* Appendix.

from approval of its application for registration as a national securities exchange would be more than sufficient time for the Equity Data Plans to make the necessary technology changes and changes to the Equity Data Plans to allow for overnight trading on a national securities exchange. The Exchange states that it has been vocal in pressing for the necessary changes to the Equity Data Plans, and that 24X was given a projected timeline of November/December of 2026 for overnight trading support for the Equity Data Plans, which is well beyond the 18-month period anticipated when the Commission approved 24X as a national securities exchange.[22]

24X expresses concern that ''more established'' exchanges may determine to form or acquire alternative trading systems and begin trading overnight, reducing the incentive to modify the Equity Data Plans to facilitate exchange trading in this market.[23] 24X also expresses concern that the implementation of the provided technology may be further delayed by the need for regulatory approval of amendments to the Equity Data Plans. As discussed in more detail in the Application, 24X requests a Temporary Quotation Reporting Exemption pursuant to Section 36 of the Exchange Act and/or Rules 602(f) and 608(e) of Regulation NMS to permit 24X to offer trading during the 24X Market Session.

24X requests that the Commission grant the Temporary Quotation Reporting Exemption subject to the following conditions:

(1) 24X will make publicly available a proprietary real-time data feed that includes (a) quotation information with the data elements required by the UTP and CQ Plans for the 24X Market Session, and (b) last sale information with the data elements required by the UTP and CTA Plans, at no cost;

(2) 24X would make clear on its website that consolidated market data is not currently available with regard to quoting activity in the 24X Market Session, and that quotation information during the 24X Market Session is only available via 24X's proprietary data feeds;

(3) 24X will satisfy the requirements of Rules 601 and 602 of Regulation NMS as well as the requirements of the UTP, CQ and CTA Plans with regard to the quoting and transaction activity during its Pre-Market Session, Core Market Session and Post-Market Session;

(4) 24X will satisfy the requirements of Rule 601 of Regulation NMS as well as the requirements of the UTP and CTA Plans with regard to transaction activity during the 24X Market Session by reporting the transaction activity in the 24X Market Session on a delayed basis as currently required under the UTP and CTA Plans;

(5) 24X will provide the Commission with quarterly data regarding the volume of quoting and trading activity during the 24X Market Session while the exemptive relief is effective; and

(6) National Securities Clearing Corporation shall have in place rules approved by the Commission permitting it to clear and settle trades that occur during the 24X Market Session.

III. Request for Comment

The Commission requests and encourage any interested person to submit comments regarding the Application, including whether the request should be granted. In particular, the Commission solicits comment on the following questions:

1. What are commenters' views on 24X's proposed operation of the 24X Market Session while the Equity Data Plans are not operating? Should the Commission permit, on a temporary conditional basis, a national securities exchange to operate an overnight trading session without the concurrent operation of the Equity Data Plans to collect, process, consolidate and disseminate quotation and transaction information? Would a temporary conditional exemption be consistent with Section 11A(a)(1)(C) of the Exchange Act, in particular, the Congressional finding stating that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities?

2. If the Commission grants the 24X Temporary Quotation Reporting Exemption, should the Commission allow other national securities exchanges with rules that apply to an overnight trading session, to commence operation of their overnight trading sessions if they comply with the proposed conditions set forth in the Temporary Quotation Reporting Exemption?

3. Would market participants, including investors, be able to access real-time quotation and transaction information via the proprietary feeds that would be offered by 24X? Would the conditions proposed by 24X result in a level of transparency that is sufficient for trading and investor protection during overnight trading?

4. If the Commission grants the requested temporary exemptive relief, would other market participants seek regulatory relief in order to trade on 24X during the 24X Market Session? If so, please describe in detail.

5. Are there particular sections of the Exchange Act, the rules thereunder, and Equity Data Plans, not otherwise discussed in the Application, that the Commission should consider? Please explain.

6. Are there other conditions that should be required to allow the operation of the 24X Market Session prior to the relevant Equity Data Plans being amended to be able to collect, consolidate, process and disseminate the consolidated equity market data during the 24X Market Session?

7. What are commenters' views on the potential benefits, or drawbacks, of granting the requested exemption, which, if granted, may be in place for a limited period of time?

8. If the Commission granted the exemption, how would other market participants be affected by the earlier than expected timeline for implementation of the 24X Market Session? For example, would market participants' preparations for 24-hour trading be impacted if the exemption was granted? If so, please explain.

Comments should be received on or before April 1, 2026. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–2026–06 on the subject line.

Paper Comments

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

All submissions should refer to File Number S7–2026–06. 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/exorders.shtml*). Do not include personal identifiable information in

[22] After the Commission received the Application, on January 12, 2026, the CTA Plan, CQ Plan, and UTP Plan (together the ''Plans'') filed amendments to extend the operation of the exclusive securities information processors (''SIPs'') from 9:00 p.m. ET Sunday to 8:00 p.m. ET Friday subject to daily, one-hour operational pauses from 8:00 p.m. to 9:00 p.m. on Monday through Thursday. In the amendments, the Plans stated that, if approved by the Commission, they expected implementation to occur in December 2026. *See* Exchange Act Release Nos. 104670 (Jan. 22, 2026), 91 FR 3609 (Jan. 27, 2026) (Notice of Filing of Fifty-Fifth Amendment to the UTP Plan), and 104665 (Jan. 22, 2026), 91 FR 3602 (Jan. 27, 2026) (Notice of Filing of Fortieth Amendment to the CTA Plan and Thirty-First Amendment to the CQ Plan) (together, ''Plan Amendments'').

[23] *See* Application, p. 3.

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.

For further information, you may contact Kelly Riley, Senior Special Counsel, Office of Market Supervision, Division of Trading and Markets, at (202) 551–5500, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04081 Filed 2–27–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104891; File No. SR–IEX–2026–05]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Fee Schedule To Modify Two Aspects of the Exchange's Incremental Fee Tiers

February 25, 2026.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 12, 2026, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,[4] and Rule 19b–4 thereunder,[5] the Exchange is filing with the Commission a proposed rule change pursuant to IEX Rule 15.110(a) and (c) to amend the Exchange's fee schedule applicable to Members [6] (the ''Fee Schedule'' [7]) to modify two aspects of the Exchange's Incremental Fee Tiers. Changes to the Fee Schedule pursuant to this proposal are effective upon filing,[8] and will be implemented on March 1, 2026.

The text of the proposed rule change is available at the Exchange's website at *https://www.iexexchange.io/resources/regulation/rule-filings* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and the 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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

In order to increase the accessibility of its Incremental Fee Tiers, IEX proposes to modify two aspects of the reduced $0.0001 per share fee that is applicable to certain non-displayed trades and to make clarifying changes to the Fee Schedule.[9] Specifically, IEX proposes to lower the threshold amount by which Members must exceed their baseline volume in order to qualify for the reduced fee, if the Members qualified for the Exchange's two highest displayed liquidity adding rebate tiers in the prior month. And IEX proposes to double the ''cap'' on the volume that can be charged the reduced fees, if Members qualified for the reduced fee in each of the three immediately preceding months. This fee change proposal is effective on filing and will be implemented on March 1, 2026.

Background

IEX first began offering Incremental Fee Tiers in September 2025.[10] The Incremental Fee Tiers are a volume-based fee incentive designed to incentivize Members to increase their non-displayed volume on the Exchange by providing Members that qualify for Incremental Fee Tier 2 an opportunity to pay a reduced fee of $0.0001 per share [11] for applicable executions of non-displayed orders.[12] Specifically, qualifying Members are eligible to pay the reduced fee of $0.0001 per share for any volume in excess of their Baseline non-displayed ADV,[13] where the discounted rate is applied to Incremental Fee eligible ADV up to the value of the Baseline non-displayed ADV.

Starting in March 2026, the following criteria will be used to calculate the Baseline non-displayed ADV and to determine eligibility for the reduced fee in the current month; these criteria will expire no later than February 28, 2027.[14] To qualify for Incremental Fee Tier 2 in the current month, a Member's Incremental Fee eligible ADV [15] in the prior (*i.e.,* immediately preceding) month must have exceeded its Baseline non-displayed ADV by at least 15,000,000. The Baseline non-displayed ADV for any Member that has been trading on the Exchange for at least the past year will be calculated (after the last trading day in February 2026) by averaging the Incremental Fee eligible ADV for the three months from March 2025 to February 2026 in which the Member had its lowest Incremental Fee eligible ADV.

For Members that began trading on the Exchange after March 1, 2025, the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] *See* IEX Rule 1.160(s).

[7] *See* Investors Exchange Fee Schedule, available at *https://www.iexexchange.io/resources/trading/fee-schedule.*

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] Nothing in this rule filing affects trades below $1.00 per share (''sub-dollar trades''). Sub-dollar trades would not impact the Incremental Fee Tier calculations and would not be eligible for any of the Incremental Fee Tiers described herein.

[10] *See* Trading Alert #2025–024, *https://iextrading.com/alerts/#/308; see also* Securities Exchange Act Release No. 103969 (September 15, 2025), 90 FR 45071 (September 18, 2025) (SR–IEX–2025–24) (''Incremental Fee Tier Filing'').

[11] IEX's base rate for transactions that add or remove non-displayed liquidity is $0.0010 per share.

[12] The fee codes to which the Incremental Fee Tiers apply are ''MI'' (Adds non-displayed liquidity); ''MIB'' (Adds non-displayed liquidity in Tape B securities); ''TIY'' (Post Only order removes non-displayed liquidity); ''TIYB'' (Post Only order removes non-displayed liquidity in Tape B securities); ''TI'' (Removes non-displayed liquidity); and ''TIB'' (Removes non-displayed liquidity in Tape B securities).

[13] ''Baseline non-displayed ADV'' means executions with any of the Fee Code Combinations MI, MIB, TI, TIB, TIY, or TIYB in August 2025.

[14] *See* Securities Exchange Act Release No. 104805 (February 10, 2026), 91 FR 6948 (SR–IEX–2026–03) (''Baseline Calculation Update Filing'').

[15] ''Incremental Fee eligible ADV'' means executions with any of the Fee Code Combinations MI, MIB, TI, TIB, TIY, or TIYB. Unless otherwise specified, Incremental Fee eligible ADV refers to executions in the current month.

Baseline non-displayed ADV for each Member will be calculated by taking the average of the Incremental Fee eligible ADV of the Member's first three full months of trading on the Exchange. For all Members, on a going forward basis, until the eligibility criteria expire in February 2027, a Member's qualification for Incremental Fee Tier 2 in the current month will be based on its Incremental Fee eligible ADV in the prior month as compared to its Baseline non-displayed ADV. More details on the updated process for calculating the Baseline non-displayed ADV can be found in the Baseline Calculation Update Filing.[16]

The reduced fee of $0.0001 per share for Incremental non-displayed ADV[17] is capped at a Member's Baseline non-displayed ADV, and any additional volume is charged the regular fee of $0.0010 per share for either adding or removing non-displayed liquidity.

Proposal

IEX proposes to change two aspects of the above functionality to expand access to, and the benefits of, the Incremental Fee Tier 2 reduced fee.

First, IEX proposes to make it easier for Members who qualify for Displayed Liquidity Adding Rebate Tier 7 (''Tier 7'') or Displayed Liquidity Adding Rebate Tier 8 (''Tier 8'') to also qualify for Incremental Fee Tier 2. To qualify for Tier 7 in the current month, in the prior month a Member must have either: (i) added at least 30,000,000 ADV of displayed liquidity or (ii) added at least 25,000,000 ADV of displayed liquidity and traded at least 30,000,000 non-displayed ADV.[18] To qualify for Tier 8 in the current month, in the prior month a Member must have added at least 40,000,000 ADV of displayed liquidity.[19]

To expand access to the Incremental Fee Tier 2 reduced fee to Members who qualified for Tier 7 or Tier 8 in the prior month, IEX proposes to reduce the threshold amount, from 15,000,000 to 10,000,000 ADV, by which these Members' Incremental Fee eligible ADV in the prior month must have exceeded their Baseline non-displayed ADV, in order to qualify for the Incremental Fee Tier 2 reduced fee in the current month. This proposed change, working in tandem with the Displayed Liquidity Adding Rebate Tiers, is designed to incentivize Members to add both displayed and non-displayed liquidity to the Exchange by making it easier for Members that add substantial amounts of displayed liquidity to benefit from the Incremental Fee Tier 2 reduced fee.

IEX proposes to make the following changes to the Fee Schedule to effectuate this lower Incremental Fee Tier 2 qualification threshold for Members who qualified for Tier 7 or Tier 8:

- Revise the second bullet under footnote 6 to read:
  - ''A Member qualifies for the Incremental Fee (*i.e.,* Incremental Fee Tier 2) in the current month if its Incremental Fee eligible ADV in the prior month exceeded its Baseline non-displayed ADV by at least 15,000,000 (or by at least 10,000,000 if the Member qualified for Displayed Liquidity Adding Rebate Tier 7 or Tier 8).''
- In the Incremental Fee Tier Calculation Table, change the two current references to footnote ''a'' in the table, and the text describing footnote ''a'' under the table to now refer to footnote ''b''
- In the same table, add a new footnote ''a'' to the ''Required Criteria'' for both tiers, and insert the following explanatory text under the table:
  - ''[a] A Member that qualifies for either Displayed Liquidity Adding Rebate Tier 7 or Tier 8 (based on its prior month activity) qualifies for Incremental Fee Tier 2 in the current month if its prior month's Incremental non-displayed ADV exceeded its Baseline non-displayed ADV by at least 10,000,000. The below examples for Incremental Fee Tier Option 1 and Option 2 assume the Member did not qualify for Displayed Liquidity Added Rebate Tier 7 or Tier 8, and therefore the Member's Incremental non-displayed ADV must exceed its Baseline non-displayed ADV by at least 15,000,000 in the prior month to qualify for Incremental Fee Tier 2 in the current month.''

Second, IEX proposes to double the cap on the amount of Incremental Fee eligible ADV for which a Member may pay the reduced fee of $0.0001 in the current month, if that Member qualified for Incremental Fee Tier 2 in at least each of the three immediately preceding months. For example, if a Member qualifies for Incremental Fee Tier 2 in December 2025; January 2026; and February 2026, the Member will be eligible to pay the reduced fee for up to twice its Baseline non-displayed ADV in March 2026. Thus, if the Member's Baseline non-displayed ADV in March 2026 is 15,000,000 and its Incremental Fee eligible ADV is 50,000,000 (*i.e.,* its Incremental non-displayed ADV is 35,000,000), the $0.0001 fee is applicable to 30,000,000 of its Incremental Fee eligible ADV in March (two times the Member's Baseline non-displayed ADV of 15,000,000), and the $0.0010 fee is applicable to 20,000,000 of its Incremental Fee eligible ADV.

To effect these proposed changes, IEX proposes to make the following revisions to the Fee Schedule:

- Amend the new footnote ''b'' to the Incremental Fee Tier Calculation Table by adding text to the end of the first sentence. As proposed, the first sentence of footnote ''b'' will read in full:
  - ''[b] This fee is only applicable to Incremental non-displayed ADV that does not exceed the Baseline non-displayed ADV for Members that have not qualified for Incremental Fee Tier 2 in each of the three immediately preceding months. For Members that have qualified for Incremental Fee Tier 2 for at least the three immediately preceding months, the reduced fee is only applicable to Incremental non-displayed ADV that is less than or equal to two times the Baseline non-displayed ADV. For example, if such a Member's Baseline non-displayed ADV is 15,000,000 and its Incremental Fee eligible ADV is 50,000,000 (*i.e.,* its Incremental non-displayed ADV is 35,000,000), the $0.0001 fee is applicable to 30,000,000 of its Incremental Fee eligible ADV (two times the Member's Baseline non-displayed ADV), and the $0.0010 fee is applicable to 20,000,000 of its Incremental Fee eligible ADV.''
- Add language before the example tables under Incremental Fee Tier Option 1 and Option 2 explaining that ''these examples all assume that the Members' reduced fees are capped at their Baseline non-displayed ADV (*i.e.,* the Members did not qualify for Incremental Fee Tier 2 in each of the three immediately preceding months).''
- Add text to the end of the definition of ''Incremental non-displayed TAV'' in the Incremental Fee Tier Option 2 section to clarify how Incremental non-displayed TAV is calculated for a Member that has qualified for Incremental Fee Tier 2 in at least the three immediately preceding months. The last two sentences of the definition will now read in full:
  - ''If this value exceeds the Baseline non-displayed TAV, the number of shares eligible for the reduced Incremental Fee is capped at the Baseline non-displayed TAV for Members that have not qualified for Incremental Fee Tier 2 in each of the three immediately preceding months. For Members that have qualified for Incremental Fee Tier 2 for at least the three immediately preceding months, the number of shares eligible for the reduced Incremental Fee is capped at two times the Baseline non-displayed ADV.''

Finally, IEX proposes making a clarifying edit to the Fee Schedule. The last sentence of the renamed footnote ''b'' to the Incremental Fee Tier Calculation Table states that ''Additionally, IEX notes that the above criteria to qualify for Incremental Fee Tier 2 will expire no later than February 28, 2027.'' As described above, footnote ''b'' now contains text describing the doubling of the cap on the reduced fee for Members that qualify for Incremental

[16] *See supra* note 14.

[17] ''Incremental non-displayed ADV'' means executions in the immediately preceding month of Incremental Fee eligible ADV that exceeded the Baseline non-displayed ADV. *See* Fee Schedule.

[18] ''non-displayed ADV'' refers to executions with the following Fee Code Combinations: MI, MIB, TI, TIB, TIY, TIYB, TIR, TLW, TLWB, and MIA. *See* Fee Schedule.

[19] *Id.*

Fee Tier 2 in at least the three immediately preceding months. That aspect of the Incremental Fee Tiers is not a qualifying criteria that will expire on February 28, 2027; the text in the footnote is meant to refer to the manner in which the Baseline non-displayed ADV is calculated for all Exchange Members. Thus, IEX proposes to delete this sentence from footnote ''b'', and to add a new fifth bullet (sub-bullet four to the first bullet) at the top of the Incremental Fee Tiers section of the Fee Schedule, which reads: ''The criteria to qualify for Incremental Fee Tier 2 will expire no later than February 28, 2027.''

As noted above, changes to the Fee Schedule pursuant to this proposal are effective upon filing,[20] and will be implemented on March 1, 2026. The ''Fee Transparency'' requirements in Rule 610(d) of Regulation NMS require that transaction fees and rebates must be determinable at the time of the execution. This fee filing is fully consistent with the Fee Transparency requirements because a Member will know at the start of the month if it is eligible for the lower threshold to qualify for Incremental Fee Tier 2 because the Member will know whether it qualified for Tier 7 or Tier 8 in the prior month. Similarly, a Member that qualified for Incremental Fee Tier 2 in the months of December 2025, January 2026, and February 2026 will know at the end of February that, for March, the cap on its Incremental Fee eligible ADV eligible for the reduced fee of $0.0001 will be double the Member's Baseline non-displayed ADV.

Finally, as noted above, the Exchange is not proposing to change the fees applicable to executions of and with orders with an execution price below $1.00 per share.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b) [21] of the Act in general and furthers the objectives of Sections 6(b)(4) [22] of the Act, in particular, in that it is designed to not be unfairly discriminatory and to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

First, as described in the Purpose section, this proposed fee change will continue to make IEX's fees determinable at the time of execution as required by Rule 610(d) of Regulation NMS.

Additionally, IEX believes that the proposed lower threshold to qualify for Incremental Fee Tier 2 for Members that add a substantial amount of displayed liquidity and order flow seeking to trade with displayed orders to the Exchange is consistent with the purposes of the Act. This part of the proposal, which IEX makes for business and competitive reasons, is designed to further incentivize Members to add more displayed liquidity to the Exchange, thereby contributing to a deeper and more liquid market, to the benefit of all market participants.

IEX also believes that doubling the cap on the volume to which the Incremental Fee Tier 2 reduced fee will apply for Members that qualified for Incremental Fee Tier 2 in at least the three preceding months furthers the objectives of the Act. This aspect of the proposal, which IEX also makes for business and competitive reasons, is designed to incentivize Members to increase their volume of non-displayed trading on the Exchange and to maintain that volume in subsequent months. IEX believes that this increased non-displayed volume on the Exchange will contribute to a deeper and more liquid market, which benefits all market participants and provides greater execution opportunities on the Exchange.

IEX also believes that this proposal provides for the equitable allocation of reasonable fees among its Members and is not designed to be unfairly discriminatory because any Member that qualifies for Tier 7 or Tier 8 will be able to qualify for Incremental Fee Tier 2 using the lower threshold of Incremental Fee eligible ADV in the prior month exceeding the Baseline non-displayed ADV by at least 10,000,000. And all Members, irrespective of their displayed liquidity adding activity, will be eligible to double their non-displayed volume that will be eligible for the Incremental Fee Tier 2 reduced fee of $0.0001 per share, by qualifying for Incremental Fee Tier 2 in three consecutive months. All similarly situated Members will be treated the same by this proposal. Thus, IEX does not believe that any aspect of this proposal raises new or novel issues not already considered by the Commission.

Further, IEX believes that the proposed clarifying change to the IEX Fee Schedule set forth in the Purpose section furthers the purposes of the Act because it provides greater clarity about what criteria will expire no later than February 28, 2027, thereby reducing the potential for confusion of any market participants, which is consistent with the protection of investors and the public interest.

The Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. Within that context, these proposed changes to the Incremental Fee Tier structure are designed to keep IEX's non-displayed trading prices competitive with those of other exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if fee schedules at other venues are viewed as more favorable. Consequently, the Exchange believes that the degree to which IEX fees could impose any burden on competition is extremely limited and does not believe that such fees would burden competition between Members or competing venues. Moreover, as noted in the Statutory Basis section, the Exchange does not believe that the proposed changes raise any new or novel issues not already considered by the Commission.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while different fees are assessed on Members, these fees are not based on the type of Member entering the orders that match, but rather on the Member's own trading activity. Further, the proposed fee change is intended to encourage market participants to bring increased order flow to the Exchange, which benefits all market participants.

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.

[20] 15 U.S.C. 78s(b)(3)(A)(ii).

[21] 15 U.S.C. 78f.

[22] 15 U.S.C. 78f(b)(4).

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) [23] of the Act.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [24] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–IEX–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–IEX–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–IEX–2026–05 and should be submitted on or before March 23, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04019 Filed 2–27–26; 8:45 am]

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[23] 15 U.S.C. 78s(b)(3)(A)(ii).

[24] 15 U.S.C. 78s(b)(2)(B).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104887; File No. SR–NYSE–2026–11]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.35B(g)(2)

February 25, 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 12, 2026, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 Rule 7.35B(g)(2) to permit Designated Market Makers to utilize an Auction Price for a Closing Auction in a listed ETP outside the parameters set forth in that rule based on a proprietary calculation of the ETP's end-of-day net asset value. 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 Rule 7.35B(g)(2) to permit Designated Market Makers (''DMM'') to utilize an Auction Price for a Closing Auction in a listed ETP outside the parameters set forth in that rule based on a proprietary calculation of the ETP's end-of-day net asset value.

Background and Proposed Rule Change

Rule 7.35B sets forth certain responsibilities of DMMs with respect to Closing Auctions. In particular, Rule 7.35B(g) provides that the DMM is responsible for determining the Auction Price for a Closing Auction and mandates that the Auction Price must be at or between the last-published Imbalance Reference Price, which is the Exchange Last Sale Price bound by the Exchange BBO,[3] and the last-published non-zero Continuous Book Clearing Price, which is the price at which all better-priced orders eligible to trade in the Closing Auction on the Side of the Imbalance can be traded.[4] Rule 7.35B promotes determinism with respect to the Closing Auction because the Closing Auction Price must be within the predetermined range of prices that have been disseminated via the Closing Auction Imbalance Information and that cannot be changed after the end of Core Trading Hours.

Unlike operating company securities listed on the Exchange, the value of ETPs are derived from the underlying assets owned. The end-of-day net asset value (''NAV'') of an ETP is a daily calculation based off the most recent closing prices of the underlying assets and an accounting of the ETP's total cash position at the time of calculation. The NAV generally is calculated by taking the sum of fund assets, including any securities and cash, subtracting liabilities, and dividing by the number of outstanding shares. Additionally, ETPs are generally subject to a creation and redemption mechanism to ensure that an ETP's price does not fluctuate too far away from NAV, which

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Rule 7.35B(e)(3).

[4] *See* Rule 7.35(a)(4)(C). In the case of a buy Imbalance, the Continuous Book Clearing Price would be the highest potential Closing Auction Price and in the case of a sell Imbalance, the Continuous Book Clearing Price would be the lowest potential Closing Auction Price.

mechanisms mitigate the potential for exchange trading to impact the price of an ETP.

ETP pricing is based on an ''arbitrage function'' performed by market participants that affects the supply of and demand for ETP shares and, thus, ETP prices. The arbitrage function is effectuated by creating new ETP shares and redeeming existing ETP shares based on investor demand; thus, ETP supply is largely open-ended. As the Commission has acknowledged, the arbitrage function helps to keep an ETP's price in line with the value of its underlying portfolio, *i.e.,* it helps to minimize deviation from NAV.[5] Indeed, in analyzing the arbitrage mechanism in the case of ETFs, a type of ETP, the Commission noted that ''the deviation between the market price of ETFs and NAV per share has generally been relatively small.'' [6] Generally, the higher the liquidity and trading volume of an ETP, the more likely the ETP's price will not deviate from the value of its underlying portfolio. DMMs registered in ETPs along with other market participants play a key role in this arbitrage function for ETPs listed on the Exchange.

At times, heading into the Closing Auction, ETPs with lower liquidity and trading volumes may see last sale prices that diverge from NAV as reflected in prices quoted on away markets. In other words, the official last sale price—which also serves as the reference price for auctions and is constrained by the Exchange's BBO (the highest bid and lowest offer available at that moment)—may not align with away-market prices that more closely track NAV. By contrast, the Continuous Book Clearing Price, which reflects the price nearest to that last sale at which all buy and sell interest from both the continuous market and closing auction orders can be fully matched (*i.e.,* zero imbalance), provides a real-time indication of a potential closing price that could be meaningfully away from NAV. For example, assume that ETP A has an NAV of $25.00, and that away markets are quoting $24.98 × $25.02, reflecting pricing reasonably aligned with NAV. By contrast, assume that due to limited displayed liquidity on the Exchange, the Exchange's BBO is $24.90 × $25.25, and the most recent on-Exchange transaction occurred at $25.25, which establishes the official NYSE last sale and, accordingly, the Auction Reference Price. If there is a Buy Imbalance at $25.25 and the Continuous Book Clearing Price is $25.30, current Rule 7.35B(g) would require the DMM to close ETP A at a price within the range of $25.25 to $25.30, which is meaningfully higher than both ETP A's NAV and the away market quotations.

In order to provide DMMs with flexibility to ensure that ETP pricing closely tracks the value of the underlying portfolio or reference assets as expressed by the NAV,[7] the Exchange proposes a narrow exception for ETPs to the constraint in Rule 7.35B(g) that a Closing Auction cannot occur at a price outside the last-published Imbalance Reference Price and the last-published non-zero Continuous Book Clearing Price.

As proposed, the Exchange would permit a DMM to price a Closing Auction in an ETP outside the rule parameters based on a DMM unit's proprietary calculation of the ETP's end-of-day NAV. DMM units utilizing this exception would have to establish policies and procedures reasonably designed to document and supervise the calculation of the proprietary NAV and the determination to utilize an Auction Price that is not at or between the last-published Imbalance Reference Price and the last-published non-zero Continuous Book Clearing Price based on that calculation. The Exchange expects that the vast majority of Closing Auctions will continue to be priced at or between the last-published Imbalance Reference Price and Continuous Book Clearing Price, and that this narrow exception for ETPs will be used sparingly and with ample justification by DMM units.

Trading on the Exchange is subject to a comprehensive regulatory program that includes a suite of surveillances administered by the Exchange as well as cross-market surveillances administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange,[8] which are designed to detect potential violations of Exchange rules and applicable federal securities laws. In addition,

Exchange members, including member organizations operating DMMs, are also subject to routine examinations by FINRA on behalf of the Exchange that may review, among other things, trading by DMMs and their associated persons as well as supervision, including the policies and procedures in place at a DMM unit. The Exchange believes that, together, its regulatory program and the proposed supervision obligations set forth in the proposed rule for DMM units relying on the exception will provide reasonable safeguards to ensure that use of the proposed exception is both auditable by the Exchange and appropriately supervised in real time by the DMM unit, consistent with the prevention of fraudulent and manipulative acts and practices and the protection of investors and the public interest.

Finally, the Exchange believes the proposed exception is similar to the current exception in Rule104(d)(1)(B), which permits certain ''Aggressing Transactions'' during the final ten minutes of trading. An ''Aggressing Transaction'' is a purchase (sale) that reaches across the market, *i.e.,* when the DMM buys from the NYSE offer or sells to the NYSE bid, to trade as the contra-side to the Exchange published offer (bid), and is priced above (below) the last differently-priced trade on the Exchange and above (below) the last differently-priced published offer (bid) on the Exchange. Rule 104(d)(1)(B) prohibits Aggressing Transactions during the last ten minutes prior to the scheduled close of trading that would result in a new high (low) price for a security on the Exchange for the day at the time of the DMM's transaction unless such transaction meets one of the three specified exceptions. In particular, Rule104(d)(1)(B) provides a critical exception when such transactions are necessary to align the security's price with an underlying or related asset, including matching a better bid or offer elsewhere. This flexibility is designed to prevent stale or inaccurate prices and to promote market efficiency.

The proposed limited exception to the requirement that Closing Auctions cannot occur outside specified parameters serves the same purpose. It would allow DMM units to align an ETP's closing price with its NAV in rare cases where NAV falls outside the specified range in Rule7.35B. This targeted flexibility is essential to maintaining price integrity and investor confidence during one of the most consequential periods of the trading

[5] *See* Securities Exchange Act Release No. 75165, 80 FR 34729, 34733 (June 17, 2015) (S7–11–15) (arbitrage ''generally helps to prevent the market price of ETP Securities from diverging significantly from the value of the ETP's underlying or reference assets''). *See also generally id.,* 80 FR at 34739 (''In the Commission's experience, the deviation between the daily closing price of ETP Securities and their NAV, averaged across broad categories of ETP investment strategies and over time periods of several months, has been relatively small[,]'' although it had been ''somewhat higher'' in the case of ETPs based on international indices.).

[6] *See* Release Nos. 33–10695; IC–33646; File No. S7–15–18 (ETFs) (September 25, 2019), 84 FR 57162, 57173 (October 24, 2019) (the ''Rule 6c-11 Release'').

[7] *See* Securities Exchange Act Release No. 87056 (September 23, 2019), 84 FR 51205 (September 27, 2019) (SR–NYSE–2019–34).

[8] FINRA conducts cross-market surveillances and member examinations on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

day. By ensuring that closing prices accurately reflect underlying value, the proposal supports transparency, stability, and the protection of investors, consistent with the Act's core objectives.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[10] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Specifically, the Exchange believes that the proposal would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest by enabling DMMs to more accurately price an ETP Closing Auction. As noted, the proposed exception would permit DMMs to utilize an Auction Price for a Closing Auction in a listed ETP outside the current rule parameters based on a proprietary calculation of an ETP's end-of-day NAV. The proposed exception would thereby permit DMMs to avoid a Closing Auction in an ETP at a price that satisfies current parameters but deviates from the value of its underlying portfolio, especially for ETPs that with lower liquidity and trading volumes, thereby potentially improving the quality of the Closing Auctions in ETPs on the Exchange. The Exchange believes that the proposed change would thus remove impediments to, and perfect the mechanism of, a free and open market and a national market system.

The Exchange believes that the proposal would not be inconsistent with the public interest and the protection of investors. As noted, the proposal would only permit DMMs to rely on the exception where the DMM establishes and maintains policies and procedures reasonably designed to document and supervise the calculation of the proprietary NAV and the determination to utilize an Auction Price that is not at or between the last-published Imbalance Reference Price and the last-published non-zero Continuous Book Clearing Price based on that calculation. In addition, as noted, trading on the Exchange is subject to a comprehensive regulatory program that includes a suite of surveillances that review trading by DMMs and other market participants on the Floor, including surveillances designed to monitor for compliance with the rules surrounding Closing Auctions, and routine examinations that includes reviews of the policies and procedures in place at member organizations operating DMM units. Based on the foregoing, the Exchange believes that, together, its regulatory program and the proposed supervision requirements provide reasonable safeguards to ensure that use of the proposed exception is both auditable by the Exchange and appropriately supervised in real time by the DMM unit, consistent with the prevention of fraudulent and manipulative acts and practices and the protection of investors and the public interest.

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

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 proposed rule change is not intended to address competitive issues but rather is concerned solely with enhancing the quality of the Auction Price for Closing Auctions in ETPs. The proposed rule change does not implicate any intermarket competition concerns because it relates to how the Exchange would facilitate auctions in Exchange-listed securities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[13] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[15] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSE–2026–11 on the subject line.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6).). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] 15 U.S.C. 78s(b)(2)(B).

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–2026–11. 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–2026–11 and should be submitted on or before March 23, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04016 Filed 2–27–26; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice: 12952]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''The Etruscans: From the Heart of Ancient Italy'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''The Etruscans: From the Heart of Ancient Italy'' at the Fine Arts Museums of San Francisco, Legion of Honor, San Francisco, California; the San Antonio Museum of Art, San Antonio, Texas; and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW, (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Sherry C. Keneson-Hall,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026–04119 Filed 2–27–26; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12902]

Plenary Meeting of the Binational Bridges and Border Crossings Group in Washington, DC

ACTION: Notice of a meeting.

SUMMARY: Delegates from the U.S. and Mexican governments, the states of California, Arizona, New Mexico, and Texas, and the Mexican states of Baja California, Sonora, Chihuahua, Coahuila, Nuevo Laredo, and Tamaulipas will participate in an in-person plenary meeting of the U.S.-Mexico Binational Bridges and Border Crossings Group on Wednesday, April 8, 2026, and Thursday, April 9, 2026, in Washington, DC. The purpose of this meeting is to discuss operational matters involving existing and proposed international bridges and border crossings and their related infrastructure and to exchange technical information as well as views on policy. This meeting will include a public session on Wednesday, April 8, 2026, from 9:00 a.m. until 12:00 p.m. This session will allow interested parties with views on proposed bridges and border crossings and related projects to make presentations to the delegations and members of the public.

DATES: April 8–9, 2026.

FOR FURTHER INFORMATION CONTACT: For further information on the meeting and/or to attend the public session, please contact *WHA-BorderAffairs@state.gov,* or by mail at the Office of Mexican Affairs, Room 3924, Department of State, 2201 C Street NW, Washington, DC 20520.

Salina Rico,

Border Affairs Officer, Office of Mexican Affairs, U.S. Department of State.

[FR Doc. 2026–04020 Filed 2–27–26; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36377 (Sub-No. 13)]

BNSF Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company

By petition filed on December 17, 2025, BNSF Railway Company (BNSF) requests that the Board permit the trackage rights over two rail lines granted to it under 49 CFR 1180.2(d)(7) in Docket No. FD 36377 (Sub-No. 12) to expire under the terms agreed to by BNSF and the grantor of the rights, Union Pacific Railroad Company (UP).

As explained by BNSF in its verified notice of exemption in Docket No. FD 36377 (Sub-No. 12), BNSF and UP entered into an agreement to extend the term of the trackage rights agreement granting BNSF restricted, temporary trackage rights over the UP rail lines located between: (1) UP milepost 93.2, at Stockton, Cal., on UP's Oakland Subdivision, and UP milepost 219.4, at Elsey, Cal., on UP's Canyon Subdivision, a distance of 126.2 miles; and (2) UP milepost 219.4, at Elsey, and UP milepost 280.7, at Keddie, Cal., on UP's Canyon Subdivision, a distance of 61.3 miles. The parties' trackage rights agreement restricts BNSF's use of the trackage rights lines to movements of BNSF unit ballast trains (loaded and empty) to and from the ballast pit located at Elsey. BNSF Verified Notice of Exemption 2, Dec. 17, 2025, *BNSF Ry.—Trackage Rts. Exemption—Union Pac. R.R.,* FD 36377 (Sub-No. 12). According to BNSF, it filed its verified notice of exemption under the Board's trackage rights class exemption at 49 CFR 1180.2(d)(7), instead of the temporary trackage rights exemption at 49 CFR 1180.2(d)(8), because the trackage rights covered by the notice are local rather than overhead. (BNSF Pet. 1 n.1.)

[16] 17 CFR 200.30–3(a)(12).

In its petition, BNSF asks the Board to partially revoke the exemption as necessary to permit the trackage rights to expire at midnight on December 31, 2026, pursuant to the parties' agreement. (BNSF Pet. 3.) BNSF argues that granting this petition would promote the rail transportation policy at 49 U.S.C. 10101 and that the partial revocation would be consistent with the limited scope of the transaction, and would not have an adverse effect on shippers. (BNSF Pet. 3–4.) In addition, BNSF asserts that the Board has granted similar petitions for partial revocation to permit temporary trackage rights to expire, including petitions involving prior iterations of the trackage rights agreement at issue here. (*Id.* at 4.)

Discussion and Conclusions

Although BNSF and UP have expressly agreed on the duration of the proposed trackage rights, trackage rights approved under the class exemption at 49 CFR 1180.2(d)(7) typically remain effective indefinitely, regardless of any contractual provisions. At times, however, the Board has taken action to allow such rights to expire after a limited time rather than lasting in perpetuity, based on the parties' agreement. *See, e.g., BNSF Ry.—Trackage Rts. Exemption—Union Pac. R.R.,* FD 36377 (Sub-No. 11) (STB served April 30, 2025) (allowing trackage rights under 49 CFR 1180.2(d)(7) to expire).

Permitting the trackage rights to expire as agreed by the parties would eliminate the need for BNSF to separately seek discontinuance authority at a later date, thereby minimizing the need for federal regulatory control (49 U.S.C. 10101(2)), reducing regulatory barriers to entry into and exit from the rail industry (49 U.S.C. 10101(7)), and allowing for the expeditious handling and resolution of this transaction (49 U.S.C. 10101(15)). Moreover, doing so would not result in an abuse of market power because the trackage rights at issue are solely to allow BNSF to move empty and loaded unit ballast trains to and from the ballast pit in Elsey for use in BNSF's maintenance-of-way projects. (*See* BNSF Pet. 2–3.) [1] Therefore, the Board will grant the petition and permit the trackage rights exempted in Docket No. FD 36377 (Sub-No. 12) to expire at midnight on December 31, 2026.

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of trackage rights, the Board will impose the employee protective conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

It is ordered:

1. BNSF's petition to permit expiration of the trackage rights in Docket No. FD 36377 (Sub-No. 12) per the agreement of the parties is granted.

2. As discussed above, the trackage rights in Docket No. FD 36377 (Sub-No. 12) are permitted to expire at midnight on December 31, 2026, subject to the employee protective conditions set forth in *Oregon Short Line*.

3. Notice of this decision will be published in the **Federal Register**.

4. This decision is effective on March 27, 2026. Petitions for stay must be filed by March 9, 2026. Petitions for reconsideration must be filed by March 17, 2026.

Decided: February 25, 2026.

By the Board, Board Members Fuchs, Hedlund, and Schultz.

Regena Smith-Bernard,

Clearance Clerk.

[FR Doc. 2026–04023 Filed 2–27–26; 8:45 am]

BILLING CODE 4915–01–P

[1] Because the proposed transaction would not result in an abuse of market power, the Board need not determine whether it is limited in scope. *See* 49 U.S.C. 10502(a).

SURFACE TRANSPORTATION BOARD

[Docket No. NOR 38302S; Docket No. NOR 38376S]

United States Department of Energy and United States Department of Defense v. Baltimore & Ohio Railroad Company, et al.; United States Department of Energy and United States Department of Defense v. Aberdeen & Rockfish Railroad Company, et al.

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed settlement agreement, issuance of procedural schedule.

SUMMARY: On December 1, 2025, the United States Department of Energy and the United States Department of Defense (the Government) and CSX Transportation, Inc. (CSX) (collectively, Movants) filed a motion requesting approval of an agreement (CSX Settlement Agreement) that would settle these rate reasonableness disputes as between them only. The Board is adopting a procedural schedule for filing comments and replies addressing their proposed settlement agreement.

DATES: Comments are due by April 16, 2026. Reply comments are due by May 18, 2026.

ADDRESSES: Comments and replies submitted in these proceedings, referring to Docket Nos. NOR 38302S and NOR 38376S, must be filed with the Board either via e-filing on the Board's website or in writing addressed to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, one copy of comments must be sent to each of the following: (1) Jason M. Marques, CSX Transportation, Inc., 500 Water Street, J–150 Jacksonville, FL 32202; (2) Stephen C. Skubel, Assistant General Counsel for Litigation, Room 6H–087, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; and (3) Sarah E. McKenzie, Counsel, Naval Reactors, 1333 Isaac Hull Avenue SE, Stop 1150, Washington Navy Yard, DC 20376–1150. All comments and replies will be posted to the Board's website.

FOR FURTHER INFORMATION CONTACT: Amy Ziehm, (202) 918–5462. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: In March 1981, the Government filed these complaints against 21 railroads (the Railroad Defendants) under section 229 of the Staggers Rail Act of 1980, Public Law 96–448, 94 Stat. 1895. The Government sought reparations and a rate prescription relating to the nationwide movement of spent nuclear fuel, other high-level radioactive wastes, and the empty containers (casks) and buffer and escort cars used for their movement (together, radioactive materials).

In 1986, the Board's predecessor, the Interstate Commerce Commission (ICC), found that the Railroad Defendants were engaging in an unreasonable practice by imposing substantial and unwarranted cost additives—above and beyond the regular train service rates—in an effort to avoid transporting these radioactive materials. The ICC directed the Railroad Defendants to cancel the existing rates and cost additives, prescribed new rates, and awarded reparations. *See Commonwealth Edison Co.* v. *Aberdeen & Rockfish R.R.,* 2 I.C.C.2d 642 (1986). The United States Court of Appeals for the District of Columbia Circuit set aside and remanded the decision. *See Union Pac. R.R.* v. *ICC,* 867 F.2d 646 (D.C. Cir. 1989). On remand, the ICC ruled that the movement of these radioactive materials for reprocessing was subject to the rate cap on recyclables set out in former 49 U.S.C. 10731(e) and directed

the parties to file revenue-to-variable cost (R/VC) evidence to resolve the remaining reparations and rate prescription issues. *See U.S. Dep't of Energy* v. *Balt. & Ohio R.R.,* 10 I.C.C.2d 112 (1994). While judicial review of that decision was pending, Congress enacted the ICC Termination Act of 1995, Public Law 104–88, 109 Stat. 803, which repealed § 10731 in its entirety and directed that all proceedings pending under the repealed statutory provision be terminated.

The Railroad Defendants petitioned the Board to dismiss the complaints in 1996, and, in 1997, they invited the Government to explore the possibility of settling the complaints. Discussions commenced on a nationwide settlement covering all the Railroad Defendants that might carry radioactive materials. *See U.S. Dep't of Energy* v. *Balt. & Ohio R.R.,* NOR 38302S et al. (STB served Nov. 5, 2004). The Government subsequently chose to negotiate only with Union Pacific Railroad Company (UP), the destination carrier for most of the movements of radioactive materials that were to be covered by the nationwide settlement, after the parties concluded that there were potential antitrust problems in negotiating with the Railroad Defendants as a group. *See id.*

In 2004, the Government and UP moved for approval under 49 U.S.C. 10704 of a settlement agreement they had negotiated to resolve these complaints as between them only. The Board approved that settlement agreement in 2005 and directed the Government to file quarterly status reports on the progress of settlement negotiations with other railroads. *See U.S. Dep't of Energy* v. *Balt. & Ohio R.R.,* NOR 38302S et al. (STB served Aug. 2, 2005). In 2012, BNSF Railway Company (BNSF) and the Government similarly moved for approval of a settlement agreement, and the Board approved that agreement in a decision served the next year. *See U.S. Dep't of Energy* v. *Balt. & Ohio R.R.,* NOR 38302S et al. (STB served Aug. 26, 2013). Thereafter, in 2017, the Board approved a settlement agreement between the Government and Norfolk Southern Railway Company (NSR). *See U.S. Dep't of Energy* v. *Balt. & Ohio R.R.,* NOR 38302S et al. (STB served June 28, 2017). Movants state that the settlement agreements with UP, BNSF, and NSR successfully resolved all rate-setting, shipping, and service determinations between those carriers and the Government.

Movants now jointly request that the Board approve the proposed CSX Settlement Agreement and prescribe the rate methodology set forth in it. (Joint Mot. 2, Dec. 1, 2025.) They assert that the agreement achieves a long-term, system-wide settlement, as between CSX and the Government, of all rate and service issues related to spent nuclear fuel and related traffic now moving or likely to move in the future. (*Id.* at 12.) Movants note that the UP, BNSF, and NSR settlements have served as models to the Government for the CSX Settlement Agreement. (*Id.* at 9.)

In particular, the CSX Settlement Agreement:

(1) provides for a term of 25 years, commencing on the effective date of the Board's approval of the CSX Settlement Agreement, and continues in effect for additional 5-year periods, subject to a 1-year termination notice requirement. (*Id.,* Ex. A ¶¶ 21, 25; *see also id.* at 10.) The parties note that the 25-year term with the possibility of extensions follows the BNSF settlement agreement but differs from the UP and NSR settlement agreements, which each provide for unlimited terms, (*id.* at 9–10);

(2) applies broadly to the nationwide movement on CSX's rail lines of irradiated spent fuel, parts, and constituents; spent fuel moving from foreign countries to the United States for disposal; empty casks; radioactive wastes; and buffer and escort cars. (*Id.,* Ex. A ¶ 1.A.) With respect to those movements governed by the rate basis prescribed in *Trainload Rates on Radioactive Materials, E. Railroads,* 362 I.C.C. 756 (1980) and 364 I.C.C. 981 (1981) (*Eastern Prescription Case*),[1] this agreement (similar to the NSR agreement) incorporates a method of determining rates for dedicated trains which grants CSX an increment over the Eastern rate basis to equalize the cost of shipments nationwide, (Joint Mot. 5, Dec. 1, 2025; *see also id.* at 10 (describing the CSX lines that the Eastern rate basis applies to));

(3) establishes the parties' agreement that the movement of these radioactive materials constitutes common carrier service; addresses the elements of service required of CSX; adopts guidelines for safe handling and security; and obligates CSX to provide, as needed, ''extra services'' as described in the agreement, at the rates agreed upon, (*id.* at 6–7, 11, 13; *see also id.,* Ex. A ¶¶ 4, 6.A, 6.B, & 10);

(4) adopts a rate methodology to: (a) apply to all future movements of these radioactive materials in common carrier service. The methodology adopts maximum R/VC markups of CSX's most current system-average variable unit costs computed under the Board's Uniform Rail Costing System (URCS). (*Id.* at 6; *id.,* Ex. A ¶ 6.) The Government agrees to limit the application of the Eastern rate basis established in the *Eastern Prescription Case* to the former lines of those railroads specifically listed in the *Eastern Prescription Case,* (*id.* at 10–11; *see also id.,* Ex. A ¶ 6);[2] and (b), compensate CSX for ''extra services'' and dedicated train service, when requested by the Government, and procedures to calculate ''equitable compensation'' for emergency-related costs that CSX may incur (Joint Mot. 6–7, 13, Dec. 1, 2025; *see also id.,* Ex. A ¶¶ 6.B & 6.C);

(5) adopts a procedure to update compensation for rates and ''extra services'' when the Board ''issues new URCS and make-whole factors'' to reflect changes in CSX's system-average unit costs, (*id.,* Ex. A ¶ 7);

(6) extinguishes CSX's liability (and that of its predecessors and subsidiaries) for reparations in all matters arising out of these proceedings, (*id.,* Ex. A ¶ 23; *see also id.* at 17);

(7) adopts alternative dispute resolution procedures with recourse to the Board if those procedures do not resolve a dispute and mechanisms to renegotiate portions of the agreement in a limited number of circumstances or if changed circumstances make further adherence to the terms of the agreement ''grossly inequitable'' to either party, (*id.* at 13–14; *see also id.,* Ex. A ¶¶ 15 & 25); and

(8) incorporates language regarding indemnification pursuant to the Price-Anderson Nuclear Industries Indemnity Act, 42 U.S.C. 2210 (Price Anderson Act). Specifically, the CSX Settlement Agreement states that, ''as set forth in [the] Price Anderson [Act], such public liability (including any clean-up costs and any loss of use to the extent such damages are permitted by applicable law) shall extend to any CSX-owned property (including but not limited to CSX rights-of-way, yards, rail lines, tracks, locomotives, rolling stock cars, equipment, vehicles, and buildings) (i) that is damaged by a nuclear incident

[1] In that proceeding, maximum R/VC ratios were prescribed on a commodity-by commodity basis at various minimum weights as local and proportional rate factors. The prescription was applicable within the East but primarily was to be used for through movements destined beyond the lines of the rail carriers covered by the prescription. The ICC's 1980 decision was affirmed in *Consolidated Rail Corp.* v. *ICC,* 646 F.2d 642 (D.C. Cir. 1981), cert. denied, 454 U.S. 1047 (1981).

[2] The parties note, however, that the Eastern Rate will apply to the applicable lines of Pan Am Railways which were acquired by, and became part of, the CSX network in 2022. (*Id.* at 10); *see also CSX Corp.—Control & Merger—Pan Am Systems, Inc.,* FD 36472 et al. (STB served Apr. 14, 2022).

covered by Price Anderson, and (ii) for which atomic/nuclear insurance cannot be obtained or would not be expected.'' (Joint Mot. 12, Dec. 1, 2025; *see also id.,* Ex. A ¶ 6.E.)

Movants request that the Board: (1) prescribe the rate methodology and maximum R/VC ratios that have been agreed to for the radioactive materials and rail services that are the subject of the agreement; (2) dismiss CSX as a defendant in these proceedings, extinguish CSX's liability for reparations in all matters arising out of these proceedings, and relieve CSX from any further requirement to participate in these proceedings (except in response to a properly issued subpoena under the Board's rules); (3) retain jurisdiction over these proceedings and continue to hold them in abeyance pending further settlement negotiations; and (4) publish notice of their motion and the proposed CSX Settlement Agreement in the **Federal Register** and adopt a procedural schedule for the filing of comments and replies.

Movants' request will be granted in part at this time. Notice of the motion and proposed CSX Settlement Agreement will be published in the **Federal Register**. A procedural schedule will be adopted for the filing of comments on the proposed settlement agreement as well as to permit replies responsive to Movants' remaining requests. Comments will be due by April 16, 2026. Reply comments will be due by May 18, 2026. In addition, the Government will be ordered to file, by April 16, 2026, a list of remaining defendants in these proceedings to inform the Board of the proceedings' status.

It is ordered:

1. Movants' request that notice of their motion and proposed agreement be published in the **Federal Register** is granted.

2. Movants and interested persons must comply with the procedural schedule and requirements outlined above.

3. This decision is effective on its date of service.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Zantori Dickerson,

Clearance Clerk.

[FR Doc. 2026–04106 Filed 2–27–26; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–1950]

Agency Information Collection Activities; Proposals, Submissions, and Approvals: Mitsubishi MU–2B Series Airplane Training Requirements

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection of information is necessary to document participation in, completion of, and compliance with the pilot training program for the MU–2B series airplane under subpart N of 14 CFR part 91.

DATES: Written comments should be submitted by May 1, 2026.

ADDRESSES: Please send written comments:

By Electronic Docket: https://www.regulations.gov/docket/FAA-2026-1950.

By Mail: Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

By Fax: Docket Operations at 202–493–2251.

FOR FURTHER INFORMATION CONTACT: Kurt Skultin by email at: *9-AFS-800-Correspondence@faa.gov;* phone: (202) 267–1100.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0725.

Title: Mitsubishi MU–2B Series Airplane Special Training Requirements.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal.

Background: In response to the increasing number of accidents and incidents involving the Mitsubishi MU–2B series airplane, FAA began a safety evaluation of the MU–2B in July of 2005. As a result of this safety evaluation, on February 6, 2008, the FAA issued Special Federal Aviation Regulation (SFAR) No. 108—Mitsubishi MU–2B Series Special Training, Experience, and Operating Requirements. This SFAR established a standardized pilot training program. The collection of information is necessary to document participation in, completion of, and compliance with the pilot training program for the MU–2B under subpart N of Part 91, issued on September 7, 2016, which superseded SFAR No. 108.

Respondents: Approximately 210 active MU–2 pilots, and approximately 11 Part 91 training providers.

Frequency: Every year (pilots); every two years (training providers).

Estimated Average Burden per Response: Pilots: Logbook endorsement and training course final phase check = 10 minutes. Training providers: Submission of training program = 4 hours.

Estimated Total Annual Burden: Pilots: 35 hours. Training providers: 22 hours. Total: 57 hours.

Issued in Washington, DC, on February 26, 2026.

Everette C. Rochon, Jr.,

Manager, Training and Certification Group, General Aviation and Commercial Division, Office of Safety Standards, Flight Standards Service.

[FR Doc. 2026–04116 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–1992]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Notice of Proposed Construction or Alteration, Notice of Actual Construction or Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB)

approval to renew an information collection. The FAA uses the information collected on form 7460–1 to determine the effect a proposed construction or alteration would have on air navigation and the National Airspace System (NAS) and the information collected on form 7460–2 to measure the progress of actual construction.

DATES: Written comments should be submitted by May 1, 2026.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Obstruction Evaluation Group, ATTN: David Maddox, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177.

By fax: 817–222–5920.

FOR FURTHER INFORMATION CONTACT: David Maddox by email at: *david.maddox@faa.gov;* phone: (202) 267–4525.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0001.

Title: Notice of Proposed Construction or Alteration, Notice of Actual Construction or Alteration.

Form Numbers: FAA Forms 7460–1 and 7460–2.

Type of Review: Renewal of an information collection.

Background: 49 U.S.C Section 44718 states that the Secretary of Transportation shall require notice of structures that may affect navigable airspace, air commerce, or air capacity. These notice requirements are contained in 14 CFR 77. The information is collected via FAA Forms 7460–1 and 7460–2.

Respondents: Approximately 85,000 registered respondents including individuals or organizations that propose construction or alteration projects and are required to provide adequate notification to the FAA of that construction or alteration.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: Approximately 15 Minutes.

Estimated Total Annual Burden: 55,058 hours.

Issued in Washington, DC, on January 13, 2026.

Julie A. Morgan,

Manager, Obstruction Evaluation Group, AJV–A500.

[FR Doc. 2026–04110 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–0034]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 14 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before April 1, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2026–0034 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov,* insert the docket number (FMCSA–2026–0034) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2026–0034), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2026-0034.* Next, choose the only notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from

public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to *www.regulations.gov,* insert the docket number (FMCSA–2026–0034) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.[1] In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.[2] The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

The 14 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Jeffrey Bagley

Jeffrey Bagley is a 33-year-old class DV license holder in Alabama. He has a history of seizure disorder and has been seizure free since 2004. He takes an anti-seizure medication with the dosage and frequency remaining the same since May 2017. His physician states that they are supportive of him receiving an exemption.

Karl Brun

Karl Brun is a 62-year-old class CM1 license holder in California. He has a history of temporal lobe epilepsy and has been seizure free since May 17, 2012. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2012. His physician states that they are supportive of him receiving an exemption.

Gilbert Cardoso

Gilbert Cardoso is a 57-year-old class D license holder in Massachusetts. He has a history of seizures and has been seizure free since September 15, 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since November 15, 2021. His physician states that they are supportive of him receiving an exemption.

Alma Rodriguez De Cervantes

Alma Rodriguez De Cervantes is a 39-year-old class C license holder in California. She has a history of epilepsy

[1] Appendix A to Part 391, Title 49, available at *https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix* A to Part 391.

[2] ''Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' Medical Expert Panel (Oct. 15, 2007), available at *https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf.*

and has been seizure free since March 2010. She takes an anti-seizure medication with the dosage and frequency remaining the same since August 20, 2013. Her physician states that they are supportive of her receiving an exemption.

Damond Collins

Damond Collins is a 47-year-old class CA commercial driver's license (CDL) holder in Delaware. He has a history of a seizure disorder and has been seizure free since 2003. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2003. His physician states that they are supportive of him receiving an exemption.

Jack Duffek

Jack Duffek is a 24-year-old class C license holder in California. He has a history of seizure disorder and has been seizure free since May 2014. He takes an anti-seizure medication with the dosage and frequency remaining the same since May 2014. His physician states that they are supportive of him receiving an exemption.

Andrew Gagnon

Andrew Gagnon is a 22-year-old class D license holder in New Hampshire. He has a history of benign rolandic epilepsy and has been seizure free since 2015. He does not take anti-seizure medication. His physician states that they are supportive of him receiving an exemption.

Peyton Jones

Peyton Jones is a 22-year-old class CM license holder in Pennsylvania. He has a history of epilepsy and has been seizure free since 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since August 2016. His physician states that they are supportive of him receiving an exemption.

James Klucas

James Klucas is a 56-year-old class A CDL holder in Kansas. He has a history of generalized epilepsy and has been seizure free since 1999. He takes an anti-seizure medication with the dosage and frequency remaining the same since August 18, 2023. His physician states that they are supportive of him receiving an exemption.

Shane Kreh

Shane Kreh is a 23-year-old class C driver's license holder in Maryland. He has a history of juvenile myoclonic epilepsy and has been seizure free since 2018. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2018. His physician states that they are supportive of him receiving an exemption.

Jarvis McBeth

Jarvis McBeth is a 25-year-old class A CDL holder in South Carolina. He has a history of absence epilepsy and has been seizure free since 2009. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2009. His physician states that they are supportive of him receiving an exemption.

James Sager

James Sager is a 24-year-old class C license holder in Pennsylvania. He has a history of localization-related symptomatic epilepsy and has been seizure free since 2008. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2008. His physician states that they are supportive of him receiving an exemption.

Richard Smith

Richard Smith is a 66-year-old class EM license holder in New York. He has a history of epilepsy and has been seizure free since December 2014. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2022. His physician states that they are supportive of him receiving an exemption.

Cody Wheeler

Cody Wheeler is a 25-year-old class A CDL holder in Wyoming. He has a history of epilepsy and has been seizure free since 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2023. His physician states that they are supportive of him receiving an exemption.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–04056 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0117; FMCSA–2017–0181; FMCSA–2019–0031; FMCSA–2019–0036; FMCSA–2019–0206]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for five individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on February 19, 2026. The exemptions expire on February 19, 2028. Comments must be received on or before April 1, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2015–0117, FMCSA–2017–0181, FMCSA–2019–0031, FMCSA–2019–0036, or FMCSA–2019–0206, as appropriate, using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov,* insert the docket number (FMCSA–2015–0117, FMCSA–2017–0181, FMCSA–2019–0031, FMCSA–2019–0036, or FMCSA–2019–0206, as appropriate) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer–Older),'' choose the first notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or

(202) 366–9826 before visiting Dockets Operations.

- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2015–0117, FMCSA–2017–0181, FMCSA–2019–0031, FMCSA–2019–0036, or FMCSA–2019–0206), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *www.regulations.gov,* insert the docket number (FMCSA–2015–0117, FMCSA–2017–0181, FMCSA–2019–0031, FMCSA–2019–0036, or FMCSA–2019–0206) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer–Older),'' choose the first notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to *www.regulations.gov.* Insert the docket number (FMCSA–2015–0117, FMCSA–2017–0181, FMCSA–2019–0031, FMCSA–2019–0036, or FMCSA–2019–0206) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (MEs) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.[1] In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder

[1] Appendix A to Part 391, Title 49, available at *https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix* A to Part 391.

guidelines for MEs.[2] The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

The five individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

IV. Request for Comments

Interested parties or organizations possessing information that would show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if the person has failed to comply with the terms and conditions of the exemption, or if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of Title 49 chapter 313 or section 31136, FMCSA will take immediate steps to revoke the exemption of a driver.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the five applicants have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The five drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equivalent to the level of safety that would be achieved without the exemption.

As of February 19, 2026, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following five individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers.

Daniel Bretz (PA)
Gary Gress (PA)
Ryan Moore (NC)
Cory Wagner (IL)
Randy Wentz (PA)

The drivers were included in docket numbers FMCSA–2015–0117, FMCSA–2017–0181, FMCSA–2019–0031, FMCSA–2019–0036, or FMCSA–2019–0206. Their exemptions were applicable as of February 19, 2026, and will expire on February 19, 2028.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver must (1) remain seizure-free, maintain a stable treatment, and report to FMCSA within 24 hours if they experience a seizure during the 2-year exemption period; (2) submit to FMCSA annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) undergo an annual medical examination by a certified medical examiner, as defined by 49 CFR 390.5T; (4) provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in their driver's qualification file if they are self-employed; (5) report to FMCSA the date, time, and location of any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (6) report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 within 7 days of the citation and conviction; and (7) submit to FMCSA annual certified driving records from their SDLA. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption as set forth above; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49 chapter 313 or section 31136.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based on its evaluation of the five exemption renewal applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–04057 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–EX–P

[2] ''Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' Medical Expert Panel (Oct. 15, 2007), available at *https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0104; FMCSA–2014–0385; FMCSA–2016–0003; FMCSA–2017–0057; FMCSA–2018–0139; FMCSA–2019–0111; FMCSA–2019–0012; FMCSA–2023–0026]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 16 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below. Comments must be received on or before April 1, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2014–0104, FMCSA–2014–0385, FMCSA–2016–0003, FMCSA–2017–0057, FMCSA–2018–0139, FMCSA–2019–0111, FMCSA–2019–0112, or FMCSA–2023–0026, as appropriate, using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov,* insert the docket number (FMCSA–2014–0104, FMCSA–2014–0385, FMCSA–2016–0003, FMCSA–2017–0057, FMCSA–2018–0139, FMCSA–2019–0111, FMCSA–2019–0112, or FMCSA–2023–0026) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.
- *Hand Delivery:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- *Fax:* (202) 493–2251.

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FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2014–0104, FMCSA–2014–0385, FMCSA–2016–0003, FMCSA–2017–0057, FMCSA–2018–0139, FMCSA–2019–0111, FMCSA–2019–0112, or FMCSA–2023–0026), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *www.regulations.gov,* insert the docket number (FMCSA–2014–0104, FMCSA–2014–0385, FMCSA–2016–0003, FMCSA–2017–0057, FMCSA–2018–0139, FMCSA–2019–0111, FMCSA–2019–0112, or FMCSA–2023–0026) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

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D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, including any personal information the commenter provides, to

www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding hearing, found in 49 CFR 391.41(b)(11), states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971)).

The 16 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

IV. Request for Comments

Interested parties or organizations possessing information that would show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if the person has failed to comply with the terms and conditions of the exemption, or if safety is being compromised, or if continuation of the exemption would not be consistent with the goals and objectives of Title 49 chapter 313 or section 31136, FMCSA will take immediate steps to revoke the exemption of a driver.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 16 applicants have satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 16 drivers in this notice remain in good standing with the Agency. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each of these drivers for a period of 2 years is likely to achieve a level of safety equivalent to the level that would be achieved without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of February and are discussed below.

As of February 9, 2026, in accordance with 49 U.S.C. 31136(e) and 31315(b), the following six individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Cody DeVries (TX)
Keith Kenyon (WI)
Barbara Nacarelli (NE)
Bridgette Nielson (UT)
Michael Steffen (IN)
Steven Warren (OK)

The drivers were included in docket numbers FMCSA–2018–0139, FMCSA–2019–0111, or FMCSA–2023–0026. Their exemptions were applicable as of February 9, 2026, and will expire on February 9, 2028.

As of February 14, 2026, in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Jared Gunn (IL)
Abel Talamantes (WA)
Andrew Tessin (NC)
Charles Wirick (MD)

The drivers were included in docket numbers FMCSA–2014–0104, FMCSA–2018–0139, or FMCSA–2019–0112. Their exemptions were applicable as of February 14, 2026, and will expire on February 14, 2028.

As of February 19, 2026, in accordance with 49 U.S.C. 31136(e) and 31315(b), the following six individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Wyatt Baldwin (NV)
Adam Hayes (CA)
Amy Ivins (NE)
Jason Thomas (TX)
Joshua J. Tinley (AZ)
Kerri Wright (OK)

The drivers were included in docket numbers FMCSA–2014–0385, FMCSA–2016–0003, or FMCSA–2017–0057. Their exemptions were applicable as of February 19, 2026, and will expire on February 19, 2028.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver (1) must report to FMCSA any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (2) must report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391, within 7 days of the citation and conviction; (3) must submit

to FMCSA annual certified driving records from their SDLA; and (4) is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption as set forth above; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49 chapter 313 or section 31136.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based upon its evaluation of the 16 exemption renewal applications, FMCSA renews the exemptions of the above-named drivers from the hearing requirement in 49 CFR 391.41(b)(11). In accordance with 49 U.S.C. 31136(e) and 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–04111 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2026–0100]

Notice of Petition for Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that Elizabethtown Industrial Railroad (EZR) petitioned FRA for relief from certain regulations concerning safety glazing.

DATES: FRA must receive comments on the petition by April 1, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Derrick Griffith, Railroad Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202–493–6322, email: *derrick.griffith@dot.gov.*

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated January 14, 2026, EZR petitioned FRA for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 223 (Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses). FRA assigned the petition Docket Number FRA–2026–0100.

Specifically, EZR seeks relief from the requirements of Part 223 for safety glazing on one locomotive, PNLX 300. In its petition, EZR explains that the locomotive will only be used for switching operations in an industrial park and will operate at a maximum speed of 10 miles per hour, and asserts that, for this locomotive, compliance would be cost prohibitive and cause financial hardship for EZR.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by April 1, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–04118 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2021–0074]

Notice of Petition for Extension of Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that the Michigan State Trust for Railway Preservation, Inc. (MSTP) petitioned FRA for an extension of relief from certain regulations concerning stenciling and reflectorization of rail cars.

DATES: FRA must receive comments on the petition by April 1, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to

https://www.regulations.gov and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Caleb Rogers, Railroad Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202–493–6322, email: *caleb.rogers@dot.gov*.

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter received January 14, 2026 MSTP petitioned FRA for an extension of a special approval pursuant to 49 CFR part 215 (Railroad Freight Car Safety Standards), and a waiver of compliance from certain provisions of the Federal railroad safety regulations contained in parts 215 and 224 (Reflectorization of Rail Freight Rolling Stock). The relevant Docket Number is FRA–2021–0074.

Specifically, MSTP requests to extend the previous special approval pursuant to § 215.203, *Restricted cars,* in this docket for 3 cabooses (MSTP 2838, MSTP 2839, and MSTP A909) that are more than 50 years from the date of original construction. MSTP also seeks extended relief from § 215.303, *Stenciling of restricted cars,* and the reflectorization requirements of part 224.[1] MSTP states that the cars will not operate in freight service and will be used for photography or filmmaking.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by April 1, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–04117 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–06–P

[1] FRA recently published a Final Rule, *Reflectorization of Rail Freight Rolling Stock; Codifying Existing Waivers,* which, in part, codified waivers for reflectorization on freight rolling stock used exclusively in tourist operations. *See* 91 FR 3375 (Jan. 27, 2026).

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2020–0030]

Notice of Petition for Extension of Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that the American Short Line and Regional Railroad Association (ASLRRA) petitioned FRA for an extension of relief from certain regulations concerning daily and after trip tests and periodic tests.

DATES: FRA must receive comments on the petition by April 1, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Scott Johnson, Railroad Safety Specialist, FRA Signal, Train Control, and Crossings Division, telephone: 406–210–3608, email: *scott.j.johnson@dot.gov*.

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated December 30, 2025, ASLRRA, on behalf of Allegheny Valley Railroad (AVR), petitioned FRA for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 236 (Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances). FRA assigned the petition Docket Number FRA–2020–0030.

ASLRRA requests extended relief from 49 CFR 236.586, *Daily or after trip test,* to eliminate the performance of those tests. Further, ASLRRA requests extended relief to increase the time between periodic tests from not more than 92 days to not more than 184 days per § 236.588, *Periodic test.* In its petition, ASLRRA stated that it will ''work with AVR to gather data on any equipment failures or procedural changes in the future.''

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA,

in writing, before the end of the comment period and specify the basis for their request.

Communications received by April 1, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–04126 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY 2026 Competitive Funding Opportunity: All Stations Accessibility Program

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of funding opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for $686 million in competitive grants for the Fiscal Year (FY) 2026 All Stations Accessibility Program.

DATES: Complete proposals must be submitted electronically through the *GRANTS.GOV* ''APPLY'' function by 11:59 p.m. Eastern time May 1, 2026.

FOR FURTHER INFORMATION CONTACT: Email Thomas Wilson, Office of Program Management, at *thomas.wilson@dot.gov* or (202) 366–2053.

SUPPLEMENTARY INFORMATION: The full text of the Notice of Funding Opportunity (NOFO) can be found on FTA's website at *https://www.transit.dot.gov/funding/grants/notices* and in the ''FIND'' module of *GRANTS.GOV.* The funding opportunity ID is FTA–2026–001–TPM–ASAP. Mail and fax submissions will not be accepted.

Matthew J. Welbes,

Executive Director.

[FR Doc. 2026–04027 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0302]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V SKYBOAT 1

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before April 1, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0302 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–04011 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0298]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V IMAGINE

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before April 1, 2026

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0298 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a).)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–04010 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0301]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V BELLATRIX

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before April 1, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0301 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–04009 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0299]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V SWEET ESCAPE

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before April 1, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0299 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–04012 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0101]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V NORMA JEAN

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before April 1, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0101 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES.** It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional

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documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

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If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–04008 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0300]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V GRAND ADVENTURE

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before April 1, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0300 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

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documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

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Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

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(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a).)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–04007 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[Docket No.: DOT–OST–2026–0826]

National Advisory Committee on Travel and Tourism Infrastructure; Solicitation for Committee Member Nominations

AGENCY: Department of Transportation.

ACTION: Notice; solicitation of nominations for membership.

SUMMARY: The Department of Transportation announces the renewal of the DOT National Advisory Committee on Travel and Tourism Infrastructure (NACTTI) and seeks nominations for membership to serve on the Committee.

DATES: The deadline for nominations for Committee members must be received on or before April 1, 2026.

ADDRESSES: All nomination material should be emailed to the Office of the Secretary at: *NACTTI@dot.gov,* or mailed to: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building 5th Floor, Room W58–213, Washington, DC 20590–0001.

Any person requiring accessibility accommodations should contact the Office of the Secretary at (202) 366–5903 or email the NACTTI Designated Federal Official at *NACTTI@dot.gov.*

FOR FURTHER INFORMATION CONTACT: NACTTI Designated Federal Official, at *NACTTI@dot.gov* or (202) 366–7758. Also visit the NACTTI internet website at *http://www.transportation.gov/NACTTI.*

SUPPLEMENTARY INFORMATION:

I. Background

The Department announces the renewal of the charter of the NACTTI and solicits nominations for membership to serve on the Committee. Pursuant to Section 1431 of the Fixing America's Surface Transportation (FAST) Act, the Secretary of Transportation established NACTTI on June 1, 2016 to provide information, advice, and recommendations to the Secretary on matters relating to the role of intermodal transportation in facilitating mobility related to travel and tourism activities. These activities ignite the economic engine of American tourism, strengthen domestic travel, and encourage American families to rediscover the beauty, pride, and shared heritage of the United States and support national celebrations and globally significant events hosted on American soil (including major sporting and cultural events) and help showcase the Nation's infrastructure, landscapes, and communities as the United States commemorates the 250th anniversary of the signing of the Declaration of Independence (''America 250'').

NACTTI advises the Secretary on current and emerging priorities, issues, projects, and funding needs related to the use of the intermodal transportation network of the United States to facilitate travel and tourism; serves as a forum for discussion for travel and tourism stakeholders on transportation issues affecting interstate and interregional mobility of passengers; and gathers information, develops technical advice, and makes recommendations to the Secretary on policies that improve the condition and performance of an integrated national transportation system that is safe, economical and efficient.

Members must actively participate in Committee deliberations and contribute substantively to the Committee's work. Committee service requires review of complex materials, participation in subcommittee work, preparation for meetings outside of scheduled Committee sessions, stakeholder consultations, online research, drafting of report content, report preparation, and translating specialized knowledge into actionable recommendations.

In this notice, the Department is soliciting nominations for membership to the Committee. The Committee shall report to the Secretary through the Assistant Secretary for Aviation and International Affairs.

- NACTTI shall comprise no more than 15 members, each of whom shall be appointed by the Secretary of Transportation for a 2-year term. The membership shall include public and private sector stakeholders including but not limited to travel and tourism industry, product and service providers and related associations and marketing organizations, the travel and tourism-related workforce, State tourism offices and departments of transportation, and metropolitan planning organizations and local governments, organizations with expertise in intermodal connectivity for travel and tourism, and entities with expertise in public-private-partnerships.

Additional factors that will be considered in the selection of NACTTI members include candidates' proven experience in the strategic development and management of travel, tourism, transportation-related or other service-related organizations; or the candidate's proven experience in promoting, developing, and implementing

advertising, marketing, or financial programs for travel, tourism or transportation-related industries.

Priority may be given to a Chief Executive Officer, Executive Director, or President (or comparable level of responsibility) of a U.S. company, U.S. organization, or U.S. entity in the travel, tourism, or transportation sectors.

Each NACTTI member shall serve as the representative of a U.S. entity engaged in any of the above-listed activities.

Members shall serve in a representative capacity, representing the views and interests of their particular industry subsector. NACTTI members are not Special Government Employees, and will receive no compensation for their participation in NACTTI activities. All NACTTI meetings will be held virtually, and members participating in NACTTI events will be responsible for their travel, living and other personal expenses. Meetings will be held regularly and, to the extent practical, at least once a year or more frequently as is determined necessary.

Process and Deadline for Submitting Nominations: Qualified individuals can self-nominate or be nominated by any individual or organization. To be considered for the DOT NACTTI, nominators should submit the following information:

1. Name, title, and relevant contact information (including telephone, fax, and email address) of the individual under consideration;

2. A letter of support or recommendation letter, on letterhead, from a company, union, trade or membership association, or non-profit organization containing a brief description of why the nominee should be considered for membership;

3. A one-page biography summarizing the applicant's unique experiences and qualifications, any professional and academic credentials, experience serving on advisory committees, and the reason(s) why he or she would like to join NACTTI.

4. An affirmative statement that the nominee meets all Committee eligibility requirements.

Please do not send company, trade association, organization brochures or any other promotional information. Materials submitted should total 2 pages or less. Should more information be needed, DOT staff will contact the nominee, obtain information from the nominee's past affiliations, or obtain information from publicly available sources, such as the internet.

Nominations must be received before April 1, 2026. Nominees selected for appointment to the Committee will be notified by return email and by a letter of appointment.

Cindy Baraban,

Deputy Assistant Secretary for Aviation and International Affairs, Office of the Secretary, U.S. Department of Transportation.

[FR Doc. 2026–04003 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket No. DOT–OST–2026–0893]

Agency Information Collection Activities; Renewal of a Previously Approved Information Collection: Freight Logistics Optimization Works (FLOW)

AGENCY: Bureau of Transportation Statistics (BTS), Department of Transportation (DOT).

ACTION: 60-Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, BTS announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. BTS is requesting approval to renew an existing ICR 2138–0049, Freight Logistics Optimization Works. The renewal of this ICR will enable BTS to continue collecting intermodal trade data in support of the FLOW program's aim to improve supply chain efficiencies.

DATES: Comments are encouraged and will be accepted until May 1, 2026.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments by only one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov* and follow the instructions for sending your comments electronically. Docket Number: [DOT–OST–2026–0893].
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, 5th Floor, Room W58–213, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to mail address above between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov,* and follow the online instructions for accessing the docket, or go to the street address listed above.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Allison Fischman, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, USDOT, RTS–35, E36–302, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, *allison.fischman@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Freight Logistics Optimization Works (FLOW).

OMB Control Number: 2138–0049.

Type of Review: Renewal of information collection.

Respondents: Businesses in the freight industry.

Estimated Number of Respondents: 140.

Estimated Time per Response: 21 hours, which includes initial data file development and connection to data system as well as periodic updates.

Frequency: Annual.

Total Annual Burden Hours: 2,940.

Abstract: The Freight Logistics Optimization Works (FLOW) program is a government-industry information sharing initiative aimed at improving key freight information exchange between parts of the goods movement supply chain, equipping companies involved in freight with the evidence needed to avoid significant congestion events and support a more resilient freight network. Data collected and exchanged supports industry decision making associated with the daily management of cargo and assets. Companies participating in FLOW voluntarily submit relevant data; there is no regulatory requirement to submit such data.

An objective of the FLOW program is to provide the data infrastructure to facilitate the sharing of operational information between companies with key roles in the national logistics system, *i.e.,* the complex collection of

personnel, transportation assets, vessels, trucks, railcars, equipment, and any and all other freight components that comprise the United States' supply chain system. By providing a means to share this data securely, the FLOW program aims to enable a data driven approach to balance U.S. cargo traffic demand with system capacity.

Industry partners involved with FLOW, referred to as FLOW participants, include beneficial cargo owners, intermodal equipment providers, the logistics real estate sector, ports and marine terminal operators, motor carriers, ocean carriers, non-vessel operating common carriers, rail carriers, and third-party logistics providers. Participants contribute data on import and export containers and the availability of space and assets to move the containers, including purchase orders, cargo bookings, marine terminal space availability and gate transactions, truck dispatch capacity, chassis availability, and warehouse capacity. Participants share data based on their industry sector according to a standard data specification, available at *https://www.transportation.gov/mission/office-secretary/office-policy/freight/flow/flow-data-dictionary.* The process of sharing data is automated to the extent practicable through secure file transfer protocol and validation tools available via secure web portal.

BTS serves as the data steward for the FLOW program. Data shared with BTS by FLOW participants is treated confidentially and protected by BTS under the Confidential Information Protection and Statistical Efficiency Act of 2018 (CIPSEA), codified as amended at 44 U.S.C. 3561–3583. BTS collects, processes, and analyzes confidential data from FLOW participants, ensures the exclusive statistical use of that information, and preserves the confidentiality of that information. BTS shares aggregated, deidentified data with FLOW participants via a secure web portal, following BTS disclosure review processes. These aggregated measures are intended to serve as leading indicators of freight congestion and supply chain performance and help to communicate the degree of oversupply or undersupply of logistics assets.

Access to the secure web portal is limited to FLOW participants and not shared publicly, although participants may provide specific authorization to publish FLOW data products through a review process. Current in-progress efforts to apply and include FLOW data in public data products include BTS port performance freight statistics and freight scenario analysis research.

Data Confidentiality Provisions: Data collected under the FLOW initiative may contain confidential business information. The confidentiality of these data will be protected under CIPSEA. In accordance with CIPSEA, FLOW data will be used exclusively for statistical purposes and will not be disclosed in identifiable form except with the informed consent of the respondent.

Annual Burden Discussion: It is estimated that a FLOW participant will spend a maximum of six hours establishing the initial system connection and developing and testing the data file. Once established, participants may spend up to two hours annually on routine maintenance activities, including system connection maintenance or any necessary amendments to data files. Most participants transmit files on a scheduled, automated basis through secure file transfer protocol; no additional burden is estimated for these scheduled jobs. Participants may also submit files via upload to secure web portal on a weekly basis; up to 15 minutes per week or approximately 13 hours annually are estimated for these uploads. This additional manual burden is included in the total estimate, for a total annual burden estimate of 21 hours per participant or 2,940 hours total for up to 140 FLOW participants.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of BTS's functions; (2) the accuracy of the estimated burden; (3) ways for BTS to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

Allison Fischman,

Director, Office of Safety Data and Analysis, Bureau of Transportation Statistics, U.S. Department of Transportation.

[FR Doc. 2026–03996 Filed 2–27–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on February 26, 2026. See Supplementary Information for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Sanctions Compliance, 202–622–2490 or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Action

On February 26, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. MEMBRENO RIVAS, Denis, Managua, Nicaragua; DOB 16 Jul 1956; POB Leon, Nicaragua; nationality Nicaragua; Gender Male; National ID No. 2811607560007V (Nicaragua) (individual) [NICARAGUA].

Designated pursuant to section 1(a)(iii) of Executive Order 13851 of November 27, 2018, ''Blocking Property of Certain Persons Contributing to the Situation in Nicaragua,'' as amended by Executive Order 14088 of October 24, 2022, ''Taking Additional Steps To Address the National Emergency With Respect to the Situation in Nicaragua,'' for being an official of the Government of Nicaragua or having served as an official of the Government of Nicaragua at any time on or after January 10, 2007.

2. FLORES JIMENEZ, Johana Vanessa, Managua, Nicaragua; DOB 24 Feb 1971; POB Managua, Nicaragua; nationality Nicaragua; Gender Female; National ID No. 0012402710038N (Nicaragua) (individual) [NICARAGUA].

Designated pursuant to section 1(a)(iii) of E.O. 13851 for being an official of the Government of Nicaragua

or having served as an official of the Government of Nicaragua at any time on or after January 10, 2007.

3. GUTIERREZ LOPEZ, Leonel Jose, Managua, Nicaragua; DOB 09 Feb 1963; POB Managua, Nicaragua; nationality Nicaragua; Gender Male; National ID No. 0010902630041C (Nicaragua) (individual) [NICARAGUA].

Designated pursuant to section 1(a)(iii) of E.O. 13851 for being an official of the Government of Nicaragua or having served as an official of the Government of Nicaragua at any time on or after January 10, 2007.

4. REYES OCHOA, Celia Margarita (a.k.a. REYES OCHOA, Celia), Managua, Nicaragua; DOB 16 Sep 1983; POB Matagalpa, Nicaragua; nationality Nicaragua; Gender Female; National ID No. 4411609830008V (Nicaragua) (individual) [NICARAGUA].

Designated pursuant to section 1(a)(iii) of E.O. 13851 for being an official of the Government of Nicaragua or having served as an official of the Government of Nicaragua at any time on or after January 10, 2007.

5. SAENZ ULLOA, Aldo Martin, Nindiri, Masaya, Nicaragua; DOB 12 Nov 1958; POB Chinandega, Nicaragua; nationality Nicaragua; Gender Male; National ID No. 0861211580003G (Nicaragua) (individual) [NICARAGUA].

Designated pursuant to section 1(a)(iii) of E.O. 13851 for being an official of the Government of Nicaragua or having served as an official of the Government of Nicaragua at any time on or after January 10, 2007.

(Authority: E.O. 13851; E.O. 14088.)

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–04102 Filed 2–27–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans Rural Health Advisory Committee, 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 Veterans Rural Health Advisory Committee will hold its virtual meeting on Monday, March 23, 2026, at 11:00 a.m. and adjourn at 3:00 p.m., Eastern Standard Time (EST). The meeting is open to the public and will be held on Microsoft Teams. Persons can join the meeting via the link or by phone: *https://teams.microsoft.com/meet/2533257208715?p=7PuRM8wyjycKhrPx5X*. By Phone, +1 872–701–0185 Conference ID 692 899 034#.

The purpose of the Committee is to advise the Secretary of VA on rural health care issues affecting Veterans. The Committee examines programs and policies that impact the delivery of VA rural health care to Veterans and discusses ways to improve and enhance VA access to rural health care services for Veterans.

The agenda will include updates from Department leadership; the Executive Director, VA Office of Rural Health; and the Committee Chair; as well as presentations by subject-matter experts on general rural health care access.

Public comments will be received at 2:30 p.m. EST on March 23, 2026. Interested parties should contact Mr. Michael Lindner, by email at *VHAORH@va.gov,* or send by mail to 810 Vermont Avenue NW (12RH), ATTN: VRHAC Committee, Washington, DC 20420. Individuals wishing to speak are invited to submit a 1–2-page summary of their comment for inclusion in the official meeting record. Any member of the public seeking additional information should contact Mr. Lindner at the email address noted above or 618–751–2669.

Dated: February 25, 2026.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2026–04006 Filed 2–27–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Rehabilitation, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch. 10., that a meeting for the Veterans' Advisory Committee on Rehabilitation (hereinafter the Committee) will be held virtually on Wednesday, April 8, 2026. The meeting will begin at 11:00 a.m. and adjourn at 3:00 p.m. Eastern Standard Time (EST). The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of VA on the rehabilitation needs of Veterans with disabilities and the administration of VA's rehabilitation programs.

On April 8, 2026, the Committee will receive briefings on various VA programs designed to enhance the rehabilitative potential of Veterans with disabilities. In addition, the Committee will discuss and explore potential recommendations to be included in the next annual report.

Members of the public may attend virtually using the following Microsoft Teams link by computer or mobile app at *https://teams.microsoft.com/l/meetup-join/19%3ameeting_YjU2NmU3Y2ItODM5NC00MTg5LWI1OWYtYWYyM2ZmMzI5YTRm%40thread.v2/0?context=%7b%22Tid%22%3a%22e95f1b23-abaf-45ee-821d-b7ab251ab3bf%22%2c%22Oid%22%3a%22fb5cbbfa-d6f2-4ce9-950f-c056d48aaafe%22%7d*.

The Meeting ID: 221 356 222 128 23 and Passcode: Rh28fX3s.

As time is limited, individuals wishing to make public comments can contact *VACOR.VBACO@va.gov.in* advance to reserve time during the public comment period or submit written comments (max. 2 pages).

Members of the public may submit written statements (max. 2 pages) until Friday, April 3, 2026, for the Committee's review to Ms. Latrese Thompson, Designated Federal Officer (DFO), Veterans Benefits Administration (28), 1800 G Street NW, Washington, DC 20006, or at *VACOR.VBACO@va.gov*. In the communication, writers must identify themselves and state the organization, association, or person(s) they represent. The meeting will also include time reserved for public comments before the meeting closes. Each public comment speaker will be held to a 3–5-minute limit, or as time permits. Individuals wishing to seek additional information should contact Ms. Latrese Thompson, DFO, at *VACOR.VBACO@va.gov.*

Dated: February 26, 2026.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2026–04113 Filed 2–27–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Department of the Treasury

Office of the Comptroller of the Currency

12 CFR Parts 3, 6, 8, et al.

Implementing the Guiding and Establishing National Innovation for U.S. Stablecoins Act for the Issuance of Stablecoins by Entities Subject to the Jurisdiction of the Office of the Comptroller of the Currency; Proposed Rule

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 3, 6, 8, 15, and 19

[Docket ID OCC–2025–0372]

RIN 1557–AF41

Implementing the Guiding and Establishing National Innovation for U.S. Stablecoins Act for the Issuance of Stablecoins by Entities Subject to the Jurisdiction of the Office of the Comptroller of the Currency

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) proposes to issue regulations to implement the Guiding and Establishing National Innovation for U.S. Stablecoins Act regarding the issuance of payment stablecoins and certain related activities by entities subject to the OCC's jurisdiction.

DATES: Comments must be received by May 1, 2026.

ADDRESSES: Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title ''Implementing the Guiding and Establishing National Innovation for U.S. Stablecoins Act for the Issuance of Stablecoins by Entities Subject to the Jurisdiction of the Office of the Comptroller of the Currency'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—Regulations.gov:*

Go to *https://regulations.gov/.* Enter Docket ID ''OCC–2025–0372'' 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. ET, 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–2025–0372'' in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website without change, including any business or personal information provided such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

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

- *Viewing Comments Electronically—Regulations.gov:* Go to *https://regulations.gov/.* Enter Docket ID ''OCC–2025–0372'' 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. ET, 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: Sarah Turney, Assistant Director, Henry Barkhausen, Counsel, Daniel Borman, Counsel, Marjorie Dieter, Counsel, or Mark O'Horo, Special Counsel, Chief Counsel's Office, 202–649–5490, or David Stankiewicz, Director, Office of Financial Technology, Office of the Chief National Bank Examiner, 202–649–5473, 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

The Guiding and Establishing National Innovation for U.S. Stablecoins Act (12 U.S.C. 5901 *et seq.*) (GENIUS Act or the Act) was enacted on July 18, 2025. The Act establishes a regulatory framework for payment stablecoin activities. Stablecoins are digital assets, *i.e.,* digital representations of value recorded on a cryptographically secured distributed ledger,[1] such as a blockchain.[2] In contrast to many other types of digital assets, stablecoins are intended to maintain a stable value relative to a reference asset, most often fiat currency.[3] Most stablecoin issuers use a pool of high quality and highly liquid reserve assets to back the stablecoin and maintain a stable value.[4] Stablecoins often rely on smart contracts (*i.e.,* self-executing programs that automatically enforce agreements between users) for different aspects of their functionality.[5] When an issuer redeems a tendered stablecoin, it typically accepts a stablecoin from a user or third party in exchange for a fixed amount of monetary value, *e.g.,* one dollar.[6] Stablecoins are frequently used to facilitate trading in digital assets and may be used for retail and institutional payments.[7] Certain stablecoin issuers have the capability to freeze funds or block transactions involving their stablecoin, which they may do, for example, to effectuate a court order.[8]

The Act focuses on a subset of stablecoins: payment stablecoins. Under section 2(22) of the Act (12 U.S.C. 5901(22)), ''payment stablecoin'' means ''a digital asset—(i) that is, or is designed to be, used as a means of payment or settlement; and (ii) the

[1] 12 U.S.C. 5901(6).

[2] White House, ''Strengthening American Leadership in Digital Financial Technology,'' at 15 (July 17, 2025), [hereinafter, Digital Financial Technology Report], *https://www.whitehouse.gov/wp-content/uploads/2025/07/Digital-Assets-Report-EO14178.pdf.* A cryptographically secured ledger uses cryptography to maintain the integrity of the ledger. *See also* E.O. No. 14178, Strengthening American Leadership in Digital Financial Technology, 90 FR 8647 (January 31, 2025) (defining blockchain to mean ''any technology where data is: (i) shared across a network to create a public ledger of verified transactions or information among network participants; (ii) linked using cryptography to maintain the integrity of the public ledger and to execute other functions; (iii) distributed among network participants in an automated fashion to concurrently update network participants on the state of the public ledger and any other functions; and (iv) composed of source code that is publicly available'').

[3] Digital Financial Technology Report at 88, 130.

[4] *See id.* at 90.

[5] *See id.* at 11.

[6] Currently, rather than mint or redeem stablecoins through the issuer, most market participants rely on digital asset trading platforms to exchange stablecoins for national currencies (or even other stablecoins).

[7] *Id.* at 93.

[8] *See id.* at 105.

issuer of which—(I) is obligated to convert, redeem, or repurchase for a fixed amount of monetary value, not including a digital asset denominated in a fixed amount of monetary value; and (II) represents that such issuer will maintain, or create the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value[.]'' The term does not include a digital asset that is (i) a national currency; (ii) a deposit (as defined in 12 U.S.C. 1813), including a deposit recorded using distributed ledger technology; or (iii) a security, as defined in 15 U.S.C. 77b, 78c, or 80a–2.[9]

The Act generally prohibits any person other than a permitted payment stablecoin issuer from issuing a payment stablecoin in the United States.[10] It further prohibits digital asset service providers [11] from offering or selling a payment stablecoin to a person in the United States unless the issuer is a permitted payment stablecoin issuer or the issuer is a foreign payment stablecoin issuer that meets certain requirements.[12] The Act sets forth various regulatory and licensing requirements for permitted payment stablecoin issuers and foreign payment stablecoin issuers. In many instances, the Act states that the specific requirements applicable to these entities (*e.g.,* those related to capital, liquidity, operational risk management), shall be set forth by regulations issued by the relevant primary Federal payment stablecoin regulator, in coordination with other relevant agencies, as appropriate.[13] This notice of proposed rulemaking represents one piece of the GENIUS Act's implementing regulations.[14]

The OCC will have regulatory or enforcement authority over certain permitted payment stablecoin issuers, including subsidiaries of national banks or Federal savings associations, Federal qualified payment stablecoin issuers, and State qualified payment stablecoin issuers subject to the OCC's regulatory or enforcement authority under section 4 or 7 of the GENIUS Act (12 U.S.C. 5903 and 5906). In addition, the OCC will have regulatory authority over foreign payment stablecoin issuers. This notice of proposed rulemaking generally sets forth, and seeks comment on, the regulations that would apply to permitted payment stablecoin issuers and foreign payment stablecoin issuers under the OCC's jurisdiction as well as certain custody activities conducted by OCC-supervised entities. These proposed regulations do not address stablecoins that do not qualify as payment stablecoins or issuers for which the OCC does not have regulatory or enforcement authority.

The GENIUS Act's effective date is the earlier of 18 months after the enactment date (July 18, 2025) or 120 days after the primary Federal payment stablecoin regulators issue final regulations implementing the Act. The OCC anticipates that these implementing regulations will be updated, as necessary, in the years following the effective date of the GENIUS Act as the business practices of permitted payment stablecoin issuers and foreign payment stablecoin issuers continue to evolve and develop. In addition, other regulations beyond those addressed in this rulemaking may need to be updated in light of the passage of the GENIUS Act. For example, the OCC is considering whether certain regulations that impose different requirements at different asset thresholds should be amended to exclude stablecoin reserves from the asset calculation.

A. Self-Executing Provisions

The GENIUS Act includes a number of self-executing provisions that are not addressed in this rulemaking. For example, the Act includes several provisions addressing the applicability of State law to permitted payment stablecoin issuers. These provisions: clarify the exclusive role of the OCC in overseeing Federal qualified payment stablecoin issuers; ensure that Federal qualified payment stablecoin issuers and subsidiaries of OCC-regulated insured depository institutions approved to be permitted payment stablecoin issuers are subject to only one licensing requirement—the OCC's; and address the effect of the GENIUS Act on State consumer protection laws.

Section 4(b)(1) of the GENIUS Act (12 U.S.C. 5903(b)(1)) states that, notwithstanding certain Federal law addressing preemption standards for OCC-regulated institutions,[15] and certain State laws, a Federal qualified payment stablecoin issuer ''shall be licensed, regulated, examined, and supervised exclusively by the Comptroller.'' This provision provides the OCC with the exclusive authority to exercise visitorial powers with respect to Federal qualified payment stablecoin issuers, consistent with the agency's authority in 12 U.S.C. 484.[16] This exclusivity generally prevents other regulators from subjecting these entities to additional oversight, which can be unduly burdensome, duplicative, or inconsistent.[17] In addition, based on the exclusivity granted to the OCC, section 4(b) preempts certain State laws with

[9] The Act provides that, for the avoidance of doubt, no bond, note, evidence of indebtedness, or investment contract that was issued by a permitted payment stablecoin issuer shall qualify as a security solely by virtue of its satisfying the conditions described in section 2(22)(A) of the Act, consistent with section 17 of the Act. 12 U.S.C. 5901(22)(B)(iii).

[10] *See* 12 U.S.C. 5902(a). *See also* 12 U.S.C. 5916 (excepting foreign payment stablecoin issuers that meet certain requirements from the prohibition in section 3 of the Act).

[11] ''Digital asset service provider'' means a person that, for compensation or profit, engages in the business in the United States (including on behalf of customers or users in the United States) of: (1) exchanging digital assets for monetary value; (2) exchanging digital assets for other digital assets; (3) transferring digital assets to a third party; (4) acting as a digital asset custodian; or (5) participating in financial services relating to digital asset issuance. *See* 12 U.S.C. 5901(7). The term ''digital asset service provider'' does not include (1) a distributed ledger protocol; (2) an immutable and self-custodial software interface; or (3) a person solely by virtue of their (A) developing, operating, or engaging in the business of developing distributed ledger protocols or self-custodial software interfaces; (B) developing, operating, or engaging in the business of validating transactions or operating a distributed ledger; or (C) participating in a liquidity pool or other similar mechanism for the provisioning of liquidity for peer-to-peer transactions. *See id.* A liquidity pool is a portfolio of digital assets that is algorithmically bound and traded based on smart contracts. Liquidity providers and takers interact with liquidity pools by adding assets that the liquidity pools trade and receive a liquidity pool token in return that is proportionate to the percentage of assets they have contributed to the liquidity pool. Digital Financial Technology Report at 23.

[12] The prohibition against digital asset service providers offering or selling payment stablecoins that are not issued by permitted payment stablecoin issuers begins on July 18, 2028. *See* 12 U.S.C. 5902(b)(1). The prohibition against digital asset service providers offering or selling payment stablecoins that are not issued by foreign payment stablecoin issuers that meet certain requirements goes into effect as of the effective date of the GENIUS Act. *See* 12 U.S.C. 5902(b)(2). The prohibitions that apply to a digital asset service provider would apply to an issuer to the extent that the issuer is a digital asset service provider.

[13] *See, e.g.,* 12 U.S.C. 5903(a)(4), (b), (h).

[14] For example, on September 19, 2025, the Department of the Treasury issued an advance notice of proposed rulemaking concerning the GENIUS Act. *See* 90 FR 45159 (September 19, 2025). On December 19, 2025, the FDIC released a notice of proposed rulemaking related to certain application provisions under the GENIUS Act. 90 FR 59409 (December 19, 2025).

[15] Specifically, 12 U.S.C. 25b and 1465 respectively address the preemption standards applicable to national banks and Federal savings associations and their subsidiaries.

[16] Although the GENIUS Act does not specifically use the term ''visitorial powers,'' its plain language is consistent with the Supreme Court's description of visitorial authority. *See Cuomo* v. *Clearing House Ass'n, L.L.C.,* 557 U.S. 519, 526 (2009) (describing visitation as the exercise of ''general *supervision*'') (emphasis added); *see also* 12 CFR 7.4000(a)(2) (describing the OCC's visitorial powers with respect to national banks).

[17] Twelve U.S.C. 484 would also continue to apply to uninsured national banks and Federal branches that become permitted payment stablecoin issuers.

respect to Federal qualified payment stablecoin issuers.

Section 5(h) of the GENIUS Act (12 U.S.C. 5904(h)) expressly preempts ''any State requirement for a charter, license, or other authorization to do business with respect to a'' Federal qualified payment stablecoin issuer or a subsidiary of an OCC-regulated insured depository institution approved to be a permitted payment stablecoin issuer. As a result, these entities are only required to obtain authorization to do business from the OCC, which reduces the unnecessary complexity that would result from requiring these entities to also obtain a charter, license, or other authorization from one or more States. Section 7(f)(4) of the GENIUS Act (12 U.S.C. 5906(f)(4)) provides that nothing in the GENIUS Act preempts State consumer protection laws.[18]

Together, these GENIUS Act provisions establish a framework for assessing the applicability of State law to a Federal qualified payment stablecoin issuer or a subsidiary of an OCC-regulated insured depository institution approved to be permitted payment stablecoin issuer.[19] Because these GENIUS Act provisions are self-executing, the OCC is not proposing regulatory text to implement them. However, the agency invites public comment on all aspects of this framework, including whether the self-executing provisions of the Act should be codified in the OCC's regulations for convenience.

Among other self-executing provisions, section 4(g) of the GENIUS Act (12 U.S.C. 5903(g)) provides that a Federal savings association established under the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) that holds a reserve that satisfies the requirements of section 4(a)(1) of the GENIUS Act shall not be required to satisfy the qualified thrift lender test under section 10(m) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)) [20] with respect to such reserve assets. Because this provision is self-executing, the OCC is not proposing regulatory text to implement section 4(g).

II. Description of the Proposed Rule

A. Subpart A—Purpose, Scope, Definitions, and Severability

Subpart A of the proposed rules provides the purpose and scope and defines terms used throughout the proposed rule.

1. Purpose and Scope (Proposed § 15.1)

Proposed § 15.1 sets forth the purpose and scope of the stablecoin-related regulations. Paragraph (a) describes the purpose, which is to implement the GENIUS Act, 12 U.S.C. 5901 *et seq.,* with respect to entities for which the OCC is authorized to issue regulations or exercise its enforcement authority under the Act. These entities are listed in the proposed scope provision in paragraph (b), which provides that proposed part 15 would apply to activities related to payment stablecoins and certain custody activities of (1) national banks and their subsidiaries; (2) Federal savings associations and their subsidiaries; (3) Federal branches and their subsidiaries; (4) Foreign payment stablecoin issuers; (5) nonbank entities that seek to be or are approved as Federal qualified payment stablecoin issuers; and (6) State qualified payment stablecoin issuers for whom the OCC has regulatory or enforcement authority pursuant to proposed § 15.15 or § 15.16. Thus, except where otherwise noted, references in part 15 to permitted payment stablecoin issuers would only apply to these types of listed entities despite the broader scope of the term in the GENIUS Act.

As described in the section-by-section analysis below, proposed subparts B and E would apply to permitted payment stablecoin issuers that are subsidiaries of insured national banks, subsidiaries of Federal savings associations, uninsured national banks, Federal branches or subsidiaries thereof, nonbank entities that are not State qualified payment stablecoin issuers, and State qualified payment stablecoin issuers for whom the OCC has regulatory or enforcement authority. Proposed subpart C would apply to national banks, Federal savings associations, Federal branches, Federal qualified payment stablecoin issuers, and State qualified payment stablecoin issuers with an outstanding issuance of more than $10 billion subject to supervision and regulation by the OCC who provide custodial or safekeeping services for payment stablecoins, reserve assets, and other ''covered assets'' (described in detail in subpart C). The application and registration sections in proposed subpart D would apply to insured national banks, Federal savings associations, or Federal branches that seek to issue payment stablecoins through a subsidiary; nonbank entities that seek to be Federal qualified payment stablecoin issuers, uninsured national banks, and uninsured Federal branches that seek to be Federal qualified payment stablecoin issuers; and entities that seek to register as foreign payment stablecoin issuers. The capital requirements detailed in proposed subpart E would apply to subsidiaries of insured national banks, subsidiaries of Federal savings associations, uninsured national banks, Federal branches or subsidiaries thereof, nonbank entities that are not State qualified payment stablecoin issuers, and State qualified payment stablecoin issuers for whom the OCC has regulatory authority.

2. Definitions (Proposed § 15.2)

Proposed section 15.2 contains the following definitions of terms used throughout proposed part 15, many of which are included in or based on the definitions in the GENIUS Act, 12 U.S.C. 5901.[21]

Affiliate. The OCC is proposing to define the term ''affiliate'' consistent with the definition in the Bank Holding Company Act, 12 U.S.C. 1841(k), but modified to use the defined term ''person'' in place of the term ''company.'' [22] Under the proposed rule, the term ''affiliate'' would mean a person that controls, is controlled by, or is under common control with another person. The OCC believes the proposed definition of affiliate would include the appropriate individuals and entities that could be involved in payment stablecoin issuance.

Bank Secrecy Act. The OCC is proposing to define the term ''Bank Secrecy Act'' consistent with the definition provided in the GENIUS Act, 12 U.S.C. 5901(2). Under the proposal,

[18] Depending on the circumstances, other Federal law, such as the National Bank Act and the Home Owners' Loan Act, may also be relevant in assessing the applicability of State law, including a State consumer protection law, to certain permitted payment stablecoin issuers, such as uninsured national banks.

[19] The GENIUS Act also addresses the applicability of State law to State qualified payment stablecoin issuers. *See, e.g.,* section 7(f) of the Act (12 U.S.C. 5906(f)).

[20] A Federal savings association is generally required to be qualified thrift lender. A Federal savings association is a qualified thrift lender if it meets one of the following qualified thrift lender tests: (1) it qualifies as a domestic building and loan association as defined in 26 U.S.C. 7701(a)(19); or (2) its qualified thrift investments equal or exceed 65 percent of its portfolio assets, and its qualified thrift investments continue to equal or exceed 65 percent of its portfolio assets on a monthly average basis in nine out of every 12 months.

[21] The definitions in proposed § 15.2 describe only terms used in proposed part 15. These definitions do not interpret terms for purposes of any other statute or regulation and are not issued pursuant to section 3(d) of the GENIUS Act (12 U.S.C. 5902(d)).

[22] While the proposed definition of ''affiliate'' is consistent with the definition in the Bank Holding Company Act, the OCC would retain interpretive authority with respect to this definition for purposes of proposed 12 CFR part 15. The OCC generally expects that it would interpret questions regarding the definition of ''affiliate'' consistent with the provisions of 12 CFR part 225 as of the date of this issuance.

the term ''Bank Secrecy Act'' would mean: (1) section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b); (2) chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951 *et seq.*); and (3) subchapter II of chapter 53 of title 31, United States Code and notes thereto (31 U.S.C. 5311 *et seq.*). The proposal would add the phrase ''and notes thereto'' as a clarification.

Board of directors. Under the proposed rule, ''board of directors'' would mean a payment stablecoin issuer's or applicant's board of directors or the group of individuals that serve the nearest equivalent function of acting as the governing body of the issuer or applicant. The proposed definition captures the persons responsible for certain requirements under proposed part 15, including for permitted payment stablecoin issuers that do not have a board of directors as that term is commonly understood.

Control. The OCC is defining ''control'' such that a person would control another person if: (1) the person directly or indirectly or acting through one or more other persons owns, controls, or has power to vote 25 percent or more of any class of voting securities of the other person; (2) the person controls in any manner the election of a majority of the directors or trustees of the other person; or (3) the OCC determines, after notice and opportunity for hearing, that the person directly or indirectly exercises a controlling influence over the management or policies of the other person. Like the definition of ''affiliate,'' the proposed definition of ''control'' is generally consistent with the Bank Holding Company Act.[23] The OCC notes that proposed § 15.14 would include certain provisions regarding changes in control that would refer to the use of that term under 12 CFR 5.50, rather than under the Bank Holding Company Act. Thus, for purposes of those provisions, permitted payment stablecoin issuers should refer to 12 CFR 5.50.

Customer. The OCC is proposing to define the term ''customer'' to mean a person that purchases (through any consideration) the products or services of another person. This term appears in a variety of different contexts in the proposed rule, so the OCC has proposed a broad definition for the term. The definition for purposes of the proposed rule is not intended to affect any customer identification program or customer due diligence rules.

Deposit. The OCC is proposing to define the term ''deposit'' to have the same meaning as deposit in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)).

Depository institution. The OCC is proposing to define the term ''depository institution'' to mean a depository institution as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(1)) or a credit union. The OCC is proposing this definition to improve clarity because, although the GENIUS Act uses the term ''depository institution,'' it is not defined in section 2 of the Act (12 U.S.C. 5901). Section 11(g) of the Act (12 U.S.C. 5911) does, however, refer to the Federal Deposit Insurance Act's definition.[24] The OCC believes that incorporating this definition will promote clarity and consistency. Under the Federal Deposit Insurance Act, the term ''depository institution'' means any bank or savings association, which are both defined terms under that statute, and would be incorporated herein to determine whether an institution is a depository institution for purposes of proposed part 15. The OCC is proposing to include a reference to credit unions consistent with the approach that the GENIUS Act took with respect to the definition of ''insured depository institution,'' defined below, and which explicitly includes insured credit unions. This term is particularly relevant with respect to the OCC's jurisdiction over certain nonbank entities under sections 2(25), 4(d), and 7(e) of the Act (12 U.S.C. 5901(25), 5903(d), and 5906(e)).

Digital asset. The OCC is proposing to define the term ''digital asset'' as provided in section 2(6) of the GENIUS Act (12 U.S.C. 5901(6)). Under the proposed rule, the term ''digital asset'' would mean any digital representation of value that is recorded on a cryptographically secured distributed ledger.

Director. The OCC is proposing to define the term ''director'' for purposes of this proposed part to mean an individual who serves on the board of directors of a permitted payment stablecoin issuer or applicant, except an advisory director who does not have the authority to vote on matters before the board of directors or any committee of the board of directors and provides solely general policy advice to the board of directors or any committee. The OCC based the proposed definition on the definition included in 12 CFR 5.51. The proposed definition has been modified from that in 12 CFR 5.51 to remove the exclusion for a director of a foreign bank that operates a Federal branch. The OCC determined that this language is unnecessary in light of the proposed definition of the term ''board of directors.'' As described above, to address the various organizational forms used by permitted payment stablecoin issuers and applicants, including those that do not have a traditional board of directors, the OCC is proposing to define the term ''board of directors'' in this proposed part to include a group of individuals that serve the nearest equivalent function of acting as the governing body of the issuer or applicant. For a Federal branch, individuals who would meet the proposed definition of ''director'' would include individuals that are part of that group. Further, the directors of Federal branches would not include individuals who serve on the board of directors of the foreign bank but who do not serve in the equivalent capacity with respect to the Federal branch.

Distributed ledger. The OCC is proposing to define the term ''distributed ledger'' as provided in the GENIUS Act, 12 U.S.C. 5901(8), with certain technical edits. The proposed rule would define the term ''distributed ledger'' to mean technology in which (1) data is shared across a network that creates a public digital ledger of verified transactions or information among network participants and (2) cryptography is used to link the data to maintain the integrity of the public ledger and execute other functions. The proposed definition reformats the definition in the GENIUS Act by using numbering to distinguish between the two components of the definition. The formatting changes are technical and do not have a substantive effect on the definition.

Distributed ledger protocol. The OCC is proposing to define the term ''distributed ledger protocol'' as provided in the GENIUS Act, 12 U.S.C. 5901(9). The term ''distributed ledger protocol'' would mean publicly available and accessible executable software deployed to a distributed ledger, including smart contracts or networks of smart contracts.

Eligible financial institution. The OCC is proposing to define ''eligible financial institution'' to mean (1) a person that (a) is eligible to hold reserve assets in custody under section 10(a) of the

[23] While the proposed definition of control is consistent with the definition in the Bank Holding Company Act, the OCC would retain interpretive authority with respect to this definition for purposes of proposed 12 CFR part 15. The OCC generally expects that it would interpret questions regarding the definition of ''control'' consistent with the provisions of 12 CFR part 225, including those relating to the presumption of control, as of the date of this issuance.

[24] The proposed definition of ''depository institution'' for purposes of part 15 would not affect the meaning of the term under section 11(g) of the GENIUS Act (12 U.S.C. 5911).

GENIUS Act (12 U.S.C. 5909(a)); (b) complies with the applicable requirements in section 10(b), (c), and (d) of the GENIUS Act (12 U.S.C. 5909(b), (c) and (d)), including with applicable implementing regulations issued by a relevant Federal payment stablecoin regulator as defined in 12 U.S.C. 5901(25), primary financial regulatory agency described in 12 U.S.C. 5301(12)(B) or (C), State bank supervisor, or State credit union supervisor; and (c), if applicable, enters into a custody agreement with a permitted payment stablecoin issuer documenting the person's compliance with section 10(b), (c) and (d) of the Act as well as policies and procedures to ensure compliance; or (2) a Federal Reserve Bank.

The term ''eligible financial institution'' is relevant to the reserve asset diversification and concentration requirements in proposed § 15.11(c) of the proposed rule. Under section 10(a) of the GENIUS Act, a person may only engage in the business of providing custodial or safekeeping services for the payment stablecoin reserve, the payment stablecoins used as collateral, or the private keys used to issue payment stablecoins if the person (1) is subject to (A) supervision or regulation by a primary Federal payment stablecoin regulator or a primary financial regulatory agency described under subparagraph (B) or (C) of section 2(12) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301(12)); or (B) supervision by a State bank supervisor, as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), or a State credit union supervisor, as defined under section 6003 of the Anti-Money Laundering Act of 2020 (31 U.S.C. 5311 note), and such State bank supervisor or State credit union supervisor makes available to the Federal Reserve such information as the Federal Reserve determines necessary and relevant to the categories of information under section 10(d) of the Act; and (2) complies with the requirements under section 10(b), unless such person holds such property in accordance with similar requirements as required by a primary Federal payment stablecoin regulator, the Securities and Exchange Commission, or the Commodity Futures Trading Commission.

Eligible financial institutions would include insured depository institutions and national banks regardless of whether the entities engaged in stablecoin activities or provided custody services to permitted payment stablecoin issuers because these entities are subject to supervision or regulation by a primary Federal payment stablecoin regulator. Thus, for example, under proposed § 15.11(c) a permitted payment stablecoin issuer could hold reserves as deposits at a national bank regardless of whether the national bank acted as custodian for the permitted payment stablecoin issuer's other reserve assets.

To meet the proposed definition, a financial institution must also comply with the applicable requirements of section 10 of the Act (12 U.S.C. 5909), and the relevant custody agreement must reflect compliance with section 10 as well as policies and procedures to ensure such compliance.[25] These criteria are intended to ensure compliance with section 10 of the Act and to encourage appropriate due diligence of entities that hold reserve assets for permitted payment stablecoin issuers.

The OCC recognizes that multiple agencies will regulate stablecoin issuers and that multiple agencies regulate the entities that may permissibly custody reserve assets. The proposed rule would impose requirements on where and how OCC-regulated permitted payment stablecoin issuers may hold reserve assets and would also impose requirements on OCC-regulated institutions that hold reserve assets on behalf of stablecoin issuers, including stablecoin issuers not regulated by the OCC. Accordingly, there may be overlap between the requirements imposed by different regulators with separate requirements implementing section 10 of the GENIUS Act that govern how their regulated entities must handle reserve assets placed by other stablecoin issuers. The OCC invites comment on the best ways to manage potentially overlapping requirements. The proposed rule would require that an ''eligible financial institution'' comply with the requirements in section 10(b), (c), and (d) of the GENIUS Act, including applicable implementing regulations. Accordingly, even if different types of eligible financial institutions are subject to different regulations on the safe handling of stablecoin reserve assets, an OCC-regulated permitted payment stablecoin issuer could still custody reserve assets at any entity that meets the requirements in the definition of ''eligible financial institution.'' Given the diverse set of entities that may permissibly hold stablecoin reserves, the proposed definition of ''eligible financial institution'' would not necessarily require that eligible financial institutions be subject to uniform regulations implementing the requirements in section 10(b), (c), and (d) of the GENIUS Act. The proposed rule would require a permitted payment stablecoin issuer to enter into a custody agreement with an eligible financial institution, which would establish a baseline that the eligible financial institution is adhering to the requirements in section 10(b), (c), and (d), along with any implementing regulations. In the absence of this requirement, reserve assets might be placed at a financial institution without the financial institution even purporting to comply with the requirements in section 10(b), (c), or (d), or possibly even knowing that its customer's assets represent stablecoin reserves.

Executive officer. The OCC is proposing a definition for the term ''executive officer,'' which is used in connection with the proposed application process in § 15.30. Under the proposal, the term ''executive officer'' would mean the president, chairman, chief executive officer, chief operating officer, chief financial officer, chief investment officer, chief risk officer, chief technology officer, and Bank Secrecy Act officer. The term would include any individual serving in the functional capacity of the listed titles or their equivalent, without regard to title, salary, or compensation. The OCC based the proposed ''executive officer'' definition on the definition of ''Senior executive officer'' in 12 CFR 5.51(c)(4) with certain modifications to conform the language and format to apply to the relevant individuals and entities under this proposed part and to streamline the definition to the positions most likely to be relevant for permitted payment stablecoin issuers.

Fair value. The OCC is proposing to include a definition of the term ''fair value'' in the rule. As proposed, the term ''fair value'' would mean the fair value as determined under GAAP.[26] Fair value is used in proposed § 15.11 in describing proposed reserve requirements.

FDIC. The OCC is proposing to define FDIC to mean the Federal Deposit Insurance Corporation. This accords with the definition of ''Corporation'' in section 2(5) of the GENIUS Act (12 U.S.C. 5901(5)). The OCC has opted not to use the term ''Corporation'' to describe the FDIC because that term is used more broadly in the definition of person, discussed below.

[25] As discussed above, to the extent that an eligible financial institution does not engage in custody of covered assets, section 10 of the GENIUS Act (12 U.S.C. 5909) would not apply.

[26] *See* discussion of the definition of ''GAAP,'' *infra.*

Federal branch. The OCC is proposing to define the term ''Federal branch'' as provided in the GENIUS Act, 12 U.S.C. 5901(10). Specifically, the proposed rule provides that the term ''Federal branch'' would have the meaning set forth in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)(2)).

Federal qualified payment stablecoin issuer. The OCC is proposing to define the term ''Federal qualified payment stablecoin issuer'' consistent with the definition of that term in the GENIUS Act, 12 U.S.C. 5901(11), with certain technical and conforming changes. Specifically, the proposed rule would define the term ''Federal qualified payment stablecoin issuer'' to mean the following entities that are approved by the OCC, pursuant to proposed § 15.30, to issue payment stablecoins: (1) a nonbank entity, other than a State qualified payment stablecoin issuer; (2) an uninsured national bank that is chartered by the OCC, pursuant to title LXII of the Revised Statutes; or (3) a Federal branch.[27] The proposed definition modifies the definition provided in the GENIUS Act by reformatting it to reduce repetition and replacing the statutory term ''Comptroller'' with the proposed defined term ''OCC.'' In addition, the proposed definition replaces cross references to section 5 of the GENIUS Act (12 U.S.C. 5904) with a cross reference to the proposed implementing provisions in proposed § 15.30.

Federal Reserve. The proposed rule would define the term ''Federal Reserve'' to mean the Board of Governors of the Federal Reserve System. This accords with the definition of ''Board'' in section 2(3) of the GENIUS Act (12 U.S.C. 5901(3)). The OCC proposes to use the term ''Federal Reserve'' in place of ''Board'' for greater clarity because the proposed rule refers separately to boards of directors in various sections.

Foreign payment stablecoin issuer. The OCC is proposing to define the term ''foreign payment stablecoin issuer'' consistent with the definition of that term in the GENIUS Act, 12 U.S.C. 5901(12), with certain clarifying changes. Under the proposed rule, the term ''foreign payment stablecoin issuer'' would mean an issuer of a payment stablecoin that is (1) organized under the laws of or domiciled in a foreign country or a territory of the United States; and (2) not a permitted payment stablecoin issuer as defined in 12 U.S.C. 5901(23). The proposed definition of foreign payment stablecoin issuer would refer to the statutory definition of ''permitted payment stablecoin issuer'' because the proposed rule generally limits the definition of that term to entities subject to the OCC's jurisdiction.

Although included in the statutory definition, the proposed definition does not include the phrase ''Puerto Rico, Guam, American Samoa, or the Virgin Islands.'' The OCC determined that the omitted phrase was redundant and may lead to confusion. Under the proposed definition, a foreign payment stablecoin issuer may be organized under the laws of or domiciled in any territory of the United States. The United States currently has five permanently inhabited territories: the four listed above and the Northern Mariana Islands.

GAAP. The OCC is proposing to include a definition of the term GAAP in the rule. The proposed rule would define the term ''GAAP'' to mean the generally accepted accounting principles as used in the United States. GAAP is used in the definition of fair value and proposed subparts B and E.

Immediate family. The OCC is proposing to define the term ''immediate family'' to mean the spouse of an individual, the individual's minor children, and any of the individual's children (including adults) residing in the individual's home. This term is relevant to the risk management standards concerning insider and affiliate transactions and is consistent with the definition in Regulation O (12 CFR part 215).

Insider. The OCC is proposing to define the term ''insider'' to mean a principal shareholder, an executive officer, a director, or a related interest of or the immediate family member of any of these persons. This term is relevant to the risk management standards concerning insider and affiliate transactions and is adapted from the definition in Regulation O (12 CFR part 215). It has been adapted to make direct reference to the immediate family of a principal shareholder, executive officer, or director to mitigate the risk of an insider engaging in inappropriate transactions to benefit immediate family members.

Insured credit union. The OCC proposes to define the term ''insured credit union'' consistent with the definition of the term in the GENIUS Act, 12 U.S.C. 5901(14). As proposed, the term ''insured credit union'' would have the meaning given to that term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

Insured depository institution. The OCC is proposing to define the term ''insured depository institution'' consistent with the definition of the term in the GENIUS Act, 12 U.S.C. 5901(15). As proposed, the term ''insured depository institution'' would mean an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) and an insured credit union.

Monetary value. The OCC is proposing to define the term ''monetary value'' as provided in the GENIUS Act, 12 U.S.C. 5901(17). The proposal would define ''monetary value'' to mean a national currency or deposit (which, as discussed above, would have the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)) denominated in a national currency.

Money. Section 2(18) of the GENIUS Act, 12 U.S.C. 5901(18), defines ''money'' to mean a medium of exchange currently authorized or adopted by a domestic or foreign government, including a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries. This definition is relevant to the definition of national currency (discussed below) and certain reserve assets described in section 4(a)(1)(A)(i) and (iv) of the Act (12 U.S.C. 5903(a)(1)(A)(i) and (iv)). Section 4(a)(1)(A)(i) refers to money standing to the credit of an account with a Federal Reserve Bank. Section 4(a)(1)(A)(iv) refers to money received under a repurchase agreement that meets certain requirements. Although the statutory definition of money clearly includes monetary value, it may be unclear at any point in time whether other mediums of exchange have been authorized or adopted by a domestic or foreign government. Moreover, whether a medium of exchange meets this definition may change based on actions of foreign governments or intergovernmental organizations. While it may be relatively clear whether an asset is money standing to the credit of an account with a Federal Reserve Bank, there could be ambiguity as to whether a particular asset is money received under a repurchase agreement. Therefore, to promote clarity and uniformity for purposes of determining whether certain assets would qualify as money under proposed part 15, the OCC proposes that it would provide prior confirmation publicly that a medium of

[27] Certain Federal qualified payment stablecoin issuers may be subsidiaries of national banks. For example, an uninsured national trust bank may be a subsidiary of a national bank. An insured national bank or Federal savings association seeking to issue a payment stablecoin would, however, need to do so through a subsidiary, as required under the GENIUS Act. *See* 12 U.S.C. 5901(23) (defining ''permitted payment stablecoin issuer'').

exchange (other than those defined as monetary value) meets the definition of ''money'' under the GENIUS Act. Specifically, the OCC proposes to define ''money'' for the purposes of part 15 to mean monetary value and any other medium of exchange that the OCC has determined is currently authorized or adopted by a domestic or foreign government, including a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries. The OCC expects that it would issue such public determinations, to the extent appropriate, on its own volition or at the request of an interested party.

National currency. The OCC is proposing to define the term ''national currency'' as provided in the GENIUS Act, 12 U.S.C. 5901(19). Under the proposed rule, the term ''national currency'' would mean (1) a Federal Reserve note (as the term is used in the first undesignated paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 411)); (2) money standing to the credit of an account with a Federal Reserve Bank; (3) money issued by a foreign central bank; or (4) money issued by an intergovernmental organization pursuant to an agreement by two or more governments.

Nonbank entity. The OCC is proposing to define the term ''nonbank entity'' as provided in the GENIUS Act, 12 U.S.C. 5901(20). Specifically, the term ''nonbank entity'' would mean a person that is not a depository institution or subsidiary of a depository institution. Consistent with the statutory definition, a nonbank entity could include a non-subsidiary affiliate of a depository institution.

Nonpublic personal information. The OCC is proposing to define the term ''nonpublic personal information'' to mean information (1) provided by a customer to a permitted payment stablecoin issuer to obtain a financial product or service, (2) about a customer resulting from any transaction involving a financial product or service between the permitted payment stablecoin issuer and a customer, or (3) otherwise obtained by the permitted stablecoin issuer in connection with providing a financial product or service to a customer. The proposed definition does not include publicly available information, unless such publicly available information, when combined with other information, would reveal the identity of a customer or would enable access to the customer's account.

OCC. The OCC is proposing to substitute the term ''OCC'' for the term ''Comptroller'' as defined in the GENIUS Act, 12 U.S.C. 5901(4). Under the proposed rule, the term ''OCC'' would be defined to mean the Office of the Comptroller of the Currency. The proposed definition would refer to the organization as opposed to the individual who occupies the office. Using the term OCC is consistent with the agency's terminology in other regulations for which it has rulemaking authority.

Outstanding issuance value. The OCC is proposing to define the term ''outstanding issuance value'' to mean the total consolidated par value of all of a payment stablecoin issuer's payment stablecoins. This would include the combined total par value of different brands of payment stablecoin issued by the payment stablecoin issuer (*e.g.,* under a white label arrangement) to the extent that such an arrangement complies with proposed 12 CFR part 15. The proposed definition includes the defined term ''payment stablecoin'' and should be read consistent with that definition, discussed below. For purposes of calculating the outstanding issuance value, the OCC believes that a digital asset that is, or is designed to be, used as a means of payment or settlement but for which there is not yet an obligation to convert, redeem, or repurchase for a fixed amount of monetary value should not be included in the calculation. A digital asset minted (*i.e.,* created on a blockchain) by an issuer to be a payment stablecoin would not be included in the calculation of outstanding issuance value until the obligation to convert, redeem, or repurchase the digital asset for a fixed amount of monetary value is incurred. Similarly, once an issuer permanently removes a payment stablecoin from circulation (*e.g.,* burns the payment stablecoin) the digital asset would cease to be included in the calculation of outstanding issuance value. Payment stablecoins for which holder access has been restricted pursuant to applicable law, regulation, or court order would remain payment stablecoins, as the issuer's obligation to convert, redeem, or repurchase for a fixed amount of monetary value continues and the associated reserves are maintained in segregated accounts pending resolution of the restriction. Likewise, if an issuer repurchased a payment stablecoin but did not burn the payment stablecoin, the stablecoin in the permitted payment stablecoin issuer's inventory would not be part of the issuer's outstanding issuance value (but would become part of the outstanding issuance value if the permitted payment stablecoin issuer subsequently put the payment stablecoin back into circulation). Therefore, the proposed definition of ''outstanding issuance value'' only includes payment stablecoins for which the permitted payment stablecoin issuer is obligated to convert, redeem, or repurchase for a fixed amount of monetary value (generally the issued payment stablecoins in circulation).

The OCC also considered whether the proposed ''outstanding issuance value'' definition should include only those payment stablecoins issued by a permitted payment stablecoin issuer, or also the payment stablecoins issued by the issuer's non-consolidated affiliates.[28] The OCC determined that it was appropriate to limit the proposed definition to include only the payment stablecoins issued by a permitted payment stablecoin issuer (and consolidated subsidiaries). The OCC believes that the proposed definition would scope in the appropriate permitted payment stablecoin issuers to the relevant provisions regarding reserve assets,[29] the frequency of examinations,[30] required audits,[31] transition to the Federal regulatory framework,[32] and minimum capital calculation [33] without being overly expansive and that it best aligns with the language in the statute. Notwithstanding the proposed definition of ''outstanding issuance value,'' non-consolidated affiliates of an issuer that issue payment stablecoins would separately need to comply with the requirements of the Act.

Payment stablecoin. The OCC is proposing to define the term ''payment stablecoin'' consistent with the definition of the term in the GENIUS Act, 12 U.S.C. 5901(22), with certain technical changes. Under the proposal, the term ''payment stablecoin'' would mean a digital asset (i) that is, or is designed to be, used as a means of payment or settlement; and (ii) the issuer of which (A) is obligated to convert, redeem, or repurchase for a fixed amount of monetary value, not including a digital asset denominated in a fixed amount of monetary value; and (B) represents that such issuer will maintain, or creates the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value.[34] For

[28] As noted above, the definition of ''outstanding issuance value'' includes the consolidated value of issued payment stablecoins.

[29] *See* proposed § 15.11.

[30] *See* proposed § 15.14.

[31] *See id.*

[32] *See* proposed § 15.15(b).

[33] *See* proposed subpart E.

[34] The OCC interprets the statutory language in 12 U.S.C. 5901(22) to mean that the permitted payment

a digital asset to be a payment stablecoin under proposed part 15, the issuer must be obligated to convert, redeem, or repurchase the digital asset for a fixed amount of monetary value.

The proposed definition also provides that a ''payment stablecoin'' does not include a digital asset that is a (i) national currency; (ii) deposit (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), including a deposit recorded using distributed ledger technology; or (iii) security, as defined in section 2 of the Securities Act of 1933 (15 U.S.C. 77b), section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), or section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a–2). The GENIUS Act's definition of ''payment stablecoin'' also contains language clarifying that ''no bond, note, evidence of indebtedness, or investment contract that was issued by a permitted payment stablecoin issuer shall qualify as a security solely [because the issuer satisfies] the conditions in [paragraph (1) of the proposed ''payment stablecoin'' definition], consistent with section 17 of the Act.'' The GENIUS Act provides that this language was included ''for the avoidance of doubt.'' The OCC determined that it was not necessary to include this language in the proposed ''payment stablecoin'' definition because section 17 of the GENIUS Act includes amendments to the cited Federal statutes that clarify that payment stablecoins are not securities.

Permitted payment stablecoin issuer. The OCC is proposing to define the term ''permitted payment stablecoin issuer'' consistent with the definition of the term in the GENIUS Act, 12 U.S.C. 5901(23), with certain modifications. Specifically, the proposed definition would limit the definition to the entities that are subject to the OCC's jurisdiction, including State qualified payment stablecoin issuers subject to the OCC's regulatory authority under section 4 of the GENIUS Act (12 U.S.C. 5903).[35] In addition, the proposed definition cross-references the relevant proposed implementing provision in place of the statutory provision included in the GENIUS Act's definition. Under the proposed rule, the term ''permitted payment stablecoin issuer'' would mean a person formed in the United States that is a (1) subsidiary of an insured national bank or Federal savings association that has been approved to issue payment stablecoins under § 15.30; (2) Federal qualified payment stablecoin issuer; or (3) State qualified payment stablecoin issuer subject to the OCC's regulatory or enforcement authority under section 4 of the GENIUS Act (12 U.S.C. 5903).[36]

Person. The OCC is proposing to define the term ''person'' as the term is defined in the GENIUS Act, 12 U.S.C. 5901(24). As proposed, the term ''person'' would mean an individual, partnership, company, corporation, association, trust, estate, cooperative organization, or other business entity, incorporated or unincorporated.

Principal shareholder. The OCC is proposing to define the term ''principal shareholder'' to mean a person who directly or indirectly or acting in concert with one or more persons, or together with members of their immediate family, will own, control, or hold 10 percent or more of the voting stock of the permitted payment stablecoin issuer or applicant. This definition is substantially similar to the definition used in the OCC's general licensing regulations in 12 CFR 5.20(d)(10).

Private key. The OCC is proposing to define the term ''private key'' to mean the unique alphanumeric string that allows an individual to transfer a particular unit of a digital asset using a distributed ledger. This definition is intended to include shards of a private key.[37]

Publicly available information. The OCC is proposing to define the term ''publicly available information'' to mean any information that a person has a reasonable basis to believe is lawfully made available to the general public from: (1) Federal, State, or local government records, (2) widely distributed media; (3) disclosures to the general public that are required to be made by Federal, State, or local law; or (4) a distributed ledger.[38]

Registered public accounting firm. The OCC is proposing to define the term ''registered public accounting firm'' as provided in the GENIUS Act, 12 U.S.C. 5901(26). Under the proposal, the term ''registered public accounting firm'' would mean a registered public accounting firm set forth in section 2 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201).

Related interest. The OCC is proposing to define the term ''related interest'' of a person to mean (1) a company that is controlled by that person; or (2) a political or campaign committee that is controlled by that person or the funds or services of which will benefit that person. This term is relevant to the risk management standards for insider and affiliate transactions and is derived from the definition in Regulation O (12 CFR part 215).

Reserve asset. The OCC is proposing to define the term ''reserve asset'' to mean an asset maintained by a permitted payment stablecoin issuer of a type enumerated in § 15.11(b). A permitted payment stablecoin issuer may maintain reserve assets as a custodian.

Stablecoin Certification Review Committee. The OCC is proposing to define the term ''Stablecoin Certification Review Committee'' consistent with the definition in the GENIUS Act, 12 U.S.C. 5901(27) by adopting the statutory definition. The proposed rule would define the term ''Stablecoin Certification Review Committee'' as having the meaning set forth in section 2 of the GENIUS Act (12 U.S.C. 5901(27)). Defining this term by cross reference to the GENIUS Act would ensure ongoing alignment between the regulatory and statutory definitions. Further, the proposed definition would ensure that the definition in this proposed part would not conflict with the actions of the U.S. Department of the Treasury, Federal Reserve, and FDIC taken pursuant to their responsibilities related to the Stablecoin Certification Review Committee under the GENIUS Act. The OCC believes adopting the definition provided in the GENIUS Act is appropriate in this instance because the changes that the OCC would otherwise make to the definition if it did not adopt the definition provided in the GENIUS Act would not alter the substantive requirements of the proposed rule for entities within its scope.

State. The OCC is proposing to define the term ''State'' as provided in the GENIUS Act, 12 U.S.C. 5901(28). Under the proposed rule, the term ''State'' would mean each of the several States of the United States, the District of

stablecoin issuer would be obligated to meet redemption requests at par.

[35] *See* Scope section-by-section analysis, *supra.*

[36] In addition, the OCC has enforcement authority pursuant to section 7(e)(2) of the GENIUS Act (12 U.S.C. 5906(e)(2)) with respect to certain nonbank State qualified payment stablecoin issuers in unusual and exigent circumstances. Proposed § 15.16 would address the requirements applicable to certain State qualified payment stablecoin issuers under unusual and exigent circumstances, but the OCC is not proposing to include State qualified payment stablecoin issuers that come within the OCC's jurisdiction solely as a result of section 7(e)(2) of the GENIUS Act within the definition of permitted payment stablecoin issuer.

[37] Sharding refers to dividing a private key into distinct pieces for enhanced security.

[38] As noted above, the term ''distributed ledger'' is limited to publicly available and accessible ledgers.

Columbia and each territory of the United States.[39]

State chartered depository institution. The OCC is proposing to define the term ''State chartered depository institution'' as provided in the GENIUS Act, 12 U.S.C. 5901(29). Specifically, the proposed rule would define the term ''State chartered depository institution'' as having the meaning as set forth for ''State depository institution'' in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(5)).

State payment stablecoin regulator. The OCC is proposing to define the term ''State payment stablecoin regulator'' as provided in the GENIUS Act, 12 U.S.C. 5901(30). As such, the OCC is proposing to define ''State payment stablecoin regulator'' to mean a State agency that has primary regulatory and supervisory authority in such State over entities that issue payment stablecoins.

State qualified payment stablecoin issuer. The OCC is proposing to define the term ''State qualified payment stablecoin issuer'' consistent with the definition of that term in the GENIUS Act, 12 U.S.C. 5901(31), with a non-substantive, clarifying change. Under the proposed rule, the term ''State qualified payment stablecoin issuer'' would mean an entity that is (1) legally established under the laws of a State and approved to issue payment stablecoins by a State payment stablecoin regulator; and (2) not an uninsured national bank chartered by the OCC pursuant to title LXII of the Revised Statutes, a Federal branch, an insured depository institution, or a subsidiary of such an uninsured national bank, Federal branch, or insured depository institution. The proposed definition clarifies the definition of ''State qualified payment stablecoin issuer'' provided in the GENIUS Act by adding the phrase ''an uninsured'' before the term ''national bank'' in the list of excluded subsidiaries to parallel the description of excluded entities in the preceding list.

Subsidiary. The OCC is proposing to define the term ''subsidiary'' as provided in the GENIUS Act, 12 U.S.C. 5901(32). Specifically, the proposed rule would define the term ''subsidiary'' as having the meaning set forth in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(4)). Because the term in section 3 of that Federal Deposit Insurance Act relies on the definitions of ''company'' and ''control'' in section 2 of the Bank Holding Company Act, the OCC proposes to incorporate those definitions in proposed part 15, tailored to the extent necessary, as described above.

Trading volume. The OCC is proposing to define the term ''trading volume'' to mean the aggregate number of payment stablecoins issued by a permitted payment stablecoin issuer that were purchased or sold on exchanges during a specified period of time.

United States customer. The OCC is proposing to define the term ''United States customer'' to mean a customer that resides in the United States.

3. Severability (Proposed § 15.3)

Proposed § 15.3 would provide that the provisions of this proposed part 15 are separate and severable from one another. If any provision is stayed or determined to be invalid, it is the OCC's intention that the remaining provisions shall continue in effect. If a provision of the rule were found to be invalid, the OCC anticipates that it would evaluate whether any re-proposal of the rule is appropriate. The OCC is proposing to include the severability clause to ensure that, in the event any particular provision of the proposed rule is held to be invalid, the remainder of the rule would continue in effect, providing clarity for market participants on how to comply with the OCC's regulations implementing the GENIUS Act pending any re-proposal.

The OCC generally intends all of its rulemakings to be severable to the extent portions of the rule are determined to be invalid regardless of the presence of a severability clause. The OCC is proposing to include an explicit severability clause to this rulemaking given the novelty and scope of the GENIUS Act and the importance of ensuring as much certainty as possible for the regulatory framework for payment stablecoins.

B. Subpart B—Permitted Payment Stablecoin Issuers and State Qualified Payment Stablecoin Issuers

1. Activities (Proposed § 15.10)

Section 4(a)(7)(A) of the GENIUS Act (12 U.S.C. 5903(a)(7)(A)) sets forth the list of activities in which a permitted payment stablecoin issuer may engage. Additionally, section 16(b) of the GENIUS Act (12 U.S.C. 5915(b)) outlines certain additional activities and investments in which permitted payment stablecoin issuers may engage.

Consistent with the statute, the OCC is proposing to mirror the permitted activities from section 4(a)(7)(A) of the GENIUS Act (12 U.S.C. 5903(a)(7)(A)) in proposed § 15.10(a)(1) through (4), which include: (1) issuing payment stablecoins; (2) redeeming payment stablecoins; (3) managing reserves related to the issuance or redemption of payment stablecoins, including purchasing, selling, and holding reserve assets or providing custodial services for reserve assets, consistent with applicable State and Federal law; and (4) providing custodial or safekeeping services for payment stablecoins, required reserves, or private keys of stablecoins consistent with the GENIUS Act, as implemented in proposed subpart C. Additionally, proposed § 15.10(a)(8) provides that a permitted payment stablecoin issuer may undertake any other activities that directly support any of the activities in proposed § 15.10(a)(1) through (4), which is explicitly provided for in section 4(a)(7)(A)(v) of the GENIUS Act (12 U.S.C. 5903(a)(7)(A)(v)). One such example of an activity that would qualify under proposed § 15.10(a)(8) because it directly supports both issuance and redemption of payment stablecoins would be the permitted payment stablecoin issuer's holding of non-payment stablecoin crypto-assets as principal necessary for testing a distributed ledger, whether internally developed or acquired from a third-party.[40] Such an activity may be necessary to ensure that the permitted payment stablecoin issuer may operate safely and effectively on a distributed ledger. To the extent that permitted payment stablecoin issuers are unclear about whether an activity qualifies as activity that directly supports the activities in proposed § 15.10(a)(1) through (a)(4), the OCC encourages issuers to ask the OCC directly whether an activity is permissible.

In addition to the activities outlined in section 4(a)(7) of the GENIUS Act (12 U.S.C. 5903(a)(7)), for the sake of clarification, proposed § 15.10(a)(5) provides that permitted payment stablecoin issuers may assess fees that are associated with the purchasing or redeeming of payment stablecoins. This power is inherent in the activities described above and is explicitly

[39] United States territories are also referenced in the proposed definition of ''foreign payment stablecoin issuers.'' The GENIUS Act and this proposed part address the potential overlap created by inclusion of territories in both definitions by defining ''foreign payment stablecoin issuers'' to exclude ''permitted payment stablecoin issuers.'' Therefore, if a payment stablecoin issuer is a ''permitted payment stablecoin issuer'' because it is a ''State qualified payment stablecoin issuer'' that is legally established under the laws of a territory of the United States then by definition it cannot be a ''foreign payment stablecoin issuer.''

[40] The holding of crypto-assets as principal necessary for testing otherwise permissible crypto-asset-related platforms is a permissible activity for national banks. *See* OCC Interpretive Letter 1186 (November 18, 2025).

recognized in section 4(a)(1)(B)(ii) of the Act (12 U.S.C. 5903(a)(1)(B)(ii)).

The OCC also proposes to include the permitted activities outlined in section 16(b) of the GENIUS Act (12 U.S.C. 5915(b)), namely acting as principal or agent with respect to any payment stablecoin and paying fees to facilitate customer transactions.[41] The OCC notes that the language in section 16(b) of the Act (12 U.S.C. 5915(b)) is limited by the clause that provides that entities regulated by the primary Federal payment stablecoin regulators are ''authorized to engage in the payment stablecoin activities and investments contemplated by this Act . . .'' Accordingly, ''acting as principal or agent with respect to any payment stablecoin'' is permissible within the limited set of authorities otherwise prescribed by the GENIUS Act rather than, for example, any activity that may be conducted as principal or agent (*i.e.,* any activity involving a payment stablecoin). Therefore, proposed § 15.10(a)(6) would allow permitted payment stablecoin issuers to hold and transact in payment stablecoins as principal or agent. Payment stablecoins are not, however, a permitted reserve asset in proposed § 15.11.[42] To the extent a permitted payment stablecoin issuer is a ''digital asset service provider,'' as defined in proposed § 15.2, the issuer must also comply with the prohibition outlined in section 3(b)(2) of the GENIUS Act (12 U.S.C. 5902(b)(2)), providing that it is unlawful for any digital asset service provider to offer, sell, or otherwise make available in the United States a payment stablecoin issued by a foreign payment stablecoin issuer, unless certain conditions are met.

Consistent with section 16(b) of the GENIUS Act, proposed § 15.10(a)(7) would allow permitted payment stablecoin issuers to pay fees to facilitate customer transactions (*e.g.,* network or ''gas'' fees). If an issuer's payment stablecoin operates on a blockchain that assesses transaction fees, then the issuer may choose to pay transaction fees on behalf of the customer. The OCC recognizes that, if an issuer is paying transaction fees on certain distributed ledgers, the issuer may have to hold non-payment stablecoin crypto-assets to facilitate the payment of these transaction fees.[43] Consistent with the Act, such crypto-assets are not permitted reserve assets in proposed § 15.11.

Proposed § 15.10(b) incorporates language from section 16(a) of the GENIUS Act (12 U.S.C. 5915(a)) and emphasizes that nothing in proposed § 15.10(a) may be construed to limit the authority of a depository institution, national bank, or trust company to engage in activities permissible pursuant to applicable State and Federal law. Consistent with this provision, for example, an uninsured national bank that is a permitted payment stablecoin issuer, may engage in fiduciary, trust, and other related activities consistent with applicable law. Similarly, a national bank or Federal savings association may provide crypto-asset custody services, either in a fiduciary or non-fiduciary capacity,[44] or use distributed ledger technology and related stablecoins to carry out payment activities.[45]

The rule of construction in section 4(a)(7)(B) of the GENIUS Act (12 U.S.C. 5903(a)(7)(B)) provides:

Nothing in subparagraph (A) shall limit a permitted payment stablecoin issuer from engaging in payment stablecoin activities or digital asset service provider activities specified by this Act, and activities incidental thereto, that are authorized by the primary Federal payment stablecoin regulator or the State payment stablecoin regulator, as applicable, consistent with all other Federal and State laws[.]

By its terms, this rule of construction clarifies the scope of subparagraph (A) rather than, for example, providing an independent grant of authority. Moreover, the phrase ''consistent with all other Federal and State laws'' indicates that the ''digital asset service provider activities'' and ''activities incidental thereto'' must be consistent with a grant of authority provided for in another Federal or State law. Therefore, to the extent that a permitted payment stablecoin issuer seeks to engage in ''digital asset service provider activities'' or ''activities incidental thereto,'' the activity must be independently authorized under another source of applicable law. If a permitted payment stablecoin issuer seeks clarity on whether ''digital asset service provider activities'' or ''activities incidental thereto'' are permissible under a different authorizing statute, the OCC encourages issuers to ask the OCC directly whether such activities are permissible.

a. Prohibited Activities

The GENIUS Act also provides for certain prohibitions for permitted payment stablecoin issuers, including the prohibition on rehypothecation in section 4(a)(2) (12 U.S.C. 5903(a)(2)), the prohibition on the use of deceptive names in section 4(a)(9) (12 U.S.C. 5903(a)(9)), the prohibition against misrepresenting insured status in section 4(e) (12 U.S.C. 5903(e)), and the prohibition on paying interest or yield in section 4(a)(11) (12 U.S.C. 5903(a)(11)).

In proposed § 15.10(c)(1), the OCC imports the prohibition on the use of a deceptive name from section 4(a)(9) of the GENIUS Act (12 U.S.C. 5903(a)(9)). This provision prohibits a permitted payment stablecoin issuer from using any combination of terms relating to the United States Government, including ''United States,'' ''United States Government,'' and ''USG,'' in the name of the payment stablecoin. This prohibition does not apply to abbreviations relating directly to the currency to which the payment stablecoin is pegged, such as ''USD.'' Consistent with section 4(a)(9) of the GENIUS Act (12 U.S.C. 5903(a)(9)), proposed § 15.10(c)(2) would prohibit permitted payment stablecoin issuers from marketing a payment stablecoin in such a way that a reasonable person would perceive the payment stablecoin to be legal tender as described in 31 U.S.C. 5103, issued by the United States, or guaranteed or approved by the Government of the United States. The OCC recognizes that permitted payment stablecoin issuers may want to market themselves as permitted payment stablecoin issuers under the GENIUS Act. There is no prohibition against issuers marketing themselves in this

[41] Section 16(b) of the Act provides in part that ''Entities regulated by the primary Federal payment stablecoin regulators are authorized to engage in the payment stablecoin activities and investments contemplated by this Act, including acting as a principal or agent with respect to any payment stablecoin and payment of fees to facilitate customer transactions.'' 12 U.S.C. 5915(b). The activities authorized under section 16(b) include, for example, acting as an agent for a customer with respect to the redemption of a payment stablecoin issued by a third party.

[42] *See* 12 U.S.C. 5903(a)(1) (setting forth permissible reserve assets).

[43] *See* OCC Interpretive Letter 1186 (November 18, 2025).

[44] *See* OCC Interpretive Letter 1170 (July 22, 2020). If a national bank or Federal savings association will be offering custody services in a fiduciary capacity, it will have to comply with the provisions of 12 U.S.C. 92a and 12 CFR part 9 and 12 U.S.C. 1464(n) and 12 CFR part 150, as applicable.

[45] *See* OCC Interpretive Letter 1174 (January 4, 2021). The activities described in Interpretive Letter 1174 remain permissible to the extent that they have not been superseded by the GENIUS Act. Indeed, the Act confirms that national banks and Federal savings associations may act as principal with respect to payment stablecoins and use distributed ledgers to facilitate payments. *See* 12 U.S.C. 5915. An insured national bank or Federal savings association seeking to issue a payment stablecoin would, however, need to do so through a subsidiary, as required under the GENIUS Act. *See* 12 U.S.C. 5901(23) (defining permitted payment stablecoin issuer).

manner, so long as they do not run afoul of the prohibitions outlined in proposed § 15.10(c)(1) and (2), including the prohibition against marketing a payment stablecoin in such a way that a reasonable person would perceive the payment stablecoin to be guaranteed, issued, or approved by the United States. The OCC notes that misrepresentations by a permitted payment stablecoin issuer cannot be cured by a general disclaimer and that representations and disclosures should be clear to permitted payment stablecoin holders and customers. Consistent with section 4(e) of the GENIUS Act (12 U.S.C. 5903(e)), proposed § 15.10(c)(3) would provide that a permitted payment stablecoin issuer may not directly or through implication represent that payment stablecoins are backed by the full faith and credit of the United States, guaranteed by the United States Government, or subject to Federal deposit insurance or Federal share insurance.

Consistent with section 4(a)(11) of the GENIUS Act (12 U.S.C. 5903(a)(11)), proposed § 15.10(c)(4) provides that permitted payment stablecoin issuers must not pay the holder of any payment stablecoin any form of interest or yield (whether in cash, tokens, or other consideration) solely in connection with the holding, use, or retention of such payment stablecoin. The OCC understands that issuers could attempt to make prohibited payments of interest or yield to payment stablecoins holders through arrangements with third parties. Moreover, there likely will be a large and changing variety of arrangements with third parties in which issuers could achieve the payment of yield to payment stablecoin holders. It would not be possible to identify in detail all, or even most, of the potential arrangements between permitted payment stablecoin issuers and third parties that the OCC may prohibit under section 4(a)(11) of the GENIUS Act and the OCC's rulemaking authority under section 4(h) of the GENIUS Act,[46] particularly as such arrangements may evolve over time. On the other hand, a rule with only a general prohibition on the payment of yield could create uncertainty within the payment stablecoin market.

To balance these interests, the OCC is proposing to include a presumption in paragraph (c)(4)(i) that certain types of arrangements with certain types of persons would be prohibited payments of yield or interest by the issuer. Specifically, the OCC would presume that a permitted payment stablecoin issuer is paying the holder of any payment stablecoin any form of interest or yield (whether in cash, tokens, or other consideration) solely in connection with the holding, use, or retention of such payment stablecoin if: (A) the permitted payment stablecoin issuer has a contract, agreement, or other arrangement with an affiliate or a related third party to pay interest or yield to the affiliate or related third party; and (B) the affiliate[47] or related third party (or affiliate of such related third party) has a contract, agreement, or other arrangement to pay interest or yield (whether in cash, tokens, or other consideration) to a holder of any payment stablecoin issued by the permitted stablecoin issuer solely in connection with the holding, use, or retention of such payment stablecoin. To the extent that the person, or an affiliate of the person with whom the permitted payment stablecoin issuer has a contract, agreement, or other arrangement to pay interest or yield is a related third party of the permitted payment stablecoin issuer because the permitted payment stablecoin issuer issues payment stablecoins on the related third party's behalf or under the related third party's branding, the arrangement between the related third party and the holder of the payment stablecoin would consider the holder of the payment stablecoin to be the holder of the payment stablecoin issued by the permitted payment stablecoin issuer on the related third party's behalf or under the related third party's branding. That is to say, with respect to a white-label relationship, the presumption would be triggered only to the extent the payment stablecoin holder is a holder of the related third party's white-labeled stablecoin (as opposed to other payment stablecoins issued by the permitted payment stablecoin issuer).

Related third parties would be defined to include any person paying interest or yield to payment stablecoin holders as a service (*i.e.,* on behalf of the permitted payment stablecoin issuer) and any person that the issuer issues payment stablecoins on behalf or under the branding of (*i.e.,* persons that have entered white-label relationship with the issuer). The OCC believes that the close nexus to the issuer's payments and payments to the payment stablecoin holder as well as the close contractual or control relationship between the issuer and the other party would make it highly likely that the issuer's payments of yield or interest would be made to the holder through an intermediary or an attempt the evade the GENIUS Act's prohibition on interest and yield payments. Nonetheless, the OCC would permit the issuer to rebut the presumption given the issuer provides sufficient evidence to the contrary. Specifically, a permitted payment stablecoin issuer may rebut the presumption by submitting written materials that, in the OCC's judgment, demonstrate that the contract, agreement, or other arrangement is not prohibited under paragraph (c)(4) and is not an attempt to evade the prohibition.

Other arrangements that are not captured by the presumption may also violate the statutory prohibition or constitute an evasion thereof. The OCC would assess those arrangements on a case-by-case basis but does not believe that it is necessary to include other arrangements within the rebuttable presumption at this time. The prohibition is not intended to prevent a merchant from independently offering a discount to a payment stablecoin holder for using payment stablecoins. The prohibition is also not intended to prevent a permitted payment stablecoin issuer from sharing in the profits derived from the payment stablecoin with a non-affiliate partner in a white-label arrangement.

In proposed § 15.10(c)(5), the OCC proposes to include the language from 12 U.S.C. 5903(a)(2) that prohibits permitted payment stablecoin issuers from pledging, rehypothecating, or reusing any reserve assets required under 12 U.S.C. 5903(a)(1), except for the purposes listed in section 4(a)(2) of the GENIUS Act (12 U.S.C. 5903(a)(2)). Thus, consistent with the statute, a permitted payment stablecoin issuer may not pledge, rehypothecate, or re-use any reserve assets, either directly or indirectly (*e.g.,* through a third-party custodian of the reserve assets), except for the purpose of: (i) satisfying margin obligations in connection with investments in permitted reserves under proposed § 15.11(b)(4) or (5); (ii) satisfying obligations associated with the use, receipt, or provision of standard custodial services;[48] or (iii) creating liquidity to meet reasonable expectations of requests to redeem payment stablecoins, such that reserves in the form of Treasury bills with a

[46] Section 4(h) of the GENIUS Act provides that the OCC and other stablecoin regulators may issue regulations to ''carry out the requirements of this section, including to establish conditions, and to *prevent evasion thereof.*'' 12 U.S.C. 5903(h) (emphasis added).

[47] A person would not be included within this second prong solely because the person is an affiliate of an affiliate of the issuer.

[48] The OCC interprets this exception, codified in 12 U.S.C. 5903(a)(2)(B), as being related solely to the purposes specified in 12 U.S.C. 5909(c)(2)(B).

maturity of 93 days or less may be sold as purchased securities in repurchase agreements,[49] provided that either: (A) the repurchase agreements are cleared by a clearing agency registered with the Securities and Exchange Commission; or (B) the permitted payment stablecoin issuer receives prior approval from the OCC. By including the phrase ''directly or indirectly'' in the prohibition, it is clear that Congress intended that a custodian that holds the reserves on behalf of a permitted payment stablecoin issuer also may not pledge, rehypothecate or reuse any of the reserve assets, other than with respect to the limited exceptions discussed in proposed § 15.10(c)(5). To the extent that a custodian holding the payment stablecoin reserves were allowed to bypass this prohibition, it would undermine the relatively safe nature of the reserve assets and the confidence that payment stablecoin holders have that the payment stablecoin will hold its peg.

The OCC will deem any repurchase agreement approved under this section and section 4(a)(2)(C) of the Act, provided that the Treasury bills sold as purchased securities have a maturity of 93 days or less, consistent with the requirement that Treasury bills held as reserve assets must have a maturity of 93 days or less, and the liquidity obtained through repurchase borrowings is not being obtained solely for purposes other than meeting redemption requests or compliance with the requirements of this proposed rule. The OCC believes that providing this prior approval by rule will enhance the ability of permitted payment stablecoin issuers to obtain liquidity quickly (through outright sales or repurchase agreements) and thereby facilitate the timely redemption of payment stablecoins. It is clear from section 4(a)(1)(A) of the Act (12 U.S.C. 5903(a)(1)(A)) that permitted payment stablecoin issuers may maintain identifiable reserves comprising of money received under certain repurchase agreements. It would frustrate section 4(a)(1)(A)(iv)'s clear permission to maintain such reserve assets if permitted payment stablecoin issuers could only engage in repurchase borrowing transactions upon the completion of cumbersome procedures and one-off supervisory approvals. The ability to obtain immediate liquidity through repurchase borrowings is useful and supplements a permitted payment stablecoin issuer's ability to access immediate liquidity via other means (for example, the maintenance of bank deposits or actual sales of securities). The prohibition on rehypothecation in proposed § 15.10(c)(5) would, consistent with section 4(a)(2)(C) of the Act, prohibit rehypothecation except for the purpose of creating liquidity to meet reasonable expectations of requests for redemption. However, given the fungibility of money, the OCC will not scrutinize the exact uses to which repurchase borrowing proceeds are put. The limited circumstances in which the OCC would not consider rehypothecation permissible would be if repurchase borrowings are obtained solely for some purpose other than obtaining liquidity to meet redemption requests or compliance with the rule—for example, if repurchase proceeds are to be used solely for paying dividends to a permitted payment stablecoin issuer (*i.e.,* removing excess reserve assets above the required minimum).

Section 4(h)(1) of the GENIUS Act (12 U.S.C. 5903(h)(1)) provides that the OCC may issue regulations to ''carry out the requirements of this section . . . and to prevent evasion thereof.'' In proposed § 15.10(c)(6), consistent with this statutory authority, the OCC proposes language that provides that a permitted payment stablecoin issuer must not engage in any activity that the OCC determines is an evasion of the requirements of section 4 of the GENIUS Act (12 U.S.C. 5903) or Part 15.

The OCC has considered and is requesting comment on whether to prohibit a permitted payment stablecoin issuer from issuing more than one brand of payment stablecoin (*i.e.,* more than one set of payment stablecoins marketed under the same name). The OCC recognizes that there are advantages and disadvantages associated with permitting a payment stablecoin issuer to issue multiple brands of stablecoin that may be co-branded with a named partner in a white label arrangement. These arrangements can allow parties to leverage the experience and expertise of a permitted payment stablecoin issuer and facilitate a broader range of stablecoins in the market. However, they may also foster uncertainty about reserve assets and encourage contagion and run risk among brands of payment stablecoins, including but not limited to brands issued by one issuer. One possibility that the OCC has considered and is requesting comment on is to restrict each permitted payment stablecoin issuer to issuing only one brand of payment stablecoin but to streamline the process for approving applications to become a permitted payment stablecoin issuer if an affiliate has already been approved. Under this approach, multiple permitted payment stablecoin issuers could share certain services and back-office functions with each other and might operate under a common risk management framework, but each issuer would be legally separate. This approach would allow an entity to leverage its experience and expertise but may provide more certainty with respect to the rights of payment stablecoin holders in the event that a permitted payment stablecoin issuer becomes insolvent.

The OCC has also considered and is requesting comment on whether to prohibit a permitted payment stablecoin issuer from engaging in unsafe or unsound practices. Pursuant to section 6(a)(3) of the GENIUS Act (12 U.S.C. 5905(a)(3)), the OCC has the ability to examine permitted payment stablecoin issuers for risks that may pose a threat to safety and soundness. Section 4(b)(1) of the Act (12 U.S.C. 5903(b)(1)) also provides the OCC the ability to issue regulations to ensure financial stability. It follows from these provisions that permitted payment stablecoin issuers should not be allowed to engage in practices that are unsafe or unsound. Explicitly prohibiting such activities may help the OCC to address practices that could undermine public confidence in permitted payment stablecoin issuers and the financial system more generally.

2. Reserve Assets (Proposed § 15.11)

Proposed § 15.11 contains requirements applicable to reserve assets. Section 4(a)(1)(A) of the Act (12 U.S.C. 5903(a)(1)(A)) provides that a permitted payment stablecoin issuer must maintain identifiable reserves backing the outstanding payment stablecoins of the permitted payment stablecoin issuer on an at least one-to-one basis and specifies the eight permissible reserve asset types. The one-to-one backing requirement applies at the permitted payment stablecoin issuer-level. An issuer would not comply with this requirement if it did not maintain reserve assets sufficient to meet the one-to-one backing requirement. A permitted payment stablecoin issuer may maintain reserve assets through a custodian, including an affiliate acting as a custodian, as long as the custodian qualifies as an eligible financial institution.

[49] Section 4(a)(2)(C) of the Act (12 U.S.C. 5903(a)(2)(C)) states that reserves in the form of Treasury bills may be sold as purchased securities for repurchase agreements with a maturity of 93 days or less if certain conditions are met. The OCC proposes to clarify, consistent with section 4(a)(1)(iv) of the Act (12 U.S.C. 5903(a)(1)(iv)), that the Treasury bills sold under the repurchase agreement must have a maturity of 93 days or less. Consistent with this clarification and the OCC's proposed approval of repurchase agreements under section 4(a)(2)(C) of the Act, discussed below, the maturity of the repurchase agreement would be overnight.

Proposed § 15.11(a)(1) would require that permitted payment stablecoin issuers maintain reserve assets that: (i) are identifiable; (ii) are segregated from and not commingled with other assets owned or held by the permitted payment stablecoin issuer; (iii) at all times have a total fair value that equals or exceeds the outstanding issuance value of the permitted payment stablecoin issuer; and (iv) are either held directly by the permitted payment stablecoin issuer or within the custody of an eligible financial institution. In order to maintain reserve assets that are ''identifiable'' and comply with proposed § 15.11(a)(1)(i), permitted payment stablecoin issuers must maintain appropriate records to ensure documented ownership and legal entitlement to individual reserve assets. Similarly, any ownership arrangements, including ownership via custodians, must comply with applicable laws and regulations, for example, requirements applicable to customer securities owned through the Fedwire Securities Service. The OCC generally anticipates that reserve assets will be recorded on the permitted payment stablecoin issuer's balance sheet under GAAP and be included in the quarterly reports required under proposed § 15.14(i) and on Call Report Schedule RC, Balance Sheet, for a parent insured national bank or Federal savings association. An issuer must maintain the appropriate operational capabilities, internal controls, policies, and safeguards to ensure that stablecoins are always backed by reserves on an at least 1 to 1 basis. Among other things, safeguards may include mechanisms to prevent the issuance of abnormally large amounts of new stablecoins without additional approvals.[50]

To comply with the requirement in proposed § 15.11(a)(1)(iii), a permitted payment stablecoin issuer must ensure that the fair value of reserve assets equal or exceed the outstanding issuance value of the outstanding payment stablecoins issued by the permitted payment stablecoin issuer at all times. Valuing reserve assets at fair value (*i.e.,* market value), rather than another measure, such as amortized cost, will help ensure that the reserve assets maintained by the permitted payment stablecoin issuer reflect current prices and will be monetizable at a value sufficient to meet any redemption requests at par value. Notably, the outstanding issuance value is based on the total consolidated par value of all of a permitted payment stablecoin issuer's payment stablecoins rather than on the fair value of the outstanding issued payment stablecoin. Thus, if the fair value of the payment stablecoin decreased (*i.e.,* if the payment stablecoin de-pegged in the secondary market), the permitted payment stablecoin issuer would nevertheless be obligated to retain a stock of reserve assets, the fair value of which equals or exceeds the par value of outstanding payment stablecoins. This approach is intended to ensure that the permitted payment stablecoin issuer is able to credibly meet redemption requests, including in adverse circumstances. To take a contrary approach (*e.g.,* basing the outstanding issuance value on the fair value of payment stablecoins) could allow permitted payment stablecoin issuers to inappropriately remove assets from the required stock of reserve assets when stablecoins de-peg (as reserve asset requirements decline, along the with the secondary market price of the stablecoin), rather than maintaining the reserve assets on behalf of stablecoin holders, which may in turn exacerbate run risk for a permitted payment stablecoin issuer.

Proposed § 15.11(a)(1)(iv) provides that the reserve assets must either be held directly by the permitted payment stablecoin issuer or within the custody of an eligible financial institution, which is defined in proposed § 15.2.

Proposed § 15.11(a)(2) would require that a permitted payment stablecoin issuer demonstrate the operational capability to access and monetize the identifiable reserve assets, commensurate with the permitted payment stablecoin issuer's risk profile and business model. The issuer must be able to monetize the reserve assets, potentially quickly and at short notice, in order to meet redemption requests. The inability to quickly monetize reserve assets would undermine the ability of a permitted payment stablecoin issuer to maintain the stable value of its payment stablecoin.

To comply with proposed § 15.11(a)(2), a permitted payment stablecoin issuer must be able to demonstrate the ability to monetize all types of reserve assets it maintains. Depending on a permitted payment stablecoin issuer's size, risk profile, business model, activities, and operations, a permitted payment stablecoin issuer may be able to demonstrate monetization in different ways. For example, it may be sufficient for some permitted payment stablecoin issuers to demonstrate the ability to monetize Treasury bills they hold as reserve assets by establishing that they maintain appropriate repurchase arrangements through which they can quickly sell Treasury bills and receive liquid funds with which they can satisfy redemption requests. For other permitted payment stablecoin issuers, for example, larger permitted payment stablecoin issuers or permitted payment stablecoin issuers with more complicated operations, additional measures may be appropriate to demonstrate the operational capability to monetize. It may be appropriate for such permitted payment stablecoin issuers to maintain multiple alternative methods of monetization (for example, multiple repurchase agreement lines or repurchase agreement lines plus arrangements allowing outright sales of Treasury securities) in order to satisfactorily demonstrate the ability to monetize their reserve assets. Such redundant arrangements may be necessary if a permitted payment stablecoin issuer maintains a sufficiently large Treasury position that it could be difficult to monetize the entire position through transactions with a single repo counterparty or if a permitted payment stablecoin issuer maintains concentrated positions in particular types of reserve assets. The availability of multiple monetization channels helps ensure that a permitted payment stablecoin issuer is not required to monetize assets at reduced or ''fire sale'' prices. Having alternative monetization channels reduces the risk that a permitted payment stablecoin issuer would be obliged to accept unfavorable pricing when monetizing reserve assets under stress. For certain permitted payment stablecoin issuers, it may be necessary to periodically conduct actual monetization transactions (that is, actual outright sales or repurchase transactions) in order to demonstrate the ability to monetize. Actual transactions can more fully confirm that monetization capabilities exist. In the absence of actual test transactions, potential barriers to monetization may still exist. Permitted payment stablecoin issuers may lack the procedures and systems to monetize assets at any time in accordance with standard settlement periods and processes. For example, borrowing agreements may name authorizing officials that are unavailable or inappropriate. Actual monetization transactions may be necessary, for example, for permitted payment stablecoin issuers with unusually complicated operations or

[50] *C.f.,* Dylan Butts, ''PayPal's crypto partner mints a whopping $300 trillion worth of stablecoins in 'technical error,' '' CNBC (October 16, 2025), *https://www.cnbc.com/2025/10/16/paypals-crypto-partner-mints-300-trillion-stablecoins-in-technical-error.html* (describing a technical error leading to the minting of a large amount of new stablecoins).

organizational structures, or for permitted payment stablecoin issuers that are particularly dependent on certain monetization channels or the ability to monetize particular assets. Periodic actual monetization transactions can minimize the risk of negative signaling during financial stress. If a permitted payment stablecoin issuer begins using a monetization channel that it has not regularly used in the past, that may spark concerns about the financial health of the issuer. For example, if a permitted payment stablecoin issuer has pre-established a repurchase agreement with a bilateral counterparty but never utilized it, sudden utilization of the repurchase agreement may generate concerns that the issuer is experiencing a run on its stablecoins. Periodic test transactions using multiple monetization channels can mitigate such concerns and may be particularly important for large, systemically important issuers where concerns about financial distress are more likely to contribute to contagion. Permitted payment stablecoin issuers may be able to demonstrate the ability to execute actual monetization transactions in the ordinary course of their business (for example, redeeming stablecoins) and would not necessarily be required to engage in additional test transactions.

Proposed § 15.11(a)(3) would include requirements for when permitted payment stablecoin issuers could withdraw reserve assets in excess of outstanding issuance value. In order to ensure that at all sufficient reserve assets are maintained to back outstanding stablecoin issuance, permitted payment stablecoin issuers would be able to withdraw excess reserve assets only after the monthly examination and certification required by section 4(a)(3) of the GENIUS Act (12 U.S.C. 5903(a)(3)) and provided for in proposed § 15.11(e) and (f). Specifically, permitted payment stablecoin issuers would be able to withdraw any surplus reserve assets in excess of outstanding issuance value, calculated and reported as of the last day of the previous month, only upon the publication of that month's public disclosure, due at the end of the subsequent month. Only permitting an issuer to withdraw surplus reserve assets after examination and certification will promote public confidence about the integrity of the handling of reserve assets. Permitting withdrawal of excess reserve assets at other intervals would significantly undermine the purpose of examination and certification. If permitted payment stablecoin issuers were able to withdraw excess reserve assets at any time, based only upon their own internal calculations, that could undermine confidence and even create concerns about misconduct, for example if a permitted payment stablecoin issuer might make its own bad faith and un-validated determination that an excess existed in order to justify a withdrawal. Proposed § 15.11(a)(3) would also require that, while withdrawals would be based on calculations as of the end of the previous month, a permitted payment stablecoin issuer could only make withdrawals if the remaining reserve assets remained at least equal to the current outstanding issuance value, calculated as of the day of withdrawal.

Under proposed § 15.11(b), reserve assets must only comprise: (1) United States coins and currency (including Federal Reserve notes) or money standing to the credit of an account with a Federal Reserve Bank; (2) funds held as deposits or insured shares payable upon demand at an insured depository institution (including any foreign branches or agents, including correspondent banks, of an insured depository institution), subject to any limitation established by the FDIC and the National Credit Union Administration, as applicable, pursuant to section 4(a)(1)(A)(ii) of the GENIUS Act (12 U.S.C. 5903(a)(1)(A)(ii)) to address safety and soundness risks of such insured depository institution; (3) Treasury bills, Treasury notes, or Treasury bonds with a remaining maturity of 93 days or less;[51] (4) money received under repurchase agreements, with the permitted payment stablecoin issuer acting as a seller of securities and with a no longer than overnight maturity, that are backed by Treasury bills with a maturity of 93 days or less;[52] (5) reverse repurchase agreements, with the permitted payment stablecoin issuer acting as a purchaser of securities and with a no longer than overnight maturity, that are collateralized by Treasury bills, Treasury notes, or Treasury bonds on a no longer than overnight basis, subject to overcollateralization in line with standard market terms, that are: (i) tri-party; (ii) centrally cleared through a clearing agency registered with the Securities and Exchange Commission; or (iii) bilateral with a counterparty that the issuer has determined to be adequately creditworthy even in the event of severe market stress; (6) securities issued by an investment company registered under section 8(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–8(a)), or other registered Government money market fund, and that are invested solely in underlying assets described in proposed § 15.11(b)(1) through (5);[53] (7) any other similarly liquid Federal Government-issued asset approved by the OCC, in consultation with the State payment stablecoin regulator, if applicable, of the permitted payment stablecoin issuer; or (8) any reserve described in proposed § 15.11(b)(1) through (3), (6), or (7), in tokenized form, provided that such reserves comply with all applicable laws and regulations. The OCC encourages any permitted payment stablecoin issuer that seeks clarity on whether a specific tokenized asset qualifies as a permissible reserve asset under proposed § 15.11(b)(8) to seek an opinion from the OCC as to whether the asset qualifies. To the extent feasible, the OCC is considering publishing a list of, or otherwise making public, the acceptable tokenized reserve assets for the sake of transparency. In determining whether a potential reserve asset qualifies as ''any other similarly liquid Federal Government-issued asset,'' under proposed § 15.11(b)(7) the OCC will consider, among other relevant factors, whether: (i) the asset has liquidity characteristics, including during times of stress, comparable to the other reserve assets allowed under proposed § 15.11(b); (ii) permitted payment stablecoin issuers will be operationally capable of monetizing the asset to meet redemption requests, including sudden and high-volume requests; (iii) the asset poses levels of risk comparable to the assets allowed under proposed § 15.11(b), including interest rate risk and counterparty credit risk; and (iv) whether the asset introduces additional risks that may be

[51] The GENIUS Act permits the inclusion of Treasury bills, notes, or bonds ''(I) with a remaining maturity of 93 days or less; or (II) issued with a maturity of 93 days or less.'' The proposed rule would combine these categories since the former category includes the latter, at least for purposes of complying with the requirements of proposed § 15.11. Permitted payment stablecoin issuers may choose to categorize these assets separately for other reasons, for example accounting or risk management purposes.

[52] The proposed rule would clarify that a repurchase agreement or reverse repurchase agreement with an intraday maturity could qualify as a permitted reserve asset. Section 4(a)(1)(A)(iv) and (v) of the Act (12 U.S.C. 5903(a)(1)(A(iv) and (v))) specifically refers to repurchase agreements and reverse repurchase agreements with an overnight maturity. The OCC believes that this provision is intended to permit repurchase agreements and reverse repurchase agreements with a maturity no longer than overnight. Thus, the proposed rule would explicitly permit the use of intraday repurchase agreements and reverse repurchase agreements.

[53] A money market fund that invests in any other assets, including in Treasury securities with a remaining maturity longer than 93 days, would not be eligible to be held as a reserve asset.

difficult for permitted payment stablecoin issuers to manage.

Section 4(a)(4)(A)(iii) of the Act (12 U.S.C. 5903(a)(4)(A)(iii)) requires the OCC to issue regulations implementing reserve asset diversification, including deposit concentration at banking institutions and interest rate risk management standards that (1) are tailored to the business model and risk profile of permitted payment stablecoin issuers and (2) do not exceed standards that are sufficient to ensure the ongoing operations of permitted payment stablecoin issuers. Accordingly, the proposed rule includes two alternative options in proposed § 15.11(c), only one of which would be selected in the final rule. ''Option A'' would include a principles-based general requirement with an optional safe harbor containing quantitative requirements. ''Option B'' would make the quantitative requirements mandatory for all issuers. Option A's principle-based general requirement would require a permitted payment stablecoin issuer to maintain reserve assets that are sufficiently diverse to manage potential credit, liquidity, interest rate, and price risks. In addition, the principles-based requirement in Option A in proposed § 15.11(c) would require a permitted payment stablecoin issuer to measure and manage the risk that concentrating reserve assets at one eligible financial institution or a small number of eligible financial institutions may impair the ability of a permitted payment stablecoin issuer to satisfy redemption demands if individual eligible financial institutions are unable to return, or if there is a delay in returning, reserve assets placed by a permitted payment stablecoin issuer.[54] The proposed rule's diversification and concentration requirements would apply to custodial relationships, including sub-custodial arrangements. Permitted payment stablecoin issuers would be expected to ''look through'' any sub-custodial relationships to ensure that reserve assets are custodied at the sufficiently diverse number of eligible financial institutions needed to comply with the proposed rule's requirements. Without this requirement, a permitted payment stablecoin issuer might supposedly have its stock of Treasury securities custodied at multiple eligible financial institutions, but sub-custodial relationships could result in the entire stock being custodied at only a single eligible financial institution.

Permitted payment stablecoin issuers with less complex business models and lower risk profiles may be able to maintain a less diverse stock of reserve assets than permitted payment stablecoin issuers with more complex business models or higher risk profiles. However, the OCC interprets section 4(a)(4)(A)(iii) of the GENIUS Act (12 U.S.C. 5903(a)(4)(A)(iii)) as mandating some reserve asset diversification for all permitted payment stablecoin issuers, both in types of reserve assets maintained and in the number of eligible financial institutions holding a permitted payment stablecoin issuer's reserve assets.[55] The OCC expects that it would be unlikely, for example, that a permitted payment stablecoin issuer, even one with a simple business model and low risk profile, could satisfy the requirements in proposed § 15.11(c) by placing all its reserve assets at a single eligible financial institution. Such a reliance on a single third-party location of reserve assets could expose the permitted payment stablecoin issuer to the unnecessary risk that its reserve assets, or some portion of them, could be unavailable to meet redemption requests. Similarly, the OCC expects that all permitted payment stablecoin issuers will need to maintain multiple reserve asset types, if only to serve as a back-up to what is otherwise a permitted payment stablecoin issuer's primary reserve asset. Some permitted payment stablecoin issuers may need to maintain more robustly diverse stocks of reserve assets to satisfy proposed § 15.11(c), depending on their business model, risk profile, and other relevant factors. For example, a large permitted payment stablecoin issuer with complex operations may need to maintain deposits with multiple eligible financial institutions, as well as a stock of Treasury bills, potentially custodied with more than one eligible financial institution in order to ensure they are capable of being monetized during periods of financial stress. Factors such as the number of parties that redeem directly with the permitted payment stablecoin issuer, the volume of redemptions (and volatility with respect to such volume), and the number and nature of the blockchains on which a payment stablecoin is traded could all increase the complexity of the permitted payment stablecoin issuer's operations and weigh in favor of maintaining multiple different pools of reserve assets. Permitted payment stablecoin issuers may be able to comply with this requirement by maintaining multiple deposit accounts directly, or through deposit placement services, as they can comply with the requirement in proposed § 15.11(a)(2) to demonstrate the operational capability to access and monetize the reserve assets.

Option A contains a safe harbor under which a permitted payment stablecoin issuer would be deemed to satisfy proposed § 15.11(c) if the permitted payment stablecoin issuer maintains on each business day: (i) at least 10 percent of its required reserve assets as deposits or insured shares payable upon demand or money standing to the credit of an account with a Federal Reserve Bank; (ii) at least 30 percent of its reserve assets as deposits or insured shares payable upon demand, money standing to the credit of an account with a Federal Reserve Bank, or amounts receivable and due unconditionally within five business days on pending sales of reserve assets, maturing reserve assets, or other maturing transactions (*e.g.,* reverse repurchase agreements); (iii) no more than 40 percent of its reserve assets at any one eligible financial institution, whether as deposits or insured shares at any one insured depository institution, securities custodied at any one eligible financial institution, bilateral reverse repurchase agreements with any counterparty, or through other exposures; (iv) no more than 50 percent of the amount provided in proposed § 15.11(c)(2)(i) at any one eligible financial institution; and (v) reserve assets with a weighted average maturity

[54] Eligible financial institutions that hold reserve assets in custody or safekeeping must be subject to supervision and comply with the requirements set forth in section 10 of the GENIUS Act (12 U.S.C. 5909). Institutions subject to OCC supervision would need to comply with the requirements set forth in proposed subpart C of part 15.

[55] A permitted payment stablecoin issuer that maintains ownership and control of all of its own reserve assets, rather than relying on separate eligible financial institutions, may be able to satisfy the principles-based general diversification and concentration requirement in Option A, depending on the permitted payment stablecoin issuer's particular circumstances. While explicitly requiring all permitted payment stablecoin issuers to maintain some reserve assets at a third-party eligible financial institution may help promote confidence that a permitted payment stablecoin issuer's reserve assets are diversified across multiple eligible financial institutions, such a requirement may be unnecessary if the permitted stablecoin issuer is able to establish its own secure control over the reserve assets. Any permitted payment stablecoin issuer maintaining direct ownership and control of reserve assets would still be subject to all requirements in proposed § 15.11, notably the requirement in proposed § 15.11(a)(2) under which the permitted payment stablecoin issuer must demonstrate the operational capability to access and monetize reserve assets. A permitted payment stablecoin issuer that maintains ownership and control of its own assets may fail to satisfy this requirement, or the diversification and concentration requirements in proposed § 15.11(c), if the permitted payment stablecoin issuer, for example, relies exclusively on arrangements with a single eligible financial institution to monetize its reserve assets.

of no more than 20 days.[56] This safe harbor would give permitted payment stablecoin issuers a transparent and standardized target for achieving compliance with reserve asset diversification requirements.[57] However, under Option A, meeting the safe harbor is not the only means to comply with proposed § 15.11(c). Some issuers, particularly smaller and less complex issuers, may be able to comply with § 15.11(c) without meeting the minimum levels in the safe harbor. For example, if a smaller permitted payment stablecoin issuer with a comparatively simple business model and lower risk profile finds it commercially useful to maintain more of its reserve assets as demand deposits, the permitted payment stablecoin issuer may be able to satisfy proposed § 15.11(c) even if the permitted payment stablecoin issuer maintains more than 10 percent of its reserve assets as deposits at one eligible financial institution, depending on particular facts and circumstances. This flexibility is consistent with the GENIUS Act's requirements that the proposed asset diversification requirements be ''tailored to the business model and risk profile of permitted payment stablecoin issuers.'' [58]

The safe harbor's requirement that a permitted payment stablecoin issuer maintain at least 10 percent of its reserve assets as ''daily liquidity'': demand deposits or money standing to the credit of an account with a Federal Reserve Bank would help ensure that a permitted payment stablecoin issuer has readily available funds necessary to meet redemption requests. While all of the proposed reserve assets should be liquid and easily monetizable, the requirement to have some minimum level of immediately liquid funds is additional protection against the risk that a permitted payment stablecoin issuer would be unable to meet redemption requests in a timely manner, which is critical to avoid in order to maintain confidence in the permitted payment stablecoin issuer and the stablecoin industry as a whole. A minimum requirement of 10 percent would be in line with the largest 1-day redemption events experienced by stablecoin issuers.[59] The OCC invites comment on whether an alternate minimum is appropriate.

Including a baseline requirement to maintain a minimum percentage of liquidity that is immediately available (without the need to sell any assets, even highly liquid assets like Treasury securities) will help ensure a permitted payment stablecoin issuer's ability to meet redemption requests. The OCC invites comments on these and other considerations, particularly on whether conservative liquidity requirements are necessary. The proposed rule includes robust liquidity requirements but does not include capital-based overcollateralization or reserve asset buffer requirements. An alternative possibility would be to remove some of the proposed liquidity requirements, though this may warrant increased capital or buffer requirements.

The safe harbor would also require that a permitted payment stablecoin issuer maintains at least 30 percent of its reserve assets as deposits or insured shares payable upon demand, money standing to the credit of an account with a Federal Reserve Bank, or amounts receivable and due unconditionally within five business days on pending sales of reserve assets, maturing reserve assets, or other maturing transactions. This ''weekly'' liquidity would help ensure that a permitted payment stablecoin issuer is able to meet a series of redemption requests that takes place over multiple days. It will also help prevent issuers from meeting the ''daily'' liquidity requirement but otherwise maintaining a stock of assets that are less readily monetizable. A minimum requirement of 30 percent ''weekly'' liquidity would protect issuers against redemption runs that take place over multiple days, a phenomenon experienced by stablecoin issuers in the past, and a 30 percent minimum requirement would exceed the redemption volumes seen during these redemption runs. In the absence of a minimum ''weekly'' (or other multi-day) requirement, an issuer might only have its stock of 10 percent immediately available liquidity plus owned securities that it would have to actually sell in order to monetize and meet redemption requests. While permitted payment stablecoin issuers must be prepared to monetize any such securities, it would be safer to have a stock of liquid funds that will automatically become available over the next several days as a first line of defense against multi-day redemption runs.

The safe harbor would also require that a permitted payment stablecoin issuer maintains no more than 40 percent of its reserve assets at any one eligible financial institution, whether as deposits or insured shares at any one insured depository institution, securities custodied at any one eligible financial institution, bilateral reverse repurchase agreements with any counterparty, or through other exposures. This requirement would prevent an issuer from being overly exposed to any one eligible financial institution. The spring 2023 bank stress highlighted the risk that a stablecoin issuer's reserve assets could be concentrated at one financial institution.[60] While this requirement would not eliminate the chance of losing reserve assets because of distress at an eligible financial institution holding reserve assets—or temporarily losing access to reserve assets—this requirement would ensure that

[56] Weighted average maturity is computed as the sum of the product of each reserve asset's (1) remaining maturity and (2) percentage of the total pool of reserve assets (based on principal value). A deposit or insured share payable upon demand would have a weighted average maturity of zero. The OCC invites comments on whether the proposed rule should include an express definition of weighted average maturity, particularly whether the OCC should adopt the same definition used in SEC Rule 2a–7 (17 CFR 270.2a–7). Paragraph (i) of SEC Rule 2a–7 provides that, for certain securities and transactions, maturity should not necessarily be the time remaining until ultimate repayment of principal but instead should be based on other characteristics (for example, the time until an interest rate reset or until demand repayment options can be exercised). The OCC invites comment on whether this proposed rule should include these same maturity assumptions for certain reserve assets. The proposed rule does not include these maturity assumptions since they should not be relevant for most or all permissible reserve assets. Even if the maturity assumptions are relevant for certain reserve assets that might be permissible (for example, Floating Rate Treasury Notes), the OCC expects that the limited maturity of reserve assets (93 days or less) will diminish the value of applying maturity assumptions. Accordingly, under the proposed rule, the OCC expects that the maturity of all reserve assets, for purposes of calculating weighted average maturity, will be the time remaining until the repayment of principal.

[57] The OCC recognizes that, as a permitted payment stablecoin issuer sells more liquid assets to meet redemption requests in times of stress, it may temporarily fail to satisfy the terms of the proposed safe harbor. A permitted payment stablecoin issuer should appropriately diversify its reserve assets as soon as practicable following such an event. However, at no point, can a permitted payment stablecoin issuer's reserve assets be less than the fair value of the outstanding issuance value of the permitted payment stablecoin issuer as required in proposed § 15.11(a)(1)(iii).

[58] 12 U.S.C. 5903(a)(4)(A)(iii)(I).

[59] Although the OCC referenced SEC Rule 2a–7 when drafting these requirements due to certain similarities between money market funds and permitted payment stablecoin issuers, the proposed requirements diverge in certain respects based on inherent differences between the two (*e.g.,* reserve asset composition).

[60] *See, e.g.,* Vicky Ge Huang et al., ''Circle's USDC Stablecoin Breaks Peg With $3.3 Billion Stuck at Silicon Valley Bank,'' Wall St. J. (March 11, 2023), *https://www.wsj.com/articles/crypto-investors-cash-out-2-billion-in-usd-coin-after-bank-collapse-1338a80f?gaa_at=eafs&gaa_n=AWEtsqf6BGnzdLQv1oreAgKgnxQABkxhGMynOVp91Xs-RK02mjbolX7BJSkJ&gaa_ts=695a9bd0&gaa_sig=w4Oq80vSPZ596PZfArhzEcuuNsxMb2j69bfMwUqUB_reNYXHtEGgTB4fFwAj_zInsT7lUc5cSlYJbYUb4dEV_g%3D%3D.*

permitted payment stablecoin issuers have other stocks of reserve assets available to satisfy redemption requests. This requirement is meant to capture all potential exposures to a counterparty. A permitted payment stablecoin issuer could maintain deposits at a depository institution while at the same have an affiliate of that depository institution maintain custody of the issuer's securities or serve as a counterparty in repurchase or reverse repurchase transactions. All of these transactions could expose a permitted payment stablecoin issuer's reserve assets to the health of a single eligible financial institution. Accordingly, this requirement would aggregate exposures to prevent excessive exposure to any one eligible financial institution. The phrase ''or other exposures'' is meant to capture any other exposure that creates a similar risk. The OCC invites comments on alternate minimums besides 40 percent; the 40 percent measure would ensure that no one eligible financial institution would have a majority of a permitted payment stablecoin issuer's reserve assets and that permitted payment stablecoin issuers spread relationships and operational capabilities across multiple eligible financial institutions in a way that prevents a permitted payment stablecoin issuer coming to rely excessively on one eligible financial institution.

The safe harbor would also require that a permitted payment stablecoin issuer maintain no more than 50 percent of the required daily liquidity specified under proposed paragraph (c)(2)(i) at any one eligible financial institution. This requirement would guard against the risk that problems at one eligible financial institution prevent a permitted payment stablecoin issuer from accessing its reserve assets. If a permitted payment stablecoin issuer is dependent on one eligible financial institution to maintain all or a large portion of its reserve assets, the permitted payment stablecoin issuer may be excessively exposed to, for example, operational concerns at that eligible financial institution or even the risk of the institution's failure.

Proposed § 15.11(c)(2)(i) is designed to ensure that permitted payment stablecoin issuers have a sufficient minimum amount of readily available funds to meet redemption requests. However, if that entire amount consists of deposits at one insured depository institution, the permitted payment stablecoin issuer is exposed to the risk that problems at that insured depository institution could wholly prevent the permitted payment stablecoin issuer from accessing its readily available funds. Having at least one other stock of readily available funds as part of a permitted payment stablecoin issuer's reserve assets would help ensure that some readily available funds are accessible in order to meet redemption requests. Placing deposits payable on demand at multiple insured depository institutions, whether directly or through deposit placement services, would mitigate the risk of over-exposure to one particular insured depository institution.

Proposed § 15.11(c)(2)(v) would also require, to qualify for the safe harbor, that a permitted payment stablecoin issuer's reserve assets have a weighted average maturity of no more than 20 days. This would serve as a backstop against potential losses due to interest rate increases. While permitted payment stablecoin issuers may permissibly hold reserve assets with a maturity of up to 93 days, holding a portfolio of reserve assets concentrated at the outer end of that maturity limit exposes the issuer's reserve assets to losses due to interest rate increases.[61] Even small losses could undermine confidence in a stablecoin given the importance of maintaining par and ensuring a stable value. A limit on weighted average maturity imposed across the entire portfolio of a permitted payment stablecoin issuer's reserve assets would allow the issuer to hold the entire range of permissible assets while ensuring that the portfolio in aggregate does not have excess exposure to interest rate risk. A limit of 20 days would still allow permitted stablecoin issuers in the full range of permissible reserve assets (for example, newly issued 3-month Treasury bills) while ensuring that reserve assets are not overly concentrated in longer-dated issuances. The OCC invites comment on whether a weighted average maturity limit of 20 days is appropriate, including whether it would represent a binding constraint for current stablecoin issuers and the desirability of higher or lower limits. The OCC additionally invites comment on whether the weighted average maturity requirement for a large issuer should differ from that for a smaller issuer (*e.g.,* by allowing smaller issuers to have a longer weighted average maturity such as 30 or 40 days).

As an example, a permitted payment stablecoin issuer with $20 billion of outstanding issuance value could meet the safe harbor by placing at least $1 billion each at two insured depository institutions. This would meet the requirement in proposed § 15.11(c)(2)(i) that the permitted payment stablecoin issuer maintain at least 10 percent ($2 billion in this example) of its required reserve assets as readily available funds as well as the requirement in proposed § 15.11(c)(2)(iv) that the permitted payment stablecoin issuer maintains no more than 50 percent of its readily available funds at any one eligible financial institution ($1 billion in this example). In order to qualify for the safe harbor, the permitted payment stablecoin issuer would still need to satisfy proposed § 15.11(c)(2)(iii), under which a permitted payment stablecoin issuer could not maintain more than 40 percent of its reserve assets at any one financial institution and proposed § 15.11(c)(2)(ii), under which a permitted payment stablecoin issuer must maintain at least 30 percent of its reserve assets as deposits or insured shares payable upon demand, money standing to the credit of an account with a Federal Reserve Bank, or amounts receivable and due conditionally within five business days on pending sales of reserve assts, maturing reserve assets, or other maturing transactions. In this example, the permitted payment stablecoin issuer could not keep more than $8 billion in reserve assets at any one institution (for instance, invested in a single investment fund) and would also need to maintain at least $6 billion as deposits or shares payable upon demand, money standing to the credit of an account with a Federal Reserve Bank, or amounts receivable and due unconditionally within five business days on pending sales of reserve assets or other maturing transactions. The issuer would also need to ensure that its entire stock of reserve assets ($20 billion) complied with the requirement to have a weighted average maturity of no more than 20 days. While compliance with the diversification safe harbor would establish compliance with proposed § 15.11(c), it would not relieve a permitted payment stablecoin issuer of its obligations under proposed § 15.11(a). Notably, a permitted payment stablecoin issuer would still be required to maintain and demonstrate the operational capability to monetize its reserve assets.

Option B would impose the same quantitative standards as mandatory requirements, rather than an optional

[61] During the rapid increases in interest rates in the early 1980s, 3-month Treasury Bill secondary market rates increased from 12.05 percent to 15.37 percent over the period of a month. *See* Fed. Reserve Econ. Data, ''Table Data—3-Month Treasury Bill Secondary Market Rate, Discount Basis,'' *https://fred.stlouisfed.org/data/WTB3MS* (including Treasury Bill secondary market rates for February 8, 1980, and March 7, 1980). A change of this magnitude would result in a 90-day security losing approximately 0.79 percent of its value.

safe harbor. Option B would not include the baseline principles-based requirement. While Option B would remove flexibility, it would create a more transparent and readily comprehensible set of requirements. Permitted payment stablecoin issuers, payment stablecoin holders, and other parties would be able to discern what requirements permitted payment stablecoin issuers must adhere to with respect to the reserve assets.

Proposed § 15.11(d) would require a permitted payment stablecoin issuer with an outstanding issuance value of $25 billion or more to, on each business day, maintain at least 0.5 percent of its reserve assets in the form of insured deposits or insured shares at an insured depository institution, up to a cap of $500 million. While it may not be practicable to maintain all deposits or shares as insured deposits or insured shares, having some minimum amount of insured deposits or shares will provide an additional measure of security for reserve assets and can promote market and holder confidence about the integrity of reserve assets. Though the required minimum amount is not a large percentage, it would ensure that large permitted payment stablecoin issuers have some stock of extremely safe and liquid assets: insured deposits and insured shares that can be withdrawn freely and that are not exposed to risks like interest rate risk. Having reserve assets diffused through the banking system may promote confidence by virtue of having at least some reserve assets held in traditional depository institutions with which holders are already familiar (for example, nearby community banks). Stablecoin holders may be reassured by knowing that a minimum portion of reserve assets is maintained as insured deposits, and the diffusion of reserve assets may mitigate fears or contagion risks associated with rumors about the health of particular depository institutions.

In theory, it would be ideal from the perspective of the safety and soundness of the permitted payment stablecoin issuer if permitted payment stablecoin issuers would be able to place all deposits, so they are covered by applicable deposit insurance limits. However, current deposit insurance requirements may make this impossible for larger permitted stablecoin issuers. While permitted payment stablecoin issuers may use services, such as deposit brokers, to distribute deposits across eligible financial institutions—as long as permitted payment stablecoin issuers are able to maintain the operational capability to access and monetize these deposits—the finite number of eligible financial institutions plus deposit insurance limits may render it impossible for larger permitted payment stablecoin issuers to insure more than a portion of their deposits. The OCC may revisit this issue if deposit insurance requirements change, and the OCC invites comments about alternative ways to address deposit insurance of reserve assets held as deposits. The OCC recognizes the additional security that deposit insurance would provide for stablecoin holders and also recognizes the value of spreading deposits around a broad range of depository institutions, rather than potentially having permitted payment stablecoin issuer deposits concentrated at a small number of depository institutions. Holding reserves at a very large number of institutions, could, however, introduce additional operational risk that a permitted payment stablecoin issuer would need to manage. The thresholds in proposed § 15.11(d) balance the value and security of spreading reserve assets across multiple eligible financial institutions, the capacity of the banking system to hold insured deposits from any one single depositor, and the operational complexity numerous depository relationships would entail.

Proposed § 15.11(e) would require the permitted payment stablecoin issuer to publish on its website by noon on the last day of each month the composition of the issuer's reserves held pursuant to the GENIUS Act as of noon of the last day of the prior month, using a format substantially similar to the template provided in table 1 to proposed § 15.11(e). The report must contain the total number of outstanding payment stablecoins issued by the issuer and the amount (fair value) and composition of the reserves, including the average tenor and geographic location of custody of each category of reserve instruments. The information in the report, including the value of reserve assets, should be as of the end of the previous month. This implements the requirement in section 4(a)(1)(C) of the GENIUS Act (12 U.S.C. 5903(a)(1)(C)). To satisfy the geographic location requirement, the OCC expects that it will generally be sufficient for permitted payment stablecoin issuers to disclose the jurisdiction where reserve assets are custodied or located.

Proposed § 15.11(f) implements the applicable requirements of section 4(a)(3) of the GENIUS Act (12 U.S.C. 5903(a)(3)). This provision requires permitted payment stablecoin issuers to, each month, have the information disclosed in the previous month-end report examined by a registered public accounting firm. Proposed § 15.11(f)(1) would require the examination of the previous month-end report to occur by noon on the last day of each month and would require the report to be published on the permitted payment stablecoin issuer's website at the same time as the monthly report required under proposed § 15.11(e). Consistent with the Act, proposed § 15.11(f)(2) would require the Chief Executive Officer and Chief Financial Officer (or the persons performing the equivalent functions) of the permitted payment stablecoin issuer to submit a certification as to the accuracy of the monthly report to the OCC. Under section 4(a)(3)(C) of the Act (12 U.S.C. 5903(a)(3)(C)), any person who submits this required certification knowing that such certification is false shall be subject to the same criminal penalties as those set forth under 18 U.S.C. 1350(c).

Proposed § 15.11(g) provides for the consequences and remedial measures if a permitted payment stablecoin issuer does not comply with the requirements of § 15.11. Proposed § 15.11(g)(1) would provide that a permitted payment stablecoin issuer must notify the OCC through its appropriate supervisory office on any day in which its reserve asset amount has fallen below the required minimum in proposed § 15.11(a). Proposed § 15.11(g)(2) would provide that a permitted payment stablecoin issuer falling below the required minimum would be barred from issuing new payment stablecoins until it had remediated the shortfall except as necessary to facilitate a transfer of payment stablecoins from one distributed ledger to another and provided that the net outstanding issuance value does not increase. Proposed § 15.11(g)(3) would provide that, if a permitted payment stablecoin issuer fails to meet its reserve asset requirement for 15 consecutive business days, it must begin liquidation of reserve assets and redemption of outstanding payment stablecoins consistent with § 15.12 and may not charge customers a fee to redeem their payment stablecoins at any time during the liquidation. The OCC may extend the time period under proposed § 15.11(g)(3) in its sole discretion. Because of the importance of maintaining minimum reserve asset levels, the proposed rule would include automatic consequences for any non-compliance intended to prevent any concerns from developing further. This provision is intended to prevent chronic non-compliance with minimum reserve asset requirements. The OCC expects to ensure compliance with other

requirements in the proposed rule using traditional supervisory methods, namely having examiners identify concerns that can be escalated into enforcement actions, if necessary. Accordingly, proposed § 15.11(g)(4) provides that if at any point the OCC determines that a permitted payment stablecoin issuer has not demonstrated that it meets the reserve asset requirements in proposed § 15.11(a), (b), (c), or (d), the OCC may require the issuer to submit a plan describing how the permitted payment stablecoin issuer will attain compliance and the timeline for the plan. If the OCC determines, either before or after the submission of a plan, that a permitted payment stablecoin issuer faces a significant risk of being unable to attain compliance with the reserve requirements in proposed § 15.11 (a), (b), (c), or (d) within a reasonable period, the OCC may order the issuer to initiate redemption of all outstanding payment stablecoins. Proposed § 15.11(g)(4) also states that the OCC's authority to require a compliance plan or order redemption does not limit the OCC's authority to pursue other measures, including enforcement actions, if appropriate.

3. Redemption (Proposed § 15.12)

Section 15.12 of the proposed rule addresses redemption requirements imposed by section 4(a)(1)(B) of the GENIUS Act (12 U.S.C. 5903(a)(1)(B)). Consistent with the statute, under proposed § 15.12(a), a permitted payment stablecoin issuer must publicly disclose its redemption policy.[62] The OCC proposes that in disclosing its redemption policy, the issuer must include, at a minimum, certain information. Specifically, proposed § 15.12(a)(1) provides that the issuer must include a timeframe in which the issuer will redeem payment stablecoins and the timeframe under which the issuer is required to redeem payment stablecoins (which, under proposed paragraph § 15.12(b)(1)(i) may not exceed two business days following the date of the requested redemption). In proposed § 15.12(a)(2), the OCC proposes to require the issuer to include a statement consistent with proposed § 15.12(b)(1)(ii) that any discretionary limitations on timely redemptions can only be imposed by the OCC, or in the case of a State qualified payment stablecoin issuer, by the OCC, Federal Reserve, or the State payment stablecoin regulator, as applicable. Proposed § 15.12(a)(3) requires that issuers include in their redemption disclosures a statement explaining the scenarios when the redemption period may be extended as provided for in proposed § 15.12(c). Proposed § 15.12(a)(4) provides that the issuer must provide a statement with clear instructions on how a payment stablecoin holder can redeem a payment stablecoin, including a link to the website(s) where a customer can redeem the payment stablecoin. Proposed § 15.12(a)(5) would require the issuer to specify the minimum number of payment stablecoins, if any, that the permitted payment stablecoin issuer will redeem, provided that the issuer must redeem any number greater than or equal to one payment stablecoin, subject to appropriate customer screening and onboarding. In setting the requirement that a permitted payment stablecoin issuer must redeem any number greater than or equal to one payment stablecoin, the OCC is relying on a natural reading of the definition of ''payment stablecoin.'' Specifically, section 2(22) of the GENIUS Act (12 U.S.C. 5901(22)), defines ''payment stablecoin'' as a digital asset that an issuer ''is obligated to convert, redeem, or repurchase for a fixed amount of monetary value.'' Since ''payment stablecoin'' is singular, the statutory language suggests that while an issuer could set a minimum redemption threshold at a fraction of a payment stablecoin, an issuer must redeem any number greater than or equal to one payment stablecoin to comply with the GENIUS Act. Otherwise, the payment stablecoin would not be redeemable for a fixed amount of monetary value.

Proposed § 15.12(b)(1) provides that an issuer's redemption policy must provide clear and conspicuous procedures for timely redemption of outstanding payment stablecoins. In proposed § 15.12(b)(1)(i), the OCC is proposing to define ''timely'' to mean that the permitted payment stablecoin issuer would have to redeem a payment stablecoin no later than two business days following the date of the requested redemption. The OCC is proposing this two-business day timeframe as an outer limit on when a permitted payment stablecoin issuer must redeem a payment stablecoin and understands that many issuers may choose a timeframe that is less than two business days. The OCC believes this timeframe provides sufficient responsiveness to stablecoin holders who seek to redeem their stablecoins, while also ensuring that issuers can appropriately manage liquidity demands. Proposed § 15.12(b)(1)(ii), consistent with the statute, provides that discretionary limitations on timely redemptions can only be imposed by the OCC or, in the case of a State qualified payment stablecoin issuer, by the OCC, the Federal Reserve, or the State payment stablecoin regulator, as applicable.

Proposed § 15.12(c)(1) would provide that the period for timely redemption is extended to seven calendar days if a permitted payment stablecoin issuer faces redemption demands in excess of 10 percent of its outstanding issuance value in a single 24-hour period. The OCC proposes to use a 24-hour period for this requirement in recognition of the likelihood that there may be significant demands to redeem payment stablecoins outside of normal business hours and outside of the hours when many reserve assets could be liquidated. As provided for in proposed § 15.12(c)(2), the extended redemption period applies to all redemption requests that are outstanding at the time the 10 percent threshold is met as well as any subsequent redemption requests following the time the threshold is met. Proposed § 15.12(c)(3) clarifies that the extension is non-discretionary and that a permitted payment stablecoin issuer may only redeem any of the outstanding or subsequent redemption requests prior to the seven calendar day period if the OCC determines that the issuer has the ability to redeem sooner in an orderly fashion and through a fair and transparent process or the OCC otherwise provides notice to the permitted payment stablecoin issuer that the extended redemption period no longer applies. The OCC expects that the permitted payment stablecoin issuer seeking to redeem sooner than the seven calendar day period will engage with the OCC through the issuer's supervisory office to provide evidence that it can redeem in an orderly fashion and through a fair and transparent process that does not unfairly advantage some payment stablecoin holders relative to other payment stablecoin holders. Under proposed § 15.12(c)(4), a permitted payment stablecoin issuer that exceeds that 10 percent threshold would be required to provide notice to the OCC through its supervisory office within 24 hours. Using this 24-hour time period will provide appropriate notice to the OCC and allow an appropriate amount of time to facilitate the orderly liquidation of reserve assets. These provisions are intended to facilitate the orderly liquidation of sufficient reserve assets in the event of a spike in redemption requests and

[62] Under section 2(22) of the GENIUS Act (12 U.S.C. 5901(22)), the issuer of a payment stablecoin must be obligated to convert, redeem, or repurchase a payment stablecoin for a fixed amount of monetary value, not including a digital asset denominated in a fixed amount of monetary value.

would help ensure financial stability by lowering the potential price impact of a sudden liquidation of reserve assets. Proposed § 15.12(c)(5) provides that the OCC, may in its discretion, extend timely redemption described in proposed § 15.12(b)(1) or (c)(1), as applicable, if the OCC determines that the permitted payment stablecoin issuer poses a threat to safety and soundness, financial stability, or such an extension is otherwise in the public interest.

The requirements of this section apply only to the redemption of a payment stablecoin by the permitted payment stablecoin issuer (and any entity acting on behalf of the permitted payment stablecoin issuer) and would not apply to secondary market trading. This section is not intended to prevent permitted payment stablecoin issuers from establishing criteria related to the participants with which permitted payment stablecoin issuers will interact.

Proposed § 15.12(d)(1) provides that a permitted payment stablecoin issuer must also publicly, clearly, and conspicuously disclose in plain language and in format that is readily noticeable to customers, readily understandable by customers, and segregated from other information: (i) the name of the permitted payment stablecoin issuer that issues the payment stablecoin; (ii) that the permitted payment stablecoin issuer is the entity that is obligated to convert, redeem, or repurchase the payment stablecoin for a fixed amount of monetary value; (iii) the link to the monthly composition report of the relevant permitted payment stablecoin issuer's reserves as required under proposed § 15.11(e); and (iv) all fees associated with purchasing or redeeming payment stablecoins. The OCC is including a requirement that the disclosures under proposed § 15.12(d)(1) are readily noticeable by customers, readily understandable by customers, and segregated from other information to provide more certainty on what it means to ''publicly, clearly, and conspicuously disclose [the information] in plain language.'' [63] The OCC is proposing to include the requirement that the disclosures be segregated from other information to ensure that the information in the disclosures is not combined with other non-relevant information that could obscure the importance of these disclosures. Although the permitted payment stablecoin issuer may include additional information beyond what is required in proposed § 15.12(d)(1) in the same disclosure, the information required under proposed § 15.12(d)(1) should be sufficiently separate and must meet the other requirements outlined, including that the information is readily noticeable and readily understandable by customers. The OCC believes that the disclosures required under proposed § 15.11(d)(1) are consistent with section 4(a)(1)(B) of the GENIUS Act (12 U.S.C. 5903(a)(1)(B)) and are particularly important in the situation where a permitted payment stablecoin issuer issues more than one brand of payment stablecoin either directly or through an affiliate (if the OCC limits permitted payment stablecoin issuers to issuing a single brand of payment stablecoin). The OCC believes that these disclosures are necessary to prevent confusion and ensure that payment stablecoin holders understand who has the ultimate obligation to redeem their payment stablecoin.

Proposed § 15.12(d)(2) provides that an issuer must update the disclosures in proposed § 15.12(d)(1)(iv) if there are any changes in the fees associated with purchasing or redeeming stablecoins and provide customers at least seven calendar days' prior notice of the change, including by securely delivering the notice to current customers. Proposed § 15.12(d)(3) provides that a permitted payment stablecoin issuer must publish the disclosures in proposed § 15.12(d)(1) and any updates made in accordance with proposed § 15.12(d)(2) on the permitted payment stablecoin issuer's website. Proposed § 15.12(d)(4) provides that a permitted payment stablecoin issuer must include the disclosures in proposed § 15.12(d)(1) and any updates made in accordance with proposed § 15.12(d)(2) in any customer agreements that it provides.

4. Risk Management (Proposed § 15.13)

Section 4(a)(4)(A)(iv) of the GENIUS Act (12 U.S.C. 5903(a)(4)(A)(iv)) provides that the OCC must issue regulations implementing appropriate operational, compliance, and information technology risk management principles-based requirements and standards that are tailored to the business model and risk profile of permitted payment stablecoin issuers and are consistent with applicable law. This provision also requires that Bank Secrecy Act and sanctions compliance standards be implemented. The Bank Secrecy Act and sanctions compliance requirements will be addressed in a different proposed rule. Proposed § 15.13 addresses the remaining requirements and standards required under section 4(a)(4)(A)(iv) of the GENIUS Act. Proposed § 15.13 also addresses interest rate risk management standards under section 4(a)(4)(A)(iii) of the GENIUS Act (12 U.S.C. 5903(a)(4)(A)(iii)).

The GENIUS Act requires that the regulation's requirements and standards be ''principles-based.'' Accordingly, the OCC is proposing flexible standards in § 15.13 that scale based on the nature, scope, and risk of a permitted payment stablecoin issuer's activities. Most of the standards in proposed § 15.13 are adapted from relevant provisions of 12 CFR part 30, appendices A and B, which in turn implement 12 U.S.C. 1831p–1.[64] The OCC identified standards from appendices A and B of part 30 that fit the requirements of section 4(a)(4)(A)(iii) or 4(a)(4)(A)(iv) of the GENIUS Act and then, consistent with the statute, adapted and tailored those standards to the business models of permitted payment stablecoin issuers, as appropriate. In addition, on July 14, 2025, the OCC issued a joint statement, together with the Federal Reserve and FDIC, on Risk Management Considerations for Crypto-Asset Safekeeping,[65] and the standards in proposed § 15.13 are consistent with the considerations described in the joint statement.[66]

Proposed § 15.13(a)(1) requires that a permitted payment stablecoin issuer have internal controls and information systems that are appropriate for the size and complexity of the permitted payment stablecoin issuer and the nature, scope, and risk of its activities and that provide for: (i) an organizational structure with appropriate segregation of duties and an internal control structure that establishes clear lines of authority and responsibility for monitoring adherence to established policies; (ii) effective risk assessment; (iii) timely and accurate financial, operational, and regulatory reporting, including with respect to reports required under proposed part 15; (iv) adequate procedures to safeguard, manage, control, and monetize assets, including reserve

[63] 12 U.S.C. 5903(a)(1)(B)(ii).

[64] While the standards listed in 12 U.S.C. 1831p–1 provide a useful reference point for standards that may be applicable to permitted payment stablecoin issuers, the OCC is not invoking 12 U.S.C. 1831p–1 as a source of authority for issuing these risk management requirements. Accordingly, the specific requirements for violating 12 U.S.C. 1831p–1 would not necessarily apply to permitted payment stablecoin issuers (*e.g.,* a mandatory plan).

[65] *See* OCC, ''Agencies Issue Joint Statement on Risk-Management Considerations For Crypto-Asset Safekeeping'' (July 14, 2025), *https://www.occ.gov/news-issuances/news-releases/2025/nr-ia-2025-68.html.*

[66] Consistent with the recommendations in the Digital Financial Technology Report, the OCC intends to provide additional clarity with respect to digital asset activities undertaken by OCC-supervised entities.

assets; and (v) compliance with applicable laws and regulations. Internal controls refer to the systems, policies, procedures, and processes effected by the board of directors and other personnel to safeguard permitted payment stablecoin issuer assets, limit or control risks, achieve permitted payment stablecoin issuer objectives, and ensure compliance with applicable laws and regulations. Effective internal controls help the board of directors and management safeguard the permitted payment stablecoin issuer's resources and comply with laws and regulations, as well as reduce the possibility of significant errors and irregularities, and assist in their timely detection when errors and irregularities do occur. Internal controls must also include an effective risk assessment since a permitted payment stablecoin issuer cannot effectively manage its risks without an understanding of its risk profile. The internal controls standards in proposed § 15.13(a)(1) are modeled on the internal controls standards in 12 CFR part 30, with some adjustments to accommodate the particular activities and risks of permitted payment stablecoin issuers. For example, the procedures to safeguard, manage, control, and monetize assets will be expected to include measures to monitor and ensure the deposit concentration and diversification requirements are met on a daily basis.[67] Likewise, procedures will be expected to address potential vulnerabilities related to fraud and the theft of payment stablecoins or other assets.

The OCC proposes that § 15.13(a)(2) require permitted payment stablecoin issuers have an internal audit system that is appropriate to the size and complexity of the permitted payment stablecoin issuer and the nature, scope, and risk of its activities and that provides for (i) adequate monitoring of the system of internal controls through an internal audit function, or for a permitted payment stablecoin issuer whose size, complexity or scope of operations does not warrant a full scale internal audit function, a system of independent reviews of key internal controls; (ii) independence and objectivity; (iii) qualified persons responsible for the audit function; (iv) adequate independent testing and review of internal controls and information systems, verification of published information available to customers, calculations for required reserves, and regulatory filings; (v) adequate documentation of tests and findings and any corrective actions; (vi) verification and review of management actions to address deficiencies; and (vii) review by the institution's audit committee or board of directors of the effectiveness of the internal audit system. Internal audit systems provide objective, independent reviews of permitted payment stablecoin issuer activities, internal controls, and information systems to help the board of directors and management monitor and evaluate internal control adequacy and effectiveness. An internal audit system, among other items, is expected to independently test and review systems, as appropriate, related to (1) a permitted payment stablecoin issuer's compliance with the GENIUS Act and requirements in any final rules implementing the GENIUS Act; (2) payment systems; and (3) third-party risk management. Well-planned, properly structured audit programs are essential to effective risk management and internal control systems. Effective internal audit programs are a critical defense against fraud and provide vital information to the board of directors about the effectiveness of internal controls systems. An internal audit program's responsibilities include evaluating compliance systems, safeguards around use of payment systems, and risks posed by relationships with and dependence on third parties. While it is important that internal audit functions be conducted by qualified persons with an appropriate level of independence from other business lines, the proposed rule would not mandate a particular organizational structure (for example, three lines of defense). Proposed § 15.13(a)(2) would not prescribe a one-size-fits-all approach to risk management. Smaller permitted payment stablecoin issuers with a lower risk profile may be able to comply using a simpler, less delineated, organizational structure, or may be able to outsource certain functions such as the internal audit function, while larger permitted payment stablecoin issuers, with higher risk-profiles, may require organizational structures with more clearly delineated risk management functions, including internal audit personnel.

Proposed § 15.13(a)(3) addresses interest rate risk and would require a permitted payment stablecoin issuer to (i) manage interest rate risk in a manner that is appropriate to the size and complexity of the permitted payment stablecoin issuer and the complexity of its assets and liabilities and (ii) provide for periodic reporting to management and the board of directors regarding interest rate risk with adequate information for management and the board of directors to assess the level of risk. While permitted payment stablecoin issuers hold reserve assets that may, depending on their type, have limited or no duration (*e.g.,* in the case of deposits or insured shares payable upon demand), it is still important for permitted payment stablecoin issuers to be mindful of this risk, particularly in light of the role of interest rate risk in the failures of previous money market funds, whose investments, like those of permitted payment stablecoin issuers, were supposed to be limited to short-duration safe assets.[68] Increases in interest rates, particularly in short-time periods, can reduce the value of interest-sensitive reserve assets, potentially impacting their marketability and liquidity as well as their fair value. Similarly, changes in interest rates can affect the earnings of permitted payment stablecoin issuers since their earnings may rely in substantial part on interest earned on reserve assets. Likewise, increases in interest rates may reduce the demand for payment stablecoins, particularly since permitted payment stablecoin issuers are prohibited from paying interest to stablecoin holders solely in connection with the holding, use, or retention of payment stablecoins under proposed § 15.10(c)(4). The GENIUS Act explicitly authorizes interest rate risk management standards under section 4(a)(4)(A)(iii) (12 U.S.C. 5903(a)(4)(A)(iii)) whereas section 4(a)(4)(A)(iv) (12 U.S.C. 5903(a)(4)(A)(iv)) authorizes the other requirements and standards proposed in § 15.13. The OCC proposes that interest rate risk management standards be included under proposed § 15.13 since it is a risk management standard like the

[67] In spring 2023, interest rate increases contributed to the failure of Silicon Valley Bank, which in turn caused the value of one stablecoin, USDC, to fall below $1 in the secondary market when it became evident that much of USDC's reserves were held at Silicon Valley Bank. This event illustrates the potential knock-on effects of changes in interest rates and the importance of continuous monitoring for stablecoins, particularly if acute stress creates situations where issuers are unable to access reserve assets.

[68] Mismanagement of interest rate risk was a leading cause of failure in two of the three money market funds in the United States in which the net asset value of the fund fell below $1 (also referred to as ''breaking the buck''), ultimately leading to liquidation. *See* In the Matter of John E. Backlund, et al., Investment Company Act Release No. 23639 (January 11, 1999) (SEC administrative order involving the Community Bankers U.S. Government Money Market Fund liquidated in 1994); In the Matter of First Multifund Advisory Corp. and Milton Mound, Initial Decision, File No. 3–5881 (December 29, 1982) (SEC initial decision involving the First Multifund for Daily Income liquidated in 1978).

other standards already included in proposed § 15.13.

The OCC proposes that § 15.13(a)(4) require a permitted payment stablecoin issuer's asset growth to be prudent and commensurate with a permitted payment stablecoin issuer's risk management capabilities, operational capacity, and staffing. While there are no hard limits to how quickly permitted payment stablecoin issuers may grow, permitted payment stablecoin issuers must ensure that growth does not undercut the permitted payment stablecoin issuer's capabilities to comply with the requirements of this rule and other applicable law. For example, rapid issuance of new stablecoins would require rapid increase in reserves, and permitted payment stablecoin issuers must ensure that they maintain the capabilities to maintain these reserves in compliance with proposed § 15.11 and maintain the ability to access and monetize the reserves in order to meet redemption requests.

The OCC proposes that § 15.13(a)(5) require that a permitted payment stablecoin issuer establish and maintain a risk management system that is commensurate with the permitted payment stablecoin issuer's size and complexity and the nature and scope of its operations to evaluate and monitor earnings and ensure that earnings are sufficient to support operations and maintain the capital levels that would be required under subpart E of proposed part 15. To reflect the distinct characteristics of permitted payment stablecoin issuers, the proposed standards on earnings in proposed § 15.13(a)(5) do not include all the listed elements in paragraph II.H in appendix A to 12 CFR part 30, from which the earnings standard in proposed § 15.13(a)(5) was adapted. Nevertheless, under the proposed rule, permitted payment stablecoin issuers would be expected to comply with the overarching requirement to evaluate and monitor earnings. It may be particularly important for permitted payment stablecoin issuers to evaluate the volatility and sustainability of earnings, since changes in short-term interest rates could have sudden impacts on permitted payment stablecoin issuer earnings.

Proposed § 15.13(a)(6) addresses insider and affiliate transactions and is intended to protect a permitted payment stablecoin issuer from entering into detrimental transactions with insiders or affiliates. Under proposed paragraph (a)(6)(i), a permitted payment stablecoin issuer would be required to ensure that transactions between the permitted payment stablecoin issuer and insiders or affiliates: (1) are not excessive and do not pose significant risks of material financial loss; (2) are conducted on terms that are the same or at least as favorable to the permitted payment stablecoin issuer as those prevailing at the time for comparable transactions with or involving non-insiders or non-affiliates (or in the absence of comparable transactions, are offered on terms and under circumstances that, in good faith would be offered to, or would apply to non-affiliates or non-insiders); and (3) are appropriately documented and reviewed by the board of directors. Proposed paragraph (a)(6)(ii) would require a permitted payment stablecoin issuer to appropriately monitor and validate compliance with these requirements.

Proposed § 15.13(a)(7) would provide requirements for overseeing third-party service provider arrangements. Specifically, a permitted payment stablecoin issuer must (i) exercise appropriate due diligence in selecting its service providers; (ii) require its service providers by contract to implement appropriate measures designed to meet the requirements of part 15; and (iii) as appropriate, monitor its service providers to confirm they have satisfied their obligations under proposed part 15. As part of this monitoring, permitted payment stablecoin issuers should review audits, summaries of test results, or other equivalent evaluations of its service providers.[69]

Proposed § 15.13(a)(8) would require a permitted payment stablecoin issuer to (i) appropriately monitor and validate compliance with the requirements of § 15.11 and (ii) manage liquidity and concentration risk in a manner that is appropriate to the business model and risk profile of the permitted payment stablecoin issuer.

Proposed § 15.13(b)(1) provides that a permitted payment stablecoin issuer must implement a comprehensive written information security risk and control framework, including a program that assesses and manages information technology and information security risks.

Under proposed § 15.13(b)(2), the board of directors of the permitted payment stablecoin issuer, or an appropriate board committee, must approve the information technology and security program. The board must oversee the development, implementation, and maintenance of the program, including the appointment of a qualified Information Technology and Security Officer. The oversight required of the board or committee includes assigning specific responsibility for program implementation and review of program-related reports.

Under proposed § 15.13(b)(3), a permitted payment stablecoin issuer's information technology and security program must include (i) an inventory and classification of assets, processes, and sensitivity of data; (ii) controls supporting and safeguarding sensitive information and processes; (iii) evaluation, validation, and reporting processes to ensure that key information technology systems and controls, including smart contracts, are operating as intended; (iv) periodic independent testing; and (v) a comprehensive and effective incident identification and assessment process and incident response program.

Under proposed § 15.13(b)(4), a permitted payment stablecoin issuer's information technology and security program must include administrative, technical, and physical safeguards designed to (i) ensure the security and confidentiality of records containing nonpublic personal information about a customer; (ii) protect against any anticipated threats or hazards to the security or integrity of such records; (iii) protect against unauthorized access to or use of such records that could result in substantial harm or inconvenience to any customer; and (iv) ensure the proper disposal of such records.

Proposed § 15.13(b)(5) provides that a permitted payment stablecoin issuer must develop, implement, and maintain appropriate measures to ensure secure handling of digital assets, including private key management, backup, and recovery incorporating: (i) relevant technical, operational, strategic, market, legal, and compliance considerations relating to each digital asset and its underlying ledger; and (ii) material developments specifically related to supported digital assets and their underlying ledgers.[70]

[69] The OCC anticipates that any updates to the OCC's Third-Party Risk Management guidance will explicitly address permitted payment stablecoin issuers.

[70] If a permitted payment stablecoin issuer holds digital assets on a customer's behalf, the permitted payment stablecoin issuer's risk management practices must reflect this activity. Consistent with the July 14, 2025 Joint Statement on Risk-Management Considerations for Crypto-Asset Safekeeping, a permitted payment stablecoin issuer holding digital assets on a customer's behalf would be required to maintain risk management practices, and information security practices in particular, that reflect the permitted payment stablecoin issuer's capacity to understand a complex and evolving asset class, ability to ensure a strong control environment, and appropriate contingency

Continued

Proposed § 15.13(b)(6) would require that a permitted payment stablecoin issuer monitor, evaluate, and adjust, as appropriate the information technology and security program in light of any relevant changes in technology, the sensitivity of its customer information, internal or external threats, and the permitted payment stablecoin issuer's own changing business arrangements, such as mergers and acquisitions, alliances and joint ventures, third-party arrangements, and changes to applicable information systems.

Proposed § 15.13(b)(7) would provide that a permitted payment stablecoin issuer must conduct a reasonable investigation when it becomes aware of an incident of unauthorized access to sensitive customer information, including a customer's private key, to determine the likelihood that the information has been or will be misused. The requirements in proposed § 15.13(b)(7) are similar to the requirements codified in supplement A to appendix B to part 30. If the permitted payment stablecoin issuer determines that misuse of customer information has occurred or is reasonably possible, the permitted payment stablecoin issuer must notify the customer or customers affected or possibly affected as well as the OCC as soon as possible. Customer notice must be delayed if an appropriate law enforcement agency determines that notification will interfere with a criminal investigation and provides the permitted payment stablecoin issuer with a written request for the delay. If delayed by investigation, the permitted payment stablecoin issuer must notify its customers of the misuse or possible misuse of customer information as soon as law enforcement notifies the permitted payment stablecoin issuer that notification will no longer interfere with the investigation. Proposed § 15.13(b)(7)(ii) recognizes that there may be situations where the permitted payment stablecoin issuer determines that a group of files has been accessed improperly but is unable to identify which specific customers' information has been accessed. If the circumstances of the unauthorized access lead the permitted payment stablecoin issuer to determine that misuse of the information is reasonably possible, it must notify all customers in the group.

Proposed § 15.13(b)(8) would provide that a permitted payment stablecoin issuer's information technology and security program must include measures to ensure continuity of operations and recover critical functions in the face of disruptions, including by business impact analyses, testing of vulnerabilities, and testing with critical service providers. Recent corporate information technology system failures have demonstrated the importance of measures to maintain operational resilience. Permitted payment stablecoin issuers should ensure that they have sufficient controls to reliably address operational issues that may arise with burning and minting new stablecoins and should conduct appropriate due diligence before supporting any new distributed ledger. Operational resilience will be particularly important for stablecoin issuers, who will depend on customer confidence in the stable value and availability of their stablecoins.

plans to address unanticipated challenges in effectively providing services to customers.

5. Audits, Reports, and Supervision (Proposed § 15.14)

a. Examinations

Section 6(a)(1) of the GENIUS Act (12 U.S.C. 5905(a)(1)) authorizes primary Federal payment stablecoin regulators, including the OCC, to supervise permitted payment stablecoin issuers, as defined in the statute, that are not State qualified payment stablecoin issuers with an outstanding issuance of less than $10 billion in payment stablecoins. Section 6(a)(3) of the GENIUS Act (12 U.S.C. 5905(a)(3)) authorizes the OCC to examine permitted payment stablecoin issuers to assess the nature of their operations and the financial condition of the permitted payment stablecoin issuer; the financial, operational, technological, compliance, and other risks associated within the permitted payment stablecoin issuer that may pose a threat to the safety and soundness of the permitted payment stablecoin issuer or the stability of the financial system of the United States; and the systems of the permitted payment stablecoin issuer for monitoring and controlling the risks. Pursuant to section 6(a)(4)(C) of the GENIUS Act (12 U.S.C. 5905(a)(4)(C)), the OCC may only request examinations at a cadence and in a format that is similar to that required for similarly situated entities regulated by the OCC.

Proposed § 15.14(a) provides that the OCC will conduct a full-scope examination of every permitted payment stablecoin issuer subject to its supervision at least once during each 12-month period, unless otherwise specified in proposed § 15.14(d). A full scope examination refers to the comprehensive review of a permitted payment stablecoin issuer's financial condition, risk management practices, compliance with laws and regulations, and overall safety and soundness. The OCC's proposed exercise of its examination authority over permitted payment stablecoin issuers mirrors the OCC's current examination authority over national banks and Federal savings associations.[71] This mirroring ensures the OCC is requesting examinations and reports at a cadence and in a format that is similar to that required for similarly situated entities the OCC regulates, as required by section 6(a)(4)(C) of the GENIUS Act (12 U.S.C. 5905(a)(4)(C)).

Consistent with the OCC's statutory authority to supervise permitted payment stablecoin issuers, the OCC proposes that § 15.14(d) would provide the OCC with the option to examine some permitted payment stablecoin issuers on an 18- to 36-month cycle, as determined by the OCC in its sole discretion, if the issuers satisfy the following conditions: (1) the permitted payment stablecoin issuer currently is not subject to a formal enforcement proceeding or order; (2) no person acquired control, as specified in § 15.14(m), of the permitted payment stablecoin issuer during the preceding 12-month period in which a full-scope examination would have been required but for proposed § 15.14(d); (3) the permitted payment stablecoin issuer has an outstanding issuance value of less than $1 billion or less than $25 billion in total monthly trading volume; and (4) the permitted payment stablecoin issuer is in compliance with all of the reserve requirements set forth in proposed § 15.11 and the reporting requirements in proposed § 15.14. The proposed criteria for certain permitted payment stablecoin issuers to qualify for an 18- to 36-month examination cycle are similar to the factors the OCC considers for national banks and Federal savings associations under 12 CFR 4.6(b).

Consistent with the OCC's statutory authority under the GENIUS Act and the OCC's supervisory authority over national banks and Federal savings associations, proposed § 15.14(e) allows the OCC to conduct examinations of permitted payment stablecoin issuers as frequently as the agency deems necessary, including examinations of a limited scope.[72] The OCC has proposed this provision to ensure the agency has clear authority to conduct ad hoc examinations when emergencies or risks to the safety and soundness of a permitted payment stablecoin issuer or the financial stability of the United States require the agency to deviate from

[71] *See* 12 CFR 4.6 and 4.7.

[72] *See id.;* 12 U.S.C. 5905(a)(3).

its routine 12- or 18- to 36-month examination cycle.

Proposed § 15.14(b) requires that, upon request, permitted payment stablecoin issuers must grant OCC examiners prompt and complete access to all officers, directors, employees, agents, and relevant books, records, or documents of any type. The OCC, through its examination authority over national banks and Federal savings associations, has authority to access the officers, agents, and books and records of these institutions.[73] The books and records of a permitted payment stablecoin issuer include but are not limited to, information retained on distributed ledgers. Sections 6(a)(1), (3), and (4) of the GENIUS Act (12 U.S.C. 5905(a)(1), (3), and (4)) give the OCC similar authority to supervise and examine permitted payment stablecoin issuers. Proposed § 15.14(b) applies the OCC's examination authority to permitted payment stablecoin issuers in the same manner that it is applied to national banks and Federal savings associations. Additionally, proposed § 15.14(c) clarifies that the OCC may conduct examinations either on site or remotely. Proposed § 15.14(f) provides that all permitted payment stablecoin issuers must maintain a complete set of books and records in English. Proposed § 15.14(g) requires all permitted payment stablecoin issuers to develop and implement a records retention policy that ensures the permitted payment stablecoin issuer can demonstrate compliance with the GENIUS Act, this part, and all applicable laws and regulations.

b. Reports

Section 6(a)(2) of the GENIUS Act (12 U.S.C. 5905(a)(2)) requires that each permitted payment stablecoin issuer shall, upon request, submit to the appropriate Federal payment stablecoin regulator a report on: the financial condition of the permitted payment stablecoin issuer; the systems of the permitted payment stablecoin issuer for monitoring and controlling financial and operating risks; compliance by the permitted payment stablecoin issuer (and any subsidiary thereof) with the GENIUS Act; and the compliance of the Federal qualified nonbank payment stablecoin issuer with the Bank Secrecy Act and with laws authorizing the imposition of sanctions and implemented by the Secretary of the Treasury. Section 6(a)(4) of the GENIUS Act (12 U.S.C. 5905(a)(4)) requires the OCC to take certain actions to promote efficiency in the supervision and examination of permitted payment stablecoin issuers. The OCC, in supervising and examining permitted payment stablecoin issuers, to the fullest extent possible, must use existing supervisory reports and other supervisory information and avoid duplication of examination activities, reporting requirements, and requests for information.

Proposed § 15.14(j) implements section 6(a)(2) of the GENIUS Act by requiring each permitted payment stablecoin issuer subject to the requirements of section 6(a)(1) of the Act to, upon request, submit to the OCC a report on: (1) the financial condition of the permitted payment stablecoin issuer; (2) the systems of the permitted payment stablecoin issuer for monitoring and controlling financial and operating risks; (3) compliance by the permitted payment stablecoin issuer (and any subsidiary thereof) with the GENIUS Act and proposed part 15; and (4) compliance of the permitted payment stablecoin issuer with the Bank Secrecy Act and with laws authorizing the imposition of sanctions and implemented by the Secretary of the Treasury. In an effort to clarify the GENIUS Act's requirements, the OCC has proposed in § 15.14(j)(4) expanding the requirement that Federal qualified nonbank payment stablecoin issuers produce reports of compliance with the requirements of the Bank Secrecy Act and with laws authorizing the imposition of sanctions and implemented by the Secretary of the Treasury to all permitted payment stablecoin issuers.[74]

In addition to the regulations codifying the reporting requirements in section 6(a)(2) of the GENIUS Act (12 U.S.C. 5905(a)(2)),[75] pursuant to its supervisory authority in section 6(a)(1) of the Act (12 U.S.C. 5905(a)(1)), the OCC is proposing in § 15.14(h) to require permitted payment stablecoin issuers to submit on a weekly basis, in the manner and form specified by the OCC, a confidential report containing the information requested in the form that will be available at *www.occ.gov.* At a high level, the OCC is requesting a permitted payment stablecoin issuer provide information regarding the issuance and redemption, trading volume, and reserve assets for each payment stablecoins it issues. The report would include information relating to the blockchains the payment stablecoin is listed on, outstanding issuance value, secondary market activity and price movement, redemption volume and times, detailed information regarding reserve assets, and other relevant information. For more information about the specific information requested, consult the form that will be available at *www.occ.gov.* The OCC believes that requiring a permitted payment stablecoin issuer to provide a confidential set of data on a weekly basis for each payment stablecoins it issues will allow the OCC to understand the permitted payment stablecoin issuer's operations and the risks unique to its business model. This regular data reporting will allow the OCC to tailor its examinations to be risk-based, which will reduce the burden of examinations by focusing the scope of examinations. Further, the OCC believes that this regular reporting framework will allow the OCC to identify and respond more quickly to emerging novel and financial stability risks. The OCC also believes the information requests is currently tracked on a regular basis by stablecoin issuers.

The OCC is proposing in § 15.14(i) a separate provision that requires permitted payment stablecoin issuers to submit quarterly reports of financial condition to the OCC, including, but not limited to income statement, expenses, balance sheet, reserves, changes in equity, investments, capital, outstanding issuance value, and assets under custody, in a standardized format as prescribed by the OCC within 30 days of the end of the prior quarter. The OCC proposes this provision to ensure that permitted payment stablecoin issuers produce regular, standardized statements of financial condition to the OCC and will include additional information beyond the composition report required under § 15.11(e) and the confidential weekly reporting required under proposed § 15.14(h), including information regarding the permitted payment stablecoin issuer's income, expenses, balance sheet, reserves,

[73] 12 U.S.C. 481 and 1464.

[74] The OCC notes that section 6(a)(2) of the GENIUS Act (12 U.S.C. 5905(a)(2)) requires all permitted payment stablecoin issuers to provide the subsequent list of reports in section 6(a)(2)(A) through (D) to the OCC upon request, whereas section 6(a)(2)(D) refers to the compliance of ''the Federal qualified nonbank payment stablecoin issuer with the requirements of the Bank Secrecy Act.'' Based on the structure of section 6(a)(2), the OCC believes all permitted payment stablecoin issuers must, upon request, produce each of the listed reports and that the OCC could request the report required in section 6(a)(2)(D) from a permitted payment stablecoin issuer. Additionally, section 6(a)(1) of the GENIUS Act (12 U.S.C. 5905(a)(1)) gives the OCC supervisory authority over all permitted payment stablecoin issuers, which provides the OCC with further authority to request the report in section 6(a)(2)(D).

[75] With regards to reporting by a permitted payment stablecoin issuer as to its assets under custody, section 10(d) of the GENIUS Act (12 U.S.C. 5909(d)) provides an additional statutory grant of authority.

changes in equity, investments, capital, outstanding issuance value, and assets under custody. This provision mirrors the quarterly statements of financial condition that national banks and Federal savings associations provide to the Federal banking agencies through their quarterly Consolidated Reports of Condition and Income filings, commonly referred to as Call Reports.[76] The information required to be reported under this section will be streamlined substantially relative to the Call Reports, in light of the comparatively simple business model of a permitted payment stablecoin issuer. Standardizing these reporting requirements will enhance the OCC's ability to supervise permitted payment stablecoin issuers and provide clarity as to the information a permitted payment stablecoin issuer must report. The OCC intends to publish the information provided in the quarterly report to ensure transparency and that the public has an understanding of a permitted payment stablecoin issuer's financial condition on an ongoing basis. The OCC also proposes to require that each quarterly report of financial condition includes a declaration from the permitted payment stablecoin issuer's Chief Financial Officer, or the individual performing an equivalent function, that the report is true and correct to the best of their knowledge and belief. The correctness of the quarterly report of condition shall also be attested to by the signatures of the directors and senior management of the permitted payment stablecoin issuer other than the officer making such declaration, with the attestation stating that the report has been examined by them and to the best of their knowledge and belief is true and correct. The OCC proposes requiring these declarations and attestations to ensure that permitted payment stablecoin issuer's officers and directors are accountable for the accuracy of the permitted payment stablecoin issuer's reports of financial condition.

Proposed § 15.14(k) implements section 5(i) of the GENIUS Act (12 U.S.C. 5904(i)). Consistent with the statute, under the proposed rule, not later than 180 days after the approval of an application, as defined in proposed § 15.30, and on an annual basis thereafter, a permitted payment stablecoin issuer must submit to the OCC a certification by its board of directors that the permitted payment stablecoin issuer has implemented anti-money laundering and economic sanctions compliance programs that are reasonably designed to prevent the permitted payment stablecoin issuer from facilitating money laundering, in particular, facilitating money laundering for cartels and organizations designated as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and the financing of terrorist activities, consistent with the requirements of the GENIUS Act.

Audits

Section 4(a)(10) of the GENIUS Act (12 U.S.C. 5903(a)(10)) requires that a permitted payment stablecoin issuer with more than $50 billion in consolidated total outstanding issuance value that is not subject to certain reporting requirements under Federal securities laws prepare an annual financial statement. Section 4(a)(10) further provides that a registered public accounting firm must perform an audit of the annual financial statement. The audited annual financial statement must be made publicly available on the permitted payment stablecoin issuer's website and be submitted annually to the primary Federal payment stablecoin regulator.

Proposed § 15.14(l) implements the requirements of section 4(a)(10) of the GENIUS Act. Under the proposed rule, each permitted payment stablecoin issuer with more than $50 billion in outstanding issuance value that is not subject to the reporting requirements under section 13(a) or 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78m(a) or 78o(d))[77] must prepare, in accordance with GAAP, an annual financial statement that must include the disclosure of any related party transactions, as defined by GAAP. Proposed § 15.14(l)(1) requires that a registered public accounting firm must conduct an audit of the financial statements in accordance with all applicable auditing standards established by the Public Company Accounting Oversight Board. The OCC interprets ''applicable auditing standards'' under section 4(a)(10)(A)(iii) of the GENIUS Act (12 U.S.C. 5903(a)(10)(A)(iii)) to mean those that would apply if the permitted payment stablecoin issuer were subject to the reporting requirements under section 13(a) or 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)). The standards would be enforced by the OCC for permitted payment stablecoin issuers subject to the audit requirement under section 4(a)(10)(A)(iii) of the GENIUS Act (12 U.S.C. 5903(a)(10)(A)(iii)). Consistent with this framework, the OCC may at any time request that a registered public accounting firm provide to the OCC certain additional information or documents relating to information provided by the permitted payment stablecoin issuer. The registered public accounting firm must agree to provide copies of any working papers, policies, and procedures relating to services in connection with the audit required under section 4(a)(10)(A)(iii) of the GENIUS Act (12 U.S.C. 5903(a)(10)(A)(iii)). Proposed § 15.14(l)(2) requires the permitted payment stablecoin issuer to: (1) make the audited financial statement publicly available on its website, and (2) submit the audited financial statement annually to the OCC. Under proposed § 15.14(l)(2)(ii), a permitted payment stablecoin issuer would be required to submit to the OCC annually, within 120 days of the end of its fiscal year, an audited financial statement. If a permitted payment stablecoin issuer is unable to timely file all or any portion of its financial statements, proposed § 15.14(l)(2)(iii) would require the permitted payment stablecoin issuer to submit a written notice of late filing to the OCC that would: (A) disclose the permitted payment stablecoin issuer's inability to file all, or specified portions, of its annual financial statement and the reasons therefore in reasonable detail; (B) include the date by which the financial statement will be filed; and (C) be filed on or before the deadline for filing the financial statement.

Proposed § 15.14(m) would address changes in control of a permitted payment stablecoin issuer. Proposed § 15.14(m)(1) would require a person seeking to acquire control, as those terms are used at 12 CFR 5.50, of a permitted payment stablecoin issuer to follow the requirements of 12 CFR 5.50 as if the permitted payment stablecoin issuer were a national bank. Thus, consistent with 12 CFR 5.50, a person seeking to acquire control (as those terms are used in 12 CFR 5.50) would need to provide 60 days prior notice to the OCC, except in certain circumstances identified in 12 CFR 5.50.[78] The OCC could inform the filer that the acquisition has been disapproved, has not been disapproved,

[76] *See* 12 U.S.C. 161(a) (requiring national banks to make reports of condition to the OCC); and 12 U.S.C. 1464(v) (requiring Federal savings associations to make reports of condition to the OCC).

[77] This requirement would not apply to an entity whose parent company is a reporting entity to the extent that the information of the entity would be reflected in applicable reports.

[78] *See* 12 CFR 5.50(b).

or that the review period has been extended.[79]

To avoid duplication, proposed § 15.14(m)(2) would provide that the requirements of paragraph (m)(1) do not apply to a transaction subject to the notice or application provisions under 12 CFR part 5 or § 15.30.

The OCC is considering including additional provisions detailing the consequences of failing to follow the procedures under 12 CFR 5.50. For example, the OCC is considering including language stating that, if a person acquires control, as the term is used at 12 CFR 5.50, of a permitted payment stablecoin issuer without following the requirements of 12 CFR 5.50 as if the permitted payment stablecoin issuer were a national bank before the time for the OCC's review as provided in 12 CFR 5.50 has expired or after the OCC has disapproved the acquisition of control, the permitted payment stablecoin issuer: (i) must, within 15 calendar days of the acquisition of control, provide all information required under 12 CFR 5.50; and (ii) may be subject to supervisory or enforcement actions relating to any concerns arising from the change in control, consistent with applicable law. The OCC welcomes any comments related to proposed § 15.14(m) as well as the additional language the OCC is considering including in proposed § 5.14(m).

The OCC proposes requiring this notice to facilitate the OCC's ongoing examination and supervision of permitted payment stablecoin issuers. Requiring notice of changes in control will assist the OCC in carrying out its mandate to examine permitted payment stablecoin issuers and is consistent with the OCC's authority to supervise, request reports, and conduct examinations pursuant to section 6(a) of the GENIUS Act (12 U.S.C. 5905(a)). In addition, requiring notice regarding changes in control will help the OCC monitor for and address evasion of the requirements of the GENIUS Act. For example, there may be instances where changes in control implicate the risk management requirements of the GENIUS Act, Bank Secrecy Act/Anti-Money Laundering (BSA/AML) or sanctions evasion. Similarly, section 5(c) of the GENIUS Act (12 U.S.C. 5904(c)) includes requirements designed to prevent an individual that has been convicted of a felony offense involving insider trading, embezzlement, cybercrime, money laundering, financing of terrorism, or financial fraud from serving as an officer or director for an applicant. The same section of the GENIUS Act includes provisions addressing the competence, experience, integrity of the officers, directors, and principal shareholders of the applicant. Absent a requirement to submit a notice regarding a change in control, an applicant could become licensed with a set of officers, directors, and principal shareholders that do not raise concerns under section 5(c) of the GENIUS Act (12 U.S.C. 5904(c)) and then transfer control to persons that do implicate concerns under section 5(c) of the Act or that otherwise raise concerns regarding the ability of the permitted payment stablecoin issuer to comply with the Act and its implementing regulations.

Proposed § 15.14(n) and (o) implement the requirements of section 6(a)(4)(A) and (B) of the GENIUS Act (12 U.S.C. 5905(a)(4)(A) and (B)) by mirroring the statutory requirements that, as a part of its supervision and examination of permitted payment stablecoin issuers, the OCC, to the fullest extent possible, will use existing supervisory reports and other supervisory information and avoid duplication of examination activities, reporting requirements, and requests for information. The OCC will follow this approach, including in developing and issuing related examination handbooks and policies. The OCC believes this is the optimal approach because it will allow the OCC to quickly adapt and fine-tune its supervisory and examination policies to maximize both efficiency and burden reduction. This approach is also consistent with the approach that the OCC takes for other entities under its jurisdiction.

6. State Qualified Payment Stablecoin Issuers (Proposed § 15.15)

The OCC proposes to issue § 15.15 to implement the GENIUS Act's transition standards for State qualified payment stablecoin issuers with an outstanding issuance value of more than $10 billion. Specifically, proposed § 15.15 would require an issuer to notify the OCC within five calendar days after the issuer triggers the transition threshold, request a waiver if the issuer seeks to remain supervised solely by the applicable State regulator, and, if applicable, provide the OCC with information necessary to evaluate an associated waiver request. Proposed § 15.15 would also establish a timeframe for the OCC's review of an issuer's waiver request. Proposed § 15.15(a) describes the scope of § 15.15 and provide that the section addresses requirements related to a State qualified payment stablecoin issuer that is a nonbank entity transitioning to the OCC's regulatory framework pursuant to section 4 of the GENIUS Act (12 U.S.C. 5903).

a. Transition to Federal Oversight

Section 4(d) of the GENIUS Act (12 U.S.C. 5903(d)) addresses the transition of State qualified payment stablecoin issuers that are not State chartered depository institutions to Federal oversight and provides the OCC with authority to supervise such issuers jointly with the relevant State payment stablecoin regulator.[80] Proposed § 15.15(b)(1) would implement section 4(d)(2) of the GENIUS Act (12 U.S.C. 5903(d)(2)) and would require a State qualified payment stablecoin issuer that is a nonbank entity that crosses the $10 billion outstanding issuance threshold to transition to the Federal regulatory framework under proposed part 15 and to comply with the provisions of part 15 applicable to Federal qualified payment stablecoin issuers within 360 days or cease issuing, on a net basis, new payment stablecoins until the State qualified payment stablecoin issuer's outstanding issuance value is under the $10 billion threshold. The OCC proposes to clarify that the State qualified payment stablecoin issuer would cease issuing new payment stablecoins on a net basis. This is to permit a State qualified payment stablecoin issuer to freeze, burn, mint and issue new payment stablecoins to the extent necessary to transfer stablecoins from one blockchain to another without increasing the total outstanding issuance of the State qualified payment stablecoin issuer.

Section 4(h) of the GENIUS Act (12 U.S.C. 5903(h)) authorizes the OCC to issue regulations necessary to administer and carry out the GENIUS Act's requirements and prevent evasion thereof. To facilitate an orderly transition to Federal oversight, ensure compliance with the GENIUS Act's transition requirements, and manage agency resources, proposed § 15.15(b)(2)(i) would require a nonbank State qualified payment stablecoin issuer of a payment stablecoin with an outstanding issuance value of more than $10 billion to provide written notification to the OCC within five calendar days after reaching such

[79] *See* 12 CFR 5.50(f).

[80] Section 4(d)(2) of the GENIUS Act (12 U.S.C. 5903(d)(2)) refers to State qualified payment stablecoin issuers other than State chartered depository institutions (addressed in section 4(d)(1) of the Act). For simplicity, proposed § 15.15 refers to State qualified payment stablecoin issuers that are nonbank entities. Nonbank entity is defined by the Act to mean a person that is not a depository institution or a subsidiary of a depository institution. 12 U.S.C. 5901(20).

threshold.[81] Proposed § 15.15(b)(2)(ii) provides that the written notification must include the following information: the State or States that currently regulate the State qualified payment stablecoin issuer; the State qualified payment stablecoin issuer's outstanding issuance value as of the date of the notice; the date that the issuer reached the $10 billion outstanding issuance value threshold; and indication of whether and when the issuer has ceased issuing, on a net basis, new payment stablecoins and whether the issuer intends to seek a waiver from transitioning to the Federal regulatory framework. Proposed § 15.15(b)(4) provides clarity as to when a State qualified payment stablecoin issuer transitions to the Federal regulatory framework. Proposed § 15.15(b)(4)(i) would require a State qualified payment stablecoin issuer to provide notification to the OCC that it is in compliance with the Federal regulatory framework implemented under proposed part 15. If the State qualified payment stablecoin issuer is not in compliance with the Federal regulatory framework in proposed part 15, the written notice would need to identify the provisions that the issuer does not comply with, provide the issuer's plan for remediating its noncompliance, and explain why the issuer did not comply with the Federal regulatory framework within the 360-day transition period. Regardless of whether the OCC receives such notice, the OCC reserves the right to pursue appropriate action to ensure compliance with the GENIUS Act with respect to a State qualified payment stablecoin issuer that transitions to the Federal regulatory framework administered by the OCC. Under proposed § 15.15(b)(4)(ii), a State qualified payment stablecoin issuer that does not cease issuing new payment stablecoins must transition to the Federal regulatory framework on the earlier of 360 days after reaching the $10 billion outstanding issuance value threshold or the date on which the State qualified payment stablecoin issuer provides written notification under paragraph (b)(4)(i).

To facilitate an orderly transition process, proposed § 15.15(b)(3)(i) would require a State qualified payment stablecoin issuer that is a nonbank entity to submit an analysis of the issuer's current capital position and anticipated capital needs, sufficient to ensure ongoing operations, based on its business model and risk profile to the OCC within 270 days of reaching the $10 billion outstanding issuance value threshold. State qualified payment stablecoin issuers are encouraged to submit a plan promptly to provide ample time to raise additional capital before transitioning to the OCC's regulatory framework, if needed. Under the proposed capital regulations in § 15.41, de novo banks, including transitioning State qualified payment stablecoin issuers, must maintain initial capital based on conditions set by the OCC during the licensing, chartering, or transition stage. Accordingly, proposed § 15.15(b)(3)(ii) would provide that the OCC will review the submitted analysis and establish a minimum capital requirement pursuant to proposed § 15.41(a)(1). Proposed § 15.15(b)(3)(iii) would provide that for purposes of complying with the transition requirements under proposed § 15.15(b)(1)(i) of this section, the issuer must hold minimum capital as specified under § 15.41(a)(1)(ii) prior to the issuer's transition date. State qualified payment stablecoin issuers that seek to transition early are therefore encouraged to submit their capital analysis to the OCC early, to ensure adequate time to address any deficiencies. Proposed § 15.15(b)(1)(iv) would provide that a State qualified payment stablecoin issuer would not need to submit an analysis of its capital if it receives a waiver under proposed § 15.15(d) or is not required to transition to the OCC's Federal regulatory framework under § 15.15(b)(1)(ii). As discussed above, a State qualified payment stablecoin issuer that seeks to transition to the Federal regulatory framework before the end of the 360-day period must certify its compliance with the part 15, which include capital requirements.

Under § 15.15(c), the OCC is proposing to require that a State qualified payment stablecoin issuer that transitions to the regulatory framework under proposed part 15 must undergo an initial examination at the OCC's request or no later than six months after the date on which the State qualified payment stablecoin issuer provides written notification under proposed § 15.15(b)(4)(i). Because a State qualified payment stablecoin issuer that transitions to the Federal framework will already be in operation, the OCC intends to conduct this examination well before the six-month outer limit proposed to ensure that the issuer can effectively operate under the Federal framework.

b. Waiver From Federal Supervision

Notwithstanding the transition requirements discussed above, under section 4(d)(3) of the GENIUS Act (12 U.S.C. 5903(d)(3)), the OCC may permit a nonbank State qualified payment stablecoin issuer that reaches the $10 billion threshold to remain solely supervised by a State payment stablecoin regulator. In determining whether to issue a waiver from Federal supervision, proposed § 15.15(d)(2) implements the requirement in the statute that provides that the OCC must consider four exclusive criteria: the capital maintained by the State qualified payment stablecoin issuer; the past operations and examination history of the State qualified payment stablecoin issuer; the experience of the State qualified payment stablecoin regulator in supervising payment stablecoin and digital asset activities; and the supervisory framework, including regulations and guidance, of the State qualified payment stablecoin issuer with respect to payment stablecoins and digital assets.

To facilitate an orderly waiver process, proposed § 15.15(d)(1) would require a State qualified payment stablecoin issuer seeking a waiver to submit a written waiver request to the OCC within 240 days of reaching the $10 billion outstanding issuance value threshold.[82] Nothing would prohibit a State qualified payment stablecoin issuer that exceeds the $10 billion threshold from seeking a waiver earlier, and the OCC would recommend that issuers that intend to seek a waiver do so promptly. The request must include information necessary for the OCC to evaluate the waiver criteria enumerated in proposed § 15.15(d)(2) and (3), discussed below. For example, such information may include the State qualified payment stablecoin issuer's reports of condition and examination, financial statements, investor statements, reports that detail significant examination findings, business activities, existence of past or current enforcement orders, and disclosure of any violations of law, as well as other information as requested by the OCC. Additionally, the waiver request may describe whether the State payment stablecoin regulator has experience regulating entities that have a similar risk profile. The waiver request may also include information regarding the frequency and depth of the State payment stablecoin regulator's examinations. The OCC will review the

[81] The proposal would require a nonbank State qualified payment stablecoin issuer to provide written notification to the OCC, regardless of whether it intends to issue new payment stablecoins.

[82] The OCC may also issue a waiver of its own accord, provided that it has information sufficient to evaluate the statutory criteria for issuing waivers.

issuer's waiver request and any associated information in relation to the waiver criteria.

Additionally, proposed § 15.15(d)(3) would incorporate waiver presumption standards for a State qualified payment stablecoin issuer that submits a waiver request. Consistent with section 4(d)(3)(C) of the Act (12 U.S.C. 5903(d)(3)(C)), the OCC will presumptively approve a waiver request if the relevant State payment stablecoin regulator has (1) established a prudential regulatory regime for the supervision of digital assets or payment stablecoins as of April 19, 2025 that has been certified pursuant to section 4(c) of the Act (12 U.S.C. 5903(c)) and (2) approved one or more issuers to issue payment stablecoins under the supervision of such State payment stablecoin regulator. The waiver presumption is lost if the OCC finds, by clear and convincing evidence, that the State qualified payment stablecoin issuer does not substantially meet the waiver criteria in proposed § 15.15(d)(2) or that the issuer poses significant safety and soundness risks to the financial system of the United States. If an issuer believes it qualifies for the waiver presumption, it must indicate so in the waiver request and provide information sufficient for the OCC to evaluate the waiver presumption standards.

7. Unusual and Exigent Circumstances (Proposed § 15.16)

The OCC proposes to issue § 15.16 to clarify the scope of the agency's enforcement authority over nonbank State qualified payment stablecoin issuers during unusual and exigent circumstances, including the review of OCC enforcement actions imposed pursuant to this authority.[83] Proposed § 15.16(a) would address the scope of § 15.16 and provide that the section addresses the OCC's authority to impose restrictions on a State qualified payment stablecoin issuer that is a nonbank entity during unusual and exigent circumstances, pursuant to section 7 of the GENIUS Act (12 U.S.C. 5906).

Section 7(e)(2)(B) of the GENIUS Act (12 U.S.C. 5906(e)(2)(B)) requires the OCC to issue rules to set forth the unusual and exigent circumstances in which the OCC would exercise its enforcement authority against nonbank State qualified payment stablecoin issuers. Section 7(e)(2) of the GENIUS Act provides that, during ''unusual and exigent circumstances,'' the OCC must take an enforcement action against a State qualified payment stablecoin issuer that is a nonbank entity for violations of the GENIUS Act, provided that the agency makes two determinations.[84] First, under the Act, the OCC must determine that ''unusual and exigent circumstances'' exist. Second, under the Act, the OCC must determine that there is reasonable cause to believe that the continuation of any activity by an issuer constitutes a serious risk to the financial safety, soundness, or stability of the issuer. Under the Act, if the OCC determines that both conditions are met, the OCC must impose such restrictions as the OCC determines to be necessary to address the serious risks to the issuer during the unusual and exigent circumstances. For example, under the Act, the OCC can limit a nonbank State qualified payment stablecoin issuer's affiliate transactions. The OCC may also limit nonbank State qualified payment stablecoin issuer activities that might create a serious risk that the liabilities of the issuer's holding company and its affiliates will be imposed on the issuer. The restrictions must be issued in the form of a directive, with the effect of a cease-and-desist order that has become final, to the nonbank State qualified payment stablecoin issuer and any of its affiliates.

Proposed § 15.16(b) would incorporate the GENIUS Act's unusual and exigent circumstances requirement. Under proposed § 15.16(b), if the OCC determines that unusual and exigent circumstances exist, based on the information available to the OCC, and that there is reasonable cause to believe that the continuation of any activity, including failure to act,[85] by a State qualified payment stablecoin issuer that is a nonbank entity constitutes a serious risk to the financial safety, soundness, or stability of the nonbank entity, the OCC will impose such restrictions as the OCC determines to be necessary to address such risk in the form of a directive. The Act provides three examples of the limitations that the OCC may impose, which are incorporated into proposed § 15.16(b). Such restrictions may include limitations on: (1) redemptions of payment stablecoins; (2) transactions between the State qualified payment stablecoin issuer, a holding company, and the subsidiaries or affiliates of either the State qualified payment stablecoin issuer or the holding company; and (3) any activities of the State qualified payment stablecoin issuer that might create a serious risk that the liabilities of a holding company and the affiliates of the holding company may be imposed on the State qualified payment stablecoin issuer.

Proposed § 15.16(c) would set forth the criteria the OCC would consider when determining whether unusual and exigent circumstances exist. Specifically, under the proposed rule, the OCC would consider: (1) whether the State qualified payment stablecoin issuer is, or is expected to imminently be, engaging in an activity (including any act, practice, or omission) that poses an immediate risk to the financial safety, soundness, or stability of the issuer or the financial system of the United States; (2) the actions of the relevant State payment stablecoin regulator to promptly address the risk to the issuer or the financial system of the United States; (3) risks presented to payment stablecoin holders; and (4) any other factors the OCC deems appropriate in light of the particular circumstances, consistent with the purposes of the GENIUS Act.

The OCC's proposed criteria are intended to capture circumstances that involve an immediate financial risk that cannot be sufficiently addressed through normal supervisory channels. Accordingly, the OCC's proposed criteria focus on the immediacy of the financial risks, whether to the issuer, the stablecoin holders, or the financial system, and the actions of relevant State payment stablecoin regulator to respond to those risks. The OCC has preliminarily determined that adopting flexible criteria focused on these considerations, as opposed to a limited set of specific circumstances, would establish an appropriate balance between providing stakeholders with clarity on when the OCC would act pursuant to this authority while implementing the GENIUS Act's clear intention to permit the OCC to respond to evolving and unforeseeable circumstances.

Finally, proposed § 15.16(d) clarifies that the administrative review procedures described in section 7(e)(2)(D) of the Act (12 U.S.C. 5906(e)(2)(D)) are applicable to a State qualified payment stablecoin issuer or any institution-affiliated party subject to an unusual and exigent circumstances directive.

[83] Proposed § 15.16 would address ''unusual and exigent circumstances'' only for purposes of section 7(e)(2) of the GENIUS Act (12 U.S.C. 5906(e)(2)); it would not interpret the meaning of that term under any other statute.

[84] The GENIUS Act does not impose these limitations on the enforcement authority of State payment stablecoin regulators. *See* 12 U.S.C. 5906(a).

[85] Proposed § 15.16(b) would clarify that failure to act also constitutes the continuation of an activity, as contemplated by section 7(e)(2)(C) of the GENIUS Act (12 U.S.C. 5906(e)(2)(C)).

C. Subpart C—Custody

Section 10 of the GENIUS Act (12 U.S.C. 5909) imposes requirements on any person seeking to provide custodial or safekeeping services for payment stablecoin reserves, payment stablecoins used as collateral, or the private keys used to issue payment stablecoins. Among other things, section 10 of the Act requires such persons to be subject to supervision or regulation by a Federal or State supervisor, to treat covered assets as customer property, to separately account for and not commingle covered assets unless permitted under a listed exception, and to provide their supervisor with certain regulatory information as determined by that supervisor. Section 10 also provides claims of payment stablecoin holders priority over other claims on persons providing custody and exempts certain persons providing hardware or software services from the requirements of section 10.

The proposal would (1) establish relevant defined terms for purposes of subpart C to clarify the scope of custodial services to which subpart C would apply; (2) set minimum principles-based requirements for OCC-supervised institutions related to their provision of custodial or safekeeping services to the assets described in Section 10 of the GENIUS Act that are appropriate to protect such custodied assets from the claims of creditors of the institution; and (3) implement other requirements and exclusions of the Act.

1. Definitions (Proposed § 15.20)

The OCC is proposing to define the assets for which the provision of custodial or safekeeping services trigger the requirements of the Act as ''covered assets.'' This term would include the assets described in section 10(a) of the GENIUS Act (12 U.S.C. 5909(a)) that comprise the payment stablecoin reserves (discussed above), any payment stablecoin used as collateral, and the private keys used to issue payment stablecoins.

The OCC is also proposing to include in the definition of covered assets any cash or other property of a permitted payment stablecoin issuer, as defined in the GENIUS Act, received by the custodian in the course of provision of custodial or safekeeping services contemplated under the GENIUS Act. Sections 10(b) and (c) of the GENIUS Act (12 U.S.C. 5909(b) and (c)) each apply the Act's custodial requirements not only to the custody of payment stablecoin reserves, payment stablecoins used as collateral, and the private keys used to issue payment stablecoins but also to ''cash[ ] and other property'' of a custody customer of one of those assets.

''Cash and other property,'' as used in section 10 of the GENIUS Act, appears to refer to cash and other property that a covered custodian (defined and discussed below) may receive as custodial property of its customers, but only to the extent such cash or other property is received in connection with the provision of custodial services for payment stablecoin reserves, payment stablecoins used as collateral, and the private keys used to issue payment stablecoins. For example, any interest on payment stablecoin reserve assets held in custody in a deposit account and credited to a customer's (*i.e.,* a permitted payment stablecoin issuer) account would be the type of cash and other property subject to the custody requirements of the Act.

Thus, under the proposed rule, ''covered assets'' would mean payment stablecoin reserves, payment stablecoins used as collateral, and private keys used to issue payment stablecoins, as well as cash and other property received in the course of the provision of custodial or safekeeping services for such assets.

Separately, the OCC is proposing to define the entities to which the proposed custody requirements would apply as ''covered custodians.'' This term would mean a national bank, Federal savings association, Federal branch, or permitted payment stablecoin issuer to the extent of such person's provision of custodial or safekeeping services to covered customers (as such term is described below) for covered assets.

The OCC is proposing to define the custodial customers to which the GENIUS Act's protections apply as ''covered customers.'' This term would mean a person for or on whose behalf a covered custodian receives, acquires, or holds covered assets.

The OCC is also proposing to define certain other concepts relative to covered asset custodial activities. The proposal would define ''applicable law'' for purposes of subpart C as the law of a State or other jurisdiction governing a covered custodian's custody relationships, any applicable Federal law governing those relationships, the terms of the custody agreement, and any applicable court order. The proposal would define ''custody agreement'' as a legally binding contractual agreement between a covered customer, as the principal, and the custodian, as the agent, that establishes the custodian's duties and responsibilities in providing safekeeping and ancillary services to the covered customer. The proposal would define ''digital wallet'' as a software program or hardware device that stores and manages the private keys associated with a particular unit of a digital asset. The proposal would define ''sub-custodian'' as a person that provides custody and safekeeping services to a covered custodian, including through a digital wallet for which such person controls the associated private keys, with respect to the covered assets of a covered customer for which the covered custodian otherwise serves as a custodian under this subpart.[86]

2. Covered Asset Custodial Property Requirements (Proposed § 15.21)

Proposed § 15.21 would implement certain minimum principles-based requirements applicable to a covered custodian's provision of custodial and safekeeping services for covered assets to ensure that such covered assets are treated and dealt with as belonging to the covered customers and protected from claims of the covered custodian's creditors, as well as the creditors of any sub-custodian, as applicable, or the claims of any customer's creditors. Under proposed § 15.21(a), a covered custodian must separately account for the covered assets of each covered customer and must treat and deal with those covered assets as belonging to such covered customer and not as the property of the covered custodian. Under proposed § 15.21(b), a covered custodian must take appropriate steps to protect the covered assets of covered customers from the claims of creditors of the covered custodian and any sub-custodian, as applicable, including through adopting, implementing, and maintaining written policies, procedures, and internal controls that are adequate to comply with applicable law and that are commensurate with the covered custodian's size, complexity, and risk profile and with the nature of the applicable covered assets for which it provides custodial or safekeeping services.

The OCC believes that setting certain minimum principles-based requirements for the provision of these custody services, regardless of the use of omnibus accounts, is consistent with section 10(b)(2) of the GENIUS Act (12 U.S.C. 5909(b)(2)), which requires that applicable custodians ''take such steps as are appropriate to protect the [covered assets] of a customer from the claims of creditors of the [custodian]'' and section 13 of the GENIUS Act (12 U.S.C. 5913), which grants the OCC

[86] A sub-custodian would be subject to the requirements applicable to a custodian under the GENIUS Act, including the requirements under section 10 of the Act (12 U.S.C. 5909).

broad rulemaking authority to implement the GENIUS Act. In considering minimum, principles-based requirements, the OCC is proposing to require covered custodians to take such steps that the OCC would typically expect a supervised institution to take as part of sound custodial practices necessary to protect custodied assets from claims of the custodian's creditors.[87]

The OCC is also proposing in § 15.21(b) to require that a covered custodian maintain possession or control of covered assets of a covered customer that are held directly, including in a digital wallet for which the covered custodian controls the associated private keys. Under the proposal, a covered custodian may maintain the covered assets of a covered customer through the use of a sub-custodian if consistent with applicable law, provided the covered custodian maintains adequate safeguards and internal controls reasonably designed to provide the covered custodian with oversight of such sub-custodian's compliance with the requirements of this proposed subpart C. Under the proposal, with regards to any payment stablecoin or stablecoin reserve in the form of a tokenized asset held in safekeeping under proposed subpart C, a covered custodian, or sub-custodian, as applicable, maintains control for purposes of the proposed requirement if it can reasonably demonstrate, consistent with the standard of care established by applicable law, that no other party, including the covered customer, can transfer the payment stablecoin or tokenized asset using a distributed ledger without the consent of the custodian or sub-custodian, as applicable. This requirement is consistent with past OCC guidance on the control of crypto-assets for purposes of safekeeping.[88]

The OCC intends these principles-based, minimum requirements to be in line with sound custodial management practices that the agency understands are industry standard. A national bank or Federal savings association that is a covered custodian and that acts in a fiduciary capacity must comply with 12 CFR part 9 or 150, as applicable. In addition, certain State laws concerning fiduciary activities may apply.[89]

The OCC proposes codifying in proposed § 15.21(c) the exception in section 10(c) of the GENIUS Act (12 U.S.C. 5909(c)) to the customer property requirements described in section 10(b). This exception permits a covered custodian to withdraw and apply such share of the covered assets of a covered customer necessary to transfer, adjust, or settle a transaction or transfer of assets applicable to that covered customer, including the payment of commissions, taxes, storage, and other charges lawfully accruing in connection with the provision of services to that covered customer by the covered custodian. The OCC proposes to specify that any such withdrawal must be consistent with any applicable law. For example, the OCC would expect any such withdrawal to be undertaken only in compliance with the terms of a covered customer's written custodial agreement and that any withdrawal of funds from an omnibus account would be properly recorded as to not implicate the custodial assets of any other covered customer.

Finally, proposed § 15.21(d) would clarify, consistent with section 10(c)(2)(D) of the GENIUS Act (12 U.S.C. 5909(c)(2)(D)), that an insured national bank or Federal savings association that provides custodial or safekeeping services for covered assets may hold covered assets that are in the form of cash on deposit, provided such treatment is consistent with Federal law.

3. Use of Omnibus Accounts (Proposed § 15.22)

Proposed § 15.22(a) would implement the GENIUS Act's requirement in section 10(c) of the Act (12 U.S.C. 5909(c)) that a covered custodian segregate all covered assets of covered customers and not commingle them with the assets of the covered custodian. As discussed above, the proposal clarifies that this requirement does not apply in the case of a depository institution that provides custodial or safekeeping services for covered assets that are in the form of cash to the extent the depository institution holds such cash in the form of cash on deposit, provided such treatment is consistent with Federal law.

Proposed § 15.22(b) sets the terms by which covered custodians may use omnibus accounts consistent with the GENIUS Act's requirements to separately account for, treat as, and deal with custodied covered assets as belonging to covered customers. The OCC is proposing to allow any covered custodian to commingle the covered assets of multiple covered customers in one or more omnibus accounts, to the extent that the steps it has taken pursuant to proposed § 15.21(b) are adequate to maintain safe and sound practices for the use of omnibus accounts, and to the extent that the use of omnibus accounts is consistent with applicable law.

4. Reporting

The OCC is considering whether to implement any additional reporting requirements in subpart C pursuant to section 10(d) of the GENIUS Act (12 U.S.C. 5909(d)), which requires that a covered custodian submit to the OCC certain information ''in such form and manner as [the OCC] shall determine.'' For covered custodians that are national banks, Federal savings associations, or Federal branches, the OCC proposes to seek to rely on the reporting such institutions already provide on their custodial businesses pursuant to Schedule RC–T of the Consolidated Report of Condition and Income (Call Report).[90] For covered custodians that are non-bank Federal qualified payment stablecoin issuers and State qualified payment stablecoin issuers with an outstanding issuance value of more than $10 billion and have transitioned to the Federal regulatory framework administered in coordination with the OCC, the OCC proposes to rely on such entities' reporting pursuant to section 6(a)(2) of the GENIUS Act's (12 U.S.C. 5905(a)(2)) reporting requirements as part of the payment stablecoin issuers' quarterly report on financial condition discussed in proposed § 15.14.[91] The OCC seeks comment on whether this is the most efficient and effective way to collect such information concerning a covered custodian's business operations

[87] To the extent that a covered custodian, as an accommodation to a covered customer, documents in an account statement or other similar document any additional assets of that customer for which the covered custodian does not provide custodial or safekeeping services, including through use of a sub-custodian of the covered custodian (commonly referred to as ''accommodation assets'' or ''below the line assets''), the OCC would not expect such assets to be subject to the requirements of subpart C.

[88] *See* OCC, ''Agencies Issue Joint Statement on Risk-Management Considerations For Crypto-Asset Safekeeping.''

[89] *See* 12 CFR 9.2(b) (defining ''applicable law'' to include the law of a state or other jurisdiction governing a national bank's fiduciary relationships); 12 CFR 150.60 (same).

[90] The OCC believes that reporting the private key used to issue a payment stablecoin held in custody at a $1.00 book value would be consistent with the Call Report Schedule RC–T instructions, unless the methodology for determining market value is otherwise set by applicable law. *See, e.g.,* OCC, Letter from Kerri Corn, Director for Credit and Market Risk (June 20, 2007), *https://www.occ.treas.gov/topics/supervision-and-examination/capital-markets/asset-management/corporate-trust/memo-misc-schedule-rc-t.pdf* (letter to the American Bankers Association regarding owner trustee fiduciary accounts reported on Schedule RC–T).

[91] As noted above, section 10(d) of the GENIUS Act (12 U.S.C. 5909(d)) provides an additional statutory grant of authority for this reporting requirement.

as well as their processes to protect customer assets.

Nonetheless, requiring covered custodian-specific reporting outside of the context of a Call Report may be appropriate. Schedule RC–T of the Call Report does not provide a breakdown of the specific assets under custody, and as such may not provide a sufficient insight necessary to effectively supervise the unique risks related to the custody of covered assets. Additionally, Schedule RC–T may not be applicable to all covered custodians, to the extent that they do not provide fiduciary services. As such, the OCC is considering requiring covered custodians to report on a separate form maintained by the OCC the following information: (1) total covered assets under custody, and (2) total payment stablecoin reserves under custody. For payment stablecoin reserves under custody, the OCC is further considering requiring covered custodians to report the following: (a) total payment stablecoin reserves under custody for (i) an affiliate and (ii) third parties; (b) total payment stablecoin reserves held in a deposit account at (i) the covered custodian and (ii) a third-party depository institution; (c) total payment stablecoin reserves held in a deposit account that are not covered by FDIC insurance at (i) the covered custodian and (ii) a third party depository institution; and (d) total payment stablecoin reserves held in each of the categories listed in section 4(a)(1)(A)(i)–(viii) of the GENIUS Act (12 U.S.C. 5903(a)(1)(A)(i)–(viii)).

5. Self-Custody Hardware and Software Exclusion (Proposed § 15.23)

The proposal implements section 10(e) of the GENIUS Act (12 U.S.C. 5909(e)), which provides that the requirements of section 10 of the Act do not apply to any person solely on the basis that such person engages in the business of providing hardware or software to facilitate a customer's own custody or safekeeping of the customer's payment stablecoins or private keys. In proposed § 15.23, the OCC proposes to clarify that the requirements of this proposed subpart C do not apply to any national bank, Federal savings association, Federal branch, or permitted payment stablecoin issuer solely on the basis that such entity engages in the business of providing hardware or software to facilitate a person's or entity's self-custody of their payment stablecoins or private keys. The requirements could nonetheless apply if, for example, an entity controls or holds itself out as controlling such payment stablecoins or private keys, or provides, or holds itself out as providing safekeeping or custodial services, including services that are ancillary or incidental to its custodial powers, for such payment stablecoins or private keys.

D. Subpart D—Applications and Registrations

Section 5 of the GENIUS Act (12 U.S.C. 5904) establishes a licensing regime for insured depository institutions that seek to issue payment stablecoins through a subsidiary and for nonbank entities, uninsured national banks, and uninsured Federal branches that seek to issue payment stablecoins as Federal qualified payment stablecoin issuers. Section 18(a) of the GENIUS Act (12 U.S.C. 5916(a)) provides an exception from the prohibition in section 3 of the GENIUS Act (12 U.S.C. 5902) for foreign payment stablecoin issuers registered with the OCC and sets forth the registration regime and other requirements for foreign issuers. The OCC is proposing subpart D of part 15 to implement these provisions of the GENIUS Act.

1. Approval of Permitted Payment Stablecoin Issuers (Proposed § 15.30)

The OCC is proposing § 15.30 to provide for the licensing of insured national banks, Federal savings associations,[92] and insured Federal branches that seek to establish subsidiaries to issue payment stablecoins and for nonbank entities, uninsured national banks, and uninsured Federal branches that seek to issue payment stablecoins as a Federal qualified stablecoin issuer. In accordance with section 5 of the GENIUS Act (12 U.S.C. 5904), proposed paragraph (a) would require insured national banks, Federal savings associations, and insured Federal branches as well as nonbank entities, uninsured Federal branches, and uninsured national banks to file an application and obtain OCC prior approval before issuing payment stablecoins under the GENIUS Act. Under proposed paragraph (a)(1), any insured national bank, Federal savings association, or insured Federal branch that seeks to issue payment stablecoins through a subsidiary would be required to file an application under § 15.30 and receive prior approval from the OCC before issuing payment stablecoins.[93] Under proposed paragraph (a)(2), any nonbank entity, uninsured national bank, or uninsured Federal branch that seeks to issue payment stablecoins as a Federal qualified payment stablecoin issuer would be required to file an application and receive prior approval from the OCC before issuing payment stablecoins. The OCC intends the process provided under proposed § 15.30 to be comprehensive for stablecoin issuance and other activities described in proposed § 15.10(a) and that other filings with the OCC would not be required. This is consistent with the OCC's general approach of not requiring multiple filings for the same activity. For example, to the extent that stablecoin issuance would involve membership in a payment system and notice to join a payment system was provided during the filing process, no additional filing under 12 CFR 7.1026 would be required at that time.

Proposed paragraph (b) would set forth the application process. Proposed paragraph (b)(1)(i) would require that the applicant submit all the information required by a form for an application under this section that would be available at *www.occ.gov*. Under proposed paragraph (b)(1)(ii) each director, executive officer, and principal shareholder of the applicant (or in the case of an applicant that is an insured national bank, Federal savings association or Federal branch, of the subsidiary of the applicant) must submit the information prescribed in the Interagency Biographical and Financial Report.[94] Proposed paragraph (b)(1)(iii) would require that the applicant certify that neither the filing nor any supporting material submitted to the OCC contain material misrepresentations or omissions. Proposed paragraph (b)(2) would direct that an application be submitted to the appropriate OCC licensing office, unless the OCC advises a filer otherwise. The certification and location of filing provisions are substantially the same as those in the OCC's general application filing provisions in 12 CFR 5.4.

Proposed paragraph (b)(3) would include provisions regarding substantially complete applications and the review thereof. Section 5(d)(1)(B)(i)

[92] Unlike national banks and Federal branches, all Federal savings associations are required to be insured by the FDIC. *See* 12 U.S.C. 1813(b)(2) and 1462(2)–(3).

[93] Consistent with the definition of permitted payment stablecoin issuer in section 2(23) of the GENIUS Act (12 U.S.C. 5901(23)), the OCC would not approve an insured national bank or a Federal savings association to issue a payment stablecoin directly (as opposed to through a subsidiary).

[94] Proposed § 15.2 would define principal shareholder to mean ''a person who directly or indirectly or acting in concert with one or more persons, or together with members of their immediate family, will own, control, or hold 10 percent or more of the voting stock of the permitted payment stablecoin issuer or applicant.'' Thus, persons that are principal shareholders as a result of indirect control must submit the information in the Interagency Biographical and Financial Report.

of the GENIUS Act (12 U.S.C. 5904(d)(1)(B)(i)) defines a substantially complete application as one that contains sufficient information for the primary Federal stablecoin regulator to render a decision based on the factors in section 5(c) of the GENIUS Act (12 U.S.C. 5904(c)). Proposed § 15.30(b)(3)(i) would restate this requirement, referencing the factors in proposed paragraph (c) of § 15.30. Section 5(d)(1)(B)(ii) of the GENIUS Act (12 U.S.C. 5904(d)(1)(B)(ii)) requires that the primary Federal payment stablecoin regulator notify the applicant as to whether the application is considered substantially complete. If the application is not substantially complete, the primary Federal payment stablecoin regulator must inform the applicant of the information needed for the application to be considered substantially complete. Proposed § 15.30(b)(3)(ii) would set forth these requirements and provide that the OCC will notify applicants not later than 30 days after receipt of an application whether the application is substantially complete. If the application is not substantially complete, the OCC will notify the applicant of the information required in order for the application to be substantially complete. Proposed paragraph (b)(3)(iii) would state that the OCC will notify applicants not later than 30 days after receipt of the additional information whether the application is substantially complete. Proposed paragraph (b)(3)(iv) would state that an application is considered substantially complete as of the date the OCC receives the information required for the application to be substantially complete. The 120-day requirement for the OCC to render a decision, as required by section 5(d)(1)(A) of the GENIUS Act (12 U.S.C. 5904(d)(1)(A)), is measured from the date on which the application becomes substantially complete. The OCC believes that measuring from the date that the application becomes substantially complete is most consistent with section 5 of the GENIUS Act and would facilitate appropriate review of applications. First, the statute refers to responding within 120 days of receiving a substantially complete application, which clearly contemplates that the 120-day period does not begin to run upon the submission of an application that is not substantially complete. Second, section 5(e)(2) of the GENIUS Act (12 U.S.C. 5904(e)(2)) requires the primary Federal payment stablecoin regulator to annually report to Congress on applications that have been pending for 180 days or more since being initially filed, including documenting the status of the applications and why the applications have not been approved, and directs the regulator to inform applicants that their applications remain incomplete. This provision indicates that Congress contemplated the process potentially taking more than 120 days when the initial application was incomplete. Further, permitting an applicant to render an application substantially complete at any time during the running of the 120-day period could substantially hamper OCC review. For example, an applicant could submit information making the application substantially complete on the 119th day after the initial submission. If the review period were measured from the initial, incomplete application, the OCC would have a single day to review potentially voluminous new information. Accordingly, the OCC is proposing that the 120 days runs from the submission of the information required to make the application substantially complete. Proposed paragraph (b)(3)(iv) therefore states that an application is considered substantially complete as of the date the OCC receives the information required for the application to be substantially complete. Section 5(d)(1)(B)(iii) of the GENIUS Act (12 U.S.C. 5904(d)(1)(B)(iii)) states that a substantially complete application remains so unless there is a material change in circumstances that requires the primary Federal payment stablecoin regulator to treat the application as a new application. Proposed § 15.30(b)(3)(v) would codify this provision in the OCC's regulations by stating that if the OCC determines that an application is substantially complete, the application remains substantially complete unless there is a material change in circumstances that requires the OCC to treat the application as a new application. Consistent with the OCC's general licensing regulations in 12 CFR 5.7, proposed § 15.30(b)(4) would provide that the OCC may examine or investigate and evaluate facts relating to an application under this section to the extent necessary to reach an informed decision. Proposed paragraph (b)(4) would also state that the OCC may collect fingerprints of the individuals listed in proposed paragraph (b)(1)(ii) for submission to the Federal Bureau of Investigation for a national criminal history background check.

Section 5(d)(3) of the GENIUS Act (12 U.S.C. 5904(d)(3)) provides that an application is deemed approved if the primary Federal payment stablecoin regulator fails to render a decision within 120 days of receipt of a substantially complete application. Proposed § 15.30(b)(5) would provide that a substantially complete application under that section would be deemed approved as of the 120th day of receipt by the OCC of the substantially complete application, unless the OCC denies the application under proposed paragraph (d) of that section.

Section 5(c) of the GENIUS Act (12 U.S.C. 5904(c)) prescribes factors for evaluating a substantially complete application: the ability of the applicant (or subsidiary in the case of an insured depository institution), based on financial condition and resources, to meet the requirements of section 4 of the GENIUS Act (12 U.S.C. 5903); whether any of the applicant's officers or directors have been convicted of a felony offense involving insider trading, embezzlement, cybercrime, money laundering, financing of terrorism, or financial fraud; the competence, experience, and integrity of the officers, directors, and principal shareholders of the applicant, its subsidiaries, and parent company, including their record of compliance with laws and regulations and their ability to fulfill certain commitments or conditions imposed by the OCC in connection with the application at issue or any prior application; whether the applicant's redemption policy meets the standards under section 4(a)(1)(B) of the GENIUS Act (12 U.S.C. 5903(a)(1)(B)); and any other factors established by the primary Federal payment stablecoin regulator that are necessary to ensure the safety and soundness of the permitted payment stablecoin issuer. Proposed § 15.30(c) would contain the four specific factors established by section 5(c) of the GENIUS Act (12 U.S.C. 5904(c)), cross-referencing proposed § 15.12 for the redemption policy. The OCC seeks comment on whether to include additional factors necessary to ensure the safety and soundness of the permitted payment stablecoin issuer.

Section 5(d)(2)(A)(i) of the GENIUS Act (12 U.S.C. 5904(d)(2)(A)(i)) provides that a primary Federal stablecoin regulator may only deny a substantially complete application if the applicant's activities would be unsafe or unsound based on the factors described in section 5(c) of the GENIUS Act (12 U.S.C. 5904(c)). Section 5(d)(2)(B) of the GENIUS Act (12 U.S.C. 5904(d)(2)(B)) requires that if a primary Federal payment stablecoin regulator denies a substantially complete application, it must provide written notice to the applicant not later than 30 days from date of denial, explaining the denial

with specificity, including, all findings with respect to identified material shortcomings and actionable recommendations on how the applicant could address the shortcomings. Proposed § 15.30(d) would set forth these provisions in regulation.

Section 5(d)(2)(C) of the GENIUS Act (12 U.S.C. 5904(d)(2)(C)) requires that an applicant whose application has been denied be given an opportunity for a written or oral hearing before the primary Federal payment stablecoin regulator to appeal the denial. The primary Federal payment stablecoin regulator shall notify the applicant of a time, not later than 30 days after receipt of a timely request for a written or oral hearing, and place for the applicant to appear, personally or through counsel, to submit written materials or provide oral testimony and oral argument. The primary Federal payment stablecoin regulator must notify the applicant of a final determination, the basis for that determination, and specific findings, within 60 days after the hearing. If an applicant does not timely request a hearing, the primary Federal stablecoin regulator must notify the applicant in writing within 10 days of the expiration of the hearing request period that the denial is a final determination.

Proposed § 15.30(e) would set forth this appeals process, in accordance with the requirements of the GENIUS Act. Proposed paragraph (e)(1) would provide that an applicant may request a written or oral hearing to appeal the OCC's denial of a substantially complete application within 30 days of receipt of the OCC's notice of denial. The request for a written or oral hearing would need to be in writing. Proposed paragraph (e)(2) would provide that, if the applicant does not make a timely appeal for a hearing, the OCC will notify the applicant, in writing and within 10 days of the date the applicant would have been able to request a hearing, that the denial of the substantially complete application is the final determination of the OCC. Proposed paragraph (e)(3) would provide that, within 30 days of receiving a timely appeal request, the OCC will notify the applicant of a time and place at which the applicant may appear, personally or through counsel, to submit written materials or provide oral testimony and oral argument. The applicant would need to submit all documents and written arguments that the applicant wishes to be considered in support of a written appeal. Proposed paragraph (e)(4) would provide that the Comptroller or authorized delegate would conduct the appeals process, which would be a *de novo* review of the original substantially complete application, the material before the OCC official who made the initial denial decision, and any information submitted by the applicant at the time of the appeal. Proposed paragraph (e)(5) would provide that the Comptroller or authorized delegate would notify the applicant in writing of a final determination within 60 days of the hearing. The final determination would explain the findings on which the determination is based. If the initial decision is upheld, the decision to deny the substantially complete application would be effective as of the date of the original denial. Finally, proposed paragraph (e)(6) would expressly provide that denial of a substantially complete application does not prohibit the applicant from filing a subsequent application, in accordance with section 5(d)(4) of the GENIUS Act (12 U.S.C. 5904(d)(4)).

Section 5(f) of the GENIUS Act (12 U.S.C. 5904(f)) permits the primary Federal stablecoin regulators to waive the requirements of the GENIUS Act for up to 12-months for (1) subsidiaries of insured depository institutions and (2) Federal qualified payment stablecoin issuers with pending applications as of the Act's effective date. Proposed § 15.30(f) would implement this safe harbor. Proposed paragraph (f)(1) would provide for requests by insured national banks, Federal savings association, and insured Federal branches for a waiver on behalf of their proposed payment stablecoin issuer subsidiary. Proposed paragraph (f)(1) would state that an insured national bank, Federal savings association, or insured Federal branch that has a pending substantially complete application under § 15.30 for a subsidiary to become a permitted payment stablecoin issuer on or before the effective date of the GENIUS Act may request, in writing, that the OCC waive the requirements of Section 4 of the GENIUS Act (12 U.S.C. 5903) with respect to that subsidiary. Proposed paragraph (f)(2) would provide the same for nonbank entities, uninsured national banks, and uninsured Federal branches applying to be a Federal qualified payment stablecoin issuer and would state that the nonbank entity, uninsured national bank, or uninsured Federal branch that has a pending substantially complete application under this section to become a Federal qualified payment stablecoin issuer on or before the effective date of the GENIUS Act may request, in writing, that the OCC waive the requirements of Section 4 of the GENIUS Act with respect to that entity. Proposed paragraph (f)(3) would provide that the OCC may grant a waiver for up to 12 months beginning on the effective date of the GENIUS Act if it finds the waiver to be in the public interest or extraordinary circumstances justify the waiver. The OCC anticipates that it may begin evaluating any submitted requests for waiver after issuance of the final rule but before the final rule becomes effective. This is to ensure that there is ample time to evaluate waiver requests and provide feedback before the final rule becomes effective. In light of the discretion that Congress granted to the primary Federal stablecoin regulators for waivers under section 5(f) of the GENIUS Act (12 U.S.C. 5904(f)), the OCC believes that applicants should make an appropriate showing for the OCC to grant a waiver. Finally, proposed paragraph (f)(4) would clarify that the OCC may deny a substantially complete application under proposed paragraph (d) even if it grants a waiver. This provision would ensure that the OCC retains its authority under the remainder of proposed § 15.30 and section 5 of the GENIUS Act (12 U.S.C. 5904) and provide for appropriate review of applications. The OCC may deny an application notwithstanding a waiver if, for example, it discovers significant issues during its review of the application, even if the application was found to be substantially complete.

Proposed paragraph (g)(1) would provide the OCC the ability to nullify the approval of a substantially complete application under proposed § 15.30 if there is a material misrepresentation or omission in the application or supporting materials, if the decision was contrary to law or regulation, or was granted due to a clerical or administrative error or a material mistake of law or fact. Proposed paragraph (g)(2) would state that when the OCC intends to nullify the approval of a substantially complete application, the OCC in its sole discretion, will provide the applicant notice of the intended nullification and grant the applicant an opportunity to oppose the intended nullification in writing, or take any other action designed to provide the applicant with notice and opportunity to present its views concerning the intended nullification. As with the similar provision in the OCC's general licensing regulations in § 5.13(h), the OCC believes that the provisions in proposed paragraph (g)(2) would help preserve the integrity of the application process.[95] The OCC notes that it rarely nullifies decisions under § 5.13 and only under extraordinary circumstances.

[95] *See* 61 FR 60342, 60346 (November 27, 1996).

2. Foreign Payment Stablecoin Issuers (Proposed § 15.31)

Section 18(a) of the GENIUS Act (12 U.S.C. 5916(a)) exempts a foreign payment stablecoin issuer from the prohibitions of section 3 of the GENIUS Act (12 U.S.C. 5902) if it meets all of the following requirements: (1) the foreign payment stablecoin issuer is subject to regulation and supervision by a foreign payment stablecoin regulator that has a regulatory and supervisory regime comparable to the GENIUS Act with respect to payment stablecoins, as determined by the Secretary of the Treasury under section 18(b) of the GENIUS Act; (2) the foreign payment stablecoin issuer is registered with the OCC; (3) the foreign payment stablecoin issuer holds reserves in a United States financial institution sufficient to meet demands of United States customers, unless otherwise permitted under a reciprocal arrangement created and implemented by the Secretary of the Treasury under section 18(d) of the GENIUS Act (12 U.S.C. 5916(d)); and (4) the foreign country in which the foreign payment stablecoin issuer is domiciled and regulated is not subject to comprehensive economic sanctions by the United States or in a jurisdiction that the Secretary of the Treasury has determined to be a jurisdiction of primary money laundering concern. The OCC is proposing § 15.31 to establish this exemption in proposed paragraph (a) and include the additional requirements applicable to foreign payment stablecoin issuers wishing to operate in the United States under the GENIUS Act.

In accordance with section 18(c)(2) of the GENIUS Act (12 U.S.C. 5916(c)(2)), proposed paragraph (b) would subject foreign payment stablecoin issuers to ongoing monitoring by the OCC, including reporting, supervision, and examinations. Proposed paragraph (b)(1) would provide that a foreign payment stablecoin issuer registered with the OCC pursuant to § 15.32 must fully accede to any request by the OCC regarding reporting, supervision, or examination of the foreign payment stablecoin issuer. Proposed paragraph (b)(2) would provide that, a foreign payment stablecoin issuer registered with the OCC under proposed § 15.32 must produce the reports required for permitted payment stablecoin issuers under proposed § 15.14 as well as any other reports the OCC may require. A foreign payment stablecoin issuer may request, in writing, an exemption from any reporting requirement that would otherwise apply under § 15.14. The OCC may grant an exemption in its sole discretion. The OCC anticipates that it will require foreign payment stablecoin issuers to submit all reports required under § 15.14, including the report relating to changes in control described in § 15.14(m), but the OCC may tailor its requests for reports based, among other things, on the volume of the foreign payment stablecoin issuer's payment stablecoins circulating in the United States. Proposed paragraph (b)(3)(i) would subject a foreign payment stablecoin issuer registered with the OCC under proposed § 15.32 to a full-scope examination at the same frequency as the OCC would examine a permitted payment stablecoin issuer under § 15.14 unless the OCC determines, in its sole discretion, to examine at a different frequency. For example, less frequent examinations may be appropriate in circumstances where the volume of U.S. holdings and transactions is a small fraction of a foreign payment stablecoin issuer's business. Proposed paragraph (b)(3)(ii) would state that the OCC may conduct these examinations on-site or remotely.

Section 4(a)(11) of the GENIUS Act (12 U.S.C. 5903(a)(11)) prohibits foreign payment stablecoin issuers from paying the holder of a payment stablecoin any form of interest or yield (whether in cash, tokens, or other consideration) solely in connection with the holding, use, or retention of the payment stablecoin. Proposed § 15.31(c) would implement the prohibition in accordance with the prohibition applicable to permitted payment stablecoin issuers under proposed § 15.10(c)(4). As in proposed § 15.10(c)(4), the prohibition is not intended to prevent a merchant from independently offering a discount to a payment stablecoin holder for using payment stablecoins and is also not intended to prevent a permitted payment stablecoin issuer from sharing in the profits derived from the payment stablecoin with a partner in a situation where the issuer issues the payment stablecoin on behalf of the partner, which is sometimes referred to as a ''white-label'' arrangement.

Proposed § 15.31(d) would provide that the OCC would make available on *www.occ.gov* a list of foreign payment stablecoin issuers whose registrations the OCC has approved.

3. Registration of Foreign Payment Stablecoin Issuers (Proposed § 15.32)

Section 18(c) of the GENIUS Act (12 U.S.C. 5916(c)) provides procedures for foreign payment stablecoin issuers who seek to become registered to submit an application with the OCC. The OCC is proposing § 15.32 to include specific procedures for registration applications. Proposed paragraph (a) would provide that a foreign payment stablecoin issuer that seeks to be registered with the OCC under section 18(c) of the GENIUS Act (12 U.S.C. 5916(c)) must submit an application under this section.

Proposed paragraph (b) would set forth the application process. Proposed paragraph (b)(1)(i) would require that the applicant submit all the information required by a form for an application under this section that would be available at *www.occ.gov.* Paragraph (b)(1)(ii) would require the applicant to provide evidence that the Secretary of the Treasury has determined that the applicant is subject to a regulatory and supervisory regime comparable to the GENIUS Act with respect to payment stablecoins, under section 18 of the GENIUS Act (12 U.S.C. 5916). Proposed paragraphs (b)(1)(iii) and (iv) would require the applicant to certify that it will provide to the OCC all the information the OCC deems necessary to determine and enforce compliance with the GENIUS Act and to consent to United States jurisdiction relating to enforcement of the GENIUS Act and its implementing regulations, respectively. In addition, proposed paragraph (b)(1)(v) would require the applicant to certify that neither the filing nor any supporting material submitted to the OCC contains material misrepresentations or omissions. Proposed paragraph (b)(2) would direct that an application be submitted to the appropriate licensing office, unless the OCC advises a filer otherwise. The information certification and location of filing provisions in proposed paragraphs (b)(1)(iii) and (b)(2) are substantially the same as those in the OCC's general application filing provisions in 12 CFR 5.4. Consistent with the OCC's general licensing regulations in 12 CFR 5.7(a), proposed § 15.32(b)(3) would provide that the OCC may examine or investigate and evaluate facts relating to an application under this section to the extent necessary to reach an informed decision.

Section 18(c)(1)(B) of the GENIUS Act (12 U.S.C. 5916(c)(1)(B)) provides that registration is deemed approved within 30 days of receipt of an application for registration, unless the OCC notifies the applicant in writing that the registration has been rejected. Proposed § 15.32(b)(4) would implement this approval provision and state that an application for registration made by a foreign payment stablecoin issuer that satisfies the requirements in § 15.32(b)(1) is deemed approved by the OCC as of the 30th day after the OCC received the filing, unless the OCC notifies the filer

in writing that the application for registration has been rejected.

Section 18(c)(1)(C) of the GENIUS Act (12 U.S.C. 5916(c)(1)(C)) prescribes the factors for evaluating an application for registration: the Secretary of the Treasury's determination that the foreign payment stablecoin issuer is subject to a regulatory and supervisory regime comparable to the GENIUS Act with respect to payment stablecoins under section 18 of the GENIUS Act (12 U.S.C. 5916); the financial and managerial resources of the United States operations of the foreign payment stablecoin issuer; whether the foreign payment stablecoin issuer will provide adequate information to the OCC to determine compliance with the GENIUS Act; whether the foreign payment stablecoin issuer presents a risk to the financial stability of the United States; and whether the foreign payment stablecoin issuer presents illicit finance risks to the United States. Proposed § 15.32(c) would contain these five factors and would add a reference to determining compliance with proposed part 15 in addition to the GENIUS Act in proposed paragraph (c)(3). Proposed paragraph (c)(4) states that risks to the financial stability of the United States include risks relating to ensuring timely redemption for United States customers. The OCC proposes adding this explicit reference in light of potential difficulties that may arise in the course of moving reserve assets in cross-border transactions. The OCC believes that adding this reference will highlight an important issue that foreign payment stablecoin issuers will need to address.

Given the unique and novel character of foreign payment stablecoin issuers, the OCC is proposing additional conditions applicable to all foreign payment stablecoin issuers for whom the OCC has approved a registration. The OCC believes these conditions are necessary for the OCC to fulfill its mandate to monitor foreign payment stablecoin issuers on an ongoing basis to determine compliance with applicable GENIUS Act requirements. Section 18(c)(1)(C)(iii) of the GENIUS Act (12 U.S.C. 5916(c)(1)(C)(iii)) requires the OCC to consider whether a foreign payment stablecoin issuer will provide adequate information to the OCC as the OCC determines is necessary to determine compliance with the GENIUS Act. Proposed paragraph (d)(1) would require that, upon request by the OCC, a foreign payment stablecoin issuers must grant the OCC prompt and complete access to all officers, directors, employees, and agents and to all relevant books, records, or documents of any type, in a form and location accessible to the OCC in the United States. This would parallel the provisions regarding access to books and records in proposed § 15.14(b). Proposed paragraph (d)(2) would further require the information be provided in English. Proposed paragraph (d)(3) would require information sufficient to determine that a foreign payment stablecoin issuer meets the reserve requirements of section 18(a)(3) of the GENIUS Act (12 U.S.C. 5916(a)(3)). Specifically, foreign payment stablecoin issuers would be required to provide evidence that they hold sufficient reserves in the United States to meet liquidity demands of United States customers on an ongoing basis unless otherwise permitted under a reciprocal arrangement implemented by the Secretary of the Treasury under section 18(d) of the GENIUS Act (12 U.S.C. 5916(d)). Consistent with the statute, proposed paragraph (d)(3)(i) would require the foreign payment stablecoin issuer to hold these reserves in United States financial institutions. Proposed paragraph (d)(3)(ii) would require the foreign payment stablecoin issuer to provide to the OCC, on a monthly basis, a report describing the total number of outstanding payment stablecoins issued by the foreign payment stablecoin issuer held by United States customers and the amount and composition of the foreign payment stablecoin issuer's reserves, including their geographic location and average tenor of reserve instruments. The proposed rule would provide a template to facilitate reporting this information. Proposed paragraph (d)(3)(iii) would require a foreign payment stablecoin issuer to promptly notify the OCC through its supervisory office on any day in which the issuer fails to meet the reserve asset requirements of paragraph (d)(3). Proposed paragraph (d)(3)(iv) would require a foreign payment stablecoin issuer to promptly and fully address any deficiency in its compliance with proposed paragraph (d)(3) that is explained in writing to the foreign payment stablecoin issuer by the OCC, including by depositing additional liquidity in United States financial institutions to the extent doing so would address the deficiency identified. These requirements would help ensure that the registered foreign payment stablecoin issuer complies with the requirements of section 18(a)(3) of the GENIUS Act (12 U.S.C. 5916(a)(3)).

Section 18(c)(2)(B) of the GENIUS Act (12 U.S.C. 5916(c)(2)(B)) requires a foreign payment stablecoin issuer to consent to United States jurisdiction relating to enforcement of the GENIUS Act. Proposed paragraph (d)(4) would implement this provision by requiring foreign payment stablecoin issuers to consent to the jurisdiction of the Federal courts of the United States and of all United States government agencies, departments and divisions for purposes of any and all claims made by, proceedings initiated by, or obligations to, the United States, the OCC and any other United States Government agency, department or division, in any matter arising under the GENIUS Act and other applicable Federal laws. The additional enumerated authorities to which consent must be given in proposed paragraph (d)(4) accord with the OCC's standard conditions on approvals for establishment of Federal branches under the International Banking Act of 1978,[96] and ensure that the OCC and other agencies have the ability to bring actions against foreign issuers. Lastly, under proposed paragraph (d)(5), foreign payment stablecoin issuers would be required to comply with all understandings, commitments, or conditions contained in any determination by the Secretary of the Treasury or any arrangements entered into by the United States and the foreign jurisdiction under section 18 of the GENIUS Act (12 U.S.C. 5916).

In accordance with section 18(c)(1)(A)(i) of the GENIUS Act (12 U.S.C. 5916(c)(1)(A)(i)), proposed paragraph (e) would provide that the OCC may reject a foreign payment stablecoin issuer's application for registration by providing written notice of the rejection if the OCC makes a negative finding with respect to any of the factors described in proposed § 15.32(c). Proposed paragraph (e) would also permit the OCC to reject an application if the OCC determines that the foreign payment stablecoin issuer would be unable to comply with the conditions in proposed paragraph (d), compliance with which would be required for all foreign payment stablecoin issuers registered under proposed § 15.32.

Section 18(c)(1)(D) of the GENIUS Act (12 U.S.C. 5916(c)(1)(D)) provides the opportunity for a foreign payment stablecoin issuer whose application was rejected to seek review by appealing the OCC's decision within 30 days of receipt of the OCC's written decision. Proposed § 15.32(f) would set forth this appeals process. Proposed paragraph (f) would be substantially the same as that proposed for appeals of denials under proposed § 15.30(e). Proposed paragraph (f) would provide that a foreign payment stablecoin issuer may request a written

[96] 12 U.S.C. 3101 *et seq.*

or oral hearing to appeal the OCC's rejection of an application for registration within 30 days of receipt of the OCC's notice of rejection. The request for a written or oral hearing must be in writing. If the foreign payment stablecoin issuer does not make a timely appeal for a hearing under proposed § 15.32, the OCC will notify the applicant, in writing and within 10 days of the date the applicant would have been able to request a hearing, that the denial of the application is the final determination of the OCC. Within 30 days of receiving a timely appeal request, the OCC will notify the applicant of a time and place at which the applicant may appear, personally or through counsel, to submit written materials or provide oral testimony and oral argument. The foreign payment stablecoin issuer must submit all documents and written arguments that the foreign payment stablecoin issuer wishes to be considered in support of a written appeal. The Comptroller or authorized delegate considers all information submitted with the original application for registration, the material before the OCC official who made the initial decision, and any information submitted by the appellant at the time of appeal. The Comptroller or authorized delegate considers all submitted documentation *de novo.* The Comptroller or authorized delegate may uphold or reverse the initial decision to reject the registration. Within 60 days of the hearing, the Comptroller or authorized delegate will notify the foreign payment stablecoin issuer in writing of a final determination. The final determination will explain the findings on which the determination is based. If the initial decision is upheld, the decision to deny the application is effective as of the date of the original denial. The denial of an application under this section shall not prohibit the applicant from filing a subsequent application.

Finally, proposed paragraph (g) would provide for nullification of an approval of a registration substantially the same as the procedure in proposed § 15.30(g). Thus, under proposed § 15.32(g)(1), the OCC may nullify the approval of a registration under this section if: the OCC discovers a material misrepresentation or omission in any information provided to the OCC in the application or supporting materials; the decision is contrary to law or regulation thereunder; or the decision was granted due to clerical or administrative error, or a material mistake of law or fact. Proposed paragraph (g)(2) would set forth the relevant procedures and provide that when the OCC intends to nullify the approval of a registration, the OCC in its sole discretion, will: provide the applicant with notice of the intended nullification decision and grant the applicant an opportunity to present a written submission opposing the intended nullification; or take any other action designed to provide the applicant with notice and an opportunity to present its views concerning the intended nullification.

4. Revocation or Rescission of Approval (Proposed § 15.33)

Section 5(i)(3)(A) of the GENIUS Act (12 U.S.C. 5904(i)(3)(A)) permits the OCC to revoke the approval of a permitted payment stablecoin issuer that does not submit the certification regarding implementation of anti-money laundering and economic sanctions compliance programs required by section 5(i)(1) of the GENIUS Act (12 U.S.C. 5904(i)(1)). Proposed § 15.14(k) sets forth those requirements. Similarly, section 18(c)(3)(A) of the GENIUS Act (12 U.S.C. 5916(c)(3)(A)) permits the OCC, in consultation with the Secretary of the Treasury, to rescind approval of a registration of a foreign payment stablecoin issuer if the OCC determines that the foreign payment stablecoin issuer is not in compliance with the requirements of the GENIUS Act, including for maintaining insufficient reserves or posing an illicit finance risk or financial stability risk.

Proposed § 15.33(a) would implement revocation of approval of a permitted payment stablecoin issuers' application. Proposed paragraph (a)(1) would state that the OCC may revoke approval of a permitted payment stablecoin issuer's application under proposed § 15.30 if the permitted payment stablecoin issuer does not submit the certification required by proposed § 15.14(k). Proposed paragraph (a)(2)(i) would state that the OCC may issue an order to revoke the application approval after providing notice to the permitted payment stablecoin issuer and after providing an opportunity for a hearing. Proposed paragraph (a)(2)(ii) would provide that the OCC would conduct a hearing pursuant to the OCC's Rules of Practice and Procedures in 12 CFR part 19. Proposed paragraph (a)(2)(iii) would provide for expedited OCC action without an opportunity for a hearing if it determines that expeditious action is necessary in order to protect the public interest. In this situation, the OCC may, in its sole discretion, provide the permitted payment stablecoin issuer with notice of the intended revocation, grant the permitted payment stablecoin issuer an opportunity to oppose the revocation in writing, or take any other action designed to provide the permitted payment stablecoin issuer with notice and an opportunity to present its views concerning the revocation of application approval. Proposed paragraph (a)(3) would state that a decision to revoke an application approval would be effective upon provision of notice to the permitted payment stablecoin issuer, unless otherwise specified by the OCC.

Proposed paragraph (b) would provide procedures for rescission of approval of a registration of a foreign payment stablecoin issuer. Proposed paragraph (b) would be substantially the same as proposed § 15.33(a), except that proposed paragraph (b)(1) would refer to the OCC's consultation with the Secretary of the Treasury, consistent with section 18(c)(3)(A) of the GENIUS Act (12 U.S.C. 5916(c)(3)(A)) and paragraph (b)(3) would provide that a decision to rescind approval of a registration is effective upon publication in the **Federal Register**, as required by section 18(c)(3)(A) of the GENIUS Act (12 U.S.C. 5916(c)(3)(A)), unless otherwise specified by the OCC. The OCC may, for example, specify a later effective date than the date of publication in the **Federal Register**. Under proposed § 15.33(b), except as otherwise provided, the OCC may issue an order to rescind the foreign payment stablecoin issuer's registration approval under proposed § 15.32 after providing notice to the foreign payment stablecoin issuer and providing an opportunity for a hearing. Proposed paragraph (b)(2)(ii) would provide that OCC will conduct a hearing under this section pursuant to the OCC's Rules of Practice and Procedures in 12 CFR part 19. Proposed paragraph (b)(2)(iii) would provide that the OCC may act without providing an opportunity for a hearing if it determines that expeditious action is necessary in order to protect the public interest. When the OCC finds that it is necessary to act without providing an opportunity for a hearing, the OCC in its sole discretion, may: provide the foreign payment stablecoin issuer with notice of the intended recission of approval registration; grant the foreign payment stablecoin issuer an opportunity to present a written submission opposing recission of approval registration; or take any other action designed to provide the foreign payment stablecoin issuer with notice and an opportunity to present its views concerning the recission of approval registration. Proposed paragraph (b)(3) would provide that a decision to rescind

approval of a registration is effective upon publication in the **Federal Register**, unless otherwise specified by the OCC.

The proposed revocation and recission procedures in proposed § 15.33 are largely parallel those for termination of a Federal branch or agency in 12 CFR 28.24(b). Similar to termination of a Federal branch or agency, revocation of a permitted payment stablecoin issuer's application approval or a foreign payment stablecoin issuer's registration removes the entity's authorization to conduct certain business activities in the United States. The effect of the OCC's action does not otherwise terminate an entity's corporate existence or affect any other rights. Accordingly, the OCC believes that the procedures in proposed § 15.33 strike the appropriate balance between ensuring that the permitted payment stablecoin issuer or foreign payment stablecoin issuer receives appropriate process before the deprivation of its right to issue a payment stablecoin in the United States and the potential need for expeditious action by the OCC when necessary to protect the public interest.

E. Subpart E—Capital and Operational Backstop

Section 4(a)(4)(A)(i) of the GENIUS Act (12 U.S.C. 5903(a)(4)(A)(i)) requires the OCC to establish capital requirements for permitted payment stablecoin issuers. The capital requirements must be tailored to the business model and risk profile of permitted payment stablecoin issuers and not exceed requirements sufficient to ensure the ongoing operations of permitted payment stablecoin issuers. Consistent with the statutory requirement, the OCC is proposing a minimum capital requirement that will be tailored to the business model and risk profile of a permitted payment stablecoin issuer. The OCC's proposed approach for capital focuses primarily on the operational risk of stablecoin issuers. While bank regulatory capital addresses a range of additional risks, including credit risk, market risk, and interest rate risk, these risks are either minimal for stablecoin issuers or addressed through other means in the proposed rule, such as through reserve asset liquidity and diversification requirements. Nevertheless, this supplementary information discusses potential options that could be considered to address these risks within the capital framework for permitted payment stablecoin issuers.

Due to the novelty of payment stablecoins and various business models for stablecoin issuers being discussed among industry participants, the OCC believes that setting capital requirements based on individual evaluations of prospective permitted payment stablecoin issuers would be most appropriate at this time. Therefore, the overall approach in the proposed rule would provide for an individualized evaluation of each prospective permitted payment stablecoin issuer, consistent with the process the OCC applies when determining minimum capital requirements for chartering national trust banks under OCC Bulletin 2007–21, ''Supervision of National Trust Banks: Revised Guidance: Capital and Liquidity'' (June 26, 2007), and related licensing policies. Under that guidance, the capital amount is based on an analysis of quantitative and qualitative factors including, but not limited to, financial projections, fixed and variable expenses, the nature of fiduciary products and services being proposed, and discussions with organizers.

In addition to establishing the initial capital requirement at chartering or licensing, all permitted payment stablecoin issuers must develop a process to assess and meet their capital requirements,[97] with evaluation by the OCC through the examination process. As the OCC gains additional experience and data from reviewing applications for prospective payment stablecoin issuers and assessments performed by established issuers with varying business models and risk profiles, the OCC may revise its licensing procedures or this rule to incorporate more standardized, objective capital requirements. The OCC discusses potential options in the following sections and invites feedback on how these options could be revised or incorporated into a final rule, either as elements of a capital requirement, liquidity requirement, or otherwise, due to the intertwined nature of capital and liquidity. For example, under OCC Bulletin 2007–21, capital is generally used to support a bank's risk profile, business strategies, future growth prospects, and provide a cushion against unexpected losses, while liquidity is used to meet a bank's obligations when they come due. A bank that experiences unexpected losses that reduce the holdings of its liquid assets will have less liquidity to satisfy current liabilities, while a bank that needs to use liquidity to satisfy current liabilities may be more limited in its business strategies or future growth prospects.

[97] *See* proposed § 15.41(a)(2)(ii).

1. Capital Elements (Proposed § 15.40)

Under the proposed rule, regulatory capital for permitted payment stablecoin issuers would consist of two capital elements, common equity tier 1 capital and additional tier 1 capital. These two elements are generally consistent with the capital elements for national banks and Federal savings associations under 12 CFR part 3. These elements consist of common equity, retained earnings, and noncumulative perpetual preferred stock that meet certain terms designed to ensure significant loss-absorbing capabilities. For example, these terms include provisions that require that the paid-in amount is equity under GAAP, that limit dividends and that prohibit a permitted payment stablecoin issuer from funding its own equity instruments to ensure that there is a source of external capital to support the issuer's operations. The OCC is also proposing this approach to create parity among bank subsidiaries that plan to offer stablecoins, uninsured national bank stablecoin issuers, current OCC national trust banks, and non-bank-affiliated permitted payment stablecoin issuers with respect to their capital instruments. The financial industry is also generally familiar with the long-standing criteria for capital instruments to qualify under the existing 12 CFR part 3 framework.

Common equity tier 1 capital would consist of common stock instruments (par value, if any, and related surplus), retained earnings, and any accumulated other comprehensive income (AOCI), all as reported under GAAP. Common stock instruments would need to meet various proposed criteria, including being the most subordinated claim on the issuer's assets, being fully paid-in, having no maturity date, and not being redeemable except with prior OCC approval. Any dividends must be fully discretionary, paid out only after fulfillment of any other legal or contractual obligations. In addition, the holders of the instruments must bear losses equally, proportionally, and simultaneously with other holders of common stock instruments. As the most subordinated tier of regulatory capital, common equity tier 1 exhibits the most loss absorbency, as any dividends are discretionary and there is no expectation of redemption or repurchase of the instrument, ensuring any operating funds generated can be used for any other business need of the issuer.

The OCC also is proposing to include AOCI as a component of common equity tier 1 capital. While this treatment is consistent with the OCC's requirement in 12 CFR part 3, the OCC is not

proposing to permit any neutralization of AOCI. The OCC permits neutralization of components of AOCI under part 3 for certain banks in part to reduce regulatory capital volatility associated with changes in value of available-for-sale fixed income securities due to changes in interest rates. These changes in value due to interest rate movements are generally more pronounced the longer the remaining maturity of the securities. As permitted payment stablecoin issuers can only hold securities with remaining maturities of 93 days or less as reserve assets, the change in value of these securities due to interest rate movements likely would generate immaterial amounts of AOCI.

Additional tier 1 capital would consist of instruments that meet a different set of proposed criteria, generally consistent with noncumulative perpetual preferred stock issuances that are classified as equity under GAAP. Generally, these instruments would be subordinated to all claims except those of common shareholders. The instruments could not have a maturity date but may be callable after at least five years with prior approval of the OCC. To provide additional flexibility to the issuer when needed, the terms of the instrument must provide for the payment of dividends only if and when declared by the board of directors of the issuer. This feature provides the permitted payment stablecoin issuer the ability to retain earnings and capital if needed. These provisions all help ensure that the instrument provides significant loss absorbency by limiting the permitted payment stablecoin issuer's obligations to holders. The OCC's capital framework for banks also permits tier 2 capital elements, which primarily consist of tier 2 capital instruments (subordinated debt instruments) and certain allowances for credit losses. However, the OCC is not proposing to adopt tier 2 capital elements for permitted payment stablecoin issuers. Allowing a permitted payment stablecoin issuer to employ subordinated debt instruments as capital may incentivize an issuer to take on additional leverage with a stated repayment obligation, which increases the pressure and risk on the issuer to generate enough income to repay that obligation instead of increasing the ability of the stablecoin issuer to absorb losses. Separately, as permitted payment stablecoin issuers would not be providing loans or other credit to customers, they likely would not have any allowance for credit losses. The OCC's process for evaluating capital and liquidity requirements for new uninsured national trust banks also considers only common equity tier 1 capital and additional tier 1 capital but not tier 2 capital, so the proposed approach would promote parity among these banks and other permitted payment stablecoin issuers. The OCC notes that, based on current Call Report data, no uninsured national trust banks issue any tier 2 capital instruments and have immaterial amounts of tier 2 capital overall.

The proposed rule would not require any specific ratio between the regulatory capital elements or minimum amounts of any capital element. The OCC's current rules for national banks and Federal savings associations set minimum ratios for each tier of capital to promote more loss-absorbing capital by setting higher minimum ratios for those elements and lower incremental ratios for less loss-absorbing capital elements. However, the OCC does not believe a similar structure of tiers and minimums is necessary for permitted payment stablecoin issuers based on their variety of business models. The proposed approach would also be consistent with current chartering for uninsured national trust banks under OCC Bulletin 2007–21, which looks at total equity capital amounts to address the risks of those entities.

The proposed rule would not require any specific deductions from regulatory capital instruments for permitted payment stablecoin issuers. The OCC's current rules for national banks in 12 CFR part 3 require deductions from capital for goodwill, other intangible assets, and certain other assets such as mortgage servicing assets greater than a specified amount of capital. The OCC's rules require these deductions to implement statutory requirements applicable to insured depository institutions or because the potentially volatile valuation of those assets reduces their ability to absorb losses. While goodwill and other intangible assets may exhibit similar valuation volatility on the balance sheets of permitted payment stablecoin issuers, these risks may be addressed though the backstop requirement and proposed requirements around risk management, capital adequacy assessments, and liquidity. For example, a stablecoin issuer that holds a significant amount of goodwill from the acquisition of another entity would be expected to appropriately incorporate in its capital adequacy assessment the risk that the goodwill may become impaired and reduce retained earnings. However, the OCC is also considering a deduction framework, which could be more limited than the deductions required for national banks. A more limited framework may focus deductions on goodwill and other intangible assets, which may be difficult to value and would be unavailable to satisfy redemption claims of stablecoin holders or support the issuer during a business disruption.

Alternately, the OCC is considering a simplified capital instrument framework for permitted payment stablecoin issuers. Under this framework, any balance sheet account that qualifies as equity under GAAP would qualify as a capital element, including common stock, retained earnings, accumulated other comprehensive income, and certain preferred stock. This alternative could be easier to implement, particularly for non-bank-affiliated permitted payment stablecoin issuers, as it relies on the GAAP definitions of equity without layering on additional requirements. However, those additional requirements reduce the risk to stablecoin holders and ensure that the equity instruments are sufficiently loss absorbing. For example, the additional proposed requirements help ensure a permitted payment stablecoin issuer does not aggressively redeem equity instruments with funds that are necessary to support the liquidity or operations of the stablecoin and associated reserves, or make loans to potential shareholders to purchase stock, which provides no loss absorbency. The OCC could also consider a framework based on tangible capital, which could start with GAAP equity, but deduct any intangible assets from that amount. This approach could address the risk that a permitted payment stablecoin issuer invests material amounts of capital in generally illiquid and potentially volatile or difficult to value intangible assets. These assets would likely be difficult liquidate if needed to address business disruptions. However, the proposed backstop may be sufficient to address these risks.

2. Minimum Capital Calculation (Proposed § 15.41)

The OCC is proposing to establish a minimum capital requirement framework based on the lifecycle of the permitted payment stablecoin issuer. Under this framework, the OCC will establish the minimum capital requirement for a permitted payment stablecoin issuer as part of the chartering or licensing process that will apply for a minimum timeframe, generally three years. For example, based on the recent approvals for national trust banks engaging in

stablecoin issuance programs, the OCC will establish a monetary capital amount for each issuer that must be maintained and a portion of which must be maintained in certain liquid assets.[98] Under this approach, the OCC would consider factors such as projected revenues and expenses, cash burn rates, and expenditures necessary to implement the proposed business plan and activities of the applicant. This analysis may include various scenarios based on projected stablecoin issuance volumes, planned composition of reserves, and projected returns on those reserves in different interest rate environments. During this time, and afterward, the permitted payment stablecoin issuer also would be required to assess its capital adequacy and maintain an amount of capital that is commensurate with its business model and risk profile, subject to review by the OCC.

a. De Novo Capital Requirement

Under proposed § 15.41, the initial minimum capital requirement would apply during the ''de novo period,'' generally the three-year period following chartering or licensing by the OCC of the permitted payment stablecoin issuer to issue stablecoins under this proposed rule, or, in the case of State qualified payment stablecoin issuers, transitioning to the OCC's regulatory framework. This timeframe may be extended or shortened by the OCC. Generally, the OCC would expect to lengthen the de novo period based on changes to the business model or activities of the issuer, excessive volatility in issuance and redemptions of the payment stablecoin, unexpected operating losses, weak earnings, poor risk management, or violations of the GENIUS Act or implementing rules. The OCC would expect to shorten the de novo period for an entity that has a history of operating a stablecoin business prior to the effective date of the OCC's final rule implementing the GENIUS Act or for a permitted payment stablecoin issuer converting to an OCC charter from another regulator. During the de novo period, the requirements may be adjusted by the OCC based on the actual operations of the permitted payment stablecoin issuer compared to projections or as part of the licensing or chartering conditions.

This process is consistent with how the OCC evaluates and sets capital requirements for chartering national trust banks under OCC Bulletin 2007–21, and the OCC would expect to use many of the same considerations when evaluating the appropriate capital amount during the de novo period. For example, the OCC would consider the proposed payment stablecoin issuer's risk profile, business strategy, future growth prospects, and cushions for unexpected losses. At chartering or licensing and during the de novo period, the OCC would consider factors including: the composition, stability, and direction of revenue; the level and composition of expenses; the level of retained earnings; the quantity and direction of strategic risk; the quality of management processes, including the adequacy of internal and external audit, internal controls, and compliance management; the quantity of transaction risk from delivery and administration of asset management products and services; and the impact of external factors, including economic conditions and evolving technology.

Under proposed § 15.41(a)(1)(i)(B), the OCC is also proposing a floor of $5 million on the minimum capital requirement during the de novo period. This floor is primarily intended to ensure that every proposed payment stablecoin issuer has sufficient resources to support initial operations, particularly to cover the losses that are expected to occur early in the startup phase of a new stablecoin. The OCC's experience with chartering de novo national trust banks seeking to provide stablecoin programs determined that minimum capital amounts ranging from $6.05 million to $25 million would be necessary to establish a viable business model.[99]

b. Ongoing Capital Requirement

The proposed rule would require all permitted payment stablecoin issuers to calculate a minimum capital requirement based on an evaluation of the risks associated with its business model and risk profile. This amount would be based on estimates submitted during the de novo chartering phase, and after approval, this amount must incorporate the operating history of the permitted payment stablecoin issuer and loss experienced from all sources, including operational risk. The OCC will review and monitor this requirement and the amount of capital held by the permitted payment stablecoin issuer as part of the examination process. The amount of capital held by the permitted payment stablecoin issuer must appropriately incorporate the operating history and operational risk of the issuer, consistent with the standards described above that the OCC uses to determine the capital requirement for de novo stablecoin issuers. Although the OCC is not currently proposing any floors on the minimum capital requirement or frameworks for determining a minimum capital requirement for those risks in the rule text, this section includes discussion of possible options the OCC could consider adopting in a final rule or as part of a future rulemaking. The OCC may also consider implementing a framework for determining more objective capital requirements as the industry evolves and permitted payment stablecoin issuers establish longer operating histories.

While the capital requirement in the proposed rule text is the OCC's preferred approach, the OCC is also considering a variable capital component based on a percentage of outstanding issuance value. This component could address operational risks associated with maintaining the reserve assets and issuing payment stablecoins to customers. This component may vary directly with the outstanding issuance value. It could also address price and liquidity risks associated with stablecoin reserve assets when those assets may need to be liquidated at below-market value to meet redemption demands. This component could also address price and credit risk associated with certain stablecoin reserve assets, such as uninsured bank deposits and certain reverse repurchase agreements. As the size of the outstanding issuance value and corresponding reserve assets increase, the operational risk may increase. A larger pool of underlying reserve assets may increase the number and severity of hacking attempts, while a larger outstanding issuance may encourage attempts to create fraudulent payment stablecoins. Similarly, a larger pool of reserve assets that may need to be liquidated in a short timeframe to satisfy a run on the stablecoin would increase the risk that reserve assets would need to be liquidated at prices below fair value. However, the risk may not grow as quickly as the growth of reserve assets. Larger stablecoin issuers may have more resources to spend on cybersecurity and other risk mitigation strategies. One possible calibration for such a requirement could be 1.0 percent for stablecoin reserves or outstanding issuance value up to $10 billion, 0.40 percent for stablecoin reserves or outstanding issuance value between $10 billion and $50 billion, and 0.20 percent

[98] OCC News Release 2025–125, ''OCC Announces Conditional Approvals for Five National Trust Bank Charter Applications'' (December 12, 2025), *https://occ.gov/news-issuances/news-releases/2025/nr-occ-2025-125.html.*

[99] *See id.*

for stablecoin reserves or outstanding issuance value greater than $50 billion. However, the OCC also recognizes that a permitted payment stablecoin issuer could manage these risks through application of reserve asset diversification and liquidity measures. These measures could reduce the risk of unanticipated loss and thus the need for a significant amount of capital. Requirements to mitigate those risks are included elsewhere in this proposal. Moreover, including a variable component for operational risk based on outstanding issuance value may disincentivize growth among permitted payment stablecoin issuers and prevent their stablecoins from obtaining economies of scale. The OCC therefore is not proposing to include a variable capital component for operational risk based on a percentage of outstanding issuance value.

While the capital requirement in the proposed rule text is the OCC's preferred approach, the OCC is also considering a variable capital component tied more directly to price and interest rate risk of stablecoin reserve assets. Under this approach, a capital charge would apply to reserve assets that consist of U.S. Treasuries, repurchase agreements, and tokenized versions of those assets. As a permitted stablecoin issuer grows larger, there may be increased risk that a run on the stablecoin will require liquidation of a significant amount of underlying reserve assets over a short time. This may result in the permitted payment stablecoin issuer receiving less than fair value for certain reserve assets. While the proposed rule's reserve asset provisions require consideration of the fair value of reserve assets, for certain assets such as U.S. Treasuries, a permitted payment stablecoin issuer may need to sell those assets into the market and accept whatever price the market will offer at that time. A similar risk also arises with reverse repurchase agreements entered into by the permitted payment stablecoin issuer, as the counterparty may decline to roll over the repurchase agreement, thus leaving the permitted payment stablecoin issuer with additional Treasuries. In contrast, cash, deposits, and money market funds likely could be redeemed at par value with no interest rate risk loss to the permitted payment stablecoin issuer. The OCC could consider calibrating this variable capital component using the market price volatility haircuts used by national banks to calculate exposure amounts for repo-style transactions in 12 CFR 3.37. This approach establishes a haircut of 0.5 percent for Treasuries and Treasury collateral posted or received under repurchase agreements with maturities up to one year, but the OCC could consider more tailored and granular haircuts, such as 0.05 percent to 0.25 percent, which could vary based on the remaining time to maturity for these reserve assets. However, imposing a capital requirement on only certain payment stablecoin reserve assets may incentivize permitted payment stablecoin issuers to focus on other reserve assets, such as cash or bank deposits, that may have other risks or lower yields. This approach may also introduce unnecessary complexity into the rule. The OCC welcomes comment on the proposed approach in the regulatory text and all alternatives.

While the capital requirement in the proposed rule is the OCC's preferred approach, the OCC considered a variable capital component tied to the credit risk of certain stablecoin reserve assets, specifically uninsured bank deposits, reverse repurchase agreements, and money market funds. Proposed § 15.11(c) includes provisions (whether as a requirement or safe harbor) that would encourage a permitted payment stablecoin issuer to spread its deposits among multiple institutions. Moreover, proposed § 15.11(d) would require certain large permitted payment stablecoin issuers to hold a minimum amount of insured deposits. These provisions would help mitigate the counterparty credit risk that a permitted payment stablecoin issuer would face with respect to uninsured deposits. Thus, it may be unnecessary to impose a variable capital component tied to uninsured bank deposits. Currently, the FDIC and NCUA deposit insurance limits are $250,000 per depositor per account ownership category at each insured bank or credit union.[100] Even if a stablecoin issuer attempted to split its deposits among multiple insured institutions, the total amount of insured deposits would likely be a small proportion of total stablecoin reserves. For example, a stablecoin with $1 billion of reserve assets that kept 10 percent of reserves in bank or credit union deposits would need to spread those deposits among 400 accounts to ensure all of those deposits remained fully insured. It is more likely a stablecoin issuer would choose a much smaller group of insured depository institutions and deposit a larger amount of reserves at each, resulting in a significant amount of uninsured deposits. These deposits would be subject to loss in the event of a failure of a depository institution. To address this risk, the OCC could consider a capital charge of 0.40 percent applied to uninsured deposits, or some other amount, that could be calibrated based on the number of banks or size of the uninsured deposit amount at each insured institution.

Under section 4(a)(1)(A)(v) of the GENIUS Act (12 U.S.C. 5903(a)(1)(A)(v)), a reverse repurchase agreement may be entered into by permitted payment stablecoin issuers on a cleared basis, tri-party basis, or bilateral basis to satisfy reserve asset requirements. For cleared reverse repurchase agreements, the transaction occurs through a central clearinghouse that fully backs the transaction, resulting in negligible counterparty credit risk. Under a tri-party repurchase agreement, the collateral for the transaction is held by a third party, reducing the credit risk to the counterparty. However, in bilateral reverse repurchase agreements, the permitted payment stablecoin issuer would rely solely on the collateral provided by its counterparty. Under section 4(a)(1)(A)(v) of the GENIUS Act, acceptable collateral for reverse repurchase agreements could consist of U.S. Treasury bills, notes, or bonds, with no restrictions on original or remaining maturity. Therefore, in a counterparty default, a stablecoin issuer could receive long-dated Treasury securities with an extended time to maturity. Even if the reverse repurchase agreement was significantly overcollateralized, the price volatility of long-dated Treasuries could significantly increase the risk of loss to the permitted payment stablecoin issuer on the default of its counterparty.

To address this risk, the OCC could consider imposing a capital requirement equivalent to the market price volatility haircut applied to collateral for repo-style transactions for national banks in 12 CFR 3.37. The capital requirement could vary based on the remaining maturity of the collateral and the credit risk of the stablecoin issuer's counterparty. With respect to reserve assets in the form of money market funds, section 4(a)(1)(A)(vi) of the GENIUS Act (12 U.S.C. 5903(a)(1)(A)(vi)) requires that a

[100] All deposits placed by a depositor in a particular ownership category—whether in one account or multiple deposit accounts or at different branches or offices of the same IDI—are aggregated and insured up to the standard maximum deposit insurance amount for that ownership category. 12 CFR 330.3(a). Separate insurance applies to each depositor, including natural persons, legal entities such as corporations, partnerships, and unincorporated associations, and public units such as cities and counties. *See, e.g.,* FDIC, ''General Principles of Insurance Coverage'' (May 29, 2024), *https://www.fdic.gov/resources/deposit-insurance/diguidebankers/documents/general-principles.pdf.*

permitted payment stablecoin issuer only hold money market funds that invest in certain other eligible reserve assets; however, these include bank deposits and reverse repurchase agreements that give rise to the same risks as if held directly by the permitted payment stablecoin issuer. Therefore, the OCC could consider a capital charge that would require the permitted payment stablecoin issuer to look through to the underlying assets of the money market fund, similar to the capital requirement for a national bank's equity exposure to an investment fund in 12 CFR 3.53.

However, the OCC considered that imposing a capital charge on these types of reserve assets could incentivize permitted payment stablecoin issuers to hold reserves in other types of assets that could be subject to lower or no specific capital charge. The OCC does not want to discourage stablecoin issuers from investing reserve assets in certain permissible categories, particularly in deposits at community banks. In addition, the OCC's proposed asset diversification and liquidity requirements would help mitigate the risk of loss on reserve assets without imposing a financial capital requirement.

While the capital requirement in the proposed rule is the OCC's preferred approach, for permitted payment stablecoin issuers that also provide custody services to customers, the OCC is considering a variable capital component based on the fair value of assets held in custody. Operating a custody business generates a separate set of risks from operating a payment stablecoin business, and the risk is potentially increased compared with a standalone custody business, as any failure of the payment stablecoin would also impact operations of the custody business. This capital component could reflect costs associated with providing for ongoing operation of a stablecoin issuer's custody business, irrespective of the success or failure of the associated stablecoin issuance. This approach of assessing a capital charge based on the size and scope of a custodian's business is consistent with the GENIUS Act requirement that a permitted payment stablecoin issuer's capital requirements be tailored based on the risk profile of the issuer.[101] However, the OCC currently does not impose a capital charge based on assets under custody for national trust banks. While establishing a different capital treatment for custody activities at permitted payment stablecoin issuers versus at traditional national trust banks may create disincentives for permitted payment stablecoin issuers to provide custody services, the combined operations of stablecoin and custody services may increase risks to custody customers. For example, any losses generated from operation of the stablecoin business reduce the overall financial condition of the issuer and could impact operations of the custody business. The OCC believes that the risks, in particular the operational risks, associated with providing custody services can be adequately addressed through the de novo and ongoing capital requirements in proposed § 15.41(a)(1) and (2). Proposed § 15.41(a)(2)(i) expressly states that the capital maintained by the permitted payment stablecoin issuer must be commensurate with the level and nature of *all risks* to which the permitted payment stablecoin issuer is exposed, including risks for off-balance sheet activities. Because the risks associated with operating a custody business would be addressed through a holistic assessment of the permitted payment stablecoin issuer's risks in the proposal, the OCC does not propose to include a variable capital component relating to assets under custody. The OCC generally expects that entities engaged in custody businesses will require additional capital to address the operational risk associated with this activity. The OCC welcomes comment on the proposed approach and all alternatives.

c. Operational Backstop

The OCC is proposing that a stablecoin issuer hold a designated pool of highly liquid assets to maintain the ongoing operations of the stablecoin issuer during a business disruption, referred to as the operational backstop. This proposed backstop assets would be independent of the de novo or ongoing capital requirements and from any assets held as reserve assets. The purpose of the operational backstop is to help ensure that during a business disruption that impacts operations of the stablecoin issuer, a liquid pool of identifiable assets exists to allow the stablecoin issuer to meet short term liquidity needs, stabilize the issuer after the disruption, and continue or resume normal operations. The operational backstop would be calculated based on the actual total expenses of the stablecoin issuer over the past 12 months. These expenses, including for utilities, data processing, and salaries, are highly correlated with the permitted payment stablecoin issuer's ability to maintain the operations of its payment stablecoin and stabilize from a business disruption. At a minimum, the operational backstop provides a runway for the permitted payment stablecoin issuer to evaluate the source of the disruption and potential responses without needing to take urgent action due to lack of funds. The amount of the operational backstop would be calculated each quarter, based on the permitted payment stablecoin issuer's total expenses as reported in the four most recent quarterly reports filed under § 15.14 of the proposed rule. For de novo permitted payment stablecoin issuers, the initial requirement would be based on reasonable expense projections and adjusted each quarter based on actual amounts for that quarter.

The operational backstop amount would need to be held as readily available liquid assets to ensure that funds are available quickly during a business disruption. Specifically, this amount would need to be held in U.S. currency directly or at a Federal Reserve Bank, as demand deposits at a U.S. insured depository institution, with those deposits fully insured by the FDIC, or in U.S. Treasuries that meet the requirements to qualify as reserve assets, which could be readily liquidated. The assets associated with the operational backstop would need to be separately identified in the reports filed under proposed § 15.14, and in any other financial statements of the permitted payment stablecoin issuer, from any reserve assets required to support the payment stablecoin and any other assets of the permitted payment stablecoin issuer on any reports filed under proposed § 15.14. This approach aligns with one prong of the OCC's approach for chartering national trust banks, which typically requires a pool of liquid assets sufficient to cover six to 12 months of expenses.

While the OCC considered adjusting the operational backstop to more specifically identify and categorize expenses used in calculating the amount, this approach would create additional burden for issuers to track specific expenses, as well as increase the risk of gaming the backstop by issuers attempting to reclassify ongoing operating expenses as one-time items. The OCC also does not want to create incentives or disincentives for different business decisions, such as to purchase or lease assets, by excluding non-cash expenses like depreciation from total expenses.

The proposed minimum capital amount, the capital held by the permitted payment stablecoin issuer, and the operational backstop would be calculated as of the last day of each quarter and disclosed in the reports

[101] *See* 12 U.S.C. 5903(a)(4(A)(i).

required under § 15.14 of the proposed rule. Under the proposal, if a permitted payment stablecoin issuer does not meet the minimum capital requirement or have sufficient liquid assets to meet the operational backstop at the end of a quarter, it must make efforts to satisfy the capital requirement and backstop by the end of the following quarter. These efforts may include raising additional capital, reducing the size of the operations or risk profile of the issuer, or converting less-liquid assets into highly liquid assets to satisfy the backstop. Until the capital and backstop requirements are satisfied, the stablecoin issuer would be restricted from issuing any new stablecoins, except as necessary to facilitate a transfer of payment stablecoins from one distributed ledger to another and provided that the net outstanding issuance value does not increase so that the issuers can use their liquidity to address any issues in times of stress instead of further growing the risk by increasing the size of the stablecoin. If a permitted stablecoin issuer fails to meet its capital or backstop requirements for two consecutive quarters, it must begin liquidating reserve assets and redeeming outstanding stablecoins at the start of the following month and can no longer issue any new payment stablecoins going forward. A permitted payment stablecoin issuer that is required to redeem its stablecoins due to a shortage of capital or liquid assets for the backstop would be prohibited from charging customers a fee for redeeming those stablecoins. For example, if a permitted payment stablecoin issuer did not have sufficient capital as of June 30, it would be prevented from issuing new stablecoins, on a net basis, starting in July. If the issuer increased its capital to meet the minimum requirement on July 8, it could resume issuing stablecoins on July 8. In contrast, if the stablecoin issuer did not satisfy its capital or backstop requirements at any time during the quarter and did not meet these requirements again on September 30, it would need to begin redemption of its stablecoins starting on October 1, regardless of whether it raises additional capital or meets the operational backstop requirements going forward. While national trust banks only report compliance with their minimum capital requirements every quarter, the nature of permitted payment stablecoin issuers and the potential for rapid inflows or outflows of funds to issue or redeem stablecoins warrants a more timely response when there is a failure to meet minimum capital and backstop requirements to ensure that a growing outstanding issuance value is appropriately backed by sufficient capital to address the risks associated with the stablecoin issuer and any business disruptions. The provisions to limit issuance of new stablecoins, and potentially redeem outstanding stablecoins, are intended to ensure that a permitted payment stablecoin issuer maintains an adequate capital base and operational backstop relative to its risks and operations. The proposed quarterly calculation and assessment aligns with the proposed frequency of reporting under proposed § 15.14(i). However, more frequent capital calculations and assessments may be appropriate due to potential fluctuations in stablecoin demand or other factors.

3. Individual Additional Capital or Backstop Requirement (Proposed § 15.42)

The OCC expects that a permitted payment stablecoin issuer will appropriately calculate a capital requirement under proposed § 15.41(a) and (b) and would expect to resolve any concerns with the capital adequacy assessment through the examination process. However, in cases where the permitted payment stablecoin issuer's internal capital adequacy assessment is significantly deficient in addressing the capital needs of the stablecoin issuer to ensure ongoing operations, the OCC is proposing a process to impose an individual additional capital or backstop requirement on the permitted payment stablecoin issuer. This process is permitted by section 4(a)(4)(B)(i) of the GENIUS Act (12 U.S. 5903(a)(4)(B)(i)) and is generally consistent with the OCC's process to impose individual minimum capital ratios for national banks. Uninsured national trust banks that are also permitted payment stablecoin issuers would be subject to both the individual minimum capital ratio framework and the proposed individual additional capital or backstop requirement.

The proposed rule includes a list of illustrative examples of when the OCC may consider imposing an individual additional capital or backstop requirement, such as when a stablecoin is facing a significant increase in operational risks, excessive volatility in stablecoin issuance or redemptions and the permitted payment stablecoin issuer's management lacks a robust plan to address that volatility, or for additional risks that the stablecoin issuer is not appropriately managing or reflecting in the ongoing capital calculation.

Under the proposal, the OCC would notify the permitted payment stablecoin issuer of the proposed individual additional capital or backstop requirement, including a justification for that requirement and a target achievement date. The board and management of the permitted payment stablecoin issuer generally would have 30 days to respond to that notice. The OCC may change this time period, as appropriate, based on the condition of the permitted payment stablecoin issuer. For example, the time period may be shortened due to the severity of the underlying issues and need for additional capital or backstop. After the response period, the OCC would issue a final decision establishing an individual additional capital or backstop requirement for that permitted payment stablecoin issuer, which would remain in effect until modified or rescinded by the OCC. The decision may require the permitted payment stablecoin issuer to develop and submit to the OCC, within a specified time period, an acceptable plan to reach the additional capital or backstop requirement established for the permitted payment stablecoin issuer. If, after the OCC renders its decision, there is a significant change in the circumstances that materially affects the permitted payment stablecoin issuer's capital adequacy or its ability to reach the required capital or backstop requirement, the permitted payment stablecoin issuer may request, or the OCC may propose to the permitted payment stablecoin issuer, a change in the additional capital or backstop requirement for the permitted payment stablecoin issuer, the date when the minimum must be achieved, or the permitted payment stablecoin issuer's plan (if applicable). The OCC may decline to consider proposals that are not based on a significant change in circumstances or that are repetitive or frivolous. Pending a decision on reconsideration, the OCC's original decision and any plan required under that decision shall continue in full force and effect.

4. Proposed Adjustments to the Bank Capital Rule (12 CFR Part 3)

Section 4(a)(4)(C)(iii) of the GENIUS Act (12 U.S.C. 5903(a)(4)(C)(iii)) specifies that for stablecoin issuers owned by insured depository institutions or depository institution holding companies, the appropriate Federal banking agency (as defined in 12 U.S.C. 1813(q)) cannot require an insured depository institution or depository institution holding company that is consolidated with a permitted payment stablecoin issuer to hold any

amount of regulatory capital with respect to such permitted payment stablecoin issuer and its assets and operations in excess of the capital that such permitted payment stablecoin issuer must maintain under the capital regulations promulgated under the GENIUS Act.

Therefore, for regulatory capital purposes, the OCC is proposing to amend 12 CFR part 3 to specify that an insured national bank or Federal savings association that owns a permitted payment stablecoin issuer consolidated under GAAP must deconsolidate the permitted payment stablecoin issuer for regulatory capital purposes. The insured national bank or Federal savings association must deduct any interest in retained earnings of the permitted payment stablecoin issuer from the insured national bank's or Federal savings association's common equity tier 1 capital. This amount would also be deducted from the asset reflecting the investment in the subsidiary for risk-based and leverage capital calculations. This interest reflects the insured national bank's or Federal savings association's share of retained earnings of the permitted payment stablecoin issuer that have not been paid out as dividends, and the deduction ensures that the same amount would not count as capital at both the permitted payment stablecoin issuer and its parent insured national bank or Federal savings association. Once earnings from the subsidiary are paid as dividends to the parent national bank or Federal savings association, those funds are available for general uses of the parent bank and no longer count as capital of the stablecoin issuer. Finally, any remaining assets associated with the permitted payment stablecoin issuer (after deducting its share of retained earnings), such as investments in or intercompany receivables from a permitted payment stablecoin issuer, would be excluded when calculating the insured national bank's or Federal savings association's standardized total risk-weighted assets, advanced approaches risk-weighted assets, average total consolidated assets, and total leverage exposure, as applicable. To the extent that a subsidiary permitted payment stablecoin issuer incurs net losses, there would be no adjustment to increase its parent national bank or Federal savings association's assets or retained earnings to offset those losses, so as to not overstate the resources and financial condition of the parent.

As proposed, this deconsolidation and deduction approach would ensure that any assets and capital associated with the permitted payment stablecoin issuer are not double-counted when included in risk-based or leverage capital ratio calculations at the parent insured national bank or Federal savings association, and that any retained earnings of the permitted payment stablecoin issuer are not double-counted as capital that can be used by the parent insured national bank or Federal savings association.

As proposed, the rule would allow uninsured national trust banks to issue payment stablecoins directly. Currently, uninsured national trust banks are subject to the full requirements of 12 CFR part 3, including risk-based and leverage capital ratios. However, the capital required under those measures may be significantly in excess of capital that would be required for other types of permitted payment stablecoin issuers under the proposal. In order to establish parity among all types of permitted payment stablecoin issuers, the OCC is proposing to permit uninsured national trust banks that issue stablecoins to elect to follow the proposed capital requirements in part 15 and not calculate or comply with the minimum capital requirements in part 3. As an alternative, the OCC is also considering bifurcating the operations of the payment stablecoin from other operations of the national trust bank, then applying part 15 capital requirements to the payment stablecoin issuance business and part 3 capital requirements to the other business operations. However, the complexity in dividing or allocating assets and expenses between the business lines may make this impractical to operationalize.

Furthermore, to promote parity among uninsured national trust banks, whether or not they issue payment stablecoins, the OCC is proposing to allow any uninsured national trust bank to similarly elect to follow the proposed minimum capital requirements calculated under part 15 instead of those under part 3. As acknowledged in OCC Bulletin 2007–21, the leverage and risk-based capital ratios in 12 CFR part 3 generally are not optimal measures of capital adequacy for national trust banks. Under the proposed rule, a national trust bank seeking to follow the part 15 minimum capital requirements instead of the part 3 minimum capital requirements would submit a notice to the OCC indicating its election. The election would become effective 30 days after OCC receipt, unless the OCC objects in writing for good cause within that timeframe. After electing the part 15 capital requirements, a national trust bank subsequently could revert to following the relevant capital measures in part 3 for good cause and with approval of the OCC.

Under the proposal, an uninsured national trust bank would continue to follow the criteria and definitions for capital instruments in 12 CFR part 3, subpart C, including any adjustments or deductions. The OCC is proposing this approach to not create disruptions for shareholders or the bank based on the slightly different requirements for capital instruments between 12 CFR part 3, subpart C, and § 15.40 of the proposed rule. In addition, allowing uninsured national trust banks to opt-out of regulatory capital deductions, such as those for mortgage servicing assets or goodwill, may create an unlevel competitive landscape with national banks that have those assets subject to deduction under part 3. As an alternative, the OCC is considering grandfathering any existing regulatory capital instruments issued by uninsured national trust banks that elect to follow the minimum capital requirement in proposed § 15.41 and otherwise comply with proposed § 15.40 going forward.

5. Proposed Amendment to Part 6

When calculating total assets for prompt corrective action purposes under 12 CFR part 6, the definition of *total assets* in § 6.2 of the rule specifies that certain assets deducted from capital are also deducted from total assets. Consistent with section 4(a)(4)(C)(iii) of the GENIUS Act (12 U.S.C. 5903(a)(4)(C)(iii)) and the deductions and adjustments proposed to 12 CFR part 3, the OCC is proposing a conforming amendment to also incorporate the deductions related to an insured national bank's or Federal savings association's ownership of a permitted payment stablecoin issuer when calculating total assets under 12 CFR part 6. As part 6 only applies to insured depository institutions, no adjustments are necessary for uninsured national trust banks.

F. Proposed Amendments to Part 8

1. Background

The OCC funds the activities it undertakes to carry out its supervisory activities through assessments on institutions regulated by the OCC.[102] The OCC is authorized to collect assessments, fees, and other charges to meet the agency's expenses in carrying out authorized activities.[103] In setting

[102] The National Bank Act authorizes the OCC to impose assessments on national banks and Federal branches and agencies. *See* 12 U.S.C. 16, 481, and 482. The Home Owners' Loan Act, as amended, authorizes the OCC to impose assessments on Federal savings associations. *See* 12 U.S.C. 1467.

[103] *See* 12 U.S.C. 16, 481 and 482.

assessments, the Comptroller has broad authority to consider variations among institutions, including the nature and scope of the activities of an institution, the amount and type of assets that the institution holds, the financial and managerial condition of the institution, and any other factor the Comptroller determines appropriate.[104]

The OCC collects assessments from OCC-supervised institutions pursuant to 12 CFR part 8.[105] Under current part 8, the base assessment for each national bank and Federal savings association is calculated using a table with eleven categories, or brackets, each of which comprises a range of asset-size values. The formula used to calculate an assessment for each national bank and Federal savings association is the sum of a base amount, which is the same for every institution in its asset-size bracket, plus a marginal amount, which is computed by applying a marginal assessment rate to the amount in excess of the lower boundary of the asset-size bracket.[106] The marginal assessment rate declines as asset size increases, reflecting economies of scale in the OCC's supervision activities.[107]

The OCC's annual Notice of Office of the Comptroller of the Currency Fees and Assessments (Notice of Fees) sets forth the marginal assessment rates applicable to each asset-size bracket for each year,[108] as well as other assessment components and fees.[109]

The OCC has determined that collecting assessments in connection with the GENIUS Act activities of OCC-supervised institutions is necessary and appropriate to facilitate the OCC's functions under the Act and conforms with the agency's assessment authorities. The OCC's supervisory responsibilities under the Act include licensing and registration decisions for certain nonbank payment stablecoin issuers, and monitoring compliance with reserve requirements and other applicable laws and regulations relating to stablecoin activities. As discussed below, the OCC proposes to amend part 8 to create new subparts A and B. Subpart A will consist of existing provisions relating to the assessment of national banks and Federal savings associations, with proposed amendments to clarify how these provisions will be applied with respect to new activities that these institutions undertake pursuant to the GENIUS Act. Subpart A applies principally to national banks and Federal savings associations. This includes assessments related to payment stablecoin issuing uninsured national banks—a type of Federal qualified payment stablecoin issuer—and payment stablecoin issuing subsidiaries of insured national banks and Federal savings associations (*i.e.,* insured depository institutions). Proposed subpart B sets out the proposed structure for assessments on institutions newly subject to OCC jurisdiction under the GENIUS Act that are not subject to assessments under subpart A—*i.e.,* nonbank entities and certain State qualified payment stablecoin issuers. This reorganization of part 8 reflects the fact that the powers and structures of the institutions subject to OCC supervision solely under the GENIUS Act will often differ from that of the entities to which the current part 8 applies.

2. Proposed Subpart A—Assessment of National Banks and Federal Savings Associations

The OCC proposes to establish a new subpart A, which will incorporate the existing provisions of part 8 with targeted modifications to address assessments for GENIUS Act-related activities in which national banks and Federal savings associations may engage. The agency preliminarily concludes that, with the modifications discussed herein, the existing assessments regime for national banks and Federal savings associations will adequately and appropriately ensure that the OCC funds the activities it undertakes to carry out its statutory obligations under the GENIUS Act with respect to the supervision of these institutions. As a reflection of this, the proposed rule would amend § 8.1 to add 12 U.S.C. 5901 *et seq.,* the GENIUS Act, as an authority pursuant to which the OCC imposes assessments on permitted stablecoin issuers for GENIUS Act-related activities. The OCC broadly seeks comment on its preliminary determination that the existing, asset-based structure used to measure assessments—modified in the manner proposed below—will adequately and appropriately reflect the impact of the newly authorized activities on the OCC's supervisory resources.

a. Section 8.2—Semiannual Assessment

Under existing § 8.2, the OCC collects assessments for national banks, Federal savings associations, and Federal branches and agencies on a semiannual basis, with fees due by March 31 and September 30 (payment due dates) of each year for the six-month period beginning on January 1 and July 1 before each payment due date.[110] Currently, each semiannual assessment is based on the total consolidated assets shown in the institution's most recent ''Consolidated Reports of Condition and Income'' (Call Report) preceding the payment date.[111] Section 8.2 and the Table included therein set forth methodologies and rates used to calculate the semiannual assessment paid by each national bank and Federal savings association. The OCC proposes several adjustments to current § 8.2 to account for the GENIUS Act-related activities of national banks and Federal savings associations.

First, the OCC proposes special rules governing the treatment of assets attributable to minimum stablecoin reserve assets under 12 U.S.C. 5903. Under proposed § 8.2(e)(1), to the extent the assets reported by the national bank or Federal savings association on its Call Report reflect the minimum stablecoin reserve assets that a stablecoin issuer must hold under 12 U.S.C. 5903, the semiannual assessment for such institution would be calculated in two parts. The OCC first would use the existing formula set forth under § 8.2(a) to determine the institution's semiannual assessment attributable to assets other than those reflecting minimum stablecoin reserve assets. The OCC next would apply the same formula to those assets reflecting minimum stablecoin reserve assets, *except* that it would reduce the resulting amount by thirty-five percent, or by such other percentage (up to fifty-five percent) that the OCC may deem appropriate for minimum stablecoin reserves held by national banks and Federal savings associations, based on its experience supervising stablecoin issuers. The OCC would publish the percentage reduction deemed appropriate for minimum stablecoin reserve assets on an annual basis in the Notice of Fees. An institution's semiannual general assessment fee would be the sum of combining the two figures above.

The proposed discounted assessment for minimum stablecoin reserve assets reflects the OCC's judgment that the cost

[104] 12 U.S.C. 16. *See also* 12 U.S.C. 1467(a) (providing that the Comptroller has the authority to recover costs of examination of Federal savings associations ''as the Comptroller deems necessary or appropriate'').

[105] Current part 8 covers assessments for national banks, Federal savings associations, and Federal branches and Federal agencies. For clarity, proposed subpart A as discussed below will cover the same institutions.

[106] 12 CFR 8.2(a).

[107] *See* 12 CFR 8.8(a) and notices published by the OCC thereunder.

[108] 12 CFR 8.2(a)(5)(i).

[109] 12 CFR 8.2(a)(4).

[110] 12 CFR 8.2(a) and 8.2(b)(1).

[111] 12 CFR 8.2(a)(5)(i) and 8.2(b)(3).

of supervising non-custodial GENIUS Act-related activities is likely to be meaningfully lower than the cost of supervising more traditional activities conducted by national banks and Federal savings associations. The GENIUS Act limits the stablecoin-related activities in which issuing institutions may engage, and certain of these newly authorized GENIUS Act-related activities may present lower risks to participating institutions and the Federal banking system than certain traditional banking activities. Notably, the GENIUS Act significantly restricts the composition of, and the permissible activities in connection with, required stablecoin reserves. The OCC preliminarily concludes that these limitations warrant treating stablecoin reserve assets differently for assessment purposes than existing, on-balance sheet assets attributable to more traditional banking activities, on which the current § 8.2(a) assessment formula is based.

While the agency is not yet able to precisely determine the appropriate discount for stablecoin reserve assets relative to assets attributable to more traditional banking activities, the agency believes that a baseline 35 percent discount would appropriately reflect the expected marginal increase in the agency's overall supervisory costs attributable to GENIUS Act-related activities.[112] To determine an appropriate baseline, the OCC calculated the median discount provided on a per-asset basis to all custodial assets under existing § 8.6(c) relative to the median per-asset assessment charge on non-custodial assets under existing § 8.2(a). The agency based its discount on this calculation because it reflects differences in the complexities of OCC supervisory activities associated with traditional custodial and non-custodial banking activities. Recognizing, however, that GENIUS Act-related activities are likely more complex than traditional custodial banking activities—and, in turn, will likely impose a meaningfully greater economic impact on the OCC's overall supervisory burden—the agency determined it would be appropriate to set the proposed discount for required stablecoin reserve assets at an amount equal to approximately half of the existing median discount assessed on custodial assets under § 8.6(c).

The OCC considered whether to adopt a larger baseline discount for required stablecoin reserve assets and recognizes that it may be appropriate over time for the agency to discount assessments on required stablecoin reserve assets by more than the baseline 35 percent. However, the OCC expects that the agency will need to commit more resources to supervising GENIUS Act-related activities in the first several years following passage of the GENIUS Act as institutions and the OCC adapt to the exercise and supervision of new GENIUS Act powers. Additionally, the OCC anticipates that the new powers granted under the GENIUS Act may result in many new de novo-chartered institutions, which typically require heightened supervision in the early years of such institutions. To address potential differences in the OCC's immediate- and longer-term supervisory commitments in connection with GENIUS Act-related activities, the proposed rule would provide the OCC with sufficient flexibility to annually adjust the discounted rate to reflect changes in the overall share of the supervisory burden attributable to the GENIUS Act-related activities of national banks and Federal savings associations.

The OCC separately considered whether it should extend the proposed discount to over-collateralized reserve assets—*i.e.,* reserve assets that a stablecoin issuer *voluntarily* holds in excess of the minimum stablecoin reserve assets it must hold under 12 U.S.C. 5903. The agency similarly considered whether to exclude reserve assets attributable to voluntary over-collateralization from assessment altogether. Extending the proposed discount to over-collateralized reserve assets—or excluding them altogether from assessment—could be appropriate, especially if a different course were likely to meaningfully disincentivize voluntary over-collateralization. However, the agency lacks reliable information or evidence to suggest that assessing voluntary over-collateralized stablecoin reserve amounts at undiscounted rates will meaningfully influence an issuer's business judgment on whether and to what extent it should voluntarily over-collateralize its on-balance sheet stablecoin reserves. Additionally, while the OCC does not wish to disincentivize voluntary over-collateralization, it is concerned that extending the proposed discount to over-collateralized reserves (or excluding them altogether from assessment) may encourage some institutions to mischaracterize the status of certain on-balance sheet assets as reserves to minimize their overall assessment. The OCC therefore preliminarily concludes that voluntary over-collateralized reserve assets should be assessed without any discount.

Second, the OCC proposes to clarify in § 8.2(e)(2) that if for any reason a national bank's or Federal savings association's total assets reported on that institution's Call Report does not reflect the minimum stablecoin reserve assets that a stablecoin issuer must hold under 12 U.S.C. 5903 and the proposed implementing regulations, the OCC shall increase the assessment calculated under the subsection. The increased assessment amount would reflect the difference between the amount of stablecoin reserve assets reflected on the institution's Call Report and the minimum required stablecoin reserve assets for the amount of outstanding stablecoin issuances that the institution reports pursuant to 12 CFR 15.14(i). While the OCC anticipates that Call Reports of issuing national banks and Federal savings associations will reflect all non-custodial assets attributable to stablecoins, including assets held in reserve to satisfy the institution's obligations under 12 U.S.C. 5903, proposed § 8.2(e)(2) would permit the OCC to address any potential under-assessment resulting from an institution's failure to ensure that it holds sufficient stablecoin reserve assets to meet its obligations under 12 U.S.C. 5903 and these proposed implementing regulations.[113] To effectuate this new provision, the OCC anticipates developing reporting requirements separate from Calls Reports to ensure it has sufficient information to isolate assets reported on Call Reports attributable to stablecoin reserve assets held by an issuing national bank or Federal savings association.

Third, the OCC proposes amending § 8.2(b), which addresses the semiannual assessment imposed on Federal branches and agencies. As amended, § 8.2(b)(2) provides that the semiannual assessment imposed on Federal branches and agencies shall be computed using the same methodology and the same rates as national banks

[112] The OCC recognizes that national banks and Federal savings associations issuing stablecoins (in the case of an insured depository institution, through a subsidiary) may hold on-balance sheet certain other assets attributable to GENIUS Act-related activities. The agency considered whether to apply a reduced rate to these additional assets but preliminarily concludes that the baseline 35 percent discount proposed on stablecoin reserve assets suffices to appropriately reflect the expected marginal increase in the agency's overall supervisory costs attributable to GENIUS Act-related activities.

[113] Additionally, if a permitted stablecoin issuer's actual reserve amount is less than its required reserve amount, the OCC anticipates that the permitted stablecoin issuer may incur additional fees and charges under proposed revisions to § 8.6 associated with (among other things) examinations conducted to understand and address the institution's reserve asset deficiencies.

and Federal savings associations, though clarifying that only the total *domestic* assets of the Federal branch or agency will be subject to the assessment under § 8.2. This clarification reflects that the OCC ordinarily supervises only the domestic operations of Federal branches and agencies. The agency proposes language making clear that semiannual assessments for all institutions subject to part A *will* reflect all assets attributable to GENIUS Act-related activities (including minimum reserve assets), irrespective of whether those assets would be categorized as ''domestic'' assets.

Fourth, the OCC proposes to amend § 8.2(c) to eliminate that subsection's additional assessment for independent credit card national banks and Federal savings associations where the on-balance sheet assets attributable to non-custodial GENIUS Act-related activities of such institutions make the additional assessment unnecessary. An ''independent credit card'' national bank or Federal savings association is an institution that is (i) ''engaged primarily in credit card operations;'' and (ii) not affiliated with a ''full-service'' national bank or Federal savings association.[114] An institution is ''engaged primarily in credit card operations'' if it is either a bank described in section 2(c)(2)(F) of the Bank Holding Company Act, or if the ratio of the institution's total gross receivables attributable to its balance sheet assets exceeds 50 percent.[115] A ''full service'' institution is one that generates more than 50 percent of its income ''from activities *other than credit card operations or trust activities* and is authorized according to its charter to engage in all types of permissible banking activities.'' [116]

The OCC originally imposed the additional assessment in § 8.2(c), and the corresponding 50 percent threshold in the relevant definitional term, upon finding that the magnitude and the complexity of the business of independent credit card national banks and Federal savings associations were not fully reflected by the volume of assets reported on those institutions' balance sheets as of a particular date.[117] An independent credit card national bank's or Federal savings association's balance sheet was not, by itself, generally a meaningful measure of the resources that the OCC needed to expend to supervise these types of institutions, nor a fair measure of the value of the national bank charter to these enterprises. The OCC therefore adopted an additional assessment under § 8.2(c) for independent credit card national banks and Federal savings association based on these institutions' ''receivables attributable'' (*i.e.,* the total amount of outstanding balances due on credit card accounts owned by the institution) as the measure of the volume of the institution's business. The additional assessment under § 8.2(c) ensures that assessments imposed on independent credit card national banks and Federal savings associations represent their fair share of the OCC's overall supervisory expenses.[118]

The OCC preliminarily concludes that the justification for imposing an additional assessment under § 8.2(c) is no longer present where the ratio of an institution's total gross receivables attributable to its balance sheet assets no longer exceeds 50 percent after accounting for on-balance sheet assets attributable to GENIUS Act-related activities. In such instances, although the independent credit card institution may not qualify as a ''full service'' institution, the agency expects that the additional on-balance sheet assets attributable to the institution's GENIUS Act-related activities should suffice to ensure that the institution's assessment under § 8.2(a) adequately reflects the magnitude and complexity of the institution's overall business and represents its fair share of the OCC's overall supervisory expenses. The OCC therefore proposes to amend § 8.2(c) to provide that an independent credit card national bank or Federal savings association is not subject to an additional assessment under that subsection if the ratio of its total gross receivables attributable to its balance sheet assets no longer exceeds 50 percent after accounting for on-balance sheet assets attributable to GENIUS Act-related activities. The agency further proposes to amend § 8.2(c) to require independent credit card national banks and Federal savings associations to report data related to their assets attributable to activities permitted under 12 U.S.C. 5901 *et seq.* to the OCC semiannually at a time specified by the OCC, as § 8.2(c)(4) currently requires for data related to off-balance sheet receivables, to ensure accurate accounting in calculating assessments.

b. Section 8.6 Fees for Special Examinations and Investigations

Section 8.6 is generally designed to allow the OCC to impose assessments on national banks, Federal branches or agencies of foreign banks, Federal savings associations, and related entities for supervisory expenses which, due to the complexity of the attributes of the underlying activity, are not adequately offset by the base assessment under § 8.2. The OCC proposes the following revisions to the existing § 8.6 to appropriately reflect the agency's increased supervisory activities relating to the GENIUS Act.

Specifically, the OCC proposes to revise existing § 8.6(c) to eliminate that subsection's additional assessment for ''independent trust'' national banks and Federal savings associations where the on-balance sheet assets attributable to the non-custodial GENIUS Act-related activities of such institutions make the additional assessment unnecessary. Section 8.6(c) currently imposes an additional assessment on ''independent trusts'' in connection with their off-balance sheet ''fiduciary and related assets.'' The OCC adopted existing § 8.6(c) upon finding that—unlike ''full service'' institutions that may exercise trust powers but that also engage in sufficient non-custodial activities—the limited balance sheet assets of ''independent trusts'' resulted in assessments under § 8.2(a) that did not constitute a fair representation of the complexity of their operations, or the extent of the OCC's supervisory activities related to their operations.[119] An ''independent trust'' is an institution that (i) has trust powers, (ii) does not primarily offer full-service banking, and (iii) is not affiliated with a full-service national bank or Federal savings association.[120] A ''full-service'' institution is one that (i) generates more than 50 percent of its interest and non-interest income from activities other than credit card operations or trust activities; and (ii) is authorized according to its charter to engage in all types of permissible banking activities or activities permissible for Federal savings associations.[121]

The OCC preliminarily concludes that the justification for imposing an additional assessment under § 8.6(c) no longer exists where an independent trust generates more than 50 percent of its interest and non-interest income from activities other than credit card operations or trust activities, after accounting for on-balance sheet assets attributable to GENIUS Act-related activities. In such instances, although the independent trust may not qualify as a ''full service'' institution, the agency expects that the additional on-balance

[114] 12 CFR 8.2(c)(3)(vi) and (vii).

[115] 12 CFR 8.2(c)(3)(iii).

[116] 12 CFR 8.2(c)(3)(iv) and (v) (emphasis added).

[117] 66 FR 29890, 29890 (June 1, 2001).

[118] *Id.*

[119] 65 FR 75859, 75860 (December 5, 2000).

[120] 12 CFR 8.6(c)(3)(v) and (vi).

[121] 12 CFR 8.2(c)(3)(iii) and (iv).

sheet assets attributable to its GENIUS Act-related activities should suffice to ensure that the institution's assessment under § 8.2(a) adequately reflects the magnitude and complexity of the institution's overall business and represents its fair share of the OCC's overall supervisory expenses. The OCC therefore proposes to amend § 8.6(c) to provide that an independent trust national bank or Federal savings association is not subject to an additional assessment under that subsection if it generates more than 50 percent of its interest and non-interest income from activities other than credit card operations or trust activities, after accounting for on-balance sheet assets attributable to GENIUS Act-related activities. The OCC further proposes to amend § 8.6(c) to require independent trust institutions to report their interest and non-interest income from activities other than credit card operations or trust activities at a time specified by the OCC, to ensure accurate accounting in calculating assessments.

3. Proposed Subpart B—Assessment of Certain Other Institutions

The OCC proposes amending part 8 to include a new subpart B, setting forth the methodology the agency proposes to impose assessments on the following institutions, to the extent they are subject to the OCC's supervisory jurisdiction under the GENIUS Act: (i) nonbank Federal qualified payment stablecoin issuers; (ii) certain Foreign payment stablecoin issuers; and (iii) certain State qualified payment stablecoin issuers. The OCC proposes to assess these institutions in connection with the agency's supervisory authority under 12 U.S.C. 482, which authorizes the Comptroller to ''impose and collect assessments, fees, or other charges as necessary or appropriate to carry out the responsibilities of the office of the Comptroller.''

Proposed § 8.9 would clarify that the OCC would impose assessments on certain Federal, Foreign, and State qualified payment stablecoin issuers for GENIUS Act-related activities pursuant to the authority contained in 12 U.S.C. 93a, 481, 482, and 5901 *et seq.* Proposed § 8.10 sets forth the OCC's methodology for the primary assessment of GENIUS Act-related activities of the institutions described therein. Proposed § 8.11 sets forth the OCC's methodology for separately assessing certain of those institutions in connection with their GENIUS-Act permitted custodial and safekeeping activities. Proposed § 8.12 describes special fees and assessments in connection with the GENIUS Act-related activities of institutions covered under subpart B. Finally, proposed § 8.13 covers the payment of interest on delinquent assessments and examination and investigation fees. The OCC broadly seeks comment on proposed subpart B. As discussed below, the agency considered several alternative methods for imposing assessments on institutions covered under subpart B. The OCC seeks comment on these and other alternatives.

a. Proposed § 8.10 Semiannual Assessment for Certain Institutions

Section 8.10 as proposed would establish the primary assessment for nonbank Federal qualified payment stablecoin issuers, certain Foreign payment stablecoin issuers, and State qualified payment stablecoin issuers subject to 12 U.S.C. 5903(d) (except to the extent such issuer remains solely supervised by a State payment stablecoin regulator).[122] Proposed § 8.10(a) in general incorporates the current structure and asset-based formula used to impose assessments on national banks and Federal savings associations under § 8.2(a), and includes the same percentage-based assessment reduction for minimum stablecoin reserve assets that the agency proposes under § 8.2(e)(1), discussed above. Consistent with the agency's treatment of national banks and Federal savings associations, § 8.10(a) would also impose a semiannual assessment schedule. In addition to ensuring consistency across all categories of supervised institutions, a semiannual assessment schedule may be especially prudent for those institutions subject to proposed 8.10, given that stablecoin reserve assets—the primary asset for many of the subject institutions—may experience significant fluctuation over the course of a year as issuance and transaction volumes change.

To ensure the annual assessment of an institution subject to proposed § 8.10(a) will be in an amount equal to the annual assessment of a similarly-sized national bank or Federal savings association under § 8.2(a), the OCC proposes to use the same asset tiers (Columns A and B) in Table 1 of § 8.10(a) as used in Table 1 of § 8.2(a),[123] and to publish in its annual Notices of Fees tier-specific base amounts (Column C) and marginal rates (Column D) that match those published annually in connection with current § 8.2(a).[124] Proposed § 8.10(a)(6) likewise would establish the same two-pronged approach to calculating assessments for the on-balance sheet assets of institutions subject to that section as proposed in § 8.2(e)(1).

Specifically, the OCC would use the existing asset-based formula to first determine the institution's semiannual assessment attributable to its on-balance sheet assets that do *not* reflect minimum stablecoin reserve assets. As noted, the agency anticipates that institutions subject to proposed § 8.10 will have a limited amount of such assets on balance sheet. The OCC next would apply the same formula to those minimum stablecoin reserve assets, *except* that it would reduce the resulting amount by 35 percent, or by such other percentage (up to 55 percent) that the OCC may deem appropriate for minimum stablecoin reserves held by institutions subject to proposed § 8.10, based on its experience supervising all stablecoin issuers subject to this part. The OCC would publish the percentage

[122] State Qualified Payment Stablecoin Issuers with consolidated total outstanding issuances of not more than $10 billion may opt for regulation under a State-level regulatory regime under 12 U.S.C. 5903(c). However, when a State chartered depository institution that is a State Qualified Payment Stablecoin Issuer exceeds a threshold of $10 billion consolidated total outstanding issuance, not later than 360 days after reaching such threshold, it transitions to the Federal regulatory framework of its primary Federal payment stablecoin regulator, which is administered by the State payment stablecoin regulator and the primary Federal payment stablecoin regulator *acting jointly*. Similarly, when a non-depository State Qualified Payment Stablecoin Issuer exceeds a threshold of $10 billion consolidated total outstanding issuance, not later than 360 days after reaching such threshold, it transitions to the Federal regulatory framework of the OCC, administered by the relevant State payment stablecoin regulator and the OCC *acting in coordination*. This means that some State Qualified Payment Stablecoin Issuers will be subject to the OCC's regulatory framework administered by the relevant State payment stablecoin regulator and the OCC *acting jointly or in coordination*.

[123] As discussed elsewhere, the OCC's current asset-based assessment scheme assigns each bank to a bracket based on total assets. For each bracket, the assessment is a base amount (representing application of successive marginal rates to the assets up to the lower threshold of that bracket) plus a marginal rate applied to amounts within that tier. There are currently eleven brackets, the thresholds for which are set by regulation. Current base amounts and marginal rates are published annually in the Notice of Fees. *See* 57 FR 22413 (May 28, 1992) (discussing overall methodology); 73 FR 9012 (February 19, 2008) (establishing current asset size thresholds). The most recent Notice of Fees can be found on the OCC's website. *See, e.g.,* OCC Bulletin 2025–21, ''Office of the Comptroller of the Currency Fees and Assessments: Interim Calendar Year 2025 Fees and Assessments Structure'' (August 29, 2025), *https://www.occ.gov/news-issuances/bulletins/2025/bulletin-2025-21.html*.

[124] Accordingly, consistent with current § 8.2(a), proposed § 8.10(a)(4) would provide that the OCC may index marginal rates to adjust for the percentage in the level of prices, as measured by changes in the Gross Domestic Product Implicit Price Deflator (GDPIPD) for each June-to-June period. It would similarly reserve for the agency a degree of discretion to adjust marginal rates by amounts other than the percentage change in the GDPIPD.

reduction deemed appropriate for minimum stablecoin reserve assets on an annual basis in the Notice of Fees. An institution's semiannual assessment would be the sum of the two figures described above.

Presently, the OCC relies primarily on Call Reports to calculate the total consolidated on-balance sheet assets of national banks and Federal savings associations for purposes of calculating semiannual assessments under § 8.2(a). Because many institutions subject to proposed § 8.10 do not presently file Call Reports, proposed § 8.10(a)(5) instead provides that the OCC will base semiannual assessments on the total consolidated assets shown on the most recent quarterly report filed by each institution pursuant to proposed § 15.14(i) preceding the payment date. As discussed elsewhere, the OCC proposes to require all institutions subject to proposed § 8.10 to file quarterly reports reflecting the total consolidated assets held on the balance sheet of the institutions. The OCC anticipates that the asset reporting on these quarterly reports will match the asset reporting that would otherwise appear on Call Reports if all institutions subject to proposed § 8.10 were required to file these reports quarterly.

Similar to proposed amendments in subpart A, proposed § 8.10(a)(6) would include language clarifying that the OCC shall increase the assessment set forth in § 8.2(a) for any institution if the assets reported on that institution's quarterly report for any reason do not reflect the minimum stablecoin reserve assets that a stablecoin issuer must hold under 12 U.S.C. 5903 and these implementing regulations. The increase would reflect the difference between the amount of stablecoin reserve assets reflected on the quarterly report and the minimum required stablecoin reserve assets for the amount of outstanding stablecoin issuances that the institution reports. As discussed earlier, among other things, this proposed subsection would permit the OCC to address any potential under-assessment resulting from an institution's failure to ensure that it holds sufficient stablecoin reserve assets to meet its obligations under 12 U.S.C. 5903 and these implementing regulations. If a stablecoin issuer's actual reserve amount is less than its required reserve amount, the OCC anticipates that the institution may incur additional fees and charges under proposed § 8.12 associated with (among other things) examinations conducted to understand and address the stablecoin issuer's reserve asset deficiencies.

Proposed § 8.10(a) overall reflects the OCC's preliminary judgment that, as modified here, the existing asset-based approach to assessing national banks and Federal savings associations—as modified by this proposal—will best achieve the OCC's objective to recoup the cost of supervising new classes of institutions under the GENIUS Act in a fair, efficient, and cost-effective manner. Except as otherwise described in subpart B, the OCC expects that assessments collected under proposed § 8.10(a) should appropriately reflect the agency's anticipated overall expenses relating to supervising the subject institutions for the activities in which they may engage under 12 U.S.C. 5903(a)(7).

Proposed § 8.10(b), modeled after existing § 8.2(d), would apply a surcharge to the semiannual assessments for stablecoin issuers that require increased OCC supervisory resources. Similar to the OCC's assessment schedule for national banks and Federal savings associations, the surcharge ensures that fees reflect the increased cost of supervising stablecoin issuers determined to require rehabilitation. As the OCC has previously explained, a condition-based surcharge ensures the OCC has sufficient resources to fund the special supervisory attention that lower-rated entities require without raising general assessments; in the absence of such a charge, healthier entities would in effect subsidize their lower-rated competitors.[125] The OCC will determine relevant surcharges by multiplying the semiannual assessment computed in accordance with paragraph (a) by 1.5, in the case of any institution that was found to require rehabilitation at its most recent examination; and 2.0 in the case of any institution that was found to have material financial or operational deficiencies that threaten the viability of the institution at its most recent examination prior to December 31 or June 30, as appropriate. This proposed methodology is intended to operate in the same manner, and on the same rationale, as the surcharges tied to UFIRS ratings in § 8.2(d). The OCC generally requests information and comment on its proposed methodology to ensure that assessments for all regulated entities requiring rehabilitation adequately reflect the increased cost of supervising those entities.

Finally, proposed § 8.10(c) would clarify that, even if certain State qualified payment stablecoin issuers are not subject to the assessment proposed in that section, these institutions still may be subject to certain other assessments and fees under subpart B. The GENIUS Act requires the OCC to engage in certain supervisory and enforcement activities outside the ordinary course of its operations that are not otherwise accounted for in semiannual assessments contemplated under subpart B, including the OCC's exercise of certain enforcement authorities under 12 U.S.C. 5906(e)(2)(A) over certain State qualified payment stablecoin issuers with consolidated total outstanding issuances less than $10 billion. Twelve U.S.C. 5903(d)(3)(A) separately requires the OCC to adjudicate waiver requests from certain State qualified payment stablecoin issuers with consolidated total outstanding issuances exceeding $10 billion to remain subject to the sole supervision of their State payment stablecoin regulators. Proposed § 8.10(c) acknowledges these and other similar circumstances by clarifying that, while these issuers may not be subject to the assessments proposed in subpart B, they may still be subject to fees under proposed § 8.12 in connection with the OCC's exercise of these and any other authorities relevant to their operations under the GENIUS Act.

b. Proposed § 8.11 Fees for Certain Institutions Engaged in the Custodial and Safekeeping Activities Permitted Under 12 U.S.C. 5901 et seq.

Certain institutions subject to assessments under proposed § 8.10 also would be subject to an additional assessment under proposed § 8.11 in connection with their participation in custodial or safekeeping activities permitted under 12 U.S.C. 5901 *et seq.* Specifically, proposed § 8.11 would apply to those institutions for which 50 percent or more of their income is derived from custodial or safekeeping activities permitted under 12 U.S.C. 5901 *et seq*. Proposed § 8.11 is modeled on the existing provisions of § 8.6(c), which addresses additional assessments imposed upon independent trust national banks and independent trust Federal savings associations. Further, as described below, the asset-based assessment formula under proposed § 8.11 would generally match the formula under existing § 8.6(c) so that like-sized institutions would be subject to the same assessment amounts for similar activities under § 8.6(c) and proposed § 8.11.

Proposed § 8.11 reflects the OCC's preliminary conclusion that an assessment based solely on an institution's activities covered under § 8.10—*i.e.,* non-custodial assets—would not adequately reflect the supervisory burden on the OCC for

[125] *See* 62 FR 64135, 64136 (December 4, 1997).

supervising institutions for which 50 percent or more of their income is derived from the custodial or safekeeping activities permitted under 12 U.S.C. 5901 *et seq.* This preliminary finding is consistent with the agency's longstanding position that chartered institutions should be subject to an assessment under § 8.6(c) in connection with their fiduciary and related assets, in addition to an assessment based on their non-fiduciary activities. As discussed, the OCC adopted existing § 8.6(c) upon finding that—unlike ''full service'' institutions that may exercise trust powers but that also engage in sufficient non-custodial activities—the limited balance sheet assets of ''independent trusts'' result in assessments under § 8.2(a) that do not constitute a fair representation of the complexity of their operations, or the extent of the OCC's supervisory activities related to these institutions.[126] The OCC preliminarily concludes that a similar risk of under-assessment would likely occur for those institutions subject to proposed § 8.10 that primarily derive their income from custodial and safekeeping activities. The additional assessment proposed under proposed § 8.11 will better ensure that such institutions contribute their fair share of the costs associated with the OCC's supervisory activities.

Consistent with the existing assessment formula under § 8.6(c), assessments for each institution subject to proposed § 8.11 would include a minimum fee associated with the first $1 billion of assets attributable to the custodial and safekeeping activities permitted under the GENIUS Act, and an additional amount associated with assets in excess of $1 billion. To reflect the similar activities of institutions subject to proposed § 8.11 and existing § 8.6(c), the initial fee and the multiplier associated with excess assets would match the amounts used to assess independent trust national banks and independent trust Federal savings associations subject to § 8.6(c).

Additionally, consistent with existing § 8.6(c)(1)(iii), and for the reasons described earlier in connection with proposed § 8.10(b), the OCC proposes to apply a surcharge to the semiannual assessments for stablecoin issuers subject to proposed § 8.11(b) determined to require rehabilitation. Specifically, under proposed § 8.11(b), the agency would adjust the semiannual assessment computed under § 8.11(a) by applying to it the following multiples: 1.5, in the case of any institution that was found to require rehabilitation at its most recent examination; and 2.0 in the case of any institution that was found to have material financial or operational deficiencies threatening the viability of the institution at its most recent examination prior to December 31 or June 30, as appropriate. As discussed above, this proposed methodology is intended to functionally mirror the distinction made in § 8.6(c)(1)(iii), whether or not assessed using the UFIRS system. The OCC generally requests information and comment on its proposed methodology to ensure that assessments for all regulated entities requiring rehabilitation are adequately reflected in the increased cost of supervising those institutions.

c. Proposed § 8.12 Fees for Special Examinations and Investigations.

Section 8.12 proposes fees for special examinations and investigations the OCC would undertake with respect to certain institutions covered under subpart B. The fees covered by this section would be in addition to any fees and charges assessed in connection with the other sections of subpart B and generally align with the fees and charges currently imposed on national banks and Federal savings associations under existing § 8.6. The OCC intends proposed § 8.12 to apply to *any* institution subject to the OCC's jurisdiction under 12 U.S.C. 5901 *et seq.* For example, as discussed earlier, the OCC anticipates charging fees in connection with the OCC's resolution of a request for a waiver from a State qualified payment stablecoin issuer with consolidated total outstanding issuances exceeding $10 billion to remain subject to the sole supervision of its State stablecoin regulator pursuant to 12 U.S.C. 5903(d)(3). The OCC also anticipates charging fees in connection with any instance in which the OCC must conduct investigations to support its enforcement authority under 12 U.S.C. 5906(e)(2)(A).

Other special examinations or investigations under proposed § 8.12 include, but are not limited to, those in connection to (i) supervision or enforcement related activities described in 12 U.S.C. 5905; (ii) activities related to examining affiliates of institutions subject to subpart B; and (iii) activities related to 12 CFR part 5.

d. Proposed § 8.13 Payment of Interest on Delinquent Assessments and Examination and Investigation Fees

Proposed § 8.13 is modeled after and does not differ materially from existing § 8.7. The proposed § 8.13 would cover the payment of interest on delinquent assessment and examination and investigation fees by each Federal, Foreign, or State payment stablecoin issuer under OCC jurisdiction for purposes of the GENIUS Act. The OCC preliminary concludes that provisions covering the payment of interest on delinquent assessment and examination and investigation fees from these institutions should match the existing provisions covering payment of interest on delinquent assessment and examination and investigation fees that currently govern national banks and Federal savings associations, although it seeks comment and information on any potential justifications to treat the respective institutions differently.

G. Proposed Amendments to Part 19

The OCC is proposing several revisions to the rules of practice and procedure for adjudicatory proceedings in 12 CFR part 19 to incorporate the Act's procedural requirements with respect to permitted payment stablecoin issuers.

Section 6(b) of the GENIUS Act (12 U.S.C. 5905(b)) requires the OCC to follow certain procedures when bringing an enforcement action or imposing civil money penalties against a permitted payment stablecoin issuer for violations of the GENIUS Act, any regulation or order issued under the Act, or any condition imposed in writing between the OCC and permitted payment stablecoin issuer.

Specifically, section 6(b)(4)(A) of the GENIUS Act (12 U.S.C. 5905(b)(4)(A)) requires the OCC to comply with the procedures set forth in paragraphs (b) and (e) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) if the OCC identifies a violation or attempted violation of the Act or makes a determination with respect to the enforcement authorities enumerated at sections 6(b)(1) through (3) of the Act.[127] Similarly, section 6(b)(4)(D) of the GENIUS Act (12 U.S.C. 5905(b)(4)(D)) permits the OCC to follow the procedures in section 8(c) of the Federal Deposit Insurance Act when the OCC issues a temporary cease-and-desist order.

Section 6(b)(5)(D) of the GENIUS Act (12 U.S.C. 5905(b)(5)(D)) clarifies that any civil money penalty imposed under the Act may be assessed and collected by the OCC pursuant to the procedures set forth in section 8(i)(2) of the Federal Deposit Insurance Act.

Consistent with the GENIUS Act, the OCC proposes to revise § 19.1 to clarify

[126] 65 FR 75860.

[127] Section 6(b)(1) through (3) of the Act give the OCC authority to suspend or revoke the registration of a permitted payment stablecoin issuer, initiate cease-and-desist proceedings, and remove and prohibit institution-affiliated parties.

that the rules of practice and procedure in part 19 apply to the following proceedings: suspension or revocation of registration, cease-and-desist, temporary cease-and-desist, removal and prohibition, or civil money penalties under section 6 of the GENIUS Act (12 U.S.C. 5905). Additionally, the OCC proposes to revise § 19.180 to clarify that the part 19 procedures for formal investigations apply to formal investigations initiated by the Comptroller pursuant to section 6 of the GENIUS Act (12 U.S.C. 5905).

The OCC also proposes several technical revisions. Specifically, the OCC proposes to revise the definitions of ''institution'' and ''institution-affiliated party'' in § 19.3 to incorporate permitted payment stablecoin issuers and actions brought pursuant to the Act.

III. Request for Comments

The OCC requests feedback on all aspects of the proposed rule, including:

Definitions

Question 1: Are the definitions in the proposed rule appropriately scoped? How should they be improved?

Question 2: Should the OCC define ''acting in concert'' to clarify the term ''principal shareholder?'' For example, the OCC could define the term to mean (1) knowing participation in a joint activity or parallel action towards a common goal of acquiring control whether or not pursuant to an express agreement; or (2) a combination or pooling of voting or other interests in the securities of an issuer for a common purpose pursuant to any contract, understanding, relationship, agreement, or other arrangement, whether written or otherwise. If the OCC should define the term, should the OCC incorporate any of the presumptions for acting in concert detailed in 12 CFR 5.50(f)(2)?

Question 3: Is the definition of ''control'' sufficiently clear? If not, how should the OCC further clarify the term? Should the OCC expressly incorporate any of the presumptions of control from the Bank Holding Company Act (or its implementing regulations), adapted to apply to permitted payment stablecoin issuers? Should the definition of control incorporate the concept of ''acting in concert?'' Should the definition incorporate any provisions from the regulations implementing the Change in Bank Control Act or consolidation under GAAP?

Question 4: The term ''customer'' is broadly defined to mean a person that purchases (through any consideration) the products or services of another person. Is the scope of this definition too broad? With respect to customers of permitted payment stablecoin issuers, should the definition expressly include only persons with direct interactions with a permitted payment stablecoin issuer? Alternatively, should the definition include all downstream payment stablecoin holders (*i.e.,* not just customers with direct interactions with the permitted stablecoin issuer)? Please address any significant impact or burden the proposed definition or contemplated alternative definitions may have or add given other requirements in the proposed rule, such as the customer notification requirements in proposed § 15.13. Because the term is used in several different contexts throughout the proposed rule, should the definition of ''customer'' be refined with respect to certain requirements (*e.g.,* customer notification)?

Question 5: Section 2 of the GENIUS Act (12 U.S.C. 5901) does not define ''depository institution.'' Is the definition of ''depository institution'' in the proposed rule sufficiently clear? Are there particular types of institutions for which it would be unclear whether the type of institution is a depository institution and which agency is the primary Federal payment stablecoin regulator for the type of institution? What additional clarifications would be helpful?

Question 6: Is the scope of the term ''digital asset'' sufficiently clear? If not, how should it be clarified?

Question 7: The proposed rule does not use the term ''digital asset service provider.'' Is the scope of the term digital asset service provider under the statute sufficiently clear? If not, how should it be clarified? Are there specific activities that should be expressly excluded from digital asset service provider activities, consistent with the statutory definition? Should additional guidance on the exclusions from the definition of ''digital asset service provider'' or the meaning of ''engaging in the business'' of providing digital asset service provider activities be clarified? If so, how should the OCC further clarify these terms? Should the OCC clarify that only the provision of financial services that directly relate to digital asset issuance would result in an entity becoming a digital asset service provider?

Question 8: Is the term ''director'' sufficiently clear, including with respect to Federal branches? How should the OCC further clarify the term?

Question 9: Is the term ''distributed ledger'' sufficiently clear? Should the term ''public digital ledger'' be further clarified? What additional clarifications would be helpful? Should certain permissioned or semi-permissioned digital ledgers be considered ''public?'' If so, how should the definition of ''public'' delineate between different types of permissioned or semi-permissioned blockchains?

Question 10: Is the definition of ''eligible financial institution'' appropriately scoped? How could the term be further refined? Are there particular elements of the definition that should be excluded or should be addressed elsewhere in the proposed rule?

Question 11: Is the definition of ''money'' appropriately scoped? Should the OCC use the exact language of the statute, instead of using the proposed definition?

Question 12: Is the term ''nonpublic personal information'' appropriately scoped? How could the term be further refined or clarified?

Question 13: The term ''outstanding issuance value'' refers to the total consolidated par value of all of an issuer's payment stablecoins. Should the definition also include the par value of non-consolidated affiliates? If so, what changes should be made to the reserve asset requirements to ensure 1:1 backing across all affiliated entities?

Question 14: Is the term ''payment stablecoin'' sufficiently clear? If not, how should the definition be amended to provide additional clarity as to whether a particular stablecoin is a ''payment stablecoin'' under the Act? Please describe the types of stablecoins that the OCC should clarify do not meet the definition of a ''payment stablecoin'' under the Act and therefore would be outside the scope of the Act's coverage. Should there be additional clarity around what it means that a payment stablecoin is a digital asset ''that is, or is designed to be, used as a means of payment or settlement?'' For example, are there certain settlement scenarios that the OCC should clarify are not ''designed to be, used as a means of payment or settlement?''

Question 15: Is the exclusion of a digital asset that ''is a deposit (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), including a deposit recorded using distributed ledger technology'' from the definition of ''payment stablecoin'' sufficiently clear? Should the OCC clarify which tokenized products this exclusion may apply to?

Question 16: Section 2 of the GENIUS Act (12 U.S.C. 5901) does not exclude insured shares from the definition of ''payment stablecoin.'' Should insured shares be excluded in the implementing regulations?

Question 17: Is the term ''permitted payment stablecoin issuer'' sufficiently clear? How should the definition be amended to provide additional clarity as to whether a particular entity issues a payment stablecoin and is subject to the requirements of the GENIUS Act?

Question 18: Is the term ''person'' sufficiently clear? Should the OCC further clarify the definition, including with respect to the meaning of ''association'' or other components of the definition?

Question 19: Is the term ''private key'' sufficiently clear? How could the term be further clarified? Should the OCC define the term to mean the unique alphanumeric sequence that allows an individual to prove ownership of an account on a distributed ledger, including for the purpose of transferring a particular unit of a digital asset?

Question 20: Should the definition of ''principal shareholder'' or any other definitions explicitly incorporate governance instruments other than securities providing voting rights with respect to the activities of the issuer? In particular, are there governance instruments that may not qualify as securities that the OCC should incorporate or instruments common to partnerships that the OCC should consider incorporating?

Question 21: Is the term ''senior management'' as used in proposed part 15 sufficiently clear? Should the OCC define the term, for example, to include all or a select subset of executive officers?

Question 22: The GENIUS Act does not define ''stablecoin holder.'' Should the OCC define the term? If so, should the OCC define the term to mean the person that beneficially owns the payment stablecoin? Should the OCC instead define the term based on possession via digital wallets or control of cryptographic keys? What considerations relating to custody should the OCC bear in mind if it chooses to define the term? What interactions with other requirements in the proposed rule should the OCC consider if it chooses to define the term?

Question 23: Should the OCC refine the definition of trading volume? Should the term be limited to trades that occur on exchanges? Should it include transactions that occur outside of an exchange? Should the OCC define ''exchange'' for purposes of this definition? If so, should the OCC define it to mean a person engaged in the business of making a market in digital assets (including payment stablecoins)? Should any definition include decentralized exchanges? What impediments are there to permitted payment stablecoin issuers collecting data concerning trading volume?

Question 24: Should the OCC define United States customer to mean a customer that resides in the United States, as proposed, or use a different definition? For example, should the definition be limited to United States citizens or include both citizens and residents of the United States? Should the definition be limited to permanent residents of the United States?

Activities

Question 25: Are there activities not contemplated in proposed § 15.10 that permitted payment stablecoin issuers must be able to engage in for purposes of the GENIUS Act? If so, please describe them and any appropriate limits for these additional activities.

Question 26: Should the OCC clarify that a permitted payment stablecoin issuer may retain an asset manager under a separately managed account under proposed § 15.10(a)(8)?

Question 27: Are there other limits or conditions the OCC should consider with respect to payment stablecoin issuers acting as principal or agent with respect to any payment stablecoin? Should the OCC specify the activities contemplated under the GENIUS Act for which a permitted payment stablecoin issuer may act as principal or agent in payment stablecoins under section 16(b) of the Act (12 U.S.C. 5915(b))?

Question 28: Do permitted payment stablecoin issuers need to hold crypto-assets other than payment stablecoins for other purposes beyond paying transaction fees or testing a distributed ledger? If so, under what circumstances would a permitted payment stablecoin issuer need to hold such assets?

Question 29: Should the final rule include specific provisions addressing an issuer's holding of non-payment stablecoin crypto-assets to pay transaction fees, such as limitations on the amount of non-payment stablecoin crypto-assets that a permitted payment stablecoin issuer may hold at any time? If so, how should those limits be calibrated? Should any limit be based on anticipated fees, a percentage of assets, or be set at a certain value threshold?

Question 30: Should there be any limit on what methods of payment a permitted payment stablecoin issuer can accept when assessing fees, including fees associated with the purchasing or redeeming of stablecoins? Should the final rule include provisions addressing a permitted payment stablecoin issuer's potential assessment of fees in crypto-assets other than payment stablecoins and how long issuers can hold onto such crypto-assets? Are there specific forms of payment outside of fiat and payment stablecoin that permitted payment stablecoin issuers will need to accept that the OCC should provide additional clarity on?

Question 31: Should the OCC include an approval process for the activities listed in the Section 4(a)(7)(B) of the GENIUS Act (12 U.S.C. 5903(a)(7)(B)), including digital asset service provider activities and activities incidental to payment stablecoin activities or digital asset service provider activities?

Question 32: Should the OCC clarify proposed § 15.10(a)(8) by providing specific examples of activities that directly support the activities in proposed § 15.10(a)(1) through (4)? Are there specific examples of activities that directly support the activities in proposed § 15.10(a)(1) through (4) that should be clarified? Should the OCC distinguish between what it means for an activity to directly support the activities in proposed § 15.10(a)(1) through (4), and therefore, satisfy the test in proposed § 15.10(a)(8) as opposed to what it means for an activity to be incidental to the activities in proposed § 15.10(a)(1) through (7) provided in section 4(a)(7)(B) of the GENIUS Act? Should the OCC provide an approval process related to digital asset service provider activities and/or incidental activities?

Question 33: The proposed rule would permit a permitted payment stablecoin issuer to hold non-payment stablecoin crypto-assets to pay certain fees (*e.g.,* network fees). Should the rule include an express limitation on the amount of such crypto-assets that the permitted payment stablecoin issuer may hold? For example, the rule could provide that the amount of such crypto-assets may not exceed reasonably expected near-term demand.

Question 34: Should the OCC explicitly provide that managing foreign exchange risk is a permissible activity for the issuers of stablecoins that are not denominated in the United States dollar? If so, should the OCC include limitations on the activity (*e.g.,* that the permitted payment stablecoin issuer may not over-hedge its position and may not use foreign exchange risk management as a pretext to engage in speculation)? If the OCC permits this activity, what requirements should the OCC impose to mitigate risks? For example, should there be a capital add-on for foreign exchange risk?

Question 35: Could the prohibition against paying interest or yield solely in connection with the holding or use of a permitted payment stablecoin be clarified? If so, how? Would it be

helpful to include a *de minimis* exception to the prohibition to provide certainty with respect to arrangements that are not designed to violate the prohibition and that do not have a meaningful economic impact? If so, is there any specific guidance the OCC should provide on what *de minimis* means?

Question 36: Does the presumption with respect to the prohibition against paying interest or yield solely in connection with the holding, use, or retention of a permitted payment stablecoin appropriately address concerns relating to evasion? Is the presumption with respect to the prohibition against paying interest or yield solely in connection with the holding, use, or retention of a permitted payment stablecoin appropriately scoped? Is the presumption sufficiently clear? How could the presumption be clarified? Should the OCC clarify the standard of review under which it would consider written materials to rebut the presumption related to interest or yield and specify whether the OCC's determination is appealable? Should the OCC propose any safe harbor for arrangements that the OCC believes do not violate the statutory prohibition?

Question 37: Should the prohibition on interest and yield in proposed § 15.10(c)(4) be broader to prevent issuers from directly or indirectly paying interest or yield to payment stablecoin holders (rather than presuming that certain arrangements with affiliates or related third parties violate the prohibition)? Are there examples of potentially evasive behavior that the OCC should expressly include in a prohibition? If the OCC were to expand the prohibition, are there activities that should be expressly carved out of such an expansion?

Question 38: Should the prohibition on interest and yield in proposed § 15.10(c)(4) clarify the terms ''pay,'' ''interest,'' ''yield,'' ''solely,'' or any other terms? If so, what clarifications would be helpful? What types of rewards, if any, should be subject to the prohibition?

Question 39: What would the economic impact of a narrow prohibition on paying interest or yield solely in connection with the holding, use or retention of a payment stablecoin be relative to a broader prohibition (*i.e.,* one that includes relationships with affiliates or third parties)? What impact would either prohibition have on bank deposits?

Question 40: Is the scope of the prohibition against pledging, rehypothecating, or reusing reserve assets sufficiently clear? Are there specific types of transactions, relationships, or structures for which it would be helpful to clarify whether the prohibition applies? For example, should the OCC clarify whether the prohibition would prevent establishing a collateral trustee that would hold a security interest in reserve assets for the benefit of stablecoin holders? What arguments weigh for and against finding that the prohibition would prohibit these arrangements? If a permitted payment stablecoin issuer sets up a collateral trustee arrangement where the issuer grants a security interest in the reserve assets, does this arrangement sufficiently protect the reserve assets in the event of insolvency or bankruptcy? Should a permitted payment stablecoin issuer be required to make particular disclosures if it uses such an arrangement? What should those disclosures include?

Question 41: Should the OCC specify what ''creating liquidity to meet reasonable expectations of requests to redeem payment stablecoins'' means under proposed § 15.10(c)(5)(iii)? Should the OCC pre-approve repurchase agreements by rule as proposed in § 15.10(c)(5)(iii)(B)? Alternatively, should the OCC allow for broad and open-ended approvals of the sale of reserves as purchased securities in repurchase agreements or should approvals be limited to specific types of transactions? What factors should the OCC consider prior to granting approval of the sale of reserves as purchased securities in repurchase agreements under proposed § 15.10(c)(5)(iii)(B)?

Question 42: Should permitted payment stablecoin issuers be required to provide disclosures stating that stablecoins are not legal tender, issued by the United States, or guaranteed or approved by the United States? If so, should the OCC impose any requirements on the manner in which disclosures are made? For example, should the OCC require that disclosures be made on the permitted payment stablecoin issuer's website, at point of direct sale by the issuer, alongside other types of disclosures, or in some other manner?

Question 43: Is any further clarity needed regarding the prohibition on the use of deceptive names, marketing, and representations in proposed § 15.10(c)(1) through (3)? For example, should the OCC specify what kind of images or branding are likely to violate the prohibition? Should the OCC require permitted payment stablecoin issuers to affirmatively state that payment stablecoins are not legal tender, issued by the United State, or guaranteed or approved by the Government of the United States? Should the OCC explicitly require permitted payment stablecoin issuers to disclose that payment stablecoins are not subject to depositor share insurance?

Reserve Assets

Question 44: Sec. 4(a)(1)(A)(vi) includes ''securities issued by an investment company registered under section 8(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–8(a)), or other registered Government money market fund, and that are invested solely in underlying assets described in clauses (i) through (v)'' as eligible reserve assets for payment stablecoins issued by permitted payment stablecoin issuers. However, many or all Government money market funds are investment companies registered under section 8(a) of the Investment Company Act of 1940. Should the provision relating to securities issued by investment companies registered under section 8(a) of the Investment Company Act, or other registered Government money market funds, be clarified? Does section 4(a)(1)(A)(vi) permit securities issued by investment companies registered under section 8(a) of the Investment Company Act of 1940 that are not Government money market funds to be reserve assets for payment stablecoins issued by permitted payment stablecoin issuers? Are there any registered Government money market funds that are not investment companies registered under section 8(a) of the Investment Company Act? Does section 4(a)(1)(A)(vi) permit securities issued by registered Government money market funds that are not registered under section 8(a) of the Investment Company Act to be reserve assets for payment stablecoins issued by permitted payment stablecoin issuers?

Question 45: Should the provisions relating to repurchase agreements and reverse repurchase agreements be clarified? For example, should the OCC provide that deposits can serve as collateral for repurchase agreements? If so, what limitations, if any, should the OCC include with respect to the use of deposits as collateral?

Question 46: Should the proposed rule require a buffer or impose haircuts on certain reserve assets to ensure that reserve asset values do not fall below outstanding issuance values? The GENIUS Act requires permitted payment stablecoin issuers to maintain identifiable reserves ''on an at least 1 to 1 basis.'' What measures should the proposed rule include to ensure that issuers are able to maintain this minimum? Without a buffer or other measures, the fair value of a permitted

payment stablecoin issuer's reserve assets could fall below the required minimum if there are, for example, sudden increases in interest rates. While proposed § 15.13(a)(3)(i) would include a requirement to manage interest rate risk, should there be a more express requirement for a buffer (for example, 1% of reserve assets)? For example, the proposed rule could require permitted payment stablecoin issuers to maintain an amount of reserve assets sufficient to stay above the outstanding issuance value in light of risks facing the permitted payment stablecoin issuer, including interest rate risk and risks associated with the capability to access and monetize reserve assets. Are there other considerations the OCC should take into account if it chose to calibrate such a buffer? As an alternative to requiring such a buffer, should the OCC provide guidance on what level of buffer is generally appropriate as a matter of prudent risk management?

Question 47: Should the OCC expressly require that a certain percentage of reserve assets be held in custody either at an affiliate or at a third party? What are the potential costs and benefits of this approach, including with respect to operational risk?

Question 48: Is the term ''deposits or insured shares payable on demand'' sufficiently clear? If not, how should the OCC clarify the term (*i.e.,* what types of accounts should expressly be included within the term)?

Question 49: Should the proposed rule define ''reserve in tokenized form'', to enhance clarity regarding proposed § 15.11(b)(8)? If so, should the OCC define ''reserve in tokenized form'' to refer to a digital asset, as defined in proposed § 15.2, that represents another asset and provides full legal rights to that underlying asset? What modifications to this definition or the rule's related terminology would enhance clarity?

Question 50: In the provision in proposed § 15.11(b)(5) regarding reverse repurchase agreements, is the proposed rule sufficiently clear in its reference to ''overcollateralization in line with standard market terms?'' If not, what clarifications would be appropriate?

Question 51: Should the OCC provide additional detail on what securities could be in scope for ''any other similarly liquid Federal Government-issued asset'' under § 15.11(b)(7)? For example, should Treasury securities with remaining maturity of two years or less be permitted under § 15.11(b)(7)? What would be the implications for liquidity or interest rate risk of allowing these types of securities to be held as reserve assets? If the OCC were to permit two-year Treasury securities to be used as reserve assets, should the OCC impose any additional requirements, such as requiring the weighted average maturity of Treasury securities held as reserves to be no more than 93 days (or some shorter timeframe) or requiring additional reserve asset diversification requirements (*e.g.,* minimum amount of reserve assets held as deposits or minimum number of depository institutions holding the permitted payment stablecoin issuer's reserve assets) for permitted payment stablecoin issuers that hold Treasury securities with a remaining maturity between 94 days and two years?

Question 52: Should the proposed rule clarify that Treasury Floating Rate Notes (FRNs) and Treasury Inflation-Protected Securities (TIPs) be included as permissible reserve assets, assuming they otherwise meet the requirements of the proposed rule, including maturity requirements? Is there any reason these securities should be excluded? Should Treasury Separate Trading of Registered Interest and Principal of Securities (STRIPS) be included? Are there other instruments that should be considered as included within the GENIUS Act's phrase ''Treasury bills, notes, or bonds''? If these securities are included, should there be additional requirements—for example, both weighted average life and weighted average maturity limits to accommodate interest rate resets in FRNs?

Question 53: Should the proposed rule's requirements for reserve assets incorporate requirements to reflect potential interactions with the larger market for Treasury securities? For example, should the proposed rule include requirements to prevent any disruptive or negative effects that the management or liquidation of Treasury reserve assets might have on markets?

Question 54: The proposed rule would, consistent with the GENIUS Act, allow as reserve assets funds held as demand deposits at an insured depository institution (including any foreign branches or agents, including correspondent banks). Should the proposed rule add definitions for these terms to make them clearer or impose restrictions on the use of foreign branches or agents and correspondent banks? For example, should the proposed rule require that stablecoins denominated in United States dollars only be backed by demand deposits at U.S.-based depository institutions (*i.e.,* reserve assets could not include Eurodollar deposits)? Should the OCC include any additional requirements with respect to reserve assets held abroad, such as applying a haircut to the reserve assets, imposing a capital charge, or including additional policies and procedures to manage the risks associated with holding reserve assets abroad?

Question 55: Should the OCC develop a formal process to consider and approve securities under § 15.11(b)(7)? Should the OCC allow permitted stablecoin issuers or other parties to request that the OCC consider a specific type of security? Should any determinations on additional securities approved under this authority be made public?

Question 56: The proposed rule would require a permitted payment stablecoin issuer to maintain reserve assets, the fair value of which must equal or exceed the outstanding issuance value at all times. Should the OCC impose a different standard, such as requiring the fair value of reserve assets to equal or exceed the outstanding issuance value at the end of each day or at the end of each business day?

Question 57: The proposed rule's requirements for reserve asset diversification and concentration include two options: (1) a flexible, principles-based baseline requirement plus a quantitative safe harbor or (2) quantitative requirements applicable to all permitted payment stablecoin issuers. Which option is more appropriate? How should either option, including the quantitative limits included in each option, be modified? For example, should the requirement or safe harbor's provision regarding holding reserve assets as deposits or insured shares payable on demand or money standing to the credit of an account with a Federal Reserve Bank be set at five percent, 10 percent, 15 percent or 20 percent? Should this requirement be set at a different percentage (*e.g.,* 10 percent) for small issuers and a larger percentage (*e.g.,* 15 percent) for larger issuers? Should the requirement or safe harbor's provision regarding maintaining reserve assets as demand deposits, money standing to the credit of an account with a Federal Reserve Bank, or amounts receivable and due unconditionally within five business days on pending sales of reserve assets or other maturing transactions be set at 20 percent, 25 percent, or 30 percent? Are the proposed maxima for various types of reserve assets that may be held at an eligible financial institution appropriately calibrated? Would a shorter or longer weighted average maturity be appropriate? Should larger issuers have a shorter weighted average

maturity requirement than smaller issuers? If the final rule includes quantitative requirements for all permitted payment stablecoin issuers, should there be additional risk management requirements to ensure that permitted payment stablecoin issuers appropriately manage diversification and concentration risk? In particular, the risk management requirements could include a requirement that permitted payment stablecoin issuers must measure and manage the risk that their gross exposure to any one institution or a small number of institutions may impair their ability to satisfy redemption demands.

Question 58: The reserve asset diversification and concentration limits in proposed § 15.11(c) would not distinguish reserve assets held at Federal Reserve Banks and would therefore include requirements (or conditions of a safe harbor) that would limit the reserve assets held at any one Federal Reserve Bank. In light of the low credit risk associated with Federal Reserve Banks, should the final rule eliminate these requirements or conditions? Specifically, should the OCC exempt reserve assets held at a Federal Reserve Bank from the conditions in § 15.11(c)(2)(iii) and § 15.11(c)(2)(iv) of Option A and the requirements in § 15.11(c)(3) and § 15.11(c)(4) of option B?

Question 59: The reserve asset diversification and concentration limits in proposed § 15.11(c) would limit the reserve assets, including deposits, at any one financial institution. Should there be an exception to some or all of these requirements for a subsidiary of an OCC-regulated depository institution approved to be a permitted payment stablecoin issuer if the OCC-regulated depository institution has less than a certain amount of total assets (*e.g.,* $10 billion, $30 billion, $50 billion)? For example, should a permitted payment stablecoin issuer that is a subsidiary of an OCC-regulated depository institution with less than a certain amount of total assets be permitted to hold a larger percentage, or all, of its reserve assets as deposits at the OCC-regulated depository institution? Should any such exception be subject to any conditions? For example, should it only be available if the OCC-regulated depository institution is well-capitalized?

Question 60: Option A for proposed § 15.11(c) would require that a permitted payment stablecoin issuer must maintain reserve assets that are sufficiently diverse to manage potential credit, liquidity, interest rate, or price risks. Are there other risks that should be added to this list, or removed from it? If the final rule adopts mandatory quantitative diversification and concentration requirements, should the requirement to monitor and manage these risks be codified as a separate risk management requirement?

Question 61: The OCC invites comment on the extent to which additional diversification requirements are necessary. Is it necessary to require that permitted payment stablecoin issuers maintain more than one type of reserve asset? Would it be sufficient for the OCC to require that permitted payment stablecoin issuers maintain only one secondary, backup reserve asset?

Question 62: To diversify the maturity profile of reserve assets, should permitted payment stablecoin issuers be required to maintain a minimum amount of their reserve assets in cash or equivalents or assets that can be converted more readily into short-term liquidity, for example within a daily or weekly timeframe, akin to the requirements for money market funds in SEC Rule 2a–7 or short-term investment funds in 12 CFR 9.18(b)(4)(iii)?

Question 63: Should the proposed rule include other measures to encourage reserve assets to be held in the form of insured deposits or insured shares? Proposed § 15.11(d) would include a requirement for larger permitted payment stablecoin issuers to maintain a minimum percentage of assets as insured deposits or insured shares. While it may be difficult for larger permitted payment stablecoin issuers to hold reserve assets as insured deposits due to deposit insurance limits and the finite number of insured depository institutions in the United States, should permitted payment stablecoin issuers be required to hold some minimum amount of reserves as insured deposits in order to provide extra protection for stablecoin holders? Should the thresholds in proposed § 15.11(d) be set at different levels: for example, apply to issuers with an outstanding issuance value of $1 billion, $10 billion, $50 billion, or $100 billion or more? Should covered larger issuers be required to maintain a smaller or larger percentage of reserve assets as insured deposits or insured shares (for example, 0.1 percent, 0.25 percent, 1 percent, or 2 percent)? Should the cap be higher or lower (for example, $100 million, $250 million, or $1 billion)?

Question 64: How should the OCC calibrate the insured deposit requirement for permitted payment stablecoin issuers? Should it be as a percentage of assets or an absolute number? If a percentage, what percentage should that be? If an absolute number, what should that be? Should there be a cutoff for permitted payment stablecoin issuers above or below a certain size threshold that should be required to place insured deposits? If so, why? What would be the implications of such a cutoff? What is the total amount of insured stablecoin deposits that the banking system in the United States can or should reasonably absorb? What is the total amount of insured stablecoin deposits that an individual community bank is likely to hold?

Question 65: There are approximately 4380 total insured banks in the United States. Should the proposed rule include other measures to spread insured stablecoin deposits throughout the banking system? If so, how broadly should insured deposits from permitted payment stablecoin issuers be distributed? For example, should the final rule be calibrated so that essentially every bank in the United States could hold some amount of insured deposits from permitted payment stablecoin issuers if consistent with their risk appetite and risk management abilities? If so, why? If not, why not?

Question 66: Deposit placement services could be used to facilitate compliance with these diversification requirements, as long as permitted payment stablecoin issuers are able to maintain the operational ability to access the deposits, consistent with proposed § 15.11(a). Please describe any risks associated with using such services or other intermediaries and how permitted payment stablecoin issuers could best mitigate these risks.

Question 67: Could reserve diversification requirements that encourage diffusion of deposits cause risks to the banking system (for example, increasing run risks at banks or replacing more stable deposits with deposits that more likely to be withdrawn quickly and in large volumes)? Could such diversification requirements raise operational risks for permitted payment stablecoin issuers or banks? How difficult would it be for permitted payment stablecoin issuers to liquidate such deposits in a stressed environment? If deposit insurance rules change, so that even larger permitted payment stablecoin issuers could be able to hold all their required deposits as insured, should all deposits held as reserve assets be required to be insured?

Question 68: Should the proposed safe harbor (or alternatively, the liquidity requirements directly) require a permitted payment stablecoin issuer to maintain at least 20 percent of required reserve assets at insured depository

institutions with less than $30 billion in total assets (either directly or indirectly through a deposit broker)? Would such an approach help ensure appropriate reserve asset diversification, particularly as these smaller insured depository institutions are unlikely to be counterparties to the permitted payment stablecoin issuer in repurchase agreements or reverse repurchase agreements?

Question 69: How would the proposed rule affect the amount of deposits maintained in the United States banking system? Would the proposed rule reduce the number of deposits maintained in the United States banking system and therefore affect the ability of United States banks to lend? What, if any, measures should the proposed rule include to mitigate such concerns? Should the proposed rule include a minimum percent of reserve assets as deposits in order to offset potential reductions in overall deposit levels?

Question 70: One option in the proposed rule would include flexible baseline diversification and concentration requirements, coupled with an optional quantitative safe harbor. Should the default requirement for permitted payment stablecoin issuers include quantitative limits for asset diversification? For example, the OCC could impose quantitative limits on the maximum amount of uninsured demand deposits that permitted payment stablecoin issuers can maintain with a single insured depository institution, in addition to any restrictions imposed by the FDIC pursuant to its authority under the Act. Permitted payment stablecoin issuers might be required to maintain no more than a specified percentage (for example, one percent, five percent, or 10 percent) as uninsured demand deposits at a single depository institution. Examples of other quantitative limits could include the following.

—Minimum cash limits, such as a minimum amount of money standing to the credit of an account of a Federal Reserve bank plus demand deposits as a percentage of operating expenses for a specific period, as a percentage of total reserve assets, or as a percentage of modeled stress cash outflows (for example, 10 percent or 15 percent);

—Minimum amount of assets maturing daily, weekly, or over some other time period (for example, assets available on demand or maturing weekly must constitute 20 percent of reserve assets);

—Counterparty diversification limits, such as maximum credit exposure to repo or reverse repo counterparties; and

—Limitations on tokenized forms of reserve assets under proposed § 15.11(b)(8), such as limiting the amount to no more than a certain percentage (*e.g.,* 20 percent) of a permitted payment stablecoin issuer's total reserve assets.

What other limits should be considered? Such requirements could be tailored according to size; for example, larger and more complex permitted payment stablecoin issuers may be required to adhere to more stringent diversification and concentration requirements.

Question 71: Should the OCC adopt the proposed safe harbor option (Option A) for proposed § 15.11(c)? Does the proposed safe harbor adequately address differences in business models, while addressing risks associated with asset concentration? Should the proposed safe harbor include different quantitative thresholds? What other features should the safe harbor incorporate, if adopted?

Question 72: Should the OCC adopt any other restrictions on reserve asset concentration? If so, should they be based on gross exposures to particular counterparties? Or should the restrictions be more prescriptive? For example, should the rule prohibit a permitted payment stablecoin issuer from entering into a reverse repurchase agreement with any counterparty that holds deposits that serve as reserve assets for the permitted payment stablecoin issuer? Are the reserve asset concentration requirements appropriately calibrated? Should the OCC require that no more than 5, 10, or 15 percent of a permitted payment stablecoin issuer's reserve assets may be deposits or insured shares held at a single depository institution?

Question 73: Should the OCC's concentration requirements include requirements to not have more than a specified portion of reserve assets at a single custodian? Would this requirement impose undue burden? For example, would requiring the use of more than one eligible financial institution as custodian of Treasury securities and collateral for reverse repurchase agreements impose undue burden or complexity on the management of reserve assets? What are the costs and benefits of such an approach, including from an operational risk perspective?

Question 74: Should the proposed rule include measures to ensure that a permitted payment stablecoin issuer is not overly reliant on short-term lending transactions to meet immediate liquidity needs? In the absence of such a restriction, a permitted payment stablecoin issuer hypothetically might maintain a reserve asset portfolio entirely of Treasury securities and rely on overnight repo transactions to generate the daily liquidity amounts required by the proposed rule. This arrangement could leave the permitted payment stablecoin issuer vulnerable to disruptions in repo markets. Should the proposed rule require excluding short-term repayment obligations from daily and weekly liquidity? For example, the proposed rule could require, for daily liquidity, deducting payments due on overnight borrowings and, for weekly liquidity, deducting any payments due within the next five business days? If such a restriction is included, should repayment deductions be offset by any expected inflows?

Question 75: Consistent with the Act, the proposed rule would allow physical currency, including coins, to serve as reserve assets. Nevertheless, given the limitations on transferring physical currency, particularly difficulties that may arise in deploying physical currency quickly to meet sudden demands for redemptions, should the proposed rule impose limits on how much physical currency can serve as reserve assets? For example, the proposed rule could require that physical currency constitute no more than 5 percent or 10 percent of a permitted payment stablecoin issuer's reserve assets. Should the proposed rule impose special requirements to make sure that physical currency is safeguarded (for example, against theft or fire)? For example, should there be periodic verification or inspection requirements for physical currency used as reserve assets?

Question 76: The proposed rule would generally require reserve assets to be valued at fair value for the purpose of determining compliance with the proposed rule's reserve asset requirements. Should United States coins and currency be required to be valued at par for purposes of the proposed rule's reserve asset requirements?

Question 77: Should the proposed rule include special limits on Treasury bonds and notes that may be more thinly traded and therefore more likely to sell at a discount? The GENIUS Act would allow permitted payment stablecoin issuers to hold as reserve assets Treasury notes and bonds so long as they have a maturity of 93 days or less. Older and off-the-run Treasury securities may be more difficult to sell and may only be marketable at a

discount.[128] Should the proposed rule limit the portion of reserve assets that Treasury bonds and notes can comprise—for example, 20 percent of total reserve assets?

Question 78: Should the final rule specify the manner in which banks must ''measure and manage'' credit, liquidity, interest rate, price risk, and concentration risk under proposed § 15.11(c)? For example, should the OCC adopt related record retention or other requirements?

Question 79: Should permitted payment stablecoin issuers that are subsidiaries of national banks or Federal savings associations be required to make arrangements to borrow via the discount window or from other contingent funding sources, such as Federal Home Loan Banks? The ability to borrow from contingent funding sources, including the discount window, may depend on, among other things, the policies and regulations of the Federal Reserve System, and the OCC welcomes comments on how permitted payment stablecoin issuers may, or may not, be able to utilize liquidity provided by contingent funding sources.

Question 80: Should the proposed rule include special measures to ensure that reverse repurchase agreements are appropriately overcollateralized? Proposed § 15.11(b)(5) would permit the inclusion, as reserve assets, of reverse repurchase agreements ''subject to overcollateralization in line with standard market terms.'' As one possibility, the proposed rule could include no special measures, and the examination and supervision process could be used to evaluate if particular payment stablecoin issuers are failing to overcollateralize their reverse repurchase agreements in line with standard market terms. As another possibility, the proposed rule could include more express requirements, for example, that overcollateralization haircuts cannot be less than 0.5 percent.

Question 81: Should permitted payment stablecoin issuers be required to conduct stress tests, including stress tests to manage liquidity and interest rate risks? The GENIUS Act permits the inclusion of bilateral reverse repurchase agreements as reserve assets ''with [counterparties] that the issuer has determined to be adequately creditworthy even in the event of severe market stress.'' How should issuers evaluate the impact of ''severe market stress''? Should diversification requirements be based on the outcome of any stress tests? For example, permitted payment stablecoin issuers could be required to maintain a minimum amount of readily available reserve assets (for example, demand deposits and reserve balances) based on the results of liquidity stress tests? In particular, permitted payment stablecoin issuers could be required to maintain—or could elect to maintain as part of the proposed safe harbor—an amount of readily available reserve assets at least sufficient to meet outflow levels predicted by an internal liquidity stress test.

Question 82: Should permitted payment stablecoin issuers be required to adopt written plans or policies and procedures related to liquidity planning? For example, should permitted payment stablecoin issuers be required to adopt their own concentration restrictions, including limits on deposit concentrations at insured depository institutions, that are tailored to their own business model, operations, and risk profile? Similarly, should permitted payment stablecoin issuers be required to adopt liquidity management plans, which would include provisions to assign responsibility for liquidity risk management and address contingency funding needs?

Question 83: Subclause 4(a)(1)(A)(i) of the GENIUS Act (12 U.S.C. 5903(a)(1)(A)(i)) provides that reserve assets can include ''money standing to the credit of an account with a Federal Reserve Bank.'' Should diversification requirements include special measures for reserve bank balances if permitted payment stablecoin issuers are able to maintain them?

Question 84: For permitted payment stablecoin issuers that are subsidiaries of national banks or Federal savings associations, should the proposed rule contain special requirements to ensure that reserve assets are appropriately maintained and controlled within the larger corporate structure? Or should the proposed rule require that a permitted payment stablecoin issuer have dedicated liquidity management personnel who have independent control over the liquidity management functions of the permitted payment stablecoin issuer (and its reserve assets)?

Question 85: Should the liquidity management standards in proposed part 15 change depending on the standards for timely redemption? For example, should the rule require less stringent liquidity standards (for example, less readily available funds required) if permitted payment stablecoin issuers have a longer time to redeem tendered stablecoin?

Question 86: Should the proposed rule include additional measures to address de-pegging in the secondary market? For example, should the proposed rule bar a permitted payment stablecoin issuer from issuing new payment stablecoins if a permitted payment stablecoin issuer's payment stablecoins trade in secondary markets at some price that is a set amount less than par (*e.g.,* trading at or below $0.99, $0.80 or some other amount) for some sustained period of time (*e.g.,* 24 hours)?

Question 87: Should other liquidity rules be amended to accommodate the changes made by the proposed rule and the GENIUS Act? For example, should the liquidity coverage ratio (LCR) and net stable funding ratio (NSFR) rules be amended so that depository institutions are unable to include high quality liquid assets (HQLA) held by permitted payment stablecoin issuer subsidiaries as eligible HQLA in their own LCR and NSFR calculations? Similarly, should any outflows associated with a permitted payment stablecoin issuer subsidiary be excluded from a parent entity's LCR calculations? Should the stablecoin activities of permitted payment stablecoin subsidiaries be fully excluded from the LCR calculations of parent entities? Or should there be a limited outflow commensurate with the possibility that a parent entity may provide support to a permitted payment stablecoin issuer subsidiary (for example, 1 percent, 5 percent, or 10 percent or outstanding issuance value)? Should the LCR rule be amended so that depository institutions holding uninsured deposits, particularly large balances, that represent reserve assets from permitted payment stablecoin issuers must assign a higher outflow to such deposits? Should the LCR rule be amended in light of any other implications of the Act, such as how it may apply to custodians under section 10 of the Act?

Question 88: For purposes of incorporating ''average tenor and geographic location of custody of each category of reserve instruments'' in the composition report required under § 15.11(e), what, if any, specific content and structure should the OCC require? For example, should the report include information about deposit concentration and CUSIPs of securities? Should the required content include the composition of the reserve assets by type of assets and maturities and by counterparty issuer? For purposes of stating the geographic location of custody, should it suffice to state the country of custody? Or should more

[128] *See* Dimitri Vayanos & Jiang Wang, ''Market Liquidity—Theory and Empirical Evidence,'' National Bureau of Economic Research Working Paper 18251 (July 2012), *https://www.nber.org/system/files/working_papers/w18251/w18251.pdf.*

granular information be required? Should the OCC require that the composition report conform to the specified template? Are there specific methods for calculating tenor that the rule should require or explicitly permit? For example, should the rule define average tenor as the weighted average maturity or life of the asset? Should the monthly composition report (for both permitted payment stablecoin issuers and foreign payment stablecoin issuers) require the issuer to distinguish between insured and uninsured deposits?

Question 89: Are there any additional steps that the OCC should take to encourage transparency while minimizing burden with respect to the reserve asset composition report?

Question 90: What modifications to the reporting requirements, including the reserve asset composition report, would be appropriate for arrangements where one issuer issues multiple stablecoins under different brands (*e.g.,* white label arrangements), if that arrangement is permitted in the final rule? Are there any additional disclosures that the issuer should provide in order to ensure that the report is not misleading?

Question 91: Should the report be required to list and name any depository institutions holding reserve assets? Should the report be required to list and name other eligible financial institutions holding reserve assets? Should the proposed rule include additional measures to ensure that reserve assets are appropriately traceable and linked to their corresponding stablecoin so as to avoid any difficulties in resolving claims to reserve assets?

Question 92: For purposes of the composition report and reserves in tokenized form, should the permitted payment stablecoin issuer be required to disclose the location of custody of both the reserve instrument in tokenized form on a ledger and any real-world asset that the reserve in tokenized form represents? What related reporting requirements would be appropriate?

Question 93: Should the values and information in the monthly report be required to be as of a particular date or time? Alternatively, should permitted payment stablecoin issuers publish on their websites a report showing the real-time values of the items required in the monthly composition report? Having the most recent information will make the more report more useful, and the OCC invites comment on how much real-time reporting is feasible and whether it may only be feasible for certain items. Should the monthly report be required to include both month-end figures (for the previous month) and some information that can be presented in real-time (for example, the value of reserves or outstanding issuance value)? Are there potential challenges in providing assurance over real-time information presented in a monthly report?

Question 94: Should the OCC require permitted payment stablecoin issuers to publish the monthly certification on their websites, in addition to publishing the monthly reserve asset composition report? Should the OCC specify the content and form of the certification?

Question 95: Should the monthly composition report be published at some point before the examination by a registered public accounting firm? For example, a permitted payment stablecoin issuer could publish the report five days after the end of the previous month and have the report examined 30 days after the end of the previous month and disclose any discrepancies uncovered by the examination. Would the benefits of more timely availability of these reports outweigh the potential costs associated with the risk of subsequent changes as a result of the examination that would be completed at a later date?

Question 96: Is the requirement in proposed § 15.11(f) to have information disclosed in the previous month-end report examined by a registered public accounting firm sufficiently clear? If not, what additional clarity should the OCC provide with respect to the examination by a registered public accounting firm? Should the examination be performed at the ''reasonable assurance'' level or at some other standard? What additional standards, if any, should the OCC apply to ensure that the examination is accurate and appropriate? Should the engagement letter between the permitted payment stablecoin issuer and the registered public accounting firm require the registered public accounting firm to attest to whether the permitted payment stablecoin issuer is in compliance with the reserve asset requirements in § 15.11 (or a subset thereof), based on the information available to the registered public accounting firm? What criteria should be used for the examination? Would assurances from the management of the permitted payment stablecoin issuer regarding the information in the issuer's weekly or monthly report be sufficient? If not, what other criteria should be included?

Question 97: Should permitted payment stablecoin issuers be required to monitor the financial condition of depository institutions holding reserve assets? Should the financial condition of a depository institution holding an issuer's reserve assets be considered in whether issuers have met their deposit concentration obligations?

Question 98: Are there additional considerations that the OCC should take into account with respect to proposed § 15.11(g)(1), including whether it is appropriate that the permitted payment stablecoin issuer must not issue new stablecoins until it remediates a shortfall in reserve assets? For example, should there be some period of time (*e.g.,* one or two days) where an issuer should be able to issue stablecoins despite a shortfall? Is the requirement in § 15.11(g)(3) set appropriately at 15 days or should the period be longer or shorter (*e.g.,* 5 days, 10 days, 20 days, 25 days, 30 days)?

Question 99: Should the proposed rule include restrictions on expenses that may be charged against reserve assets? Is it worth making clear that permitted payment stablecoin issuers may not charge general corporate expenses against reserve assets? While there may be a narrow set of expenses that can be paid from reserve assets (for example, interest on a repurchase agreement or fees paid to an investment company holding reserve assets), the OCC expects that paying most other expenses from reserve assets would be inconsistent with the requirement for permitted payment stablecoin issuers to maintain identifiable reserve assets backing outstanding issuance value on a 1 to 1 basis.

Redemption

Question 100: Has the OCC appropriately defined ''timely'' for purposes of redemption in proposed § 15.12(b)(1)(i) as not exceeding two business days? If not, what may be a more appropriate timeframe? For example, should the OCC consider other timeframes ranging from one calendar day to seven calendar days timely? Should the OCC consider some timeframe longer than seven calendar days timely? Should the OCC define ''timely'' in a manner that scales with the liquidity of the underlying reserve assets or other factors? How should any definition of ''timely'' appropriately balance considerations of price stability and run risk?

Question 101: Should the OCC include a safe harbor for failing to timely redeem a payment stablecoin in certain circumstances that may be outside of the permitted payment stablecoin issuer's control (*e.g.,* disruptions to payment or banking systems for which the permitted

payment stablecoin issuer is not responsible)?

Question 102: Should the OCC consider a longer redemption period ''timely'' in times of stress? If so, how long should the OCC extend the redemption period and what metrics and data should the OCC look to in order to determine whether an extension is warranted? For example, in the proposed rule, if a permitted payment stablecoin issuer faced redemption demands in excess of 10 percent of its outstanding issuance value over one day, the time period for timely redemption is generally extended to seven calendar days. Would other metrics be more appropriate? Should the OCC automatically extend the time period for timely redemption in the event of a spike in redemption requests? Should the issuer be required to notify the OCC if it exceeds the threshold for extending the redemption period, as proposed? Should the issuer be required to inform the public upon automatic extension of the time period? Should the extension of the time period to seven calendar days be such that notwithstanding a permitted payment stablecoin issuer being able to demonstrate that it can redeem requests in an orderly fashion and through a fair and transparent process, the permitted payment stablecoin issuer would not be able to redeem sooner than seven calendar days? Should the permitted payment stablecoin issuer be able to make the determination that it can redeem through a fair and transparent process on its own without OCC approval or should the standard otherwise be changed? Should the extended redemption time period apply to outstanding and subsequent redemption requests as proposed?

Question 103: Should the OCC define ''redemption'' for purposes of the proposed rule? If so, should it be defined broadly to mean that, for example, the permitted payment stablecoin issuer has initiated payment to the payment stablecoin holder in return for a tendered payment stablecoin? Are there reasons to define ''redemption'' more narrowly? For example, should the OCC define redemption to mean that the permitted payment stablecoin issuer's payment to a stablecoin holder in exchange for stablecoin has settled?

Question 104: Are there limitations that the OCC should impose on redemption fees, *e.g.,* to discourage run risk or to encourage price stability?

Question 105: Should the OCC require permitted payment stablecoin issuers to deliver notice to current customers whenever they change fees, as proposed? Are there any specific methods or modes of communication that the OCC should require? If so, which modes of communication would be most effective and appropriate?

Question 106: Should the OCC include specific additional provisions regarding fee disclosures in the regulation text? If so, what additional requirements should be included? Should the OCC specify how section 5 of the FTC Act (15 U.S.C. 45) relating to unfair or deceptive acts or practices could apply to how the OCC evaluates the disclosures? To whom should issuers have a responsibility to deliver disclosures regarding changes in fees? Should it be all payment stablecoin holders (*e.g.,* include retail holders who purchased from an exchange or secondary market), or should it be a narrower subset of holders (*e.g.,* only holders who purchased directly from the payment stablecoin issuer)? Are there obstacles that would make it impractical to deliver change in fee notices to all payment stablecoin holders?

Question 107: The OCC has proposed several categories of disclosure in the proposed rule and requested comment as to whether it should propose additional categories. Taken collectively, would these disclosures provide potential customers of permitted payment stablecoin issuers with the appropriate information to inform their use of stablecoins? Are there any steps the OCC should take to ensure that potential customers are not confused or overwhelmed by these disclosures, especially in light of the relative unfamiliarity many potential customers may have with stablecoins? For example, should the OCC take any steps to unify required disclosures so that they are all provided to customers at a specific point during the relationship? If so, how should the OCC ensure that the most pertinent information is sufficiently emphasized? Is there anything else the OCC should do to ensure that potential customers are appropriately informed in regard to stablecoins issued by permitted payment stablecoin issuers? Are there any technical aspects of distributed ledgers or blockchain the OCC should take advantage of in relation to disclosures? For example, should certain disclosures be automated through smart contracts, such as with wrappers or other techniques?

Question 108: Currently, many stablecoin issuers have issuance policies that may limit direct interaction with retail stablecoin holders. What are the potential impacts of these policies on retail stablecoin holders during a liquidity event? Should the OCC explicitly require permitted payment stablecoin issuers to redeem stablecoins presented by any stablecoin holder that has undergone appropriate on-boarding including customer screening, as proposed? Should the OCC require permitted payment stablecoin issuers to redeem payment stablecoins presented by a stablecoin holder that has an account relationship at a regulated financial institution? Is additional clarity needed as to for whom a permitted payment stablecoin issuer is obligated to redeem a permitted payment stablecoin? Should the OCC impose any additional rules addressing minimum amounts for redemption? For example, should the OCC prohibit redemption minimums or set the minimum at some point other than one payment stablecoin?

Risk Management

Question 109: How should the OCC ensure that the standards in proposed § 15.13 are ''principles-based'' while providing sufficient clarity to permitted payment stablecoin issuers? Should the requirements in proposed § 15.13 be more high level or more detailed?

Question 110: Should certain of the risk management requirements only apply to large permitted payment stablecoin issuers? If so, which requirements should only apply to large permitted payment stablecoin issuers, and what would be the appropriate threshold for determining that a permitted payment stablecoin issuer is a large issuer (*e.g.,* $10 billion in outstanding issuance value)?

Question 111: Which standards from 12 U.S.C. 1831p–1 and 12 CFR part 30 appendices A and B should or should not apply to permitted payment stablecoin issuers? Are there other standards not in 12 U.S.C. 1831p–1 and 12 CFR part 30 appendices A and B that should apply to permitted payment stablecoin issuers?

Question 112: Do the proposed risk management requirements appropriately provide for clear management roles, responsibilities, and accountability? If not, how should the proposed risk management requirements be revised?

Question 113: Should permitted payment stablecoin issuers be required to adopt and adhere to a risk appetite statement?

Question 114: Should permitted payment stablecoin issuers be required to regularly (*e.g.,* on at least an annual basis), review their risk management framework and make any changes to appropriately align risk management activities with their business objectives and strategies?

Question 115: Should the proposed rule's requirements with respect to interest rate risk management be modified? If so, how? For example, should permitted payment stablecoin issuers have in place the appropriate policies, procedures and internal controls for their interest rate risk management programs? Should permitted payment stablecoin issuers develop appropriate measurement of interest rate risk as part of their interest rate risk management programs? Should permitted payment stablecoin issuers establish risk appetite and limit structure as part of interest rate risk management programs? Should permitted payment stablecoin issuers incorporate stress testing as part of their interest risk management programs? Should permitted payment stablecoin issuers be allowed to use assets that do not qualify as reserve assets as part of an interest rate risk hedging program? If so, should there be restrictions on the types of instruments used for hedging purpose? Additionally, should the maturities of the hedging instruments be matched with the maturities of the qualified reserve assets?

Question 116: What types of credit risk may permitted payment stablecoin issuers face, and how should permitted payment stablecoin issuers manage these risks? Should the proposed rule include specific requirements or standards related to management of credit risk? If so, what specific requirements or standards should the OCC consider including?

Question 117: Are the risk management requirements in proposed § 15.13(a)(8) necessary in light of the requirements in proposed § 15.11?

Question 118: Are there areas that fall under the categories of technological, operational, compliance, or other risk management principles-based requirements and standards that should be included in § 15.13 but were omitted from the proposed rule? Should proposed § 15.13(b) expressly address risks relating to smart contracts, encryption, tokenized assets, or any other technology or procedure? Are there standards which were included but are not applicable to permitted payment stablecoin issuers? The proposed rule would require the appointment of a qualified Information Technology and Security Officer. Should the rule also require the appointment of a qualified Chief Risk Officer and Chief Audit Executive? The OCC is considering all possible combinations of the standards in proposed § 15.13 and invites comments on which combination of standards is appropriate as well as whether to remove any of the individual standards in proposed § 15.13.

Question 119: Should the OCC consider operational risk management principles-based requirements and standards to address the situation where an issuer needs to transfer payment stablecoins across different blockchains to satisfy a redemption demand? If so, what kind of requirements and standards should the OCC consider to address this situation? For example, should there be specific requirements relating to locking, minting, or burning payment stablecoins to facilitate a transfer?

Question 120: Should the OCC include consumer protection-related compliance risk management principles-based requirements and standards in § 15.13? If so, are there specific standards the OCC should institute?

Question 121: Are there additional requirements concerning data privacy that it would be appropriate for the OCC to include in proposed part 15? Please describe in detail any such standards.

Question 122: Are there particular measures necessary to manage compensation-related concerns at permitted payment stablecoin issuers, notably risks associated with compensating any party with stablecoins issued by a permitted payment stablecoin issuer?

Question 123: Should the OCC include additional requirements concerning permitted payment stablecoin issuers' management of their ability to satisfy redemption requests and to monetize reserve assets, including by analyzing reasonably anticipated redemption scenarios?

Question 124: Should the OCC include additional requirements relating to the maintenance of safeguards to prevent the payment of compensation, fees, and benefits that are excessive or that could lead to material financial loss to the permitted payment stablecoin issuer?

Question 125: Are the proposed requirements with respect to insider and affiliate transactions appropriately tailored? If not, how should they be modified? Should the OCC consider more prescriptive quantitative or qualitative requirements related to insider and affiliate transactions?

Question 126: Should the OCC include any requirements relating to the concentration of management at unaffiliated permitted payment stablecoin issuers? For example, should the OCC include limits on the number of unaffiliated permitted payment stablecoin issuers for which an individual may serve as an executive officer or senior management official? Should any such limits be tied to the outstanding issuance value of the permitted payment stablecoin issuer?

Question 127: Should the OCC require permitted payment stablecoin issuers to acquire insurance against certain risks? For example, should permitted payment stablecoin issuers be required to hold cyber insurance policies? If so, what should be the minimum coverage requirements? Should the OCC require some minimum level of property and casualty insurance? If so, what should the minimum level of coverage be? What disclosures, if any, would it be appropriate for a permitted payment stablecoin issuer to make with respect to its insurance coverage and to whom should those disclosures be directed (*e.g.,* investors or payment stablecoin holders)? What implications with respect to other applicable disclosure regimes should the OCC consider when deciding whether to impose any disclosure requirements with respect to insurance coverage? To what extent are the terms and conditions for property and casualty (or other types of) insurance coverage for permitted payment stablecoin issuers becoming more standardized? What steps, if any, should the OCC take to encourage standardization to increase certainty and consistency with respect to insurance coverage across jurisdictions?

Question 128: Should the OCC provide that, with respect to a permitted payment stablecoin issuer that is a subsidiary of an insured depository institution, the permitted payment stablecoin issuer is deemed to comply with the risk management requirements of proposed part 15 if it complies with the risk management requirements applicable to its parent insured depository institution?

Audits, Reports, and Supervision

Question 129: Should the OCC alter the proposed reporting or examination requirements? If so, how? Is there additional information that should be included in the required reports or information that is not included in the proposed rule? Is there information included in the required reports or information that should not be included in the proposed rule?

Question 130: Proposed § 15.14(d) sets forth criteria under which a permitted payment stablecoin issuer could qualify for an extended examination cycle. Are those criteria properly calibrated? Is the timeframe for an extended examination cycle appropriate? Should the OCC consider decreasing or increasing the range for an extended examination cycle? Should the

OCC consider both monthly trading volume and outstanding issuance value when determining whether to employ an extended examination cycle? Are there other factors that should be included, such as redemption rates, asset composition, or creditworthiness? If so, how should the OCC consider those factors?

Question 131: In proposed § 15.14(h), the OCC proposes to collect confidential weekly data from permitted payment stablecoin issuers to minimize the examination burden on permitted payment stablecoin issuers. The weekly data would include information relating to: (1) outstanding issuance value, (2) reserve assets, (3) redemptions, (4) minting and issuance, (5) exchanges on which the stablecoin trades, (6) the 100 persons that hold or trade the stablecoin the most, (7) data concerning securities held as reserve assets (including information regarding reserve assets' CUSIPs, yield, weighted average maturity and weighted average life), and (8) information regarding repurchase agreements and reverse repurchase agreements (including information regarding the counterparty, clearing agency, collateral, and interest). Has the OCC identified in the proposed form the appropriate data fields and categories of information to collect from a permitted payment stablecoin issuer on a weekly basis to understand the operations and risks unique to its business model? If not, are there data fields that the OCC should not request on a weekly basis and are there any additional data fields beyond those proposed that the OCC should collect on a weekly basis from a permitted payment stablecoin issuer to better assist in understanding the operations and risks unique to its business model? Should the OCC collect secondary market transaction data (*e.g.,* trading price and volume)? Or should the OCC only collect primary market transaction data? Would it be too burdensome for permitted payment stablecoin issuers to provide the proposed weekly data to the OCC electronically on a daily or real-time basis? Should the OCC collect additional data regarding the custody of reserve assets (or other covered assets)? Should the data collected be made public? If, so, on what timeframe should the data be made public? To what extent, if any, would a permitted payment stablecoin issuer be anticipated to track the information required under the form referred to in proposed § 15.14(h) on a regular or real-time basis for its own use in the absence of a requirement to report it? To what extent would the proposed weekly and quarterly reporting requirements tend to reduce the frequency at which the OCC would need to examine permitted payment stablecoin issuers? Are there other reporting requirements that the OCC could request that might reduce the frequency at which the OCC would need to examine permitted payment stablecoin issuers?

Question 132: In proposed § 15.14(i), the OCC requires all permitted payment stablecoin issuers to submit a quarterly report of financial condition. Should the OCC tailor this requirement for permitted payment stablecoin issuers under a certain threshold? If so, what should the threshold be? For permitted payment stablecoin issuers under the threshold, should the OCC require less frequent reporting (*e.g.,* every six months) and/or change the data issuers under the threshold are required to submit (*e.g.,* require less data)? If a permitted payment stablecoin issuer, or its insured depository institution parent, currently files a Call Report, should it also be required to submit the quarterly report required under proposed § 15.14(i)? If so, why? If not, why not? If a permitted payment stablecoin issuer, or its insured depository institution parent, currently files a Call Report, should the quarterly report under proposed § 15.14(i) be attached to the Call Report as an appendix as opposed to a separate filing? If so, why? If not, why not? Are there changes that should be made to the Call Report to ensure appropriate reporting while limiting duplicative reporting requirements? Should reports required under proposed § 15.14(i) and proposed part 15 more generally be coordinated and developed on an interagency basis across the federal payment stablecoin regulators?

Question 133: In addition to requiring a monthly report of a permitted payment stablecoin issuer's reserve asset composition, should the OCC also require a permitted payment stablecoin issuer to publish a report of the reserve asset composition as of a day randomly selected each month by the permitted payment stablecoin issuer's registered public accounting firm?

Question 134: How can the OCC best minimize duplication of reports, including for permitted payment stablecoin issuers subject to the audit requirement contained in proposed § 15.14(l)? Should the OCC include in the rule text its interpretation of ''applicable auditing standards'' under section 4(a)(10)(A)(iii) of the GENIUS Act (12 U.S.C. 5903(a)(10)(A)(iii)) to mean those that would apply if the permitted payment stablecoin issuer were subject to the reporting requirements under section 13(a) or 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78m, 78o(d))? Should the OCC also include in the rule text that the standards would be enforced by the OCC for permitted payment stablecoin issuers subject to the audit requirement under section 4(a)(10)(A)(iii) of the GENIUS Act (12 U.S.C. 5903(a)(10)(A)(iii))? Should the OCC also include in the rule text that it may at any time request that a registered public accounting firm provide to the OCC certain additional information or documents relating to information provided by the permitted payment stablecoin issuer and that the registered public accounting firm must agree to provide copies of any working papers, policies, and procedures relating to services in connection with the audit required under section 4(a)(10)(A)(iii) of the GENIUS Act (12 U.S.C. 5903(a)(10)(A)(iii))?

Question 135: Should the OCC apply the requirement in section 6(a)(2)(D) of the GENIUS Act (12 U.S.C. 5905(a)(2)(D)) to all permitted payment stablecoin issuers, rather than only to Federal qualified nonbank payment stablecoin issuers, as proposed?

Question 136: The OCC is proposing that Federal qualified payment stablecoin issuers report to the OCC the total aggregate value of their assets under custody (as part of the quarterly report described in § 15.14(i) of the proposal). For purposes of this calculation, the OCC is proposing that the private keys used to issue payment stablecoins, as discussed in Section 10 of the GENIUS Act, should be valued at a nominal $1.00 valuation. This reporting convention would prevent double-counting of the private key and the associated payment stablecoin reserves. What are the advantages and disadvantages of this approach? Are there specific risks or information gaps related to the custody of these private keys that would not be identified by this reporting convention, including for example, where the covered custodian of the private key used to issue payment stablecoins is not also the custodian of all of the associate payment stablecoin reserves? Are there alternative methods to avoid double-counting? For example, what are the advantages and disadvantages of valuing the private key used to issue a payment stablecoin at the par-value of issuance of the associated payment stablecoin less the fair market value of any associated payment stablecoin reserves that the covered custodian holds under custody?

Question 137: Is the change in control requirement in proposed § 15.14(m) appropriately calibrated for permitted

payment stablecoin issuers? If not, what changes should the OCC incorporate into this provision? Are there elements of 12 CFR 5.50 that should or should not be incorporated into § 15.14(m)? Should the regulation explicitly provide the consequences for failing to meet the requirements of proposed § 15.14(m)? For example, should the OCC include a paragraph that would provide that, if a person acquires control, as the term is used at 12 CFR 5.50, of a permitted payment stablecoin issuer without following the requirements of 12 CFR 5.50 as if the permitted payment stablecoin issuer were a national bank before the time for the OCC's review as provided in 12 CFR 5.50 has expired or after the OCC has disapproved the acquisition of control, the permitted payment stablecoin issuer: (i) must, within 15 calendar days of the acquisition of control, provide all information required under 12 CFR 5.50; and (ii) may be subject to supervisory or enforcement actions relating to any concerns arising from the change in control, consistent with applicable law?

State Issuers

Question 138: For purposes of determining whether a State qualified payment stablecoin issuer has crossed the $10 billion outstanding issuance value threshold, should the $10 billion threshold be based on a point of time or using a rolling average over some period of time (*e.g.,* the previous four calendar quarters)? Should the $10 billion threshold take into account the outstanding issuance value of any payment stablecoins issued by non-consolidated affiliates of the State qualified payment stablecoin issuer?

Question 139: Under section 4(d) of the GENIUS Act (12 U.S.C. 5903(d)), a State qualified payment stablecoin issuer with total outstanding issuance in excess of $10 billion must transition to the Federal regulatory framework within 360 days or else cease issuing new payment stablecoins until its total outstanding issuance is below the $10 billion threshold. Should the OCC adopt a regulation that would provide a mechanism for nonbank State qualified payment stablecoin issuers that have transitioned to the Federal regulatory framework to transition back to the applicable State regulatory framework if the issuer's outstanding issuance value has decreased below $10 billion? If so, should the mechanism explicitly include factors designed to prevent evasion of the enforcement of the GENIUS Act? For example, what factors should the OCC consider to determine whether a State qualified payment stablecoin issuer intentionally reduced its outstanding issuance value to avoid imminent and adverse OCC enforcement or supervisory actions (*e.g.,* the timing or value of the issuer's decrease in its outstanding issuance)? Should the OCC use its waiver authority under section 4(d)(3) of the GENIUS Act to permit issuers that have transitioned to the Federal regulatory framework to transition back to the applicable State regulatory framework?

Question 140: Are there any technical, operational, or other factors that would prevent a State qualified payment stablecoin issuer from providing written notification within five calendar days as proposed under § 15.15(b)? Should the OCC consider alternate timeframes, including shorter timeframes (*e.g.,* within one day) or longer timeframes (*e.g.,* within ten days) for providing written notification?

Question 141: Should the OCC require that the State qualified payment stablecoin issuer provide additional information in its notice under § 15.15(b)? Should the OCC require a State qualified payment stablecoin issuer to provide specific reports or information in connection with a waiver request, such as the examples listed in the supplementary information? If so, please provide examples.

Question 142: The OCC is considering whether to implement standards when evaluating the past operations and exam history of a nonbank State qualified payment stablecoin issuer. For example, the OCC may require that, for an issuer to be eligible for a waiver, it must not have been cited for violations or have outstanding supervisory concerns relating to fraud, cybersecurity, technology infrastructure, and operational disruptions within the past examination cycle. Should the OCC consider standards related to an issuer's supervisory ratings?

Question 143: Should waivers from OCC supervision for State qualified payment stablecoin issuers that are nonbank entities be subject to renewal over some time period (*e.g.,* one or five years) to ensure that the State qualified payment issuer continues to meet the criteria for the waiver?

Question 144: Should the OCC reserve the right to discontinue a waiver? If so, is 100 days a reasonable period to provide notice to the State qualified payment stablecoin issuer that is a nonbank entity?

Question 145: Is the requirement to submit an analysis of capital in proposed § 15.15(b)(3) appropriately calibrated? Should the State qualified payment stablecoin issuer that is a nonbank entity be required to submit the report sooner after reaching $10 billion in outstanding issuance value (*e.g.,* 180 days, 200 days, 250 days)?

Question 146: Is the timeframe for the initial OCC examination after transition to the Federal regulatory framework in proposed § 15.15(c) appropriate? Should the timeframe be shorter (*e.g.,* three months, four months) or longer (*e.g.,* nine months, 12 months)?

Unusual and Exigent Circumstances

Question 147: Are there additional criteria or information sources the OCC should consider when determining whether unusual and exigent circumstances exist? For example, the Act does not mandate information sharing agreements between the OCC and State payment stablecoin regulators, and the OCC may have limited visibility into the activities and conditions of State qualified payment stablecoin issuers. Should the OCC consider, for example, whether a State payment stablecoin regulator or a State qualified payment stablecoin issuer has made a request for the OCC to exercise its unusual and exigent circumstances authority? Should the OCC consider significant price fluctuations in the secondary market for the State qualified payment stablecoin issuer's payment stablecoin? Should the OCC consider whether the State qualified payment stablecoin issuer has been, or will imminently be, unable to timely redeem its payment stablecoin? Should the OCC consider whether the State qualified payment stablecoin issuer has incurred significant unanticipated losses? Should the OCC consider whether the State qualified payment stablecoin issuer has deployed nonstandard liquidity management tools?

Question 148: Should the OCC make public when it determines that unusual and exigent circumstances exist? If so, what information should the OCC include (or not include) in any publication regarding unusual and exigent circumstances?

Custody

Question 149: Are the proposed definitions for terms relevant to this section appropriate and sufficiently clear? Would it be helpful to define any other terms?

Question 150: The OCC has interpreted ''cash and other property'' to refer to the cash and other property that a covered custodian may receive as custodial property of its customers, but only to the extent such cash or other property is received in connection with the provision of custodial services for the Act's three core custody assets. Is this the appropriate approach? Should

the OCC take a broader view of what constitutes ''cash and other property''? What are the costs and benefits of such an approach? Does the proposal appropriately address the different requirements for noncash covered assets and ''cash on deposit'' covered assets held at an insured depository institution?

Question 151: The OCC is proposing to define covered assets in such a way that the requirements of sections 10(a), (b), and (c) of the Act (12 U.S.C. 5909(a)–(c)) would apply to all covered assets and is proposing to apply the substantive requirements of those sections as a connected set of requirements. However, sections 10(a), (b), and (c) of the Act use slightly different wording when describing the assets to which each subsection applies and some of the substantive requirements that apply.[129] The OCC believes that the provisions should be read together to cover the same set of assets and to provide a cogent and harmonized set of requirements for covered custodians.[130] Instead of the proposed approach, should the OCC use the precise statutory language regarding the scope of assets covered separately in paragraphs (a), (b), and (c)? What are the advantages or disadvantages of doing so?

Question 152: Proposed subpart C would implement section 10 of the GENIUS Act (12 U.S.C. 5909) with respect to entities that are regulated by the OCC. Are there issues that the OCC should bear in mind if an OCC-regulated entity holds reserve assets on behalf of a stablecoin issuer that is not regulated by the OCC and may not be familiar with the OCC's implementation of section 10 of the GENIUS Act?

Question 153: The OCC is proposing applying these principles-based requirements on covered custodians subject to OCC supervision, rather than requiring OCC-supervised institutions that seek to custody a covered asset to only custody such assets with a custodian that can demonstrate it complies with certain minimum requirements. What are the costs and benefits of this approach, including with regards to administrability, jurisdiction, and the promotion of fair competition?

Question 154: The OCC proposes principles-based requirements in line with sound custodial management practices that the agency understands are industry standard. Does the proposal accurately capture sound custodial management practices that are industry standard?

Question 155: Does the proposal provide enough detail regarding what steps are appropriate for a covered custodian to protect the covered assets of covered customers from the claims of creditors of the covered custodian? Would more prescriptive or specific requirements be appropriate to implement the requirements of the Act? For example, should the OCC require a covered custodian to take appropriate steps to protect the covered assets of covered customers from the claims of creditors of the covered custodian, including through adopting, implementing, and maintaining written policies, procedures, and internal controls adequate for (A) the safekeeping of covered assets of covered customers; (B) the documentation of covered customer relationships through one or more written custody agreements; (C) recording and verifying the covered assets of covered customers; and (D) the conducting of due diligence in the selection of and periodic monitoring of sub-custodians, in each case commensurate with the covered custodian's size, complexity, and risk profile and with the nature of the applicable covered assets in its covered customer relationships? What are the costs and benefits of prescriptive versus a principles-based approach? How would either approach compare or contrast with the non-covered asset custodial business of covered custodians and what efficiencies or challenges might arise from each approach?

Question 156: Is it sufficiently clear in a custodial relationship when and for what assets the minimum, principles-based requirements of subpart C would apply? For example, are there circumstances where a custodian may be unaware that stablecoin assets held in an account are being used as collateral and potentially subject to the requirements of subpart C?

Question 157: The proposed rule describes how a custodian maintains control of a stablecoin or tokenized stablecoin reserve assets. Is this description appropriately calibrated? Are there other means by which a custodian should be deemed to have demonstrated control over these types of assets?

Question 158: Are there additional considerations the OCC should take into account regarding a covered custodian's use of an omnibus account? For example, should the OCC consider a high-level principals-based approach to apply generally to a covered custodian's provision of custodial or safekeeping services to covered customers for covered assets while utilizing a more detailed regulatory framework regarding a covered custodian's use of omnibus accounts? Alternatively, to what extent should the OCC consider proposing that a covered custodian may, for convenience, commingle in a single omnibus account both covered assets and other custodial assets that are not covered assets? What efficiencies and challenges would such an approach raise? Are there additional risk considerations the OCC should consider if it takes such an approach? For example, to what extent should the OCC consider prescribing additional recordkeeping, customer account, disclosure, or other terms or conditions as a precondition to a covered custodian commingling covered assets and non-covered assets?

Question 159: Regarding the proposed rule governing the withdrawal of custodial covered assets to pay certain commissions, taxes, storage, and other charges, should the OCC require any more prescriptive customer protection requirements, such as those designed to ensure that such withdrawals do not cause any reserve to fall below any minimum coverage of a payment stablecoin? What are the costs and benefits of these or any similar approach? For example, in order to implement an effective compliance system, would such a requirement impose undue burdens on a custodian from withdrawing any permitted funds from a custodial account that contains payment stablecoin reserves?

Question 160: Section 10(c)(3) of the GENIUS Act provides a priority regime regarding the claims of covered customers against a covered custodian with regards to any payment stablecoins used as collateral. The section also allows covered customers to expressly waive this priority. What are the potential benefits and drawbacks of such a priority regime, including with regards to whether it may amplify losses to payment stablecoin issuers on payment stablecoin reserves that are custodied by a covered custodian that provides a diversified custodial business should there be a shortfall in a covered custodian's custodied assets? What market practices do commenters believe are likely to arise regarding the use of the contractual provisions that

[129] For example, Section 10(a) of the Act refers to ''the payment stablecoin reserve, the payment stablecoins used as collateral, or the private keys.'' 12 U.S.C. 5909(a). Section 10(b) refers to ''the payment stablecoins, private keys, cash, and other property.'' 12 U.S.C. 5909(b). Section 10(c) refers to ''[p]ayment stablecoin reserves, payment stablecoins, cash, and other property.'' 12 U.S.C. 5909(c).

[130] For example, sections 10(b) and (c) of the Act refer to section 10(a), suggesting that the provisions are meant to be read together to cover the same set of assets.

waive a covered customer's priority regarding payment stablecoins used as collateral that are held in custody? To what extent should the OCC consider either providing guidance on the use of such contractual provisions or requiring covered custodians to use such contractual provisions in their custody agreements? How are customer waivers in relation to covered custodians likely to impact the resolution of permitted payment stablecoin issuers? For example, would they lead to additional complications in determining the priority of claims?

Question 161: The GENIUS Act provides an exclusion from the custodial requirements to any person solely on the basis that such person engages in the business of providing hardware or software to facilitate a customer's own custody or safekeeping of the customer's payment stablecoins or private keys. The OCC proposes to clarify that it would not consider certain activities to constitute ''solely'' providing hardware or software to facilitate custody or safekeeping of payment stablecoins or private keys. Should the OCC consider implementing any other language to prevent the exception from being used to evade the custodial requirements of the Act? Alternatively, could an OCC-supervised institution provide ancillary custodial services to a user of such hardware or software (*e.g.,* facilitating the customer's crypto-asset and fiat currency exchange transactions, transaction settlement, trade execution, recordkeeping, valuation, tax services, reporting, or other appropriate services) while avoiding the minimum, principles-based requirements of the proposal?

Question 162: Are there particular circumstances for which the OCC should provide additional clarification as to the application of subpart C or the applicability of any exception (*e.g.,* regarding payment stablecoins locked in a smart contract for purposes of ''wrapping'' the payment stablecoin for use on an unsupported blockchain)?

Question 163: In order to ensure that a permitted payment stablecoin issuer is able to meet redemptions on a timely basis, should the OCC require that any custody agreement a covered custodian enters into with a permitted payment stablecoin issuer provide for prompt release of any custodied covered assets to the covered customer's control? For example, should a custody agreement require that a covered custodian have the ability to transfer control of covered assets comprising payment stablecoin reserves, or execute and settle at the covered customer's direction any such assets, within a specific timeframe? What are the costs and benefits of any such approach?

Question 164: To what extent are Schedule RC–T of the Call Report, in the case of national banks, Federal savings associations, or Federal branches, and the portions of the reports required under proposed § 15.14 relevant to custodial activities, in the case of non-bank Federal qualified payment stablecoin issuers and applicable State qualified payment stablecoin issuers, appropriate to ensure that the OCC possesses the information necessary to supervise covered custodians? If other forms of reporting would be helpful, what are they? If other types of information would be helpful, what are they? What are the costs and benefits of more detailed reporting requirements?

Question 165: To the extent a covered custodian with fiduciary powers provides fiduciary services to a covered customer in connection with the customer's covered assets, are the existing requirements in 12 CFR part 9 or 150, as applicable, appropriate to implement the GENIUS Act? Are there any efficiencies or challenges generated between the requirements in the GENIUS Act, the requirements proposed in subpart C, and the fiduciary activities requirements in 12 CFR part 9 or 150? Should the OCC consider leveraging the compliance regime in 12 CFR part 9 in connection with the portion of a covered custodian's provision of custodial or safekeeping services for covered assets that is conducted in a fiduciary capacity?

Question 166: Does the proposed approach regarding custody of covered assets proposed in subpart C, or any alternative approach discussed in comments or suggested by commenters, pose any concerns regarding fair competition between covered custodians and entities that are otherwise permissible custodians under section 10(a) of the GENIUS Act but which are not supervised by the OCC?

Applications and Registrations

Question 167: Should the OCC explicitly provide in regulation that the application process under proposed § 15.30 supersedes all other filing requirements in OCC regulations related to issuance of stablecoins?

Question 168: Should the OCC establish any other factors in § 15.30 to ensure the safety and soundness of the applicant permitted payment stablecoin issuer? Should the OCC include as a factor the applicant's ability to conduct its proposed activities in a safe and sound manner? Are there other, more specific, criteria relating to safety and soundness that the OCC should consider?

Question 169: The OCC specifically requests comment on the proposed standards for issuing a waiver under proposed § 15.30(f) and whether the OCC should consider any other facts in deciding to grant a waiver.

Question 170: How should the OCC evaluate whether reserves held by foreign payment stablecoin issuers in the United States are sufficient to meet the demands of United States customers? Will foreign payment stablecoin issuers be able to reliably determine which of their customers are United States customers? Should the amount of reserves held in the United States be required to exceed by some margin (*e.g.,* 50 percent) the estimated one-month redemptions by United States customers? Should the amount of reserves held in the United States be based on the estimated number of United States holders of the payment stablecoin issued by the foreign payment stablecoin issuer? Is some other method appropriate for determining the amount of reserves that must be held in United States institutions? How are foreign payment stablecoin issuers likely to determine whether their customers are located in the United States? Are they likely to have access to sufficient information to make this determination? Is the scope of United States institutions in which a foreign payment stablecoin issuer may hold reserve assets appropriately calibrated? Should it include any other eligible financial institutions?

Question 171: Should the OCC require different or additional information to be reported by foreign payment stablecoin issuers? If so, what additional information should the OCC require? How frequently should the OCC require such information? Should any additional information be made public? Should the OCC expressly require foreign payment stablecoin issuers to provide the same reports, publish the same reports, and make and publish the same certifications as permitted payment stablecoin issuers? If not, what modifications to the reporting, publication, and certification requirements would be appropriate for foreign payment stablecoin issuers?

Question 172: In proposed § 15.30 related to approval of permitted payment stablecoin issuers and in proposed § 15.32 related to the registration of foreign payment stablecoin issuers, should the OCC require that a permitted payment stablecoin issuer or a foreign issuer be allowed to only issue a single type (*i.e.,* brand) of payment stablecoin? What

other arrangements designed to ensure legal separateness with respect to the reserve assets backing a particular brand of payment stablecoin should the OCC consider? For example, should the OCC require a permitted payment stablecoin issuer (or its parent company) to hold reserves in a special purpose, bankruptcy remote vehicle that is fully capitalized by the issuer and has no liabilities. What are the merits of these arrangements relative to requiring each issuer to issue only one brand of payment stablecoin? If the OCC requires a separate issuer for each brand of payment stablecoin, should the OCC streamline the approval process for certain applicants (*e.g.,* by only requiring the applicant to provide notice if the parent or affiliate of the new issuer has previously received approval to act as a permitted payment stablecoin issuer)? In the absence of a restriction on issuing more than one brand of stablecoin, how would issuers ensure that reserve assets are properly legally and operationally allocated to the backing of each brand of stablecoin? Are there any other issues or challenges that permitted payment stablecoin issuers could encounter in complying with the Act in the absence of such a restriction? If the OCC were to impose any of the requirements on issuers as described above, how would these requirements interact with State qualified payment stablecoin issuers that transition to the Federal regulatory framework that are not subject to the approval process by the OCC? To ensure equitable treatment across OCC-regulated entities, should the OCC, for example, prohibit all permitted payment stablecoin issuers from issuing more than one brand of payment stablecoin (per legal entity) in § 15.10?

Question 173: Proposed §§ 15.31 and 15.32 refer to foreign payment stablecoin issuers holding reserve assets in United States financial institutions, consistent with section 18(a)(3) of the Act (12 U.S.C. 5916(a)(3)). Should the OCC further define ''financial institution'' for the purposes of these provisions? For example, the OCC could determine that the reserves must be held at State chartered depository institutions, insured depository institutions, national banks, or trust companies. These are the entities where permitted payment stablecoin issuers' stablecoin reserves may be commingled in an omnibus account under section 10(c)(2)(A) of the GENIUS Act (12 U.S.C. 5909(c)(2)(A)). Should the regulation state that the reserve assets must be held with United States eligible financial institutions?

Question 174: Should the OCC apply the capital requirements in proposed subpart E to the United States operations of foreign payment stablecoin issuers registered with the OCC? If so, how should the OCC modify these capital requirements to appropriately apply to the United States operations of foreign payment stablecoin issuers?

Question 175: Are there particular requirements that apply to permitted payment stablecoin issuers that should or should not apply to foreign payment stablecoin issuers? Please describe any such requirement and why the requirement should or should not apply.

Question 176: Section 5 of the GENIUS Act (12 U.S.C. 5904) refers to ''substantially complete'' applications for permitted payment stablecoin issuers, but section 18 of the Act (12 U.S.C. 5916) does not refer to ''substantially complete'' applications with respect to foreign payment stablecoin issuers registering with the OCC (section 18 does refer to a ''substantially complete'' determination request to the Department of the Treasury). For parity, should the implementing regulations refer to a ''substantially complete'' application for both types of entities?

Capital

Question 177: Are the proposed requirements for capital elements appropriate and sufficiently clear? Should the OCC consider permitting tier 2 capital in the form of subordinated debt, similar to the permitted capital element for a national bank? Should the OCC consider establishing limits on how much capital of each tier should be required or allowed? Alternately, should the OCC adopt a simpler measure of capital, such as anything that qualifies as equity under GAAP, instead of importing the bank framework for capital instruments? Should the OCC use tangible equity (retained earnings, stock, and preferred stock, net of tangible assets) as the measure of capital for a permitted payment stablecoin issuer?

Question 178: Should the OCC require deductions from regulatory capital for goodwill, certain deferred tax assets, or other illiquid or intangible assets, recognizing that these assets may not provide sufficient loss absorbency during a business disruption, and may experience volatility in value or writedowns that could deplete retained earnings? Please provide any data supporting your views.

Question 179: Are the proposed components and determination of the minimum capital and backstop requirements appropriate for permitted payment stablecoin issuers? Which alternatives, if any, should the OCC consider and why? Should the requirements include any adjustments in recognition of newly acquired or divested businesses, or any other adjustments when calculating total expenses for purposes of the proposed backstop? Please provide any data supporting your views.

Question 180: Is the $5 million minimum capital requirement for a de novo permitted payment stablecoin issuer appropriate?

Question 181: Should the OCC incorporate a capital requirement based on the outstanding issuance value or amount and type of reserve assets, including variations of any of the proposals discussed above? For example, should the OCC impose a minimum capital requirement based on a set percentage of outstanding issuance value, as discussed above in this supplementary information? If so, are the minimum capital requirements and thresholds discussed above appropriately calibrated? Please provide any data supporting your views.

Question 182: Should the OCC adopt a capital requirement based on price risk, credit risk, operational risk, or interest rate risk, including variations on any of the proposals discussed above? Please provide any data supporting your views. For example, should the OCC impose a charge for credit risk, such as a 2 percent capital charge for uninsured deposits? Should the OCC impose a capital charge to reflect the interest rate risk of certain reserve assets, such as Treasury securities? Should the OCC impose a minimum operational risk capital charge that scales with the size of the issuer, as discussed above (*i.e.,* with a charge of 1 percent for small issuers with a smaller additional marginal charge applying at certain thresholds)? Should any such operational charge be based, in part, on the issuer's recent losses?

Question 183: Should the OCC adopt a capital requirement based on assets held in custody by permitted payment stablecoin issuers? If so, how should that requirement be calibrated? Please provide any data supporting your views.

Question 184: Should the OCC adopt a capital requirement expressly designed to address costs of litigation, legal risk, or legal costs during insolvency that a permitted payment stablecoin issuer may face? If so, how should such a requirement be calibrated?

Question 185: Should the capital and backstop requirements be calculated

based as of the last day of a given quarter, as proposed? Should the amount instead be calculated across some other period of time, such as an average on a monthly, bi-monthly, biannually, or yearly basis?

Question 186: Is the timing for the stablecoin issuer to meet capital and backstop requirements appropriate? Are the resulting activity limitations for failing to meet those requirements appropriate?

Question 187: Are there any advantages or disadvantages to setting capital requirements for permitted stablecoin issuers consistent with or different from those set by non-United States regulators? The proposed approach to determining capital requirements is less prescriptive than approaches adopted or proposed in certain foreign jurisdictions. Are there any advantages or disadvantages to setting capital requirements for permitted payment stablecoin issuers consistent with the approaches adopted by those jurisdictions?

Question 188: Are the proposed criteria for imposing an individual additional capital or backstop requirements appropriate and sufficiently clear? For example, should the OCC define what constitutes ''excessive volatility?''

Question 189: Should the OCC adopt alternative capital calculations for uninsured national trust banks? Should those alternative requirements depend upon whether the trust bank issues a payment stablecoin? Is the proposal to allow trust banks to elect the part 15 framework appropriate, or should the OCC consider establishing an alternative capital requirement? Would the proposed capital requirement create a competitive imbalance between standalone national trust banks and trust departments of insured national banks? Is the proposed requirement that national trust banks that opt into the part 15 framework still largely follow the definition of capital under part 3, subpart C appropriate, or should proposed § 15.40 apply instead? Please provide any data supporting your views.

Question 190: Instead of satisfying risk-based or leverage capital requirements, a Federal branch must maintain a capital equivalency deposit. This deposit is calculated in part based on total liabilities of the Federal branch and would include any liabilities associated with a stablecoin program. Are there options the OCC should consider with respect to calculation of the capital equivalency deposit for a Federal branch's stablecoin program?

Assessments

The OCC invites comments on all aspects of the proposal with respect to the proposed revisions to 12 CFR part 8, including the proposal to discount assessments on assets attributable to required stablecoin reserves, and the following questions:

Question 191: The OCC invites comment on whether there is reason to believe that the existing assessment structure in § 8.2, as amended, or the proposed assessment structure under subpart B will *not* adequately and appropriately enable the OCC to fund its supervisory activities in connection with institutions' GENIUS Act-related activities. Should the OCC consider imposing assessments based on different or additional measurements to account for increased supervision activities it will undertake in connection with supervising the GENIUS Act-related activities of these institutions?

Question 192: The OCC currently expects to receive all information necessary to impose assessments on each national bank or Federal savings association for GENIUS-act related activities as proposed here from existing Call Report data and the supplementary reports proposed in this notice. Is there reason to believe that this is not the case? For example, the OCC currently relies upon Schedule RC–T to capture the ''fiduciary and related assets'' upon which independent trust banks pay assessments under § 8.6(c). Is there any reason to believe that the custodial or safekeeping assets attributable to the activities described in 12 U.S.C. 5901 *et seq* would not be fully represented in Schedule RC–T and therefore in the assessments of national banks and Federal savings associations that remain subject to assessment under § 8.6(c)? Is there any necessary information that might not be captured?

Question 193: To the extent the OCC should permit combinations of chartered and non-chartered institutions subject to the agency's jurisdiction to own a stablecoin issuing subsidiary, how should the OCC best ensure that the agency receives full contributions for assessed amounts? Under one option, the OCC could require each owner of a stablecoin issuing subsidiary to specifically report the amount and type of assets attributable to GENIUS Act-related activities listed on their Call Reports, Schedules RC–T, and any reporting pursuant to 12 CFR 15.14 (as applicable) so that the OCC can confirm it has received the proper assessed amount attributable to the issuing subsidiary's GENIUS Act-related activities. The agency under this option would likely retain discretion to decide whether to assign financial responsibility to each owner, or one or more owners (*e.g.,* the majority owner), to eliminate any assessment shortfall that may exist in connection with the subsidiary's activities. However, the OCC seeks comment and information on other methods to ensure that it receives full assessments in connection with an issuing subsidiary owned by two or more institutions subject to OCC jurisdiction.

Question 194: Should the OCC have a mechanism to account for voluntary over-collateralization of reserve assets? In proposing to discount assessments attributable to an issuer's on-balance sheet required reserve assets, the OCC considered but declined to propose an extension of that discount to over-collateralized reserve assets (or, more broadly, to exclude over-collateralized amounts from assessments overall). As noted, while the OCC does not wish to disincentivize over-collateralization, the agency is concerned that extending the proposed discount to over-collateralized reserves may encourage some institutions to mischaracterize the status of certain on-balance sheet assets as reserves to minimize their overall assessment. The OCC also preliminarily concludes that assessing voluntary over-collateralized stablecoin reserve amounts at undiscounted rates will not meaningfully influence an issuer's business judgment on whether and to what extent it should voluntarily over-collateralize its on-balance sheet stablecoin reserves. Nevertheless, the OCC seeks comment and any information that would support extending the proposed discount to voluntary over-collateralized reserves. If the agency ultimately concludes that an extension of the discount (or a carve out for voluntary over-collateralization) is appropriate, should the OCC cap the discount (or the carve out) for the voluntary over-collateralization at an amount equal to between one to five percent of required reserves, reflecting the agency's understanding that current stablecoin reserve voluntary over-collateralization typically occurs within this range? If one to five percent is not the correct range, what range would be appropriate?

Question 195: The OCC considered, but preliminarily declines, to set a required stablecoin reserve asset threshold above which the agency would impose either a series of graduated additional discounts or a cap for purposes of calculating assessments. The OCC has occasionally adopted a similar approach when warranted by circumstances. For example, the agency

currently places a similar asset-based cap (currently set at $250 billion) on the calculation of the problem bank surcharge paid by banks that require increased supervisory resources. A required stablecoin reserve asset threshold could be appropriate if the OCC were confident that assessment revenues obtained on stablecoin reserve assets above a certain threshold would be disproportionate to the marginal cost of supervising GENIUS Act-related activities attributable to those assets. However, the agency preliminarily concludes it lacks sufficient certainty of its future supervisory needs to determine with confidence the threshold above which this circumstance would arise. The agency nevertheless seeks comment and any information to better assess whether there is a reserve asset threshold above which it would be appropriate to impose either a series of graduated additional discounts or a cap for purposes of calculating assessments.

Question 196: As noted, the OCC will rely on weekly and quarterly reporting under proposed § 15.14 to determine the appropriate semiannual assessment amount due from each supervised institution in connection to their GENIUS Act-related activities. The OCC requests any information and comment regarding the adequacy of these reports for these purposes. For example, is the OCC using the correct reports? Is there any concern that the OCC will have too few data points to measure rolling reserve assets? Should the OCC require reporting on a rolling daily or weekly basis, directly to the OCC? Should the required reporting be focused on the latest figures, the highest figures, the median, or the mean? Should the OCC leverage the proposed weekly reporting required under proposed § 15.14(h)?

Question 197: The OCC considered whether to reduce assessment for institutions subject to subpart B whose GENIUS Act-related activities would be subject to joint or coordinated review as between the OCC and either State permitted stablecoin regulators or foreign payment stablecoin regulators.[131] The appropriateness of assessing one or more classes of institutions subject to subpart B at lower rates would depend on whether the cost of supervising those institutions' GENIUS Act-related activities is in fact shared jointly with another regulator such that the cost to the OCC is *meaningfully* lower than the cost of assessing national banks and Federal savings associations. Based on the OCC's supervisory experience in similar circumstances involving joint or coordinated circumstances, in the agency's judgement it is not likely that the costs will be any lower. The OCC nevertheless seeks comments or any information that may support adopting alternative assessment methodologies under proposed subpart B for all or a subset of institutions subject to subpart B and subject to joint or coordinated supervision in connection with their GENIUS Act-related activities, such as applying a discount in the range of 35 to 55 percent to Foreign or State qualified payment stablecoin issuers, or both, to reflect shared supervisory jurisdiction. In addition, the OCC requests comment on whether the 35 to 55 percent range is appropriate.

General Request for Comment

Question 198: Does the proposed rule fulfill the GENIUS Act's mandate to issue regulations necessary to ensure financial stability? Are there other issues that the OCC should explicitly address, or risk management requirements it should impose, to ensure financial stability? Should the OCC collect any additional data in order to monitor financial stability in accordance with the GENIUS Act? If so, what data should it collect and how should it be collected?

Question 199: A permitted payment stablecoin issuer must be obligated to convert, redeem, or repurchase its issued payment stablecoins for a fixed amount of monetary value, not including a digital asset denominated in a fixed amount of monetary value. Is additional guidance needed on the accounting treatment for issued stablecoins and the associated reserve assets? If so, what considerations should factor into any such guidance (*e.g.,* what legal structures would be relevant to the accounting treatment)?

Question 200: What impact would the proposed rule have on credit creation? How can the OCC minimize any negative impact to credit creation?

Question 201: Should any additional aspects of the proposed rule be adjusted based on the size of the permitted payment stablecoin issuer? For example, are there additional aspects of the proposed rule that should be applied exclusively to issuers with outstanding issuance above a certain amount? Should the OCC measure the ''size'' of a permitted payment stablecoin issuer by its outstanding stablecoin issuance or is there a better measurement?

Question 202: Are there any aspects of the proposed rule that the OCC should adjust to promote fair competition between banks and non-banks?

Question 203: Should the proposed rule explicitly address permitted payment stablecoin issuers that also issue/redeem the same or similar stablecoins in one or more foreign jurisdictions? Could these issuers be subject to additional risks or operational challenges that are not sufficiently addressed by the proposed rule? To what extent should stablecoin holders be able to distinguish between the same or similar stablecoins issued under the GENIUS Act versus another regulatory regime? If the holder should be able to establish that it is holding a GENIUS Act compliant stablecoin, how should the OCC assist the holder in making this determination? For example, should the OCC impose required disclosures or technical requirements, such as through smart contracts, including those that use wrappers or other techniques?

Question 204: What additional issues could arise with respect to a business model where a foreign affiliate issues or redeems payment stablecoins abroad? How should the OCC address these issues?

Question 205: Are there any other technical developments in distributed ledger protocols, digital assets, or related technologies that the proposed rule should address to ensure the purposes of the GENIUS Act are being met? For example, should the OCC consider automating aspects of reporting or oversight? Should the OCC incorporate additional provisions concerning the use of smart contracts when considering compliance with aspects of the proposed rule, such as risk management? Are there dynamics relevant to particular blockchains that could affect liquidity, redemption, operating risk, or run risk that the OCC should consider and incorporate into any final rule?

Question 206: Are there any particular considerations that the OCC should bear in mind or changes that the OCC should make with respect to permitted payment stablecoin issuers that are owned or operated by a consortium of other entities? In cases where the consortium includes both State-chartered insured depository institutions and national banks or Federal savings associations, which agency should be the primary Federal payment stablecoin regulator

[131] As noted, State chartered depository institutions that exceed the $10 billion in consolidated total outstanding issuances threshold are subject to the supervision of the OCC and the State payment stablecoin regulator *acting jointly,* and nonbank State qualified payment stablecoin issuers that exceed the $10 billion in consolidated total outstanding issuances threshold are subject to the supervision of the OCC and the State payment stablecoin regulator *acting in coordination.* Likewise, Foreign qualified payment stablecoin issuers will be subject to the supervision of foreign payment stablecoin regulators, as well as the OCC in connection with certain GENIUS Act-related activities.

(*e.g.,* the primary Federal payment stablecoin regulator of the majority owner or owners)?

Question 207: Should the OCC adopt any new rules or change any existing rules to implement the insolvency provisions of the GENIUS Act? Should the OCC require permitted payment stablecoin issuers to establish resolution plans?

Question 208: Section 12 of the GENIUS Act provides that the primary Federal payment stablecoin regulators, in consultation with the National Institute of Standards and Technology, and other relevant standard-setting organizations, and State bank and credit union regulators, shall assess and, if necessary, prescribe standards for permitted payment stablecoin issuers to promote compatibility and interoperability with other permitted payment stablecoin issuers and the broader digital finance ecosystem. What efforts are issuers currently taking to address challenges posed by interoperability? What considerations should the regulators take into account in determining whether standards are necessary? Would the promulgation of standards help to broaden adoption of stablecoins?

Question 209: What are risks posed by different types of interoperability solutions and how might issuers and regulators manage those risks? How can interoperability solutions aid in addressing risks facing issuers? What risks are introduced by cross-chain bridges and other interoperability solutions and how do these risks interact with BSA/AML and sanctions requirements? What steps can be taken to address such BSA/AML and sanctions concerns?

Question 210: Is there anything else the OCC should do to address potential fraud concerns in the context of a final rule? For example, a bad actor may create fraudulent tokens intended to mimic a payment stablecoin. Are there technical or other requirements the OCC should impose to mitigate the potential for such fraudulent tokens to harm consumers? For example, should authentic stablecoins be required to have an electronic signature that can be verified by a recipient? Are there other areas of potential fraud that the OCC should be aware of and should attempt to mitigate in the final rule?

Question 211: What changes to existing rules should be made in recognition of the GENIUS Act? For example, should the OCC revise 12 CFR part 44 or 50 to ensure that stablecoin reserves do not count against relevant thresholds in those rules? Does 12 CFR part 44 pose any substantial impediment for banking entities planning to engage in permitted payment stablecoin activities? In particular, are there aspects of 12 CFR 44.5, 44.6, or 44.20 that would present undue burden or difficulties for a permitted payment stablecoin issuer that is subject to 12 CFR part 44?

IV. Expected Effects

The OCC expects the primary effect of the GENIUS Act and the proposed rule will be an increase in the aggregate market capitalization of payment stablecoins in response to an increased demand for payment stablecoins. While the OCC expects that payment stablecoins would continue to be issued in the absence of the GENIUS Act, the OCC anticipates that regulatory clarity and simplification from the proposed rule will stimulate payment stablecoin issuance in the short-run, beyond issuance that would have taken place in the absence of the proposed rule. Consistent with the proposed rule, this analysis assumes that permitted payment stablecoin issuers will not pay the holder of a payment stablecoin any form of interest or yield solely in connection with the holding, use, or retention of such payment stablecoin and that certain arrangements with affiliates or related third parties will be presumed to run afoul of this prohibition.

V. Regulatory Analysis

Paperwork Reduction Act

This notice of proposed rulemaking has been reviewed for compliance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*). In accordance with the PRA, the OCC may not conduct or sponsor, and an organization is not required to respond to, an information collection unless the information collection displays a currently valid Office of Management and Budget (OMB) control number. The OCC has reviewed the notice of proposed rulemaking and determined that it would introduce new information collection requirements pursuant to the PRA. The OCC is seeking a new control number for these information collection requirements and have submitted them to OMB for review and approval.

Proposed Information Collection

Title: Reporting, Recordkeeping, and Disclosure Requirements Associated with Guiding and Establishing National Innovation for U.S. Stablecoins Act for the Issuance of Stablecoins by Entities Subject to the Jurisdiction of the Office of the Comptroller of the Currency.

OMB Control No.: 1557–NEW.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: Twelve CFR part 15 sets forth the OCC's Guiding and Establishing National Innovation for U.S. Stablecoins Act (12 U.S.C. 5901 *et seq.*) regarding the issuance of payment stablecoins and certain related activities by entities subject to the OCC's jurisdiction.

The information collection requirements in the proposed rule are as follows:

Reporting Requirements

Section 15.10(c) sets forth prohibitions that would apply to permitted payment stablecoin issuers, including a prohibition on paying interest or yield to payment stablecoin holder solely in connection with the holding, use, or retention of a payment stablecoin. Section 15.10(c)(4)(i) would establish a presumption that certain arrangements with affiliates or related third parties violates this prohibition. Under § 15.10(c)(4)(iii) a permitted payment stablecoin issuer would be able to rebut the presumption described in § 15.10(c)(4)(i), by submitting written materials that demonstrate that the contract, agreement, or other arrangement is not prohibited under § 15.10(c)(4) and is not an attempt to evade the prohibition.

Section 15.10(c)(5)(iii)(B) would permit creating liquidity to meet reasonable expectations of requests to redeem payment stablecoins, such that reserves in the form of Treasury bills with a maturity of 93 days or less may be sold as purchased securities in repurchase agreements, after receiving the prior approval from the OCC, notwithstanding a general prohibition against pledging, rehypothecating, or reusing reserve assets.

Section 15.11(a)(2) would require that permitted payment stablecoin issuers demonstrate the operational capability to access and monetize the identifiable reserve assets, commensurate with the permitted payment stablecoin issuer's risk profile and business model.

Section 15.11(g)(1) would require a permitted payment stablecoin issuer to notify the OCC, through its OCC supervisory office, on any day in which its reserve asset amount has fallen below the required minimum in § 15.11(a). Under § 15.11(g)(4) if the OCC determines that a permitted payment stablecoin issuer has not demonstrated that it meets the reserve asset requirements in § 15.11(a) (b), (c), or (d), the OCC may require the issuer to submit a plan describing how the permitted payment stablecoin issuer

will attain compliance in a specified number of days.

Section 15.12(c)(4) provides that a permitted payment stablecoin issuer would be required to provide notice to the OCC within 24 hours if its redemption requests exceed 10 percent of its outstanding issuance value in a single 24-hour period.

Section 15.13(a)(3) would require a permitted payment stablecoin issuer to manage interest rate risk in a manner that is appropriate to the size and complexity of the permitted payment stablecoin issuer and the complexity of its assets and liabilities and provide for periodic reporting to management and the board of directors regarding interest rate risk with adequate information for management and the board of directors to assess the level of risk.

Section 15.13(b)(7) sets forth notification of unauthorized access requirements that would apply to permitted payment stablecoin issuers. Section 15.13(b)(7)(i) would require that, when a permitted payment stablecoin issuer becomes aware of an incident of unauthorized access to sensitive customer information, including a customer's private key, the permitted payment stablecoin issuer must conduct a reasonable investigation. If the permitted payment stablecoin issuer determines that misuse of its information about a customer has occurred or is reasonably possible, it would be required to notify the affected customer and the OCC as soon as possible. Customer notice must be delayed if an appropriate law enforcement agency determines that notification will interfere with a criminal investigation and provides the permitted payment stablecoin issuer with a written request for the delay. The permitted payment stablecoin issuer would be required to notify its customers of the misuse or possible misuse of customer information as soon as law enforcement notifies the permitted payment stablecoin issuer that notification will no longer interfere with the investigation. Under § 15.13(b)(7)(ii), if a permitted payment stablecoin issuer determines that a group of files has been accessed improperly but is unable to identify which specific customers' information has been accessed and the circumstances of the unauthorized access lead the permitted payment stablecoin issuer to determine that misuse of the information is reasonably possible, it would be required to notify all customers in the group.

Section 15.14(h) would require all permitted payment stablecoin issuers to submit to the OCC, on a weekly basis, in the manner and form specified by the OCC, a confidential report containing the information requested in the form that would be available at *www.occ.gov.*

Section 15.14(i) covers the quarterly reports of financial condition and its required contents. All permitted payment stablecoin issuers subject to OCC supervision would be required to submit to the OCC a quarterly report on the financial condition of the permitted payment stablecoin issuer, including, but not limited to income statement, expenses, balance sheet, reserves, changes in equity, investments, capital, outstanding issuance value, and assets under custody, in a standardized format as prescribed by the OCC within 30 days of the end of the prior quarter. The forms and instructions would be available at *www.occ.gov.* The report of financial condition would be required to contain a declaration by the permitted payment stablecoin issuer's Chief Financial Officer, or the individual performing an equivalent function, that the report is true and correct to the best of their knowledge and belief. The correctness of the report of financial condition would be required to be attested by the signatures of the directors and senior management of the permitted payment stablecoin issuer other than the officer, or the individual performing an equivalent function, making such declaration, with the attestation stating that the report has been examined by them and to the best of their knowledge and belief is true and correct.

Section 15.14(j) covers the submission of other reports requested by the OCC. Upon request, all permitted payment stablecoin issuers, would be required to submit to the OCC a report on the financial condition of the permitted payment stablecoin issuer, the systems of the permitted payment stablecoin issuer for monitoring and controlling financial and operational risks, compliance of the permitted payment stablecoin issuer and any subsidiary thereof with the GENIUS Act, and 12 CFR part 15, and compliance of the permitted payment stablecoin issuer with the requirements of the Bank Secrecy Act and with laws authorizing the imposition of sanctions and implemented by the Secretary of the Treasury.

Section 15.14(k) sets forth ongoing compliance reporting. No later than 180 days after the approval of an application, as defined in § 15.30, and on an annual basis thereafter, a permitted payment stablecoin issuer subject to OCC supervision, would be required to submit to the OCC a certification by its board of directors that the permitted payment stablecoin issuer has implemented anti-money laundering and economic sanctions compliance programs. The programs would be required to be reasonably designed to prevent the permitted payment stablecoin issuer from facilitating money laundering, specifically, facilitating money laundering for cartels and organizations designated as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and the financing of terrorist activities, consistent with the requirements of the GENIUS Act.

Section 15.14(l)(2) sets forth the requirements for preparing and submitting an audited annual financial statement. Section 15.14(l)(2)(ii) would require a permitted payment stablecoin issuer to submit the audited financial statements annually, within 120 days after the end of its fiscal year, to the OCC.

Section 15.14(l)(2)(iii) provides that if a permitted payment stablecoin issuer is unable to timely file all or any portion of the audited annual financial statement that would be required under § 15.14(l)(2)(ii), it must submit a written notice of late filing to the OCC. The notice would be required to disclose the permitted payment stablecoin issuer's inability to timely file all, or specified portions, of its annual financial statement and the reasons therefore in reasonable detail, include the date by which the financial statement will be filed, and be filed on or before the deadline for filing the financial statement.

Section 15.14(m) sets forth notice requirements for changes in control of the permitted payment stablecoin issuer. Under this section, a person seeking to acquire control of a permitted payment stablecoin issuer would be required to follow the requirements of 12 CFR 5.50 as if the permitted payment stablecoin issuer were a national bank.

Section 15.15(b)(2) sets forth initial notice requirements for State qualified payment stablecoin issuers that are nonbank entities with an outstanding issuance value of more than $10 billion. Under the section, a State qualified payment stablecoin issuer that is a nonbank entity with an outstanding issuance value of more than $10 billion would be required to provide written notification to the OCC within five calendar days after reaching such threshold. The written notification would be required to include: the State or States that currently regulate the State qualified payment stablecoin issuer, the State qualified payment stablecoin issuer's outstanding issuance

value as of the date of the notice, the date that the State qualified payment stablecoin issuer first reached the $10 billion outstanding issuance value threshold, and an indication of whether and when the State qualified payment stablecoin issuer ceased issuing, on a net basis, new payment stablecoins and whether the State qualified payment stablecoin issuer intends to seek a waiver pursuant to § 15.15(d).

Section 15.15(b)(3) sets forth the capital analysis requirements for State qualified payment stablecoin issuers that are nonbank entities. Under the section, within 270 days of reaching the $10 billion outstanding issuance value threshold, a State qualified payment stablecoin issuer that is a nonbank entity would be required to submit a capital analysis to the OCC. The analysis would be required to include an analysis of the issuer's current capital position and anticipated capital needs, sufficient to ensure ongoing operations, based on its business model and risk profile. A State qualified payment stablecoin issuer that is a nonbank entity would not be required to submit a capital plan if the issuer has received a waiver pursuant to § 15.15(d) or is not required to transition to the federal regulatory framework pursuant to § 15.15(b)(1)(ii).

Section 15.15(b)(4) sets forth compliance notice requirements for a State qualified payment stablecoin issuer that is a nonbank entity. Under § 15.15(b)(4)(i), for purposes of complying with § 15.15(b)(1)(i), a State qualified payment stablecoin issuer that is a nonbank entity would be required to provide written notification to the OCC, that it complies, with the Federal regulatory framework under 12 CFR part 15. If the State qualified payment stablecoin issuer is not in compliance with the Federal regulatory framework under 12 CFR part 15, the written notice would need to identify the provisions with which the issuer does not comply, provide the issuer's plan for remediating its noncompliance, and explain why the issuer did not comply with the Federal regulatory framework within the 360-day transition period.

Section 15.15(d)(1) would require a State qualified payment stablecoin issuer that is a nonbank entity seeking to remain solely supervised by a State payment stablecoin regulator to submit to the OCC a written waiver request containing information necessary to evaluate such request under § 15.15(d)(2) and (3). In addition, a State qualified payment stablecoin issuer that is a nonbank entity seeking to remain solely supervised by a State payment stablecoin issuer would be required to submit a waiver request within 240 days of reaching the $10 billion outstanding issuance value.

Section 15.30(a)(1) sets forth application requirements for insured national banks, Federal savings associations, and insured Federal branches. This section provides that any insured national bank, Federal savings association, or insured Federal branch that seeks to issue payment stablecoins through a subsidiary would be required to file an application under this section and receive prior approval from the OCC before issuing payment stablecoins.

Section 15.30(a)(2) sets forth application requirements for nonbank entities, uninsured national banks, and uninsured Federal branches. This section provides that any nonbank entity, uninsured national bank, or uninsured Federal branch that seeks to issue payment stablecoins as a Federal qualified payment stablecoin issuer would be required to file an application under this section and receive prior approval from the OCC before issuing payment stablecoins.

Section 15.30(b) sets forth the application process for insured national banks, Federal savings associations, insured Federal branches and nonbank entities, uninsured national banks, and uninsured Federal branches that seek to issue payment stablecoins. The process would require an applicant to submit all the information required by the form for an application under this section. The forms and instruction would be available on the OCC's website. Each director, executive officer, and principal shareholder of the applicant (or in the case of an applicant that is an insured national bank, Federal savings association or Federal branch, of the subsidiary of the applicant) would be required to submit the information prescribed in the Interagency Biographical and Financial Report, available at the OCC's website. An applicant would be required to certify that any filing or supporting material submitted to the OCC contains no material misrepresentations or omissions. The process provides that an applicant should address an application under this section to the appropriate OCC licensing office, unless the OCC advises an applicant otherwise. The OCC will consider an application substantially complete if it contains sufficient information for the OCC to render a decision on whether the applicant satisfies the factors set forth in § 15.30(c). The OCC will notify applicants not later than 30 days after receipt of an application whether the application is substantially complete. If the application is not substantially complete, the OCC will notify the applicant of the information required in order for the application to be substantially complete.

Section 15.30(e)(1) provides that an applicant's request for a written or oral hearing to appeal the OCC's denial of a substantially complete application would be required to be in writing.

Section 15.30(f)(1) provides that an insured national bank, Federal savings association, or insured Federal branch that has a pending substantially complete application for a subsidiary to become a permitted payment stablecoin issuer on or before the effective date of the GENIUS Act may request that the OCC waive the requirements of section 4 of the GENIUS Act (12 U.S.C. 5903) with respect to that subsidiary. The requests would be required to be in writing.

Section 15.30(f)(2) provides that a nonbank entity, uninsured national bank, or uninsured Federal branch that has a pending substantially complete application to become a Federal qualified payment stablecoin issuer on or before the effective date of the GENIUS Act may request that the OCC waive the requirements of section 4 of the GENIUS Act (12 U.S.C. 5903) with respect to that entity. The requests would be required to be in writing.

Section 15.31(b)(2) sets forth reporting requirements for foreign payment stablecoin issuers registered with the OCC. Section 15.31(b)(2)(i) provides that a foreign payment stablecoin issuer registered with the OCC pursuant to § 15.32 would be required to produce the reports required of a permitted payment stablecoin issuer under § 15.14 as well as any other reports the OCC may require. Section 15.31(b)(2)(ii) further provides that a foreign payment stablecoin issuer may request, in writing, an exemption from any reporting requirement that would otherwise apply under proposed § 15.14. The OCC may grant an exemption in its sole discretion.

Section 15.31(c) sets forth prohibitions on interest that would apply to foreign payment stablecoin issuers registered with the OCC pursuant to § 15.32. Under § 15.31(c)(4) a foreign payment stablecoin issuer may rebut the presumption described in § 15.31(c)(2), by submitting written materials that demonstrate that the contract, agreement, or other arrangement is not prohibited under § 15.31(c) and is not an attempt to evade the prohibition.

Section 15.32(a) sets forth application requirements for a foreign payment stablecoin issuer. This section provides

that a foreign payment stablecoin issuer that seeks to be registered with the OCC under section 18(c) of the GENIUS Act (12 U.S.C. 5916(c)) would be required to file an application under this section.

Section 15.32(b) sets forth the application process for a foreign payment stablecoin issuer that seeks to be registered with the OCC under section 18(c) of the GENIUS Act (12 U.S.C. 5916(c)). The process would require an applicant to provide the information that includes all the information required by the form for an application under this section, evidence that the Secretary of the Treasury has determined that the applicant is subject to regulatory and supervisory regime comparable to the GENIUS Act with respect to payment stablecoins, under section 18 of the GENIUS Act (12 U.S.C. 5916), a certification that the applicant will make available to the OCC all information that the OCC deems necessary to determine and enforce compliance with the GENIUS Act, the applicant's consent to United States jurisdiction relating to enforcement of the GENIUS Act and regulations established thereunder, and certification that any filing or supporting material submitted to the OCC contains no material misrepresentations or omissions. The process provides that an applicant should address an application under this section to the appropriate OCC licensing office, unless the OCC advises an applicant otherwise. The forms and instruction would be available on the OCC's website.

Section 15.32(d)(3)(i) would require foreign payment stablecoin issuers provide evidence that it holds reserves in the United States that are sufficient to meet the liquidity demands of United States customers on an ongoing basis, unless otherwise permitted under a reciprocal arrangement implemented by the Secretary of the Treasury under section 18(d) of the GENIUS Act (12 U.S.C. 5916(d)). Additionally, § 15.32(d)(3)(ii) would require foreign payment stablecoin issuers provide to the OCC, on a monthly basis, a report describing the total number of outstanding payment stablecoins issued by the foreign payment stablecoin issuer held by United States customers and the amount and composition of the foreign payment stablecoin issuer's reserves, including their geographic location and average tenor of reserve instruments, using a format substantially similar to the template provided in Table 1 to § 15.32(d)(3).

Section 15.32(f) provides that a foreign payment stablecoin issuer's request for a written or oral hearing to appeal the OCC's rejection of an application for registration would be required to be in writing.

Section 15.40 sets forth capital elements and would require the minimum capital requirement to consist of common equity tier 1 capital and additional tier 1 capital. Among other criteria, § 15.40(b)(1)(iii) would provide that common equity tier 1 capital must be a common stock instrument issued by the payment stablecoin issuer that has no maturity date, can only be redeemed via discretionary repurchases with the prior approval of the OCC, and does not contain any term or feature that creates an incentive to redeem.

Section 15.40(c) sets forth additional tier 1 capital elements, that include instruments that meet specific criteria. Section 15.40(c)(1)(v)(A) would require a permitted stablecoin issuer receive prior approval from the OCC to exercise a call option on the instrument. Additionally, § 15.40(c)(1)(vi) would also require prior approval from the OCC for the redemption or repurchase of the instrument.

Section 15.41 sets forth minimum capital and backstop requirements for permitted payment stablecoin issuers. Section 15.41(d)(2) would require an uninsured national trust bank to submit a notice to the appropriate OCC supervisory office to make an election, or rescind a prior election described in this section.

Section 15.42 sets forth individual additional capital or backstop requirements for individual permitted payment stablecoin issuers. Section 15.42(c)(2)(i) provides that a permitted payment stablecoin issuer would be able to respond to any or all of the items in the notice sent by the OCC notifying the permitted payment stablecoin issuer in writing of the proposed additional capital or backstop requirement and the date by which it should be reached (if applicable). The response would be required to be in writing and delivered to the designated OCC official within 30 days after the date on which the permitted payment stablecoin issuer received the notice or such other time period as the OCC determines appropriate based on the condition of the permitted payment stablecoin issuer.

Section 15.42(c)(3) sets forth the OCC's decision process in determining whether the individual additional capital or backstop requirement should be established for a permitted payment stablecoin issuer and, if so, the requirement and the date the requirement will become effective. Section 15.42(c)(4) provides that the OCC's decision may require the permitted payment stablecoin issuer to develop and submit to the OCC, within a time period specified, an acceptable plan to reach the additional capital or backstop requirement established for the permitted payment stablecoin issuer by the date required.

Recordkeeping Requirements

Section 15.11(a)(1) would require a permitted payment stablecoin issuer to maintain reserve assets that are identifiable, are segregated from and not commingled with other assets owned or held by the permitted payment stablecoin issuer, at all times have a total fair value that equals or exceeds the outstanding issuance value of the permitted payment stablecoin issuer, and are either held directly by the permitted payment stablecoin issuer or within the custody of an eligible financial institution.

Section 15.11(f)(1) would require a permitted payment stablecoin issuer to, each month, have the information disclosed in the previous month-end report required under § 15.11(e) examined by a registered public accounting firm. Section 15.11(f)(2) would require each month, the Chief Executive Officer and Chief Financial Officer (or the persons performing the equivalent functions) of a permitted payment stablecoin issuer submit a certification as to the accuracy of the monthly report required under § 15.11(e) to the OCC.

Section 15.12(b) would require a permitted payment stablecoin issuer's redemption policy establish clear and conspicuous procedures for timely redemption of outstanding payment stablecoins. Timely redemption may not exceed two business days following the date of the requested redemption and any discretionary limitations on timely redemptions can only be imposed by the OCC or, in the case of a State qualified payment stablecoin issuer, by the OCC, Board, or the State payment stablecoin regulator, as applicable.

Section 15.13(a)(1) covers internal controls and information systems. A permitted payment stablecoin issuer, would be required to have internal controls and information systems to support effective risk management, that are appropriate to the size and complexity of the permitted payment stablecoin issuer and the nature, scope, and risk of its activities. The internal controls are required to provide for: an organizational structure with appropriate segregation of duties and an internal control structure that establishes clear lines of authority and responsibility for monitoring adherence to established policies; effective risk assessment; timely and accurate

financial, operational, and regulatory reports, including with respect to the reports required under 12 CFR part 15; adequate procedures to monitor, safeguard, manage, control, and monetize assets, including reserve assets; and compliance with applicable laws and regulations.

Section 15.13(a)(2) covers internal audit systems. A permitted payment stablecoin issuer would be required to have an internal audit system, that is appropriate to the size and complexity of the permitted payment stablecoin issuer and the nature, scope, and risk of its activities. The internal audit system would be required to provide for adequate monitoring of the system of internal controls through an internal audit function, or for a permitted payment stablecoin issuer whose size, complexity or scope of operations does not warrant a full-scale internal audit function, a system of independent reviews of key internal controls. Additionally, the internal audit system would also be required to provide: a system of independent reviews of key internal controls; independence and objectivity; qualified persons responsible for the audit function; and adequate independent testing and review of internal controls and information systems, verification of published information available to customers, calculations for required reserves, and regulatory filings. The internal audit system would also require adequate documentation of tests and findings and any corrective actions, verification and review of management actions to address deficiencies, and review by the permitted payment stablecoin issuer's audit committee or board of directors of the effectiveness of the internal audit systems.

Section 15.13(a)(5) would require a permitted payment stablecoin issuer to establish and maintain a system that is commensurate with the permitted payment stablecoin issuer's size and complexity and the nature and scope of its operations to evaluate and monitor earnings and ensure that earnings are sufficient to support operations and maintain the capital levels required by subpart E of 12 CFR part 15.

Section 15.13(a)(6)(i)(C) would require that a permitted payment stablecoin issuer ensure that transactions between the permitted payment stablecoin issuer and insiders or affiliates are appropriately documented and reviewed by the board of directors.

Section 15.13(b) covers information technology and security programs. Section 15.13(b)(1) would require a permitted payment stablecoin issuer to implement a comprehensive written information security risk and control framework, including a program that assesses and manages information technology and information security risks. Section 15.13(b)(2) would require the board of directors or an appropriate board committee to approve the information technology and security program and oversee the development, implementation, and maintenance of the program, including the appointment of a qualified Information Technology and Security Officer. Such oversight includes assigning specific responsibility for program implementation and review of program-related reports. Section 15.13(b)(3) would require a permitted payment stablecoin issuer's information technology and security program include: an inventory and classification of assets, processes, and sensitivity of data; controls supporting and safeguarding sensitive information and processes; evaluation, validation, and reporting processes to ensure that key information technology systems and controls, including smart contracts are operating as intended; periodic independent testing; and a comprehensive and effective incident identification and assessment process and incident response program. Section 15.13(b)(4) requires a permitted payment stablecoin issuer's information technology and security program include administrative, technical, and physical safeguards designed to ensure the security and confidentiality of records containing nonpublic personal information about a customer. The program would also be required to protect against any anticipated threats or hazards to the security or integrity of such records, protect against unauthorized access to or use of such records that could result in substantial harm or inconvenience to any customer, and ensure the proper disposal of such records. Section 15.13(b)(6) provides that a permitted payment stablecoin issuer would be required to monitor, evaluate, and adjust, as appropriate, the information technology and security program in light of any relevant changes in technology, the sensitivity of its customer information, internal or external threats, and the permitted payment stablecoin issuer's own changing business arrangements. Finally, § 15.13(b)(8) would require a permitted payment stablecoin issuer's information technology and security program include measures to ensure continuity of operations and recovery of critical functions in the face of disruptions, including by business impact analyses, testing of vulnerabilities, and testing with critical service providers.

Section 15.13(b)(5) would require a permitted payment stablecoin issuer to develop, implement, and maintain appropriate measures to ensure secure handling of digital assets, including private key management, backup, and recovery incorporating: (i) relevant technical, operational, strategic, market, legal, and compliance considerations relating to each digital asset and its underlying ledger; and (ii) material developments specifically related to supported digital assets and their underlying ledgers.[132]

Section 15.14(f) would require all permitted payment stablecoin issuers to maintain a complete set of books and records in English.

Section 15.14(g) would require all permitted payment stablecoin issuers to develop and implement a records retention policy that is sufficient to ensure the permitted payment stablecoin issuer can demonstrate compliance with the GENIUS Act, 12 CFR part 15, and all applicable laws and regulations.

Section 15.14(l) would require that a permitted payment stablecoin issuer with more than $50 billion in outstanding issuance value, that is not subject to certain reporting requirements under the Securities and Exchange Act of 1934, prepare in accordance with GAAP, an annual financial statement. Section 15.14(l)(1) would require additionally, that a registered public accounting firm perform an audit of the financial statements and sets forth the auditing requirements.

Section 15.15(b) covers the requirements related to a State qualified payment stablecoin issuer that is a nonbank entity transitioning to the OCC's regulatory framework pursuant to section 4 of the GENIUS Act (12 U.S.C. 5903). Section 15.15(b)(1)(i) and (ii), would require a State qualified payment stablecoin issuer that is a nonbank entity of a payment stablecoin with an outstanding issuance value of more than $10 billion to no later than 360 days

[132] If a permitted payment stablecoin issuer holds digital assets on a customer's behalf, the permitted payment stablecoin issuer's risk management practices must reflect this activity. Consistent with the July 14, 2025 Joint Statement on Risk-Management Considerations for Crypto-Asset Safekeeping, permitted payment stablecoin issuers holding digital assets on a customer's behalf would be required to maintain risk management practices, and information security practices in particular, that reflect a permitted payment stablecoin issuer's capacity to understand a complex and evolving asset class, ability to ensure a strong control environment, and appropriate contingency plans to address unanticipated challenges in effectively providing services to customers.

after reaching such threshold, transition to the Federal regulatory framework under 12 CFR part 15 and comply with the provisions of this part applicable to Federal qualified payment stablecoin issuers or cease issuing, on a net basis, new payment stablecoins until the issuer is under the $10 billion outstanding issuance value threshold. Additionally, § 15.15(b)(4)(ii) provides that a State qualified payment stablecoin issuer that does not cease issuing new payment stablecoins in accordance with § 15.15(b)(1)(ii) would be required to transition to the regulatory framework under this part on the earlier of 360 days after reaching the $10 billion outstanding issuance value threshold or the date on which the State qualified payment stablecoin issuer provides written notification under § 15.15(b)(4)(i).

Section 15.21 sets forth covered asset custodial property requirements. Section 15.21(b)(1) provides that a covered custodian would be required to take appropriate steps to protect the covered assets of covered customers from the claims of creditors of the covered custodian and any sub-custodian, as applicable, through adopting, implementing, and maintaining written policies, procedures, and internal controls that are adequate to comply with applicable law and that are commensurate with the covered custodian's size, complexity, and risk profile and with the nature of the applicable covered assets for which it provides custodial services.

Disclosure Requirements

Section 15.11(e) sets forth the specific disclosure requirements for composition reports. A permitted payment stablecoin issuer by noon on the fifth day of a calendar month, would be required to publish the monthly composition of the issuer's reserves held pursuant to the GENIUS Act (12 U.S.C. 5901 *et seq.*) as of noon on the last day of the previous month on the website of the issuer, using a format like the template provided in Table 1 of § 15.11(e). The template should disclose the total number of outstanding payment stablecoins issued by the issuer and the amount and composition of the reserves described in § 15.11(a), including the average tenor and geographic location of custody of each category of reserve instruments.

Section 15.12(a) provides that a permitted payment stablecoin issuer would be required to publicly disclose its redemption policy and include: the timeframe in which the issuer will redeem payment stablecoins and the timeframe under which the issuer is required to redeem payment stablecoins under § 15.12(b)(1)(i); a statement explaining the limitation in § 15.12(b)(1)(ii); a statement explaining the scenarios under which the redemption period may be extended as described in § 15.12(c); a statement with clear instructions on how a payment stablecoin holder can redeem a payment stablecoin, including a link to the website(s) where a customer can redeem the payment stablecoin; and the minimum number of payment stablecoins, if any, that the permitted payment stablecoin issuer will redeem, provided that the issuer must redeem any number greater than or equal to one payment stablecoin, subject to appropriate customer screening and onboarding.

Section 15.12(d) sets forth purchase and redemption disclosures and fee requirements. Section 15.12(d)(1) would require a permitted payment stablecoin issuer publicly, clearly, and conspicuously disclose in plain language and in a format that is readily noticeable to customers, readily understandable by customers, and segregated from other information: the name of the permitted payment stablecoin issuer that issues the payment stablecoin; that the permitted payment stablecoin issuer is the entity that is obligated to convert, redeem, or repurchase the payment stablecoin for a fixed amount of monetary value; the link to the monthly composition report of the relevant permitted payment stablecoin issuer's reserves required under § 15.11(e); and all fees associated with purchasing or redeeming payment stablecoins. Additionally, § 15.12(d)(2) would require that: the permitted payment stablecoin issuer update the disclosures in § 15.12(d)(1)(iv) if there are any changes in fees associated with purchasing or deeming payment stablecoins and provide customers at least seven calendar days' prior notice of the change, including by securely delivering the notice to current customers. Section 15.12(d)(3) also would require a permitted payment stablecoin issuer to publish the disclosures in § 15.12(d)(1) and any updates made in accordance with § 15.12(d)(2) on the permitted payment stablecoin issuer's website. Section 15.12(d)(4) also would require the permitted payment stablecoin issuer include the disclosures in § 15.12(d)(1) and any updates made in accordance with § 15.12(d)(2) in any customer agreements that it provides.

Section 15.14(1) would require the audited annual financial statement include the disclosure of any related party transactions, as defined by GAAP.

Section 15.14(l)(2)(i) would require a permitted payment stablecoin issuer to make the audited financial statements publicly available on the permitted payment stablecoin issuer's website.

Section 15.32(d) sets forth the conditions of approval for foreign payment stablecoin issuers seeking to be registered with the OCC under section 18(c) of the GENIUS ACT (12 U.S.C. 5916(c)). Section 15.32(d)(1) and (2) provides that upon request by the OCC, foreign payment stablecoin issuers would be required to grant the OCC prompt and complete access to all officers, directors, employees, and agents and to all relevant books, records, or documents of any type, in a form and location accessible to the OCC in the United States. The foreign payment stablecoin issuer would also be required to make all information available to the OCC in English.

Estimated Burden

Frequency: Weekly, monthly, quarterly, annually, event-generated, and on occasion.

Respondents: National banks, Federal savings associations, Federal qualified payment stablecoin issuers, State qualified payment stablecoin issuers, foreign issuers.

Summary of Total Estimated Annual Burden:

	Estimated number of respondents	Estimated frequency of response	Estimated average hours per response	Estimated annual burden hours
Initial Set-up Reporting Burden:				
Section 15.10(c)(4)(iii)	29	1	0.5	14.5
Section 15.10(c)(5)(iii)(B)	29	1	4	116
Section 15.11(a)(2)	29	1	4	116

[133] Covered under OMB control number 1557–0014.

[134] Covered under OMB control number 1557–0014.

	Estimated number of respondents	Estimated frequency of response	Estimated average hours per response	Estimated annual burden hours
Section 15.11(g)(1)	29	1	1	29
Section 15.11(g)(4)	29	1	4	116
Section 15.12(c)(4)	29	1	0.5	14.5
Section 15.13(a)(3)	29	1	160	4,640
Section 15.13(b)(7)(i)	29	1	4	116
Section 15.13(b)(7)(ii)	29	1	4	116
Section 15.14(h)	29	1	16	464
Section 15.14(i)	29	1	80	2,320
Section 15.14(j)	29	1	16	464
Section 15.14(k)	29	1	80	2,320
Section 15.14(l)(2)(ii)	1	1	480	480
Section 15.14(l)(2)(iii)	1	1	8	8
Section 15.14(m)	29	1	2	58
Section 15.15(b)(2)	1	1	4	4
Section 15.15(b)(3)	1	1	40	40
Section 15.15(b)(4)	1	1	8	8
Section 15.15(d)(1)	1	1	8	8
Section 15.30(a)(1)	12	1	1	12
Section 15.30(a)(2)	17	1	1	17
Section 15.30(b) [133]	.....	.....	.....	.....
Section 15.30(e)(1)	17	1	40	680
Section 15.30(f)(1)	12	1	1	12
Section 15.30(f)(2)	17	1	1	17
Section 15.31(b)(2)	1	1	80	80
Section 15.31(c)(4)	1	1	8	8
Section 15.32(a)	1	1	1	1
Section 15.32(b)	1	1	80	80
Section 15.32(d)(3) Table 1	1	1	1	1
Section 15.32(d)(3)(i)	1	1	40	40
Section 15.32(d)(3)(ii)	1	1	120	120
Section 15.32(f)	1	1	8	8
Section 15.40(b)(1)(iii)	29	1	1	29
Section 15.40(c)(1)(v)(A)	29	1	1	29
Section 15.40(c)(1)(vi)	29	1	1	29
Section 15.41(d)(2)	1	1	2	2
Section 15.42(c)(2)(i)	29	1	40	1,160
Section 15.42(c)(4)	29	1	40	1,160
Total Reporting Burden	.....	.....	.....	14,937
Recordkeeping Burden:				
Section 15.11(a)(1)	29	1	40	1,160
Section 15.11(f)(1)	29	1	8	232
Section 15.11(f)(2)	29	1	8	232
Section 15.12(b)	29	1	8	232
Section 15.13(a)(1)	29	1	80	2,320
Section 15.13(a)(2)	29	1	80	2,320
Section 15.13(a)(5)	29	1	80	2,320
Section 15.13(a)(6)(i)(C)	29	1	8	232
Section 15.13(b)(1), (2), (3), (4), (6), and (8)	29	1	160	4,640
Section 15.13(b)(5)	29	1	80	2,320
Section 15.14(f)	29	1	40	1,160
Section 15.14(g)	29	1	40	1,160
Section 15.14(l)	1	1	160	160
Section 15.14(l)(1)	1	1	1	1
Section 15.15(b)(1)(i) and (ii)	1	1	160	160
Section 15.15(b)(4)(ii)	1	1	1	1
Section 15.21(b)(1)	21	1	8	168
Total Recordkeeping Burden	.....	.....	.....	18,818
Disclosure Burden:				
Section 15.11(e)	29	1	40	1,160
Section 15.11(e) Table 1	29	1	1	29
Section 15.12(a)	29	1	8	232
Section 15.12(d)	29	1	8	232
Section 15.14(l)	29	1	4	4
Section 15.14(l)(2)(i)	1	1	16	16
Section 15.32(d)(1) and (2)	1	1	40	40
Total Disclosure Burden	.....	.....	.....	1,713
Total Initial Set-Up	.....	.....	.....	35,468

	Estimated number of respondents	Estimated frequency of response	Estimated average hours per response	Estimated annual burden hours
Ongoing Compliance Reporting Burden:				
Section 15.10(c)(4)(iii)	29	1	1	29
Section 15.10(c)(5)(iii)(B)	29	1	1	29
Section 15.11(a)(2)	29	1	16	464
Section 15.11(g)(1)	29	1	1	29
Section 15.11(g)(4)	29	1	8	232
Section 15.12(c)(4)	29	1	0.5	14.5
Section 15.13(a)(3)	29	12	40	13,920
Section 15.13(b)(7)(i)	29	1	1	29
Section 15.13(b)(7)(ii)	29	1	1	29
Section 15.14(h)	29	52	1	1,508
Section 15.14(i)	29	4	16	1,856
Section 15.14(j)	29	1	40	1,160
Section 15.14(k)	29	1	8	232
Section 15.14(l)(2)(ii)	1	1	40	40
Section 15.14(l)(2)(iii)	1	1	16	16
Section 15.14(m)	29	1	2	58
Section 15.15(b)(2)	1	1	1	1
Section 15.15(b)(3)	1	1	1	1
Section 15.15(b)(4)	1	1	1	1
Section 15.15(d)(1)	1	1	1	1
Section 15.30(a)(1)	12	1	1	12
Section 15.30(a)(2)	17	1	1	17
Section 15.30(b) [134]	.....	.....	.....	.....
Section 15.30(e)(1)	17	1	1	17
Section 15.30(f)(1)	12	1	1	12
Section 15.30(f)(2)	17	1	1	17
Section 15.31(b)(2)	1	1	80	80
Section 15.31(c)(4)	1	1	8	8
Section 15.32(a)	1	1	1	1
Section 15.32(b)	1	1	1	1
Section 15.32(d)(3) Table 1	1	1	1	1
Section 15.32(d)(3)(i)	1	1	40	40
Section 15.32(d)(3)(ii)	1	12	16	192
Section 15.32(f)	1	1	1	1
Section 15.40(b)(1)(iii)	29	1	1	29
Section 15.40(c)(1)(v)(A)	29	1	1	29
Section 15.40(c)(1)(vi)	29	1	1	29
Section 15.41(d)(2)	1	1	1	1
Section 15.42(c)(2)(i)	29	1	1	29
Section 15.42(c)(4)	29	1	1	29
Total Reporting Burden	.....	.....	.....	20,194.50
Recordkeeping Burden:				
Section 15.11(a)(1)	29	12	4	1,392
Section 15.11(f)(1)	29	12	2	696
Section 15.11(f)(2)	29	12	0.25	87
Section 15.12(b)	29	1	1	29
Section 15.13(a)(1)	29	1	1	29
Section 15.13(a)(2)	29	1	1	29
Section 15.13(a)(5)	29	1	1	29
Section 15.13(a)(6)(i)(C)	29	1	1	29
Section 15.13(b)(1), (2), (3), (4), (6), and (8)	29	1	1	29
Section 15.13(b)(5)	29	1	1	29
Section 15.14(f)	29	1	8	232
Section 15.14(g)	29	1	1	29
Section 15.14(l)	1	1	1	1
Section 15.14(l)(1)	1	1	1	1
Section 15.15(b)(1)(i) and (ii)	1	1	1	1
Section 15.15(b)(4)(ii)	21	1	1	21
Section 15.21(b)(1)	.....	.....	.....	.....
Total Recordkeeping Burden	.....	.....	.....	2,664
Disclosure Burden:				
Section 15.11(e)	29	12	8	2,784
Section 15.11(e) Table 1	29	12	1	348
Section 15.12(a)	29	1	1	29
Section 15.12(d)	29	1	1	29
Section 15.14(l)	1	1	8	8
Section 15.14(l)(2)(i)	1	1	8	8
Section 15.32(d)(1) and (2)	1	1	40	40

	Estimated number of respondents	Estimated frequency of response	Estimated average hours per response	Estimated annual burden hours
Total Disclosure Burden				3,246
Total Ongoing Compliance				26,104.50
Grand Total				61,572.50

Total estimated annual burden hours: 61,573 (rounded) (35,468 hours for initial setup and 26,105 (rounded) hours for ongoing compliance).

Comments on aspects of this document that may affect reporting, recordkeeping, or disclosure requirements and burden estimates should be submitted as provided in the **ADDRESSES** section of the **SUPPLEMENTARY INFORMATION** and are 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.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA),[135] requires an agency to consider the impact of its proposed rules on small entities (defined by the U.S. Small Business Administration (SBA) for purposes of the RFA to include commercial banks and savings institutions with total assets of $850 million or less and trust companies with total assets of $47 million or less). In connection with a proposed rule, the RFA generally requires an agency to prepare an Initial Regulatory Flexibility Analysis (IRFA) describing the impact of the rule on small entities, unless the head of the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities and publishes such certification along with a statement providing the factual basis for such certification in the **Federal Register**. An IRFA must contain: (1) a description of the reasons why action by the agency is being considered; (2) a succinct statement of the objectives of, and legal basis for, the proposed rule; (3) a description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply; (4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirements and the type of professional skills necessary for preparation of the report or record; (5) an identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap with, or conflict with the proposed rule; and (6) a description of any significant alternatives to the proposed rule that accomplish its stated objectives.

The OCC currently supervises 997 institutions (national banks, Federal savings associations, and branches or agencies of foreign banks),[136] of which approximately 609 are small entities under the RFA.[137]

In general, the OCC classifies the economic impact on an individual small entity as significant if the total estimated impact in one year is greater than 5 percent of the small entity's total annual salaries and benefits or greater than 2.5 percent of the small entity's total non-interest expense. Furthermore, the OCC considers 5 percent or more of OCC-supervised small entities to be a substantial number, and at present, 30 OCC-supervised small entities would constitute a substantial number.

Given that all current OCC banks that issue stablecoins generally have issuance of over $1 billion and are not considered small entities and the lack of small entity stablecoin issuers, the OCC will need to wait for more information to determine whether it is likely that there will be a significant number of small entities affected by the proposed rule. At this time, the OCC does not expect that the proposed rule would have a significant impact on a substantial number of small entities under the RFA.

OCC Unfunded Mandates Reform Act

The OCC has analyzed the proposed rule under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA).[138] 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).

The OCC has determined that the proposed rule may result in an expenditure of $187 million or more annually by the private sector. The OCC has prepared an impact analysis and identified and considered alternative approaches. When the proposed rule is published in the **Federal Register**, the full text of the OCC's analysis will be available at: *https://www.regulations.gov,* Docket ID OCC–2025–0372.

Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994, 12 U.S.C. 4802(a), in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, the agencies will consider, consistent with principles of safety and soundness and the public interest: (1) any administrative burdens that the proposed rule would place on

[135] 5 U.S.C. 601 *et seq.*

[136] Based on data accessed using the OCC's Financial Institutions Data Retrieval System on February 20, 2026.

[137] The OCC bases its estimate of the number of small entities on the Small Business Administration's size thresholds for commercial banks and savings institutions, and trust companies, which are $850 million and $47 million, respectively. Consistent with the General Principles of Affiliation, 13 CFR 121.103(a), the OCC counted the assets of affiliated financial institutions when determining if it should classify an OCC-supervised institution as a small entity. The OCC used average quarterly assets in 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.*

[138] 2 U.S.C. 1531 *et seq.*

depository institutions, including small depository institutions and customers of depository institutions; and (2) the benefits of the proposed rule. The OCC requests comment on any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions, and their customers, and the benefits of the proposed rule that the agencies should consider in determining the effective date and administrative compliance requirements for a final rule.

Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023, 5 U.S.C. 553(b)(4), requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website *www.regulations.gov.*

The OCC is proposing to issue regulations to implement the GENIUS Act regarding the issuance of payment stablecoins and certain related activities by entities subject to the OCC's jurisdiction. The proposal and the required summary can be found at *https://www.regulations.gov* by searching for Docket ID OCC–2025–0372 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), Office of Management and Budget 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 ''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 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 an economically 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 set forth below.

Baselines

Prior to passage of the GENIUS Act and drafting of the proposed rule, there was no comprehensive Federal framework governing payment stablecoin issuance. Rather, payment stablecoin issuance was subject to State stablecoin laws, State crypto-asset regulations, and/or State money transmission laws. For non-OCC regulated banks that will be permitted payment stablecoin issuers, the OCC used the requirements contained in New York stablecoin laws as the baseline based on the assumption that non-OCC-regulated banks that issue stablecoins would have complied with New York State laws and regulations given that at least a portion of the issuers' stablecoin activity would occur in New York and therefore generally require the issuer to register in New York. For OCC-regulated national banks and Federal savings association affiliated subsidiaries that would be permitted payment stablecoin issuers, in the absence of the proposed rule, these entities would be subject to existing laws and regulations that do not specifically contemplate stablecoins. The OCC confirmed in interpretive letters that its regulated institutions can issue payment stablecoins and are allowed to hold deposits that serve as reserves for their stablecoin issuer customers.[139] While the interpretive letters recognized that OCC regulated institutions may provide stablecoin services, the interpretive letters did not provide a formal federal regulatory structure governing OCC regulated banks' stablecoin issuance. Therefore, the baseline would be treatment under existing applicable Federal law and regulations that did not specifically contemplate stablecoins. Stablecoin issuance and stablecoin reserve assets would generally have been treated as standard balance sheet assets and liabilities, and so the OCC estimated costs for OCC-regulated bank affiliated permitted payment stablecoin issuers relative to a baseline where the stablecoins and stablecoin reserve assets would be subject to applicable laws and regulations governing national bank and Federal savings association assets and liabilities.

For the baseline described above, the OCC assumes the most likely regulatory outcome in the absence of the GENIUS Act and its implementing regulations. Specifically, the OCC assumes that OCC regulated banks would have been allowed to legally issue payment stablecoins and would not have been subject to State stablecoin laws. Additionally, the OCC assumes there would have been no broad Federal stablecoin framework. This baseline assumes some OCC-regulated banks would eventually begin issuing or increase their issuance of payment stablecoins to compete with non-bank issuers' payment stablecoin activities. Under this baseline, the OCC concludes that stablecoin issuance by OCC-regulated bank affiliated permitted payment stablecoin issuers would increase, but significantly less than such increases in issuance after the implementation of the rules required by the GENIUS Act. The OCC expects that OCC-regulated bank affiliated permitted payment stablecoin issuers would issue fewer payment stablecoins under this baseline because payment stablecoin issuance would be more costly in absence of the proposed rule's provisions. In addition, the OCC believes that stablecoin issuance would be more limited under the baseline as there would be costs due to a lack of uniform Federal rules. Nevertheless, the OCC believes that the most likely scenario is that banks would still have issued some amount of payment stablecoins under the baseline to meet consumer demand, and this would occur despite the greater costs of issuance than would have occurred without the GENIUS Act and its implementing regulations under the baseline.

Overall, to the extent that any requirements under applicable baselines are substantially the same as the requirements in the proposed rule, the OCC's analysis considered the effect of these requirements to generally be *de minimis.* To the extent that there were differences between the mandates in the proposed rule and the assumed baselines, the OCC's analysis measures cost and benefits as the differences in the costs and benefits of the mandates

[139] OCC Interpretive Letter 1174 (January4, 2021); OCC Interpretive Letter 1172 (September 21, 2020).

in the proposed rule and the mandates in the applicable baselines.

Affected Parties

The OCC estimates that the proposed rule would affect a total of 29 entities that will become OCC-supervised permitted payment stablecoin issuers. The OCC anticipates that 12 OCC-regulated national banks and Federal savings associations will have permitted payment stablecoin issuer affiliated subsidiaries and be affected by the proposed rule. The OCC anticipates that at least 12 currently non-OCC regulated institutions would become permitted payment stablecoin issuers or have permitted payment stablecoin issuer affiliates. This number includes potential non-bank financial companies, non-financial companies, as well as already existing non-bank-financial-company payment stablecoin issuers that could apply to become payment stablecoin issuers. For the non-OCC-regulated-bank-affiliated permitted payment stablecoin issuers, the OCC is using New York State stablecoin laws and regulations as a baseline. The OCC also expects non-OCC regulated institutions could opt to issue payment stablecoins through partners (*e.g.,* white-label) or as apart of consortia of issuers. The OCC estimates that there will be five white-label or consortia issuers that will become permitted payment stablecoin issuers. Depending on the composition of the consortium, the baseline could be either New York State regulation or the OCC-regulated national bank and Federal savings association baseline.

Economic Analysis of Requirements and Expected Costs and Cost Savings

For calculations that require an estimate of the total value of expected payment stablecoin issuance, the OCC used forecasts of aggregate stablecoin issuances from private sector forecasts reported in the media. The forecast data [140] indicate upper bounds for payment stablecoin issuance of $250 billion in 2025 and $500 billion in 2026. The OCC reviewed costs associated with the proposed rule according to the following categories: (a) reserve requirements; (b) redemption requirements; (c) capital requirements; (d) custody requirements; and (e) miscellaneous administrative and compliance requirements. The OCC aggregated the cost estimates to generate a total cost estimate for each baseline.

Reserve Requirements

The proposed rule implements section 4(a) of the GENIUS Act and includes requirements governing the management, composition, and reporting of reserves that back payment stablecoin issuance. Under the proposed rule, a permitted payment stablecoin issuer must maintain and demonstrate the operational capacity to monetize all types of reserves it maintains. Because liquidity measurement and management are already integral components of a bank's ongoing operations, the OCC expects many permitted payment stablecoin issuers to already have the internal practices in place to meet this requirement or to be able to demonstrate monetization through the usual course of business. For example, institutions that monetize United States Treasury securities on a regular basis through the ordinary course of business may be able to rely on evidence of sales to meet the monetization requirement. Permitted payment stablecoin issuers may also be able to demonstrate liquidity by establishing that they maintain appropriate repo arrangements through which they can quickly pledge and receive liquid funds. Additionally, large institutions under OCC supervision are already subject to extensive monetization testing and analysis to demonstrate liquidity. In these cases, the OCC does not expect additional compliance costs due to the monetization requirement. To the extent that demonstrating liquidity does not already reflect an institution's current business practices, the requirement to demonstrate monetization could increase operational expenses; however, based on the institutions expected to become permitted payment stablecoin issuers, we expect affected institutions (*i.e.,* both non-OCC regulated institutions and OCC-regulated institutions) would already have internal liquidity practices in place and be able to meet the requirement without additional burden.

The proposed rule states that for some permitted payment stablecoin issuers—depending on the issuer's size, business model, and operations—it may be necessary to periodically conduct monetization transactions to demonstrate liquidity, which could introduce new costs for some permitted payment stablecoin issuers. For example, institutions that do not monetize certain assets already on a frequent basis may need to conduct specific transactions that go beyond ordinary business activities. In another context, trade associations have pointed out that this could potentially lead to institutions having to recognize a loss for a sale solely for demonstration purposes.[141] However, based on the experience of OCC banks that currently engage in monetization testing, the OCC expect these instances to be rare.

The proposed rule also includes requirements on the composition and reporting of reserves. Identifiable reserves must be comprised of specified high-liquid instrument types, such as cash, demand deposits, and short-term United States Treasury bills, notes, and bonds. Relative to the pre-existing regulatory baseline, the OCC estimates that non-OCC-regulated-bank affiliated issuers would have already managed reserves in a manner consistent with the proposed rule. New York's Department of Financial Services (NYDFS) imposes restrictions on how reserves can be held by stablecoin issuers and are similar to those in the proposed rule.[142] Therefore, the OCC estimates that non-OCC-regulated-bank-affiliated PPSIs would incur no new costs to acquire and report reserve assets in the instrument types required by the GENIUS Act and the proposed rule as these institutions would already satisfy these requirements under the baseline.[143]

For OCC-regulated institutions, there could be opportunity costs associated with holding reserves in the specified high-quality liquid assets compared to potentially higher-yielding alternatives, given that any prior payment stablecoin issuance may not have been subject to NYDFS regulations. While the OCC does not attempt to quantify this cost, which would fluctuate with current market rates at any given point time, the OCC anticipates that many permitted payment stablecoin issuers would likely have managed reserves in a manner consistent with the reserve requirements

[140] *See* Muyao Shen, ''Stablecoin Sector May Reach $2 Trillion: Standard Chartered,'' Bloomberg (April 15, 2025), *https://www.bloomberg.com/news/articles/2025-04-15/stablecoin-sector-may-reach-2-trillion-standard-chartered-says.* When the OCC applies a compound growth rate from $250 billion as of the time of the enactment of the GENIUS Act, market cap for 2026 is estimated at $500 billion, market cap for 2027 at $1 trillion, and market cap for 2028 at $2 trillion.

[141] *See* SIFMA, et al., ''Liquidity Coverage Ratio: Liquidity Risk Measurement, Standards, and Monitors'' (January 31, 2014), *available at https://www.sifma.org/wp-content/uploads/2017/05/sifma-and-other-associations-submit-comments-to-multiple-regulators-on-liquidity-coverage-ratio.pdf.*

[142] *See* New York Department of Financial Services, ''Guidance on the Issuance of U.S. Dollar-Backed Stablecoins,'' (June 8, 2022), *https://www.dfs.ny.gov/industry_guidance/industry_letters/il20220608_issuance_stablecoins* (describing New York State's reserve requirements for U.S. dollar-backed stablecoins).

[143] Current stablecoin issuers already hold reserves in high-liquid instrument types. For example, Circle, the second largest stablecoin issuer, holds 99.5% of its total reserves in cash, short-term U.S. Treasury bills and notes, and repurchase agreements secured by such obligations or cash. *See* BlackRock, ''Circle Reserve Fund'' (last visited December 22, 2025), *https://www.blackrock.com/cash/en-us/products/329365/.*

either to conform with market practices and remain competitive with non-OCC regulated issuers or to comply with requirements that would be applicable to payment stablecoins if held on banks' balance sheets.

Finally, the proposed rule mandates publication of a monthly reserve composition report, examination of this report by a registered public accounting firm, and monthly submission of certification of the CEO and CFO (or the persons performing the equivalent functions) to the OCC. These efforts will require various reporting, training, and auditing expenses. The OCC estimates the average burden of the monthly composition report to be two hours per response, or $3,144 (24 hours * $131) per issuer on an annual basis and apply to all permitted payment stablecoin issuers.[144]

Due to an overlap with existing State laws, the OCC does not expect that the auditing mandate will impose additional burden on non-OCC regulated institutions relative to the baseline; NYDFS requires reserves to be subject to examination at least once per month by an independent Certified Public Accountant. In contrast, the OCC anticipates that OCC-regulated institutions would face higher auditing costs from a monthly auditing requirement. OCC-regulated institutions are generally audited quarterly. Moving to monthly audits performed by an independent Certified Public Accountant would result in a threefold increase in auditing frequency. The OCC estimates the incremental cost in moving from quarterly to monthly certification of these reports by a public accounting firm to be $40,000 per issuer on an annual basis.

Overall, the OCC attributes aggregate reporting costs of $75,456 ($3,144 * 24 issuers) and auditing costs of $480,000 ($40,000 * 12 issuers) to the statute in 2026, relative to the existing regulatory baseline. The total estimated costs associated with the reserve requirements are therefore $555,456 ($555,456 = $75,456 + $480,000).

[144] This estimate is based on public reporting burden for comparable Federal Reserve Board reporting forms of similar burden. *See* Board of Governors of the Federal Reserve System, ''Reporting Forms'' (last visited December 22, 2025), *https://www.federalreserve.gov/apps/reportingforms*. The hourly wage rate is based on data from the United States Bureau of Labor Statistics (BLS) for depository credit intermediation (NAICS 522100). To estimate compensation costs associated with the Guidelines, we use $131 per hour, which is based on the average of the 90th percentile for the occupations reported annually by the BLS plus an additional 38 percent to cover inflation and private sector benefits.

Redemption Requirements

The proposed rule would impose several mandates governing payment stablecoin redemption. The OCC expects that non-OCC-regulated-bank-affiliated permitted payment stablecoin issuers would have already complied with such mandates under the baseline. Additionally, for OCC-regulated banks, the OCC expects that such banks would have voluntarily complied with these requirements and therefore generally incur no new costs relative to the baseline.

With respect to the disclosure mandates required by the proposed rule, the OCC does not expect that the proposed rule will cause OCC-regulated bank-affiliated permitted payment stablecoin issuers to incur significant new costs because current stablecoin regulations and money-transmission laws that govern New York State stablecoin issuance already impose similar mandates. For OCC-regulated banks that would be permitted payment stablecoin issuers, the OCC expects that such institutions would voluntarily provide such information to compete for customers. Additionally, because OCC-regulated banks already comply with several reporting and disclosure requirements in other business lines, the OCC does not expect that there would be significant fixed costs in complying with the redemption disclosure requirements. Therefore, OCC-regulated banks that would be permitted payment stablecoin issuers would also not incur significant new costs related to these disclosure requirements.

The proposed rule defines ''timely'' to mean that the permitted payment stablecoin issuer would have to redeem a payment stablecoin no later than two-business days from the date of the requested redemption. This is the same as New York State's guideline of two-business days and comparable to existing stablecoin procedures. Therefore, non-OCC-regulated-bank-affiliated permitted payment stablecoin issuers would incur no new costs relative to the baseline. Additionally, the OCC expects that OCC-regulated banks would have complied with the two-business day mandate in the absence of this timeliness requirement due to market conventions and competitive pressures. Since current technology allows for nearly instantaneous transfers of account funds within financial institutions, the OCC believes that the costs associated with complying with the two-business day requirement would be *de minimis.*

With respect to the provision in proposed § 15.12(c) that provides for an extended redemption period of seven calendar days in the event of significant redemption demands—unless the OCC determines that the issuer has the ability to redeem sooner in an orderly fashion and through a fair and transparent process—the OCC expects that all issuers would benefit from this extended period and there would be no associated costs. Although the proposal requires notice to the OCC within 24 hours of such a significant redemption event, the OCC expects that any costs would be *de minimis* because notification is provided through issuers' existing supervisory contacts.

Capital Requirements

In order to estimate the monetary cost of the capital requirements in the proposed rule, the OCC assumed an average cost for each payment stablecoin issuer and made assumptions regarding the inputs to the cost calculations. To calculate the cost of equity capital requirements, the OCC assumed that under the proposed rule, all payment stablecoin issuers will initially be required to maintain the minimum amount of capital which includes the $5 million requirement for de novo banks and the ongoing 12-month-operating-expense backstop. The OCC assumed that for the component of the capital requirement that is based on permitted payment stablecoin issuer discretion that permitted payment stablecoin issuers will not hold more capital than they would elect to in the absence of the proposed rule. For the cost-of-equity-capital calculation the OCC assumed:

- In 2026 there will be 12 OCC-bank-affiliated permitted payment stablecoin issuers and 12 non-OCC-bank affiliated permitted payment stablecoin issuers.
- Initially in 2026, the upper-bound for market size, measured by the value of outstanding stablecoins, will be $500 billion. Of this $500 billion, the OCC attributes $375 billion to non-OCC-bank affiliated permitted payment stablecoin issuers and $125 billion to OCC bank-affiliated permitted payment stablecoin issuers.
- Under the baseline scenario, without the GENIUS Act and the proposed rule, the OCC bank-affiliated permitted payment stablecoin issuers would only issue $50 billion in payment stablecoins, which is $75 billion less than the issuance under the GENIUS Act and the proposed rule. Additionally, under the baseline, non-OCC-bank-affiliated permitted payment stablecoin issuers would issue the same amount of payment stablecoins that they would have under the GENIUS Act and under the proposed rule. In total, under

the baseline, there is $425 billion in issuance, with $50 billion attributable to OCC bank-affiliated permitted payment stablecoin issuers and $375 billion attributable to non-OCC-bank affiliated permitted payment stablecoin issuers.

- The cost of equity capital is the ongoing yearly required return on equity capital that that the OCC expects permitted payment stablecoin issuers to pay to obtain equity to satisfy capital requirements. The current estimate of the cost of capital in the banking industry is 8.37%. Permitted payment stablecoin issuers incur the cost of equity capital upfront by receiving a discounted payment from investors for equity shares in the permitted payment stablecoin issuers.
- The 12-month operating expense amount for each permitted stablecoin issuer will be 0.40% of outstanding stablecoins. The OCC used this cost estimate as a conservative estimate of operating costs of government money market funds and a large stablecoin issuer's 10-Qs as reported pursuant to the Securities Exchange Act of 1934.

The OCC calculated the effect of capital mandates separately for OCC-bank-affiliated permitted payment stablecoin issuers and for non-OCC-bank affiliated permitted payment stablecoin issuers due to differences in baselines. The OCC calculated the effect of capital mandates for OCC-affiliated-bank permitted payment stablecoin issuers under the bank and bank-affiliated-holding company rule baseline and the OCC calculated the effect of the mandates under the New York State baseline for non-OCC-regulated bank affiliated permitted payment stablecoin issuers.

The OCC calculated the total minimum required capital under the proposed rule for all expected permitted payment stablecoin issuers. The first calculation is for the proposed rule's fixed capital requirement of $5 million for de novo issuers. The OCC multiplied the $5 million requirement by 24 to arrive at an aggregate capital requirement of $120 million. The OCC calculated the cost of the aggregate $120 million of equity capital to be roughly $10.0 million which is 8.37% multiplied by the $120 million.

The second part of the cost of capital estimate includes the proposed rule's operational backstop which is a requirement equal to 12 months of operating costs. The OCC estimated the 12-month-operating-expenses to be 0.40% times the expected $500 billion in outstanding stablecoin issues in 2026 which amounts to $2 billion ($500 billion * .40%). The cost of this $2 billion of required capital is the amount of capital times the cost of equity capital (8.37% as calculated by the NYU Stern School) which totals $167.4 million. Because there is no comparable backstop estimate in the regulatory baseline, we include the full $167.4 million toward the cost of capital calculation. The total cost of minimum capital requirements under the proposed rule is $177.4 million which is the sum of the $10.0 million cost of the de novo permitted payment stablecoin issuer requirement plus the $167.4 million cost of the operational backstop requirement.

For non-OCC-regulated-bank affiliated permitted payment stablecoin issuers, to calculate total capital requirements, the OCC subtracted the corresponding expected capital requirement for these permitted payment stablecoin issuers under the New York State baseline. For the New York State baseline, there is fixed capital requirement of $2 million per issuer that applies to stablecoin issuers under New York's ''Limited Purpose Trust Company Charter,'' and the BitLicense charter does not mention a specific minimum capital requirement. The OCC assumed that the minimum capital requirement under New York State rules is at least the $2 million under the ''Limited Purpose Trust Company Charter.'' For the 12 non-OCC-regulated-bank affiliated permitted stablecoin issuers, the OCC calculated a minimum capital requirement of $24 million.

For OCC-regulated-bank affiliated permitted payment stablecoin issuers, the OCC assumed that permitted payment stablecoin issued by OCC-regulated banks would have been treated as standard balance assets and hence, all stablecoin reserve assets would have been subject to the tier 1 leverage ratio, which is set at 4 percent. The OCC projected that OCC-bank-affiliated issuers would be responsible for $50 billion in stablecoin issuance in 2026 and would therefore have needed to hold $2 billion in tier 1 capital ($2 billion = .04 × $50 billion).

Taken together, under the two assumed baselines for the 24 expected permitted payment stablecoin issuers, the OCC calculated that these permitted payment stablecoin issuers would have been required to hold $2.024 billion ($2.024 billion = $2 billion + $24 million) under the assumed baselines. The OCC calculated the cost of equity capital under the baseline to be approximately $169.4 million ($169.4 million = $2.024 billion × 8.37%). Therefore, after accounting for the regulatory baseline, the OCC estimated the capital requirements under the proposed rule to result in a net cost of $8 million 8 million = 177.4 million − $169.4 million) relative to the regulatory baselines.

The last component of the minimum capital requirement is a self-imposed amount of capital to be determined by each permitted payment stablecoin issuer. The OCC estimated the cost of this additional requirement to be zero.

Custody Requirements

The proposed rule imposes mandates governing certain custodial activities of OCC-supervised institutions (including OCC-supervised permitted payment stablecoin issuers).[145] For the proposed rule, the OCC expects that covered custodians for covered assets would likely already be specialized custodial institutions for several assets classes or already provide custodial services for crypto assets, including stablecoins. The OCC concluded that since New York State has already imposed substantially similar compliance mandates on covered custodians for providing custodial services for covered assets, the proposed rule will not result in new costs for covered custodial activities for non-OCC supervised entities.

With respect to OCC supervised bank institutions affiliated permitted payment stablecoin issuers, OCC regulated banks were previously allowed to provide custody services for crypto assets, as confirmed in Interpretive Letters 1170, 1183, and 1184. The OCC does not expect that OCC banks would incur new costs as result of the custody services mandates in the proposed rule because OCC banks providing custody services for crypto assets generally followed industry best practices and guidance governing non-fiduciary custody activities. Therefore, the OCC concluded that OCC-regulated-bank affiliated permitted payment stablecoin issuers would not incur new compliance costs under the proposed rule.

Miscellaneous Administrative and Compliance Requirements

The proposed rule includes other administrative and compliance mandates which include risk management mandates in § 15.13; and compliance mandates in § 15.14. The OCC estimated the cost of all mandates in these sections.

The OCC assessed that for non-OCC-regulated-bank affiliated permitted

[145] Specifically, the proposed rule imposes requirements relating to the custody of ''covered assets'' which include payment stablecoin reserves, payment stablecoins used as collateral, and private keys used to issue payment stablecoins, as well as cash and other property received in the course of the provision of custodial or safekeeping services for such assets.

payment stablecoin issuers that miscellaneous administrative and compliance mandates in the proposed rule effectively overlap with New York State requirements with the exception of the higher frequency confidential weekly reporting requirement and the regular 12- or 18- to 36-month examination requirement in the proposed rule.

The OCC assessed that for OCC-regulated-bank affiliated permitted payment stablecoin issuers, miscellaneous administrative and compliance mandates from the proposed rule overlap with the requirements under the assumed regulatory baseline and that there would be no material new costs to these issuers under the proposed rule.

The OCC estimated the weekly reporting requirement will require one hour per week with a cost of $131.00 per hour. The total weekly reporting cost for 12 non-OCC-regulated bank permitted payment stablecoin issuers annually is therefore $81,744 ($81,744 = 52 * 131 * 12).

To comply with ongoing OCC exam requirements, the OCC estimated that each of the 12 non-OCC-regulated bank permitted payment stablecoin issuers will employ 1,000 employee hours annually on supervisory exams for a total of $131,000 ($131,000 = 131 * 1,000). Therefore, the OCC expected that these 12 permitted payment stablecoin issuers' total expenditures on examinations to total $1,572,000 ($1,572,000 = 131,000 * 12).

In summary, the OCC estimated the ongoing miscellaneous administrative and compliance mandate costs to total $1,653,744 per year ($1,653,744 = $1,572,000 + 81,744).

Assessments

The OCC estimated that in total, the assessment schedule under the proposed rule will save permitted payment stablecoin issuers a total of $11.9 million in assessment fee costs in 2026. The OCC estimated that the 12 OCC-bank-affiliated permitted payment stablecoin issuers would pay an additional $2.1 million in assessment fees relative to their baseline, but that the 12 non-OCC bank affiliated permitted payment stablecoin issuers would save approximately $14 million relative to the New York State baseline.

The OCC estimated that the assessment mandates in the proposed rule will cost permitted payment stablecoin issuers and increase the OCC's assessment revenue by $5.6 million in 2025 if the proposed rule were implemented at the start of 2026. The OCC's projections are based on the September 2025 assessment fee structure for existing OCC-supervised banks applied to the stablecoin market and includes a 35 percent discount for stablecoin issuers. The proposed rule suggests discounts can be increased to as high as 55 percent if approved by the OCC, based on agency needs. The projections do not consider future changes in assessment fee structure or changes to fee schedules. The estimates make the following assumptions:

- All payment stablecoins will be issued by OCC regulated permitted payment stablecoin issuers.
- The market will be occupied by 12 non-OCC-regulated bank permitted payment stablecoin issuers and 12 OCC-regulated bank permitted payment stablecoin issuers in 2026.

While assessment revenue will increase for the OCC, the assessment fees under the proposed rule for existing issuers that would have otherwise been paid to NYDFS by non-OCC-regulated bank permitted payment stablecoin issuers under the baseline would be considered a cost savings to these permitted payment stablecoin issuers. NYDFS budgets $15.5 billion in assessment revenue for State fiscal year (SFY) 2025–2026, which ends March 31, 2026. Applying NYDFS methodology for SFY 2026–2027, New York State would collect $24.1 million in fees in the absence of the GENIUS Act. It is anticipated that large stablecoin issuers under NYDFS oversight, who pay the bulk of NYDFS assessments, will migrate to OCC. Given the discounts in the proposed rule, and difference in the fee structure, a migration to OCC from NYDFS oversight will be a cost savings to the permitted payment stablecoin issuers as NYDFS's assessment fee incorporates transaction volumes and broader custodial volume supervision. The proposed rule does not currently anticipate transaction volumes to factor into OCC assessment calculations, and the OCC will not supervise custodians outside the Federal banking system other than OCC-regulated PPSIs.

For OCC-regulated-bank-affiliated permitted payment stablecoin issuers, the impact on assessments may be a cost savings relative to the baseline as stablecoin reserve assets would move from bank balance sheets to the balance sheets of the subsidiary permitted payment stablecoin issuer. The cost savings are due to a 35% discount on assessments from the standard assessment fee schedule in the proposed rule. However, the enactment of the proposed rule would expand the market beyond the baseline, resulting in a net increase in assessment revenue. Under the proposed rule, the OCC estimated that permitted payment stablecoin issuers affiliated with OCC-regulated-banks would save $2.1 million in 2026 relative to their regulatory baseline.

Total Impact of Costs and Cost Savings

The OCC estimated that as a result of the proposed rule, permitted payment stablecoin issuers would save $1.720 million on a net basis in 2026 due largely to relief in assessments, relative to the baselines assumed. While the OCC estimated additional costs of $10,209,200 discussed above, from reserve, capital, and administrative compliance associated with the proposed rule, the OCC estimated $11,929,204 million in assessment cost savings. The OCC also expected that ongoing annual savings relative to the regulatory baselines would increase over time as both stablecoin issuance and the number of permitted payment stablecoin issuers increase in the coming years.

Executive Order 14192

Executive Order 14192, titled ''Unleashing Prosperity Through Deregulation,'' requires that an agency, unless prohibited by law, identify at least 10 existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation with total costs greater than zero. Executive Order 14192 further requires that new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations. This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.

List of Subjects

12 CFR Part 3

Administrative practice and procedure, Banks, Banking, Federal Reserve System, Federal savings associations, Investments, National banks, Reporting and recordkeeping requirements.

12 CFR Part 6

National banks, Insured Federal branches, and Federal savings associations.

12 CFR Part 8

Banks, Banking, Fees, Foreign banking, Federal savings associations, National banks, Reporting and recordkeeping requirements.

12 CFR Part 15

Federal savings association, Federal qualified payment stablecoin issuer,

Foreign payment stablecoin issuer, National bank, Non-bank entity, Permitted payment stablecoin issuer, State qualified payment stablecoin issuer.

12 CFR Part 19

Administrative practice and procedure, Crime, Equal access to justice, Federal savings associations, Investigations, National banks, Penalties, Securities.

For the reasons set out in the preamble, the OCC proposes to amend 12 CFR chapter I as follows:

PART 3—CAPITAL ADEQUACY STANDARDS

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

Authority: 12 U.S.C. 93a, 161, 1462, 1462a, 1463, 1464, 1818, 1828(n), 1828 note, 1831n note, 1835, 3907, 3909, 5412(b)(2)(B), and Pub. L. 116–136, 134 Stat. 281.

■ 2. Amend § 3.22 by adding paragraph (i) to read as follows:

§ 3.22 Regulatory capital adjustments and deductions.

* * * * *

(i) *Permitted Payment Stablecoin Issuers.* Notwithstanding any other provision in this section, an insured national bank or Federal savings association that is consolidated with a permitted payment stablecoin issuer as defined in § 15.2 of this chapter must make the following adjustments when calculating its capital ratios under § 3.10:

(1) Deconsolidate any permitted payment stablecoin issuer from the insured national bank's or Federal savings association's balance sheet;

(2) Deduct from common equity tier 1 capital any amount of positive retained earnings that originated from the permitted payment stablecoin issuer to the extent not paid out as dividends to the insured national bank or Federal savings association; and

(3) Exclude any investment in (to the extent not deducted under paragraph (i)(2) of this section) and receivable from the permitted payment stablecoin issuer when calculating standardized total risk-weighted assets, advanced approaches risk-weighted assets, average total consolidated assets, and total leverage exposure, as applicable.

PART 6—PROMPT CORRECTIVE ACTION

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

Authority: 12 U.S.C. 93a, 1831o, 5412(b)(2)(B

§ 6.2 [Amended]

■ 4. Amend § 6.2 by, in, in the definition of ''total assets'' the first sentence, removing ''as provided in § 3.22(a), (c), and (d) of this chapter'' and adding ''as provided in § 3.22(a), (c), (d), and (i) of this chapter'' in its place.

PART 8—ASSESSMENT OF FEES

■ 5. The authority citation for part 8 is revised to read as follows:

Authority: 12 U.S.C. 16, 93a, 481, 482, 1467, 1831c, 1867, 3102, 3108 and 5901 *et seq.;* and 15 U.S.C. 78c and 78l.

§§ 8.1 through 8.8 [Designated as Subpart A]

■ 6. Designate §§ 8.1 through 8.8 as subpart A.

■ 7. Add a heading for newly designated subpart A to read as follows:

Subpart A—Assessment of National Banks, Federal Savings Associations, Federal Branches, and Federal Agencies

■ 8. Revise § 8.1 to read as follows:

§ 8.1 Scope and application.

The assessments contained in this subpart are made pursuant to the authority contained in 12 U.S.C. 16, 93a, 481, 482, 1467, 1831c, 1867, 3102, 3108 and 5901 *et seq.;* and 15 U.S.C. 78c and 78l.

■ 9. Amend § 8.2 by:

■ a. Revising paragraphs (a)(5), (b)(2), and (c)(1);

■ b. Redesignating paragraphs (c)(2) through (4) as paragraphs (c)(3) through (5);

■ c. Adding a new paragraph (c)(2);

■ d. Revising newly redesignated paragraph (c)(5); and

■ e. Adding paragraph (e).

The revisions and additions read as follows:

§ 8.2 Semiannual Assessments

(a) * * *

(5) The specific marginal rates and complete assessment schedule will be published in the ''Notice of Office of the Comptroller of the Currency Fees and Assessments,'' provided for at § 8.8. Except as otherwise provided in paragraphs (e) and (f) of this section, each semiannual assessment is based upon the total assets shown in the national bank's or Federal savings association's most recent ''Consolidated Reports of Condition and Income'' (Call Report) preceding the payment date. Each national bank or Federal savings association subject to the jurisdiction of the OCC on the date of the second or fourth quarterly Call Report as appropriate, required by the OCC under 12 U.S.C. 161 and 12 U.S.C. 1464(v), is subject to the full assessment for the next six-month period. National banks and Federal savings associations that are no longer subject to the jurisdiction of the OCC as of the date of the first or third quarterly Call Report, as appropriate, will receive a refund of assessments for the second three months of the semiannual assessment period.

* * * * *

(b) * * *

(2) The amount of the semiannual assessment paid by each Federal branch and Federal agency shall be computed at the same rate as provided in table 1 to paragraph (a) of this section; however, except with respect to assets attributable to activities permitted under 12 U.S.C. 5901 *et seq.,* only the total domestic assets of the Federal branch or agency shall be subject to assessment.

* * * * *

(c) * * *

(1) *General rule.* Except as provided in paragraph (c)(2) of this section, in addition to the assessment calculated according to paragraph (a) of this section, each independent credit card national bank and independent credit card Federal savings association will pay an assessment based on receivables attributable to credit card accounts owned by the national bank or Federal savings association. This assessment will be computed by adding to its asset-based assessment an additional amount determined by its level of receivables attributable. The dollar amount of the additional assessment will be published in the ''Notice of Office of the Comptroller of the Currency Fees and Assessments,'' described at § 8.8.

(2) *Exception.* The additional assessment under paragraph (c)(1) of this section shall not apply to an independent credit card national bank or an independent credit card Federal savings association if the ratio of the institution's total gross receivables attributable to its balance sheet assets does not exceed 50 percent, after taking into account the institution's balance sheet assets attributable to activities permitted under 12 U.S.C. 5901 *et seq.*

(3) *Independent credit card national banks and independent credit card Federal savings associations affiliated with full-service national banks or Federal savings associations.* * * *

* * * * *

(5) *Reports of receivables attributable.* Independent credit card national banks and independent credit card Federal savings associations will report receivables attributable data and assets attributable to activities permitted under

12 U.S.C. 5901 *et seq.* data to the OCC semiannually at a time specified by the OCC.

* * * * *

(e) *Special rules governing the treatment of assets attributable to minimum stablecoin reserve assets.*

(1) To the extent the assets reported by the national bank or Federal savings association on its Call Report reflect the minimum stablecoin reserve assets that a stablecoin issuer must hold under 12 U.S.C. 5903, the semiannual general assessment fee for such institution shall be calculated as follows:

(i) For assets other than those reflecting the minimum stablecoin reserve assets that a stablecoin issuer must hold under 12 U.S.C. 5903, using the formula set forth under paragraph (a) of this section to determine the assessed amount.

(ii) For assets reflecting the minimum stablecoin reserve assets that a stablecoin issuer must hold under 12 U.S.C. 5903, using the formula set forth under paragraph (a) of this section, except that the OCC will calculate the assessed amount by reducing the resulting figure by thirty-five percent, or such other percentage (up to fifty-five percent) as the OCC may deem appropriate for minimum stablecoin reserves held by national banks and Federal savings associations based on its experience supervising stablecoin issuers. The OCC will publish the percentage reduction applied to assets reflecting minimum stablecoin reserve assets on an annual basis in the Notice of Office of the Comptroller Fees and Assessments.

(2) To the extent that the assets reported by the national bank or Federal savings association on its Call Report do not reflect the minimum stablecoin reserve assets that a stablecoin issuer must hold under 12 U.S.C. 5903, the OCC shall increase the assessment set forth in this paragraph for such institution to fully reflect the minimum required stablecoin reserve assets for the amount of outstanding issuances that the institution reports on quarterly reports pursuant to 12 CFR 15.14(i).

■ 10. Amend § 8.6 as follows:

§ 8.6 Fees for Special Examinations and Investigations

* * * * *

(c) * * *

(1) Independent trust national banks and independent trust Federal savings associations. Except as provided in paragraph (c)(3) of this section, the assessment of independent trust national banks and independent trust Federal savings associations will include a fiduciary and related asset component, in addition to the assessment calculated according to § 8.2, as follows:

* * * * *

(3) *Effect of income from balance sheet assets attributable activities permitted under the GENIUS Act.* The additional assessment under paragraph (c)(1) of this section shall not apply to an independent trust national bank or an independent trust Federal savings association if the institution generates more than 50 percent of its interest and non-interest income from activities other than credit card operations or trust activities, after taking into account the institution's balance sheet assets attributable to activities permitted under 12 U.S.C. 5901 *et seq.*

(4) *Definitions.* For purposes of this paragraph (c), the following definitions apply:

(i) *Affiliate,* with respect to a national bank, has the same meaning as this term has in 12 U.S.C. 221a(b);

(ii) *Affiliate,* with respect to Federal savings associations, has the same meaning as in 12 U.S.C. 1462(7);

(iii) *Full-service national bank* is a national bank that generates more than 50 percent of its interest and non-interest income from activities other than credit card operations or trust activities and is authorized according to its charter to engage in all types of permissible banking activities;

(iv) *Full-service Federal savings association* is a Federal savings association that generates more than 50 percent of its interest and non-interest income from activities other than credit card operations or trust activities and is authorized according to its charter to engage in all types of activities permissible for Federal savings associations;

(v) *Independent trust national bank* is a national bank that has trust powers, does not primarily offer full-service banking, and is not affiliated with a full-service national bank;

(vi) *Independent trust Federal savings association* is a Federal savings association that has trust powers, does not primarily offer full-service banking, and is not affiliated with a full-service Federal savings association; and

(vii) *Fiduciary and related assets* are those assets reported on Schedule RC–T of FFIEC Forms 031 and 041, Line 10 (columns A and B) and Line 11 (column B), any successor form issued by the FFIEC, and any other fiduciary and related assets defined in the ''Notice of Office of the Comptroller of the Currency Fees and Assessments.''

(5) *Additional reporting.* Independent trust national banks and independent trust Federal savings associations will report the percentage of their interest and non-interest income from activities other than credit card operations or trust activities, including from activities permitted under 12 U.S.C. 5901 *et seq.,* to the OCC semiannually at a time specified by the OCC.

■ 11. Add subpart B, to read as follows:

Subpart B—Assessment of Certain Other Institutions

§ 8.9 Scope and application.

§ 8.10 Semiannual assessment for certain institutions.

§ 8.11 Fees for certain institutions engaged in custodial and safekeeping activities permitted under 12 U.S.C. 5901 et seq.

§ 8.12 Fees for special examinations and investigations.

§ 8.13 Payment of interest on delinquent assessments and examination and investigation fees.

§ 8.9 Scope and application.

The assessments contained in this subpart are made pursuant to the authority contained in 12 U.S.C. 93a, 481, 482, and 5901 *et seq.*

§ 8.10 Semiannual assessment for certain institutions.

(a) *Semiannual assessment.* This section applies to Nonbank Federal Qualified Payment Stablecoin Issuers, Foreign Payment Stablecoin Issuers subject to the OCC's jurisdiction, and State Qualified Payment Stablecoin Issuers subject to 12 U.S.C. 5903(d), except to the extent any such institution remains solely supervised by a State payment stablecoin regulator. Each institution subject to this section shall pay to the OCC a semiannual assessment fee, due by March 31 and September 30 of each year, for the six-month period beginning on January 1 and July 1 before each payment date. Except as provided under paragraph (a)(6) of this section, the OCC will calculate the amount due under this section and provide a notice of assessments to each institution no later than 7 business days prior to collection on March 31 and September 30 of each year. In setting assessments, the semiannual assessment will be calculated as follows:

TABLE 1 TO PARAGRAPH (a)

If the national bank's or Federal savings association's total assets (consolidated domestic and foreign subsidiaries) are:		The semiannual assessment is:		
Over—	But not over—	This amount—base amount	Plus marginal rates	Of excess over—
Column A	Column B	Column C	Column D	Column E
Million	Million			Million
(dollars)	(dollars)	(dollars)		(dollars)
0	2	X1	0	
2	20	X2	Y1	2
20	100	X3	Y2	20
100	200	X4	Y3	100
200	1,000	X5	Y4	200
1,000	2,000	X6	Y5	1,000
2,000	6,000	X7	Y6	2,000
6,000	20,000	X8	Y7	6,000
20,000	40,000	X9	Y8	20,000
40,000	250,000	X10	Y9	40,000
250,000		X11	Y10	250,000

(1) Every institution falls into one of the asset-size brackets denoted by Columns A and B. An institution's assessment is composed of two parts. The first part is the calculation of a base amount of the assessment, which is computed on the assets of the institution, up to the lower endpoint (Column A) of the bracket in which it falls. This base amount of the assessment is calculated by the OCC in Column C.

(2) The second part is the calculation of assessments due on the institution's remaining assets in excess of Column E. The excess is assessed at the marginal rate shown in Column D.

(3) The total semiannual assessment is the amount in Column C, plus the amount of the institution's assets in excess of Column E, times the marginal rate in Column D: Assessments = C + [(Assets − E) × D].

(4) Each year, the OCC may index the marginal rates in Column D to adjust for the percentage in the level of prices, as measured by changes in the Gross Domestic Product Implicit Price Deflator (GDPIPD) for each June-to-June period. The OCC may at its discretion adjust marginal rates by amounts other than the percentage change in the GDPIPD. The OCC will also adjust the amounts in Column C to reflect any change made to the marginal rate.

(5) The specific marginal rates and complete assessment schedule will be published in the ''Notice of Office of the Comptroller of the Currency Fees and Assessments,'' provided for at § 8.8. Except as otherwise provided in paragraph (a)(6) of this section, each semiannual assessment is based upon the assets shown on the most recent quarterly report filed by each institution pursuant to 12 CFR 15.14(i) preceding the payment date. Each institution subject to the jurisdiction of the OCC beginning on the second and fourth calendar quarters is subject to full assessment for the next period. Institutions that are no longer subject to the jurisdiction of the OCC at the end of the first and third calendar quarters, as appropriate, will receive a refund of assessments for the second three months of the semiannual assessment period.

(6)(i) To the extent the assets reported by an institution subject to this section on its quarterly report reflect the minimum stablecoin reserve assets that a stablecoin issuer must hold under 12 U.S.C. 5903, the semiannual assessment for such institution shall be calculated as follows:

(A) For assets other than those reflecting the minimum stablecoin reserve assets that a stablecoin issuer must hold under 12 U.S.C. 5903, using the formula set forth under paragraph (a) to determine the assessed amount.

(B) For assets reflecting the minimum stablecoin reserve assets that a stablecoin issuer must hold under 12 U.S.C. 5903, using the formula set forth under this paragraph (a), except that the OCC will calculate the assessed amount by reducing the resulting figure by thirty-five percent, or such other percentage (up to fifty-five percent) as the OCC may deem appropriate for minimum stablecoin reserves held by institutions subject to this section based on its experience supervising stablecoin issuers. The OCC will publish the percentage reduction applied to assets reflecting minimum stablecoin reserve assets on an annual basis in the Notice of Office of the Comptroller Fees and Assessments.

(ii) To the extent that the assets reported by the institution on its quarterly report do not reflect the minimum stablecoin reserve assets that a stablecoin issuer must hold under 12 U.S.C. 5903, the OCC shall increase the assessment set forth in this paragraph (a) for such institution to fully reflect the minimum required stablecoin reserve assets for the amount of outstanding issuances that the institution reports.

(b) *Surcharge based on the condition of the stablecoin issuer.* Subject to any limit that the OCC prescribes in the ''Notice of Office of the Comptroller of the Currency Fees and Assessments,'' the OCC shall apply a surcharge to the semiannual assessments computed in accordance with paragraph (a) of this section. This surcharge will be determined by multiplying the semiannual assessment computed in accordance with paragraph (a) of this section by—

(1) 1.5, in the case of any institution subject to this section that was found at its most recent examination to be a problem institution and require rehabilitation; and

(2) 2.0, in the case of any institution subject to this section that to have material financial or operational deficiencies that threaten the viability of the institution at its most recent examination prior to December 31 or June 30, as appropriate.

(c) *Additional assessments.* Notwithstanding paragraph (a) of this section, all State Qualified Payment Stablecoin Issuers subject to the OCC's jurisdiction may be subject to the assessments described in 8.12 in connection with carrying out the responsibilities of the Office of the Comptroller, including in connection with 12 U.S.C. 5903(d)(3) and 5906(e)(2).

§ 8.11 Fees for certain institutions engaged in custodial and safekeeping activities.

(a) This section applies to institutions subject to § 8.10 for which 50 percent or more of their interest and non-interest income is derived from custodial or safekeeping activities permitted under 12 U.S.C. 5901 *et seq.* The assessment for those institutions engaged in the custodial and safekeeping activities described in 12 U.S.C. 5901 *et seq.* shall include a component for assets attributable to such activities, in addition to the assessment calculated according to § 8.10, as follows:

(1) *Minimum fee.* Institutions subject to this paragraph (a) will pay a minimum fee, to be provided in the ''Notice of Office of the Comptroller of the Currency Fees and Assessments.''

(2) *Additional amount for certain assets in excess of $1 billion.* Institutions subject to this paragraph (a) engaged in custodial and safekeeping activities permitted under 12 U.S.C. 5901 *et seq.* with assets attributable to such activities in excess of $1 billion will pay an amount that exceeds the minimum fee. The amount to be paid will be calculated by multiplying the amount of assets attributable to the safekeeping and custodial activities permitted under 12 U.S.C. 5901 *et seq.* by a rate or rates provided by the OCC in the ''Notice of Office of the Comptroller of the Currency Fees and Assessments.''

(b) *Surcharge based on the condition of the stablecoin issuer.* Subject to any limit that the OCC prescribes in the ''Notice of Office of the Comptroller of the Currency Fees and Assessments,'' the OCC shall apply a surcharge to the semiannual assessments computed in accordance with paragraph (a) of this section. This surcharge will be determined by multiplying the semiannual assessment computed in accordance with paragraph (a) of this section by—

(1) 1.5, in the case of any institution subject to this section that was found at its most recent examination to be a problem institution and require rehabilitation; and

(2) 2.0, in the case of any institution subject to this section that to have material financial or operational deficiencies that threaten the viability of the institution at its most recent examination prior to December 31 or June 30, as appropriate.

§ 8.12 Fees for special examinations and investigations.

(a) *Fees.* With respect to any institution subject to the jurisdiction of the OCC under the GENIUS Act, the OCC may assess a fee for:

(1) Conducting special examinations or investigations, including any supervision and enforcement related activities described in 12 U.S.C. 5905 or 12 U.S.C. 5906(e)(2);

(2) Conducting special examinations and investigations of affiliates of institutions subject to this subpart;

(3) Reviewing requests for waivers as referenced in 12 U.S.C. 5903(d)(3); and

(4) Conducting special examinations and investigations made pursuant to 12 CFR part 5, Rules, Policies, and Procedures for Corporate Activities.

(b) *Notice of Office of Comptroller of the Currency Fees and Assessments.* The OCC publishes the fee schedule for special examinations and investigations under this subpart in the ''Notice of Office of the Comptroller of the Currency Fee and Assessments'' described in § 8.8.

§ 8.13 Payment of interest on delinquent assessments and examination and investigation fees.

(a) All institutions subject to subpart B shall pay to the OCC interest on its delinquent payments of semiannual assessments. In addition, each institution subject to a special examination or investigation fee shall pay to the OCC interest on its delinquent payments of special examination and investigation fees. Semiannual assessment payments will be considered delinquent if they are received after the time for payment specified in § 8.10. Special examination and investigation fees will be considered delinquent if not received by the OCC within 30 calendar days of the invoice date.

(b) In the event that an institution believes that the notice of assessments or special examination and investigation fees contains an error or miscalculation, the institution may provide the OCC with a written request for a revised notice and a refund of any overpayments. Any such request for a revised notice and refund must be made after timely payment of the semiannual assessment under the dates specified in § 8.10 or timely payment of the special examination and investigation fee within 30 calendar days of the invoice date.

(1) Within 30 calendar days of receipt of such request, the OCC shall either—

(i) Refund the amount of the overpayment; or

(ii) Provide notice of its unwillingness to accept the request for a revised notice of assessments. In the latter instance, the OCC and the entity claiming the overpayment shall thereafter attempt to reach agreement on the amount, if any, to be refunded; the OCC shall refund this amount within 30 calendar days of such agreement.

(2) The OCC shall be considered delinquent if it fails to return an overpayment in accordance with the time limitations specified in this paragraph (b). The OCC shall pay interest on any such delinquent payments.

(c) Interest on delinquent payments, as described in paragraphs (a) and (b) of this section, will be assessed beginning the first calendar day on which payment is considered delinquent, and on each calendar day thereafter up to and including the day payment is received. Interest will be simple interest, calculated for each day payment is delinquent by multiplying the daily equivalent of the applicable interest rate by the amount delinquent. The rate of interest will be the United States Treasury Department's current value of funds rate (the ''TFRM rate''); that rate is issued under the Treasury Fiscal Requirements Manual and is published quarterly in the **Federal Register**. The interest rates applicable to a delinquent payment will be determined as follows:

(1) For delinquent days occurring from January 1 to March 31, the rate will be the TFRM rate that is published the preceding December for the first quarter of the ensuing year.

(2) For delinquent days occurring from April 1 to June 30, the rate will be the TFRM rate that is published the preceding March for the second quarter of that year.

(3) For delinquent days occurring from July 1 to September 30, the rate will be the TFRM rate that is published the preceding June for the third quarter of that year.

(4) For delinquent days occurring from October 1 to December 31, the rate will be the TFRM rate that is published the preceding September for the fourth quarter of that year.

■ 12. Add part 15 to read as follows:

PART 15—PAYMENT STABLECOINS

Subpart A—Purpose, Scope, Definitions, and Severability

Sec.

15.1 Purpose and scope.
15.2 Definitions.
15.3 Severability.

Subpart B—Permitted Payment Stablecoin Issuers and State Qualified Payment Stablecoin Issuers

15.10 Activities.
15.11 Reserve assets.
15.12 Redemption.
15.13 Risk management.
15.14 Audits, reports, and supervision.

15.15 State qualified payment stablecoin issuers.
15.16 Unusual and exigent circumstances.

Subpart C—Custody

15.20 Definitions.
15.21 Covered asset custodial property requirements.
15.22 Use of omnibus accounts.
15.23 Self-custody hardware and software exclusion.

Subpart D—Applications and Registrations

15.30 Approval of permitted payment stablecoin issuers.
15.31 Foreign payment stablecoin issuers.
15.32 Registration of foreign payment stablecoin issuers.
15.33 Revocation or rescission of approval.

Subpart E—Capital and Operational Backstop

15.40 Capital elements.
15.41 Minimum capital and backstop.
15.42 Individual additional capital or backstop requirement.

Authority: 12 U.S.C. 1, 24, 27, 92a, 93a, 161, 1461, 1462a, 1463, 1464, 1467a, 1818, 3101 through 3109, 5412, 5901 through 5916.

PART 15—STABLECOIN

Subpart A—Purpose, Scope, Definitions, and Severability

§ 15.1 Purpose and scope.

(a) *Purpose.* This part implements the Guiding and Establishing National Innovation for U.S. Stablecoins Act (12 U.S.C. 5901 *et seq.*) (GENIUS Act) with respect to entities for which the OCC is authorized to issue regulations or exercise its enforcement authority under the Act.

(b) *Scope.* This part applies to the following entities' activities related to payment stablecoins and certain custody activities—

(1) National banks and their subsidiaries;

(2) Federal savings associations and their subsidiaries;

(3) Federal branches and their subsidiaries;

(4) Foreign payment stablecoin issuers;

(5) Nonbank entities that seek to be or are approved as Federal qualified payment stablecoin issuers; and

(6) State qualified payment stablecoin issuers for whom the OCC has regulatory or enforcement authority pursuant to § 15.15 or § 15.16.

§ 15.2 Definitions.

For purposes of this part, the following definitions apply

Affiliate means a person that controls, is controlled by, or is under common control with another person.

Bank Secrecy Act means:

(1) Section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b);

(2) Chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951 *et seq.*); and

(3) Subchapter II of chapter 53 of title 31, United States Code and notes thereto (31 U.S.C. 5311 *et seq.*).

Board of directors means a permitted payment stablecoin issuer's or applicant's board of directors or the group of individuals that serve the nearest equivalent function of acting as the governing body of the permitted payment stablecoin issuer or applicant.

Control. A person controls another person if:

(1) The person directly or indirectly or acting through one or more other persons owns, controls, or has power to vote 25 percent or more of any class of voting securities of the other person;

(2) The person controls in any manner the election of a majority of the directors or trustees of the other person; or

(3) The OCC determines, after notice and opportunity for hearing, that the person directly or indirectly exercises a controlling influence over the management or policies of the other person.

Customer means a person that purchases (through any consideration) the products or services of another person.

Deposit means ''deposit'' as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)).

Depository institution means:

(1) A depository institution as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(1)); or

(2) A credit union.

Digital asset means any digital representation of value that is recorded on a cryptographically secured distributed ledger.

Director means an individual who serves on the board of directors of a permitted payment stablecoin issuer or applicant, except an advisory director who does not have the authority to vote on matters before the board of directors or any committee of the board of directors and provides solely general policy advice to the board of directors or any committee.

Distributed ledger means technology in which:

(1) Data is shared across a network that creates a public digital ledger of verified transactions or information among network participants; and

(2) Cryptography is used to link the data to maintain the integrity of the public ledger and execute other functions.

Distributed ledger protocol means publicly available and accessible executable software deployed to a distributed ledger, including smart contracts or networks of smart contracts.

Eligible financial institution means

(1) A person that:

(a) Is eligible to hold reserve assets in custody under section 10(a) of the GENIUS Act (12 U.S.C. 5909(a));

(b) Complies with the applicable requirements in section 10(b), (c), and (d) of the GENIUS Act (12 U.S.C. 5909(b), (c), and (d)), including with applicable implementing regulations issued by a relevant primary Federal payment stablecoin regulator as defined in 12 U.S.C. 5901(25), primary financial regulatory agency described in 12 U.S.C. 5301(12)(B) or (C), State bank supervisor, or State credit union supervisor; and

(c) If applicable, enters into a custody agreement with a permitted payment stablecoin issuer documenting the person's compliance with paragraph (2) of this definition, as well as policies and procedures to ensure compliance; or

(2) A Federal Reserve Bank.

Executive officer means the president, chairman, chief executive officer, chief operating officer, chief financial officer, chief investment officer, chief risk officer, chief technology officer, and Bank Secrecy Act officer. The term includes any individual serving in the functional capacity of the listed titles or their equivalent, without regard to title, salary, or compensation.

Fair value means fair value as determined under GAAP.

FDIC means the Federal Deposit Insurance Corporation.

Federal branch has the meaning set forth in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)(2)).

Federal qualified payment stablecoin issuer means the following entities that are approved by the OCC, pursuant to § 15.30, to issue payment stablecoins—

(1) A nonbank entity, other than a State qualified payment stablecoin issuer;

(2) An uninsured national bank that is chartered by the OCC, pursuant to title LXII of the Revised Statutes; or

(3) A Federal branch.

Federal Reserve means the Board of Governors of the Federal Reserve System.

Foreign payment stablecoin issuer means an issuer of a payment stablecoin that is—

(1) Organized under the laws of or domiciled in a foreign country or a territory of the United States; and

(2) Not a permitted payment stablecoin issuer as defined in section 2(23) of the GENIUS Act (12 U.S.C. 5901(23)).

GAAP means generally accepted accounting principles as used in the United States.

Immediate family means the spouse of an individual, the individual's minor

children, and any of the individual's children (including adults) residing in the individual's home.

Insider means a principal shareholder, an executive officer, a director, or a related interest of or the immediate family of any of these persons.

Insured credit union has the meaning given to that term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

Insured depository institution means:

(1) An insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)); and

(2) An insured credit union.

Monetary value means a national currency or deposit denominated in a national currency.

Money means

(1) Monetary value; and

(2) Any other medium of exchange that the OCC has determined is currently authorized or adopted by a domestic or foreign government, including a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries.

National currency means—

(1) A Federal Reserve note (as the term is used in the first undesignated paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 411));

(2) Money standing to the credit of an account with a Federal Reserve Bank;

(3) Money issued by a foreign central bank; or

(4) Money issued by an intergovernmental organization pursuant to an agreement by two or more governments.

Nonbank entity means a person that is not a depository institution or subsidiary of a depository institution.

Nonpublic personal information, as used in this part:

(1) Means information—

(i) Provided by a customer to a permitted payment stablecoin issuer to obtain a financial product or service;

(ii) About a customer resulting from any transaction involving a financial product or service between the permitted payment stablecoin issuer and a customer; or

(iii) Otherwise obtained by the permitted payment stablecoin issuer in connection with providing a financial product or service to a customer; and

(2) Does not include publicly available information, unless such publicly available information, when combined with other information, would reveal the identity of a customer or would enable access to the customer's account.

OCC means the Office of the Comptroller of the Currency.

Outstanding issuance value means the total consolidated par value of all of a permitted payment stablecoin issuer's payment stablecoins.

Payment stablecoin, as used in this part:

(1) Means a digital asset—

(i) That is, or is designed to be, used as a means of payment or settlement; and

(ii) The issuer of which—

(A) Is obligated to convert, redeem, or repurchase for a fixed amount of monetary value, not including a digital asset denominated in a fixed amount of monetary value; and

(B) Represents that such issuer will maintain, or creates the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value; and

(2) Does not include a digital asset that is a—

(i) National currency;

(ii) Deposit, including a deposit recorded using distributed ledger technology; or

(iii) Security, as defined in section 2 of the Securities Act of 1933 (15 U.S.C. 77b), section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), or section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a–2).

Permitted payment stablecoin issuer means a person formed in the United States that is a—

(1) Subsidiary of an insured national bank or Federal savings association that has been approved to issue payment stablecoins under § 15.30;

(2) Federal qualified payment stablecoin issuer; or

(3) State qualified payment stablecoin issuer subject to the OCC's regulatory or enforcement authority under section 4 of the GENIUS Act (12 U.S.C. 5903).

Person means an individual, partnership, company, corporation, association, trust, estate, cooperative organization, or other business entity, incorporated or unincorporated.

Principal shareholder means a person who directly or indirectly or acting in concert with one or more persons, or together with members of their immediate family, will own, control, or hold 10 percent or more of the voting stock of the permitted payment stablecoin issuer or applicant.

Private key means the unique alphanumeric sequence that allows an individual to transfer a particular unit of a digital asset using a distributed ledger.

Publicly available information means any information that a person has a reasonable basis to believe is lawfully made available to the general public from:

(1) Federal, State, or local government records;

(2) Widely distributed media;

(3) Disclosures to the general public that are required to be made by Federal, State, or local law; or

(4) A distributed ledger.

Registered public accounting firm has the meaning set forth in section 2 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(12)).

Related interest of a person means:

(1) A company that is controlled by that person; or

(2) A political or campaign committee that is controlled by that person or the funds or services of which will benefit that person.

Reserve asset means an asset maintained by a permitted payment stablecoin issuer of a type enumerated in § 15.11(b).

Stablecoin Certification Review Committee has the meaning set forth in section 2 of the GENIUS Act (12 U.S.C. 5901(27)).

State means each of the several States of the United States, the District of Columbia, and each territory of the United States.

State chartered depository institution has the meaning given the term ''State depository institution'' in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(5)).

State payment stablecoin regulator means a State agency that has primary regulatory and supervisory authority in such State over entities that issue payment stablecoins.

State qualified payment stablecoin issuer means an entity that is—

(1) Legally established under the laws of a State and approved to issue payment stablecoins by a State payment stablecoin regulator; and

(2) Not an uninsured national bank chartered by the OCC pursuant to title LXII of the Revised Statutes, a Federal branch, an insured depository institution, or a subsidiary of such an uninsured national bank, Federal branch, or insured depository institution.

Subsidiary has the meaning set forth in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(4)).

Trading volume means the aggregate number of payment stablecoins issued by a permitted payment stablecoin issuer that were purchased or sold on exchanges during a specified period of time.

United States customer means a customer that resides in the United States.

§ 15.3 Severability.

The provisions of this part are separate and severable from one

another. If any provision is stayed or determined to be invalid, it is the OCC's intention that the remaining provisions shall continue in effect.

Subpart B—Permitted Payment Stablecoin Issuers and State Qualified Payment Stablecoin Issuers

§ 15.10 Activities.

(a) *Permitted activities.* A permitted payment stablecoin issuer may only:

(1) Issue payment stablecoins;

(2) Redeem payment stablecoins;

(3) Manage reserves related to the issuance or redemption of payment stablecoins, including purchasing, selling, and holding reserve assets or providing custodial services for reserve assets, consistent with applicable State and Federal law;

(4) Provide custodial or safekeeping services for payment stablecoins, required reserves, or private keys of payment stablecoins, consistent with subpart C of this part;

(5) Assess fees associated with purchasing or redeeming payment stablecoins;

(6) Act as principal or agent with respect to any payment stablecoin;

(7) Pay fees to facilitate customer transactions; and

(8) Undertake any other activities that directly support any of the activities described in paragraphs (a)(1) through (4) of this section.

(b) *Rule of construction.* Nothing in paragraph (a) of this section may be construed to limit the authority of a depository institution, national bank, or trust company to engage in activities permissible pursuant to applicable State and Federal law.

(c) *Prohibitions.* A permitted payment stablecoin issuer must not:

(1) Use a deceptive name by using any combination of terms relating to the United States Government, including ''United States,'' ''United States Government,'' and ''USG,'' in the name of the payment stablecoin. This prohibition does not apply to abbreviations relating directly to the currency to which the payment stablecoin is pegged, such as ''USD''.

(2) Market a payment stablecoin in such a way that a reasonable person would perceive the payment stablecoin to be:

(i) Legal tender as described in 31 U.S.C. 5103;

(ii) Issued by the United States; or

(iii) Guaranteed or approved by the Government of the United States.

(3) Directly or through implication represent that payment stablecoins are backed by the full faith and credit of the United States, guaranteed by the United States Government, or subject to Federal deposit insurance or Federal share insurance.

(4) Pay the holder of any payment stablecoin any form of interest or yield (whether in cash, tokens, or other consideration) solely in connection with the holding, use, or retention of such payment stablecoin.

(i) The OCC presumes that a permitted payment stablecoin issuer is paying interest or yield (whether in cash, tokens, or other consideration) to the holder of a payment stablecoin solely in connection with the holding, use, or retention of such payment stablecoin if:

(A) The permitted payment stablecoin issuer has a contract, agreement, or other arrangement with an affiliate of the issuer or related third party to pay interest or yield to the affiliate or related third party;

(B) The affiliate or related third party identified in paragraph (c)(4)(i)(A) of this section or, if the person is a related third party, an affiliate of such related third party has a contract, agreement, or other arrangement to pay interest or yield (whether in cash, tokens, or other consideration) to a holder of any payment stablecoin issued by the permitted payment stablecoin issuer solely in connection with the holding, use, or retention of such payment stablecoin; and

(C) To the extent the person, or an affiliate of the person, identified in paragraph (c)(4)(i)(A) is a related third party of the permitted payment stablecoin issuer because the permitted payment stablecoin issuer issues payment stablecoins on the related third party's behalf or under the related third party's branding, the arrangement identified in paragraph (c)(4)(i)(B) of this section considers the holder of the payment stablecoin to be the holder of a payment stablecoin issued by the permitted payment stablecoin issuer on the related third party's behalf or under the related third party's branding.

(ii) For purposes of paragraph (c)(4)(i) of this section, a related third party means:

(A) A person offering to pay interest or yield to payment stablecoin holders as a service; and

(B) Any person that the issuer issues payment stablecoins on the person's behalf or under the person's branding.

(iii) A permitted payment stablecoin issuer may rebut the presumption in paragraph (c)(4)(i) of this section by submitting written materials that, in the OCC's judgment, demonstrate that the contract, agreement, or other arrangement is not prohibited under paragraph (c)(4) of this section and is not an attempt to evade the prohibition.

(5) Pledge, rehypothecate, or reuse any reserve assets required under § 15.11 either directly or indirectly (*e.g.,* through a third-party custodian of the reserve assets) except for the purpose of:

(i) Satisfying margin obligations in connection with investments in permitted reserves under § 15.11(b)(4) or (5);

(ii) Satisfying obligations associated with the use, receipt, or provision of standard custodial services; or

(iii) Creating liquidity to meet reasonable expectations of requests to redeem payment stablecoins, such that reserves in the form of Treasury bills with a maturity of 93 days or less may be sold as purchased securities in repurchase agreements, provided that either:

(A) The repurchase agreements are cleared by a clearing agency registered with the Securities and Exchange Commission; or

(B) The permitted payment stablecoin issuer receives prior approval from the OCC. All repurchase agreements under this paragraph (c)(5) wherein the Treasury bills that are sold as purchased securities have a maturity of 93 days or less are approved by the OCC.

(6) Engage in any activity that the OCC determines is an evasion of the requirements of section 4 of the GENIUS Act (12 U.S.C. 5903) or this part.

§ 15.11 Reserve assets.

(a) *Reserve requirement.* A permitted payment stablecoin issuer must:

(1) Maintain reserve assets that:

(i) Are identifiable;

(ii) Are segregated from and not commingled with other assets owned or held by the permitted payment stablecoin issuer;

(iii) At all times have a total fair value that equals or exceeds the outstanding issuance value of the permitted payment stablecoin issuer; and

(iv) Are either held directly by the permitted payment stablecoin issuer or within the custody of an eligible financial institution.

(2) Demonstrate the operational capability to access and monetize the identifiable reserve assets, commensurate with the permitted payment stablecoin issuer's risk profile and business model.

(3) Only withdraw any surplus reserve assets in excess of outstanding issuance value once per month, upon the publication of the composition report required by paragraph (e) of this section. A permitted payment stablecoin issuer may withdraw any surplus reserve assets, calculated and reported

as of the last day of the previous month, after the information in the month-end report is examined and certified pursuant to paragraph (f) of this section, provided that a permitted payment stablecoin issuer may not withdraw any reserve assets if the withdrawal would cause the current fair value of reserve assets to fall below the current outstanding issuance value, calculated as of the day of withdrawal.

(b) *Composition.* The reserve assets required under paragraph (a) of this section must comprise exclusively:

(1) United States coins and currency (including Federal Reserve notes) or money standing to the credit of an account with a Federal Reserve Bank;

(2) Funds held as deposits or insured shares payable upon demand at an insured depository institution (including any foreign branches or agents, including correspondent banks, of an insured depository institution), subject to any limitation established by the FDIC and the National Credit Union Administration, as applicable, pursuant to section 4(a)(1)(A)(ii) of the GENIUS Act (12 U.S.C. 5903(a)(1)(A)(ii)) to address safety and soundness risks of such insured depository institution;

(3) Treasury bills, Treasury notes, or Treasury bonds with a remaining maturity of 93 days or less;

(4) Money received under repurchase agreements, with the permitted payment stablecoin issuer acting as a seller of securities and with a no longer than overnight maturity, that are backed by Treasury bills with a maturity of 93 days or less;

(5) Reverse repurchase agreements, with the permitted payment stablecoin issuer acting as a purchaser of securities and with a no longer than overnight maturity, that are collateralized by Treasury bills, Treasury notes, Treasury bonds on a no longer than overnight basis, subject to overcollateralization in line with standard market terms, that are:

(i) Tri-party;

(ii) Centrally cleared through a clearing agency registered with the Securities and Exchange Commission; or

(iii) Bilateral with a counterparty that the issuer has determined to be adequately creditworthy even in the event of severe market stress;

(6) Securities issued by an investment company registered under section 8(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–8(a)), or other registered Government money market fund, and that are invested solely in underlying assets described in paragraphs (b)(1) through (5) of this section;

(7) Any other similarly liquid Federal Government-issued asset approved by the OCC, in consultation with the State payment stablecoin regulator, if applicable, of the permitted payment stablecoin issuer. In determining whether a potential reserve asset qualifies as ''any other similarly liquid Federal Government-issued asset,'' the OCC will consider, among other relevant factors, whether:

(i) The asset has liquidity characteristics, including during times of stress, comparable to the other reserve assets allowed under this paragraph (b);

(ii) Permitted payment stablecoin issuers will be operationally capable of monetizing the asset to meet redemption requests, including sudden and high-volume requests;

(iii) The asset poses levels of risk comparable to those of the assets allowed under this paragraph (b) including interest rate risk and counterparty credit risk; and

(iv) Whether the asset introduces additional risks that may be difficult for permitted payment stablecoin issuers to manage; or

(8) Any reserve described in paragraphs (b)(1) through (3) or paragraph (b)(6) or (7) of this section in tokenized form, provided that such reserves comply with all applicable laws and regulations.

Option A for Paragraph (c)

(c) *Asset diversification and concentration.*

(1) A permitted payment stablecoin issuer must maintain reserve assets that are sufficiently diverse to manage potential credit, liquidity, interest rate, and price risks. A permitted payment stablecoin issuer must measure and manage the risk that concentrating reserve assets at one eligible financial institution or a small number of eligible financial institutions may impair the ability of a permitted payment stablecoin issuer to satisfy redemption demands if individual eligible financial institutions are unable to return, or if there is a delay in returning, reserve assets placed by a permitted payment stablecoin issuer.

(2) A permitted payment stablecoin issuer will be deemed to satisfy the requirements of paragraph (c)(1) of this section if on each business day:

(i) The permitted payment stablecoin issuer maintains at least 10 percent of its reserve assets as deposits or insured shares payable upon demand or money standing to the credit of an account with a Federal Reserve Bank;

(ii) The permitted payment stablecoin issuer maintains at least 30 percent of its reserve assets as deposits or insured shares payable upon demand, money standing to the credit of an account with a Federal Reserve Bank, or amounts receivable and due unconditionally within five business days on pending sales of reserve assets, maturing reserve assets, or other maturing transactions;

(iii) The permitted payment stablecoin issuer maintains no more than 40 percent of its reserve assets at any one eligible financial institution, whether as deposits or insured shares at any one insured depository institution, securities custodied at any one eligible financial institution, bilateral reverse repurchase agreements with any counterparty, or through other exposures;

(iv) The permitted payment stablecoin issuer maintains no more than 50 percent of the amount required in paragraph (c)(2)(i) of this section at any one eligible financial institution; and

(v) The permitted payment stablecoin issuer's total stock of reserve assets have a weighted average maturity of no more than 20 days.

Option B for paragraph (c)

(c) *Asset diversification and concentration.* A permitted payment stablecoin issuer must on each business day:

(1) Maintain at least 10 percent of its reserve assets as deposits or insured shares payable upon demand or money standing to the credit of an account with a Federal Reserve Bank;

(2) Maintain at least 30 percent of its reserve assets as deposits or insured shares payable upon demand, money standing to the credit of an account with a Federal Reserve Bank, or amounts receivable and due unconditionally within five business days on pending sales of reserve assets, maturing reserve assets, or other maturing transactions;

(3) Maintain no more than 40 percent of its reserve assets at any one eligible financial institution, whether as deposits or insured shares at any one insured depository institution, securities custodied at any one eligible financial institution, bilateral reverse repurchase agreements with any counterparty, or through other exposures;

(4) Maintain no more than 50 percent of the amount required in paragraph (c)(1) of this section at any one eligible financial institution; and

(5) Maintain reserve assets with a weighted average maturity of no more than 20 days.

(d) *Minimum insured amount.* A permitted payment stablecoin issuer with an outstanding issuance value of $25 billion or more must, on each

business day, maintain at least 0.5 percent of its reserve assets, up to a cap of $500 million, in the form of insured deposits or insured shares at an insured depository institution.

(e) *Composition report.* By noon on the last day of each month, a permitted payment stablecoin issuer must publish the monthly composition of the issuer's reserves held pursuant to the GENIUS Act as of noon on the last day of the previous month on the website of the issuer, using a format substantially similar to the template provided in table 1 to this paragraph (e), containing:

(1) The total number of outstanding payment stablecoins issued by the issuer; and

(2) The amount and composition of the reserves described in paragraph (a) of this section, including the average tenor and geographic location of custody of each category of reserve instruments.

TABLE 1 TO PARAGRAPH (e)—MONTHLY COMPOSITION TEMPLATE

	As of YYYYMMDD In thousands of U.S. Dollars	Amount	Geographic location	Average tenor
	Number of Outstanding payment stablecoins			
1 [1].				
2.				
3.				
4	TOTAL OUTSTANDING PAYMENT STABLECOINS.			
	Fair Value of Reserve Assets			
5	Deposits:			
6	Insured deposits.			
7	Uninsured deposits.			
8	Treasury bills, Treasury notes, or Treasury bonds.			
9	Other similarly liquid Federal Government-issued assets approved by OCC.			
10	Money received under repurchase agreements.			
11	Reverse repurchase agreements.			
12	Securities issued by an investment company solely invested in qualifying reserve assets.			
13	Reserves in tokenized form [2].			
14	Total Reserve Assets [3].			
15	Outstanding repurchase agreement liabilities.			
16	Total Reserve Assets net of Outstanding Repurchase Agreement Liabilities.			

[1] List different classes of payment stablecoin separately, if applicable. To the extent that different classes of payment stablecoins are secured by distinct pools of reserve assets, permitted payment stablecoin issuers should publish a composition table for each class of payment stablecoin and describe the legal mechanism for how the assets are separately secured.

[2] Permitted payment stablecoin issuers must separately list any reserves in tokenized form by category of reserve asset, using multiple rows if appropriate.

[3] Do not double count any reserve assets that may be listed in more than one row for purposes of computing the total.

(f) *Monthly certification; examination of reports by registered public accounting firm.* (1) By noon on the last day of each month, a permitted payment stablecoin issuer must have the information disclosed in the previous month-end report required under paragraph (e) of this section examined by a registered public accounting firm. The registered public accounting firm's examination report must be published on the website of the issuer at the same time as the month-end report required under paragraph (e).

(2) Each month, the Chief Executive Officer and Chief Financial Officer (or the persons performing the equivalent functions) of a permitted payment stablecoin issuer must submit a certification as to the accuracy of the monthly report required under paragraph (e) of this section to the OCC.

(g) *Failure to meet minimum reserve assets requirement.* (1) A permitted payment stablecoin issuer must notify the OCC through its supervisory office on any day in which its reserve asset amount has fallen below the required minimum in paragraph (a) of this section.

(2) A permitted payment stablecoin issuer that fails to satisfy the minimum reserve asset requirement in paragraph (a) of this section at any time:

(i) Is prohibited from issuing any new payment stablecoins immediately except as necessary to facilitate a transfer of payment stablecoins from one distributed ledger to another and provided that the net outstanding issuance value does not increase; and

(ii) May not resume issuance until the permitted payment stablecoin issuer satisfies its minimum reserve asset requirement.

(3) If a permitted payment stablecoin issuer fails to meet its minimum reserve asset requirement for 15 consecutive business days (which may be extended in the OCC's sole discretion), it must:

(i) Begin liquidation of reserve assets and redemption of outstanding payment stablecoins, consistent with § 15.12; and

(ii) Not charge customers a fee to redeem their payment stablecoins at any time during the liquidation.

(4) If at any point the OCC determines that a permitted payment stablecoin issuer has not demonstrated that it meets the reserve asset requirements in paragraph (a), (b), (c), or (d) of this section, the OCC may require the issuer to submit a plan describing how the permitted payment stablecoin issuer will attain compliance and the timeline for the plan. If the OCC determines, either before or after the submission of a plan, that a permitted payment stablecoin issuer faces a significant risk of being unable to attain compliance with the reserve requirements in paragraph (a), (b), (c), or (d) within a reasonable period, the OCC may order the issuer to initiate redemption of all outstanding payment stablecoins. The OCC's authority to require a compliance plan or order redemption does not limit the OCC's authority to pursue other measures, including enforcement actions, if appropriate.

§ 15.12 Redemption.

(a) *Redemption policy.* A permitted payment stablecoin issuer must publicly

disclose its redemption policy and include, at a minimum, the following information:

(1) The timeframe in which the issuer will redeem payment stablecoins and the timeframe under which the issuer is required to redeem payment stablecoins under paragraph (b)(1)(i) of this section;

(2) A statement explaining the limitation in paragraph (b)(1)(ii) of this section;

(3) A statement explaining the scenarios under which the redemption period may be extended as described in paragraph (c) of this section;

(4) A statement with clear instructions on how a payment stablecoin holder can redeem a payment stablecoin, including a link to the website(s) where a customer can redeem the payment stablecoin; and

(5) The minimum number of payment stablecoins, if any, that the permitted payment stablecoin issuer will redeem, provided that the issuer must redeem any number greater than or equal to one payment stablecoin, subject to appropriate customer screening and onboarding.

(b) *Redemption policy requirements.* A permitted payment stablecoin issuer's redemption policy must provide:

(1) Clear and conspicuous procedures for timely redemption of outstanding payment stablecoins:

(i) That timely redemption may not exceed two business days following the date of the requested redemption; and

(ii) That any discretionary limitations on timely redemptions can only be imposed by the OCC or, in the case of a State qualified payment stablecoin issuer, by the OCC, Federal Reserve, or the State payment stablecoin regulator, as applicable.

(2) [Reserved]

(c) *Timeliness extended in certain scenarios.* (1) If a permitted payment stablecoin issuer faces redemption demands in excess of 10 percent of its outstanding issuance value in a single 24-hour period, the period for timely redemption described in paragraph (b)(1) of this section is immediately extended to seven calendar days by operation of this paragraph (c)(1).

(2) The extended redemption period in paragraph (c)(1) of this section applies to all redemption requests that are outstanding at the time the 10 percent threshold is met as well as any subsequent redemption requests.

(3) A permitted payment stablecoin issuer may only redeem any of the outstanding or subsequent redemption requests described in paragraph (c)(2) of this section prior to the seven-calendar day period if the OCC determines that the issuer has the ability to redeem sooner in an orderly fashion and through a fair and transparent process or the OCC otherwise provides notice to the permitted payment stablecoin issuer that the extended redemption period no longer applies.

(4) A permitted payment stablecoin issuer must provide notice to the OCC through its supervisory office within 24 hours if its redemption requests exceed 10 percent of its outstanding issuance value in a single 24-hour period.

(5) The OCC may also, in its discretion, extend timely redemption described in paragraph (b)(1) or (c)(1) of this section, as applicable, if the OCC determines that the permitted payment stablecoin issuer poses a threat to safety and soundness, financial stability, or such an extension is otherwise in the public interest.

(d) *Disclosures and fees associated with purchase and redemption.* A permitted payment stablecoin issuer must:

(1) Publicly, clearly, and conspicuously disclose in plain language and in a format that is readily noticeable to customers, readily understandable by customers, and segregated from other information:

(i) The name of the permitted payment stablecoin issuer that issues the payment stablecoin;

(ii) That the permitted payment stablecoin issuer is the entity that is obligated to convert, redeem, or repurchase the payment stablecoin for a fixed amount of monetary value;

(iii) The link to the monthly composition report of the relevant permitted payment stablecoin issuer's reserves required under § 15.11(e); and

(iv) All fees associated with purchasing or redeeming payment stablecoins.

(2) Update the disclosures in paragraph (d)(1)(iv) of this section if there are any changes in fees associated with purchasing or redeeming payment stablecoins and provide customers at least seven calendar days' prior notice of the change, including by securely delivering the notice to current customers;

(3) Publish the disclosures in paragraph (d)(1) of this section and any updates made in accordance with paragraph (d)(2) of this section on the permitted payment stablecoin issuer's website; and

(4) Include the disclosures in paragraph (d)(1) of this section and any updates made in accordance with paragraph (d)(2) of this section in any customer agreements that it provides.

§ 15.13 Risk management.

(a) *General operational and managerial standards*—(1) *Internal controls and information systems.* A permitted payment stablecoin issuer must have internal controls and information systems to support effective risk management that are appropriate for the size and complexity of the permitted payment stablecoin issuer and the nature, scope, and risk of its activities and that provide for:

(i) An organizational structure with appropriate segregation of duties and an internal control structure that establishes clear lines of authority and responsibility for monitoring adherence to established policies;

(ii) Effective risk assessment;

(iii) Timely and accurate financial, operational, and regulatory reporting, including with respect to the reports required under this part;

(iv) Adequate procedures to monitor, safeguard, manage, control, and monetize assets, including reserve assets; and

(v) Compliance with applicable laws and regulations.

(2) *Internal audit system.* A permitted payment stablecoin issuer must have an internal audit system that is appropriate to the size and complexity of the permitted payment stablecoin issuer and the nature, scope, and risk of its activities and that provides for:

(i) Adequate monitoring of the system of internal controls through an internal audit function, or for a permitted payment stablecoin issuer whose size, complexity or scope of operations does not warrant a full-scale internal audit function, a system of independent reviews of key internal controls;

(ii) Independence and objectivity;

(iii) Qualified persons responsible for the audit function;

(iv) Adequate independent testing and review of internal controls and information systems, verification of published information available to customers, calculations for required reserves, and regulatory filings;

(v) Adequate documentation of tests and findings and any corrective actions;

(vi) Verification and review of management actions to address deficiencies; and

(vii) Review by the permitted payment stablecoin issuer's audit committee or board of directors of the effectiveness of the internal audit systems.

(3) *Interest rate exposure.* A permitted payment stablecoin issuer must:

(i) Manage interest rate risk in a manner that is appropriate to the size and complexity of the permitted payment stablecoin issuer and the

complexity of its assets and liabilities; and

(ii) Provide for periodic reporting to management and the board of directors regarding interest rate risk with adequate information for management and the board of directors to assess the level of risk.

(4) *Asset growth.* A permitted payment stablecoin issuer's asset growth must be prudent and commensurate with a permitted payment stablecoin issuer's risk management capabilities, operational capacity, and staffing.

(5) *Earnings.* A permitted payment stablecoin issuer must establish and maintain a system that is commensurate with the permitted payment stablecoin issuer's size and complexity and the nature and scope of its operations to evaluate and monitor earnings and ensure that earnings are sufficient to support operations and maintain the capital levels required by subpart E of this part.

(6) *Insider and affiliate transactions.*

(i) A permitted payment stablecoin issuer must ensure that transactions between the permitted payment stablecoin issuer and insiders or affiliates:

(A) Are not excessive and do not pose significant risks of material financial loss;

(B)(*1*) Are conducted on terms that are the same or at least as favorable to the permitted payment stablecoin issuer as those prevailing at the time for comparable transactions with or involving non-insiders or non-affiliates; or

(*2*) In the absence of comparable transactions, are offered on terms and under circumstances that, in good faith would be offered to, or would apply to non-affiliates or non-insiders; and

(C) Are appropriately documented and reviewed by the board of directors.

(ii) A permitted payment stablecoin issuer must appropriately monitor and validate compliance with the requirements of paragraph (a)(6)(i) of this section.

(7) *Oversee service provider arrangements.* A permitted payment stablecoin issuer must:

(i) Exercise appropriate due diligence in selecting its service providers;

(ii) Require its service providers by contract to implement appropriate measures designed to meet the applicable requirements of this part; and

(iii) As appropriate, monitor its service providers to confirm they have satisfied their obligations under this section. As part of this monitoring, permitted payment stablecoin issuers must review audits, summaries of test results, or other equivalent evaluations of its service providers.

(8) *Liquidity, diversification, and concentration.* A permitted payment stablecoin issuer must:

(i) Appropriately monitor and validate compliance with the requirements of § 15.11; and

(ii) Manage liquidity and concentration risk in a manner that is appropriate to the business model and risk profile of the permitted payment stablecoin issuer.

(b) *Information technology and security*—(1) *Information technology and security program.* A permitted payment stablecoin issuer must implement a comprehensive written information security risk and control framework, including a program that assesses and manages information technology and information security risks.

(2) *Board of directors approval.* The board of directors or an appropriate board committee must approve the information technology and security program described in paragraph (b)(1) of this section and oversee the development, implementation, and maintenance of the program, including the appointment of a qualified Information Technology and Security Officer. Such oversight includes assigning specific responsibility for program implementation and review of program-related reports.

(3) *Required elements of program.* A permitted payment stablecoin issuer's information technology and security program must include:

(i) An inventory and classification of assets, processes, and sensitivity of data;

(ii) Controls supporting and safeguarding sensitive information and processes;

(iii) Evaluation, validation, and reporting processes to ensure that key information technology systems and controls, including smart contracts, are operating as intended;

(iv) Periodic independent testing; and

(v) A comprehensive and effective incident identification and assessment process and incident response program.

(4) *Security of customer information.* A permitted payment stablecoin issuer's information technology and security program must include administrative, technical, and physical safeguards designed to:

(i) Ensure the security and confidentiality of records containing nonpublic personal information about a customer;

(ii) Protect against any anticipated threats or hazards to the security or integrity of such records;

(iii) Protect against unauthorized access to or use of such records that could result in substantial harm or inconvenience to any customer; and

(iv) Ensure the proper disposal of such records.

(5) *Safe handling of digital assets.* A permitted payment stablecoin issuer must develop, implement, and maintain appropriate measures to ensure secure handling of digital assets, including private key management, backup, and recovery incorporating:

(i) Relevant technical, operational, strategic, market, legal, and compliance considerations relating to each digital asset and its underlying ledger; and

(ii) Material developments specifically related to supported digital assets and their underlying ledgers.

(6) *Adjust the program.* A permitted payment stablecoin issuer must monitor, evaluate, and adjust, as appropriate, the information technology and security program in light of any relevant changes in technology, the sensitivity of its customer information, internal or external threats, and the permitted payment stablecoin issuer's own changing business arrangements, such as mergers and acquisitions, alliances and joint ventures, third-party arrangements, and changes to applicable information systems.

(7) *Notification of unauthorized access*—(i) *Notification to customers.* When a permitted payment stablecoin issuer becomes aware of an incident of unauthorized access to sensitive customer information, including a customer's private key, the permitted payment stablecoin issuer must conduct a reasonable investigation to promptly determine the likelihood that the information has been or will be misused. If the permitted payment stablecoin issuer determines that misuse of its information about a customer has occurred or is reasonably possible, it must notify the affected or possibly affected customer and the OCC as soon as possible. Customer notice must be delayed if an appropriate law enforcement agency determines that notification will interfere with a criminal investigation and provides the permitted payment stablecoin issuer with a written request for the delay. The permitted payment stablecoin issuer must notify its customers of the misuse or possible misuse of customer information as soon as law enforcement notifies the permitted payment stablecoin issuer that notification will no longer interfere with the investigation.

(ii) *Notification to group of customers.* If a permitted payment stablecoin issuer determines that a group of files has been

accessed improperly but is unable to identify which specific customers' information has been accessed and the circumstances of the unauthorized access lead the permitted payment stablecoin issuer to determine that misuse of the information is reasonably possible, it must notify all customers in the group.

(8) *Information technology resilience.* A permitted payment stablecoin issuer's information technology and security program must include measures to ensure continuity of operations and recovery of critical functions in the face of disruptions, including by business impact analyses, testing of vulnerabilities, and testing with critical service providers.

§ 15.14 Audits, reports, and supervision.

(a) *General.* The OCC will conduct a full-scope examination of every permitted payment stablecoin issuer subject to its supervision at least once during each 12-month period, unless otherwise specified in paragraph (d) of this section.

(b) *Access to books and records.* Upon request by the OCC, permitted payment stablecoin issuers must grant the OCC prompt and complete access to all officers, directors, employees, agents, and relevant books, records, or documents of any type.

(c) *Location of examinations.* The OCC may conduct examinations of every permitted payment stablecoin issuer subject to its supervision, as specified in paragraph (a) of this section, either on-site or remotely.

(d) *Extended exam cycle for certain issuers.* Notwithstanding paragraph (a) of this section, the OCC may conduct a full-scope examination of a permitted payment stablecoin issuer subject to its supervision at least once during each 18- to 36-month period, as determined by the OCC in its sole discretion, if the following conditions are satisfied:

(1) The permitted payment stablecoin issuer currently is not subject to a formal enforcement proceeding or order;

(2) No person acquired control, as specified in paragraph (m) of this section, of the permitted payment stablecoin issuer during the preceding 12-month period in which a full-scope examination would have been required but for this paragraph (d);

(3) The permitted payment stablecoin issuer has an outstanding issuance value of less than $1 billion or less than $25 billion in total monthly trading volume; and

(4) The permitted payment stablecoin issuer is in compliance with all of the reserve requirements set forth in § 15.11 and the reporting requirements of this section.

(e) *Authority to conduct more frequent examinations.* This section does not limit the authority of the OCC to examine any permitted payment stablecoin issuer as frequently as the OCC deems necessary, including examinations of a limited scope.

(f) *Recordkeeping requirements.* All permitted payment stablecoin issuers must maintain a complete set of books and records in English.

(g) *Records retention policy.* All permitted payment stablecoin issuers must develop and implement a records retention policy that ensures the permitted payment stablecoin issuer can demonstrate compliance with the GENIUS Act, this part, and all applicable laws and regulations.

(h) *Confidential weekly reporting.* All permitted payment stablecoin issuers must submit to the OCC, on a weekly basis, in the manner and form specified by the OCC, a confidential report containing the information requested in the form available at *www.occ.gov.*

(i) *Reports of financial condition.* All permitted payment stablecoin issuers must submit to the OCC a quarterly report on the financial condition of the permitted payment stablecoin issuer, including, but not limited to, income statement, expenses, balance sheet, reserves, changes in equity, investments, capital, outstanding issuance value, and assets under custody, in a standardized format as prescribed by the OCC within 30 days of the end of the prior quarter. Forms and instructions are available at *www.occ.gov.* Each report of financial condition must contain a declaration by the permitted payment stablecoin issuer's Chief Financial Officer, or the individual performing an equivalent function, that the report is true and correct to the best of their knowledge and belief. The correctness of the report of financial condition must be attested to by the signatures of the directors and senior management of the permitted payment stablecoin issuer other than the officer, or the individual performing an equivalent function, making such declaration, with the attestation stating that the report has been examined by them and to the best of their knowledge and belief is true and correct.

(j) *Submission of other reports.* All permitted payment stablecoin issuers must, upon request, submit to the OCC a report on:

(1) The financial condition of the permitted payment stablecoin issuer;

(2) The systems of the permitted payment stablecoin issuer for monitoring and controlling financial and operational risks;

(3) Compliance of the permitted payment stablecoin issuer and any subsidiary thereof with the GENIUS Act, and this part; and

(4) Compliance of the permitted payment stablecoin issuer with the requirements of the Bank Secrecy Act and with laws authorizing the imposition of sanctions and implemented by the Secretary of the Treasury.

(k) *Ongoing compliance reporting.* Not later than 180 days after the approval of an application, as defined in § 15.30, and on an annual basis thereafter, a permitted payment stablecoin issuer must submit to the OCC a certification by its board of directors that the permitted payment stablecoin issuer has implemented anti-money laundering and economic sanctions compliance programs that are reasonably designed to prevent the permitted payment stablecoin issuer from facilitating money laundering, in particular, facilitating money laundering for cartels and organizations designated as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and the financing of terrorist activities, consistent with the requirements of the GENIUS Act.

(l) *Audits.* A permitted payment stablecoin issuer with more than $50 billion in outstanding issuance value that is not subject to the reporting requirements under section 13(a) or 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78m(a) or 78o(d)) must prepare in accordance with GAAP an annual financial statement that must include the disclosure of any related party transactions, as defined by GAAP.

(1) A registered public accounting firm must perform an audit of the financial statements described in this paragraph (l). The audit must be conducted in accordance with all applicable auditing standards established by the Public Company Accounting Oversight Board, including those relating to auditor independence, internal controls, and related party transactions.

(2) A permitted payment stablecoin issuer required to prepare an audited annual financial statement under this paragraph (l) must:

(i) Make the audited financial statements publicly available on the permitted payment stablecoin issuer's website; and

(ii) Submit the audited financial statements annually, within 120 days after the end of its fiscal year, to the OCC.

(iii) If a permitted payment stablecoin issuer is unable to timely file all or any portion of the financial statement described in paragraph (l)(2)(ii) of this section, it must submit a written notice of late filing to the OCC. The notice must:

(A) Disclose the permitted payment stablecoin issuer's inability to timely file all, or specified portions, of its annual financial statement and the reasons therefore in reasonable detail;

(B) Include the date by which the financial statement will be filed; and

(C) Be filed on or before the deadline for filing the financial statement.

(m) *Changes in control.*

(1) A person seeking to acquire control, as those terms are used in 12 CFR 5.50, of a permitted payment stablecoin issuer must follow the requirements of 12 CFR 5.50 as if the permitted payment stablecoin issuer were a national bank.

(2) Paragraph (m)(1) of this section does not apply to a transaction subject to the notice or application provisions under 12 CFR part 5 or § 15.30.

(n) *Use of existing reports.* In supervising and examining a permitted payment stablecoin issuer, the OCC will, to the fullest extent possible, use existing reports and other supervisory information.

(o) *Avoidance of duplication.* The OCC will, to the fullest extent possible, avoid duplication of examination activities, reporting requirements, and requests for information.

§ 15.15 State qualified payment stablecoin issuers.

(a) *Scope.* This section addresses requirements related to a State qualified payment stablecoin issuer that is a nonbank entity transitioning to the OCC's regulatory framework pursuant to section 4 of the GENIUS Act (12 U.S.C. 5903).

(b) *Transition to Federal regulatory framework—*

(1) *Transition requirements.* A State qualified payment stablecoin issuer that is a nonbank entity of a payment stablecoin with an outstanding issuance value of more than $10 billion must:

(i) Not later than 360 days after reaching such threshold, transition to the Federal regulatory framework under this part and comply with the provisions of this part applicable to Federal qualified payment stablecoin issuers; or

(ii) Beginning on the date the payment stablecoin reaches such threshold, cease issuing, on a net basis, new payment stablecoins until the issuer is under the $10 billion outstanding issuance value threshold.

(2) *Initial notice requirement.* (i) A State qualified payment stablecoin issuer that is a nonbank entity with an outstanding issuance value of more than $10 billion must provide written notification to the OCC within five calendar days after reaching such threshold.

(ii) The written notification must include the following information:

(A) The State or States that currently regulate the State qualified payment stablecoin issuer;

(B) The State qualified payment stablecoin issuer's outstanding issuance value as of the date of the notice;

(C) The date that the State qualified payment stablecoin issuer first reached the $10 billion outstanding issuance value threshold; and

(D) An indication of whether and when the State qualified payment stablecoin issuer ceased issuing, on a net basis, new payment stablecoins and whether the State qualified payment stablecoin issuer intends to seek a waiver pursuant to paragraph (d) of this section.

(3) *Capital.* (i) Within 270 days of reaching the $10 billion outstanding issuance value threshold, a State qualified payment stablecoin issuer that is a nonbank entity must submit an analysis of the issuer's current capital position and anticipated capital needs, sufficient to ensure ongoing operations, based on its business model and risk profile.

(ii) The OCC will review the submission required under paragraph (b)(3)(i) of this section and establish a minimum capital requirement pursuant to § 15.41(a)(1).

(iii) For purposes of complying with the transition requirements under paragraph (b)(1)(i) of this section, the issuer must hold minimum capital as specified under § 15.41(a)(1)(ii) prior to the issuer's transition date.

(iv) A state qualified payment stablecoin issuer that is a nonbank entity is not required to submit a capital analysis under this paragraph (b)(3) if the issuer:

(A) Has received a waiver pursuant to paragraph (d) of this section; or

(B) Is not required to transition to the Federal regulatory framework pursuant to paragraph (b)(1)(ii) of this section.

(4) *Compliance notice requirement and transition date.* (i) For purposes of complying with paragraph (b)(1)(i) of this section, a State qualified payment stablecoin issuer that is a nonbank entity must provide written notification to the OCC that it is in compliance with the Federal regulatory framework under this part. If the State qualified payment stablecoin issuer is not in compliance with the Federal regulatory framework under this part, the written notice must identify the provisions with which the issuer does not comply, provide the issuer's plan for remediating its noncompliance, and explain why the issuer did not comply with the Federal regulatory framework within the 360-day transition period.

(ii) A State qualified payment stablecoin issuer that does not cease issuing new payment stablecoins in accordance with paragraph (b)(1)(ii) of this section must transition to the regulatory framework under this part on the earlier of 360 days after reaching the $10 billion outstanding issuance value threshold or the date on which the State qualified payment stablecoin issuer provides written notification under paragraph (b)(4)(i) of this section.

(c) *Initial Examination.* A State qualified payment stablecoin issuer that transitions to the regulatory framework under this part must undergo an initial OCC examination at the OCC's request or no later than six months after the date on which the State qualified payment stablecoin issuer provides written notification under paragraph (b)(4)(i) of this section.

(d) *Waiver from Federal supervision.*

(1) *Waiver request.* A State qualified payment stablecoin issuer that is a nonbank entity seeking to remain solely supervised by a State payment stablecoin regulator must submit to the OCC a written waiver request containing information necessary to evaluate such request under paragraphs (d)(2) and (3) of this section. A State qualified payment stablecoin issuer that is a nonbank entity seeking to remain solely supervised by a State payment stablecoin issuer must submit a waiver request within 240 days of reaching the $10 billion outstanding issuance value.

(2) *Waiver criteria.* The OCC will consider the following exclusive criteria when deciding whether to grant a waiver:

(i) The capital maintained by the State qualified payment stablecoin issuer;

(ii) The past operations and examination history of the State qualified payment stablecoin issuer;

(iii) The experience of the State payment stablecoin regulator in supervising payment stablecoin and digital asset activities; and

(iv) The supervisory framework, including regulations and guidance, of the State qualified payment stablecoin issuer with respect to payment stablecoins and digital assets.

(3) *Waiver presumption.* (i) Except as provided in paragraph (d)(3)(ii) of this section, the OCC will approve a waiver

request under this section if the relevant State payment stablecoin regulator has:

(A) Established a prudential regulatory regime (including regulations and guidance) for the supervision of digital assets or payment stablecoins as of April 19, 2025, that has been certified pursuant to section 4(c) of the GENIUS Act (12 U.S.C. 5903(c)); and

(B) Approved one or more issuers to issue payment stablecoins under the supervision of such State payment stablecoin regulator.

(ii) Paragraph (d)(3)(i) of this section does not apply to a waiver request if the OCC finds by clear and convincing evidence that the criteria in paragraph (d)(2) of this section are not substantially met or that the State qualified payment stablecoin issuer poses significant safety and soundness risks to the financial system of the United States.

§ 15.16 Unusual and exigent circumstances.

(a) *Scope.* This section addresses the OCC's authority to impose restrictions on a State qualified payment stablecoin issuer that is a nonbank entity during unusual and exigent circumstances, pursuant to section 7 of the GENIUS Act (12 U.S.C. 5906).

(b) *Unusual and exigent circumstances.* If the OCC determines that unusual and exigent circumstances exist, based on information available to the OCC, and that there is reasonable cause to believe that the continuation of any activity, including failure to act, by a State qualified payment stablecoin issuer that is a nonbank entity constitutes a serious risk to the financial safety, soundness, or stability of the nonbank entity, the OCC will impose such restrictions as the OCC determines to be necessary to address such risk during unusual and exigent circumstances in the form of a directive with the effect of a cease-and-desist order that has become final. Such restrictions may include limitations on:

(1) Redemptions of payment stablecoins;

(2) Transactions between the State qualified payment stablecoin issuer, a holding company, and the subsidiaries or affiliates of either the State qualified payment stablecoin issuer or the holding company; and

(3) Any activities of the State qualified payment stablecoin issuer that might create a serious risk that the liabilities of a holding company and the affiliates of the holding company may be imposed on the State qualified payment stablecoin issuer.

(c) *OCC considerations for unusual and exigent circumstances.* When determining whether unusual and exigent circumstances exist under this section, the OCC will consider:

(1) Whether the State qualified payment stablecoin issuer is, or is expected to imminently be, engaging in an activity (including any act, practice, or omission) that poses an immediate risk to the financial safety, soundness, or stability of the issuer or the financial system of the United States;

(2) The actions of the relevant State payment stablecoin regulator to promptly address the risk to the issuer or the financial system of the United States;

(3) Risks presented to payment stablecoin holders; and

(4) Any other factors the OCC deems appropriate in light of the particular circumstances and consistent with the purposes of the GENIUS Act.

(d) *Administrative review.* The administrative review procedures described in section 7(e)(2)(D) of the GENIUS Act (12 U.S.C. 5906(e)(2)(D)) are applicable to a State qualified payment stablecoin issuer or any institution-affiliated party, as defined in section 2(13) of the GENIUS Act (12 U.S.C. 5901(13)), subject to a directive issued under paragraph (b) of this section.

Subpart C—Custody

§ 15.20 Definitions.

For the purposes of this subpart, the following definitions apply:

Applicable law means the law of a State or other jurisdiction governing a covered custodian's custody relationships, any applicable Federal law governing those relationships, the terms of the custody agreement, and any applicable court order.

Covered assets means payment stablecoin reserves, payment stablecoins used as collateral, and private keys used to issue payment stablecoins, as well as cash and other property received in the course of the provision of custodial or safekeeping services for such assets.

Covered custodian means a national bank, Federal savings association, Federal branch, or permitted payment stablecoin issuer to the extent of such person's provision of custodial or safekeeping services for covered assets.

Covered customer means a person for or on whose behalf a covered custodian receives, acquires, or holds covered assets.

Custody agreement means a legally binding contractual agreement between a covered customer, as the principal, and the covered custodian, as the agent, that establishes the covered custodian's duties and responsibilities in providing safekeeping and ancillary services to the covered customer.

Digital wallet means a software program or hardware device that stores and manages the private keys associated with a particular unit of a digital asset.

Sub-custodian means a person that provides custody and safekeeping services to a covered custodian, including through a digital wallet for which such person controls the associated private keys, with respect to covered assets of a covered customer, for which the covered custodian otherwise serves as a custodian under this subpart.

§ 15.21 Covered asset custodial property requirements.

(a) *Separate accounting, treatment, and dealing.* A covered custodian must separately account for the covered assets of a covered customer and must treat and deal with those covered assets as belonging to such covered customer and not as the property of the covered custodian.

(b) *Protection, possession, and control.* (1) A covered custodian must take appropriate steps to protect the covered assets of covered customers from the claims of creditors of the covered custodian and any sub-custodian, as applicable, including through adopting, implementing, and maintaining written policies, procedures, and internal controls that are adequate to comply with applicable law and that are commensurate with the covered custodian's size, complexity, and risk profile and with the nature of the applicable covered assets for which it provides custodial or safekeeping services.

(2)(i) A covered custodian must maintain possession or control of the covered assets of a covered customer that are held directly, including in a digital wallet for which the covered custodian controls the associated private keys; however, a covered custodian may maintain the covered assets of a covered customer through the use of a sub-custodian if consistent with applicable law, provided the covered custodian maintains adequate safeguards and internal controls reasonably designed to provide the covered custodian with oversight of such sub-custodian's compliance with the requirements of this subpart.

(ii) With regards to any payment stablecoin or stablecoin reserve in the form of a tokenized asset held in safekeeping under this subpart, a covered custodian, or sub-custodian, as applicable, maintains control for purposes of paragraph (b)(2)(i) of this section if it can reasonably demonstrate,

consistent with the standard of care established by applicable law, that no other party, including the covered customer, can transfer the payment stablecoin or tokenized asset using a distributed ledger without the consent of the custodian or sub-custodian, as applicable.

(c) *Withdrawals and application of covered assets.* Consistent with applicable law, a covered custodian may withdraw and apply such share of the covered assets of a covered customer necessary to transfer, adjust, or settle a transaction or transfer of assets applicable to that covered customer, including the payment of commissions, taxes, storage, and other charges lawfully accruing in connection with the provision of services to that covered customer by the covered custodian.

(d) *Holdings of cash.* Notwithstanding any other provision of this section, an insured national bank or Federal savings association that provides custodial or safekeeping services, including as a sub-custodian, for covered assets that are in the form of cash may hold such cash in the form of a deposit liability, provided such treatment is consistent with Federal law.

§ 15.22 Use of omnibus accounts.

(a) *Segregation of covered assets.* A covered custodian must segregate all covered assets of covered customers from and not commingle them with the assets of the covered custodian, except as permitted under § 15.21(d).

(b) *Commingling covered assets.* A covered custodian may, for convenience, commingle the covered assets of multiple covered customers, in one or more omnibus accounts to the extent that the steps it has taken pursuant to § 15.21(b) are adequate to maintain safe and sound practices for the use of omnibus accounts, and to the extent that the use of omnibus accounts is consistent with applicable law.

§ 15.23 Self-custody hardware and software exclusion.

The requirements of this subpart do not apply to any national bank, Federal savings association, Federal branch, or permitted payment stablecoin issuer solely on the basis that such entity engages in the business of providing hardware or software to facilitate a person's or entity's self-custody of their payment stablecoins or private keys.

Subpart D—Applications and Registrations

§ 15.30 Approval of permitted payment stablecoin issuers.

(a) *Application requirement*—(1) *Insured national banks, Federal savings associations, and insured Federal branches.* Any insured national bank, Federal savings association, or insured Federal branch that seeks to issue payment stablecoins through a subsidiary must file an application under this section and receive prior approval from the OCC before issuing payment stablecoins.

(2) *Nonbank entities, uninsured national banks, and uninsured Federal branches.* Any nonbank entity, uninsured national bank, or uninsured Federal branch that seeks to issue payment stablecoins as a Federal qualified payment stablecoin issuer must file an application under this section and receive prior approval from the OCC before issuing payment stablecoins.

(b) *Application process*—(1) *Information required.*

(i) An applicant must submit all the information required by the form for an application under this section. Forms and instructions are available at *www.occ.gov.*

(ii) Each director, executive officer, and principal shareholder of the applicant (or in the case of an applicant that is an insured national bank, Federal savings association or Federal branch, of the subsidiary of the applicant) must submit the information prescribed in the Interagency Biographical and Financial Report, available at *www.occ.gov.*

(iii) An applicant must certify that any filing or supporting material submitted to the OCC contains no material misrepresentations or omissions. The OCC may review and verify any information filed in connection with an application. Any person responsible for any material misrepresentation or omission in a filing or supporting materials may be subject to enforcement action and other penalties, including criminal penalties provided in 18 U.S.C. 1001.

(2) *Where to file.* An applicant should address an application under this section to the appropriate OCC licensing office, unless the OCC advises an applicant otherwise. Relevant addresses are listed on *www.occ.gov.*

(3) *Substantially complete application.*

(i) An application is substantially complete if it contains sufficient information for the OCC to render a decision on whether the applicant satisfies the factors set forth in paragraph (c) of this section.

(ii) The OCC will notify applicants not later than 30 days after receipt of an application whether the application is substantially complete. If the application is not substantially complete, the OCC will notify the applicant of the information required in order for the application to be substantially complete.

(iii) The OCC will notify applicants not later than 30 days after receipt of additional information described in paragraph (b)(3)(ii) of this section whether the application is now substantially complete.

(iv) An application is considered substantially complete as of the date the OCC receives the information required for the application to be substantially complete.

(v) If the OCC determines that an application is substantially complete, the application remains substantially complete unless there is a material change in circumstances that requires the OCC to treat the application as a new application.

(4) *Investigation.* The OCC may examine or investigate and evaluate facts relating to an application under this section to the extent necessary to reach an informed decision. The OCC may collect fingerprints of the individuals listed in paragraph (b)(1)(ii) of this section for submission to the Federal Bureau of Investigation for a national criminal history background check.

(5) *OCC review.* A substantially complete application under this section is deemed approved by the OCC as of the 120th day after the substantially complete application is received by the OCC, unless the OCC denies the substantially complete application under paragraph (d) of this section.

(c) *Review factors.*

The OCC considers the following factors when evaluating a substantially complete application:

(1) The ability of the applicant (or in the case of an applicant that is an insured national bank, Federal savings association or insured Federal branch, the subsidiary of the applicant) based on financial condition and resources, to meet the requirements for issuing payment stablecoins under subpart B of this part;

(2) Whether any officer or director of the applicant has been convicted of a felony offense involving insider trading, embezzlement, cybercrime, money laundering, financing of terrorism, or financial fraud;

(3) The competence, experience, and integrity of the officers, directors, and principal shareholders of the applicant, its subsidiaries, and parent companies, including:

(i) The record of those officers, directors, and principal shareholders of compliance with laws and regulations; and

(ii) The ability of those officers, directors, and principal shareholders to fulfill any commitments or conditions imposed by the OCC in connection with the application filed under this section or any prior application; and

(4) Whether the applicant's redemption policy meets the standards under § 15.12.

(d) *Denial.* The OCC may deny a substantially complete application filed under this section if the OCC determines that the proposed activities would be unsafe or unsound based on the factors described in paragraph (c) of this section. Within 30 days after the OCC denies a substantially complete application, the OCC will provide the applicant with a written explanation of the disapproval, including all findings with respect to all identified material shortcomings and actionable recommendations to address the identified material shortcomings.

(e) *Appeal.*

(1) An applicant may request a written or oral hearing to appeal the OCC's denial of a substantially complete application within 30 days of receipt of the OCC's notice of denial. The request for a written or oral hearing must be in writing.

(2) If the applicant does not make a timely appeal for a hearing under this section, the OCC will notify the applicant, in writing and within 10 days of the date the applicant would have been able to request a hearing, that the denial of the substantially complete application is the final determination of the OCC.

(3) Within 30 days of receiving a timely appeal request, the OCC will notify the applicant of a time and place at which the applicant may appear, personally or through counsel, to submit written materials or provide oral testimony and oral argument. The applicant must submit all documents and written arguments that the applicant wishes to be considered in support of a written appeal.

(4) The Comptroller or authorized delegate considers all information submitted with the original substantially complete application, the material before the OCC official who made the initial denial decision, and any information submitted by the applicant at the time of appeal. The Comptroller or authorized delegate considers all submitted documentation *de novo.* The Comptroller or authorized delegate may uphold or reverse the initial decision to deny the application.

(5) Within 60 days of the hearing, the Comptroller or authorized delegate will notify the applicant in writing of a final determination. The final determination will explain the findings on which the determination is based. If the initial decision is upheld, the decision to deny the substantially complete application is effective as of the date of the original denial.

(6) The denial of a substantially complete application under this section does not prohibit the applicant from filing a subsequent application.

(f) *Safe harbor*—

(1) *Insured national banks, Federal savings associations, and insured Federal branches.* An insured national bank, Federal savings association, or insured Federal branch that has a pending substantially complete application under this section for a subsidiary to become a permitted payment stablecoin issuer on or before [effective date of the GENIUS Act] may request, in writing, that the OCC waive the requirements of section 4 of the GENIUS Act (12 U.S.C. 5903) with respect to that subsidiary.

(2) *Nonbank entities, uninsured national banks, and uninsured Federal branches.* A nonbank entity, uninsured national bank, or uninsured Federal branch that has a pending substantially complete application under this section to become a Federal qualified payment stablecoin issuer on or before [effective date of the GENIUS Act] may request, in writing, that the OCC waive the requirements of section 4 of the GENIUS Act (12 U.S.C. 5903) with respect to that entity.

(3) *Grant of waiver.* The OCC may grant a waiver for a period not to exceed 12 months beginning on [effective date of the GENIUS Act]. The OCC may grant the waiver if it finds that the waiver:

(i) Would be in the public interest; or

(ii) Extraordinary circumstances justify the waiver.

(4) *Denial notwithstanding waiver.* Notwithstanding any waiver granted under paragraph (f)(3) of this section, the OCC may deny a substantially complete application under paragraph (d) of this section.

(g) *Nullifying a decision*—(1) *In general.* The OCC may nullify the approval of a substantially complete application under this section if:

(i) The OCC discovers a material misrepresentation or omission in any information provided to the OCC in the application or supporting materials;

(ii) The decision is contrary to law or regulation thereunder; or

(iii) The decision was granted due to clerical or administrative error, or a material mistake of law or fact.

(2) *Procedure.* When the OCC intends to nullify the approval of a substantially complete application, the OCC in its sole discretion, will:

(i) Provide the applicant with notice of the intended nullification and grant the applicant an opportunity to present a written submission opposing the intended nullification; or

(ii) Take any other action designed to provide the applicant with notice and an opportunity to present its views concerning the intended nullification.

§ 15.31 Foreign payment stablecoin issuers.

(a) *In general.* A foreign payment stablecoin issuer is not subject to the prohibitions of section 3 of the GENIUS Act (12 U.S.C. 5902) if it meets all of the following requirements:

(1) The foreign payment stablecoin issuer is subject to regulation and supervision by a foreign payment stablecoin regulator that has a regulatory and supervisory regime comparable to the GENIUS Act with respect to payment stablecoins, as determined by the Secretary of the Treasury under section 18(b) of the GENIUS Act (12 U.S.C. 5916(b));

(2) The foreign payment stablecoin issuer is registered with the OCC pursuant to § 15.32;

(3) The foreign payment stablecoin issuer holds reserves in United States financial institutions sufficient to meet demands of United States customers, unless otherwise permitted under a reciprocal arrangement created and implemented by the Secretary of the Treasury under section 18(d) of the GENIUS Act (12 U.S.C. 5916(d)); and

(4) The foreign country in which the foreign payment stablecoin issuer is domiciled and regulated is not subject to comprehensive economic sanctions by the United States or in a jurisdiction that the Secretary of the Treasury has determined to be a jurisdiction of primary money laundering concern.

(b) *Reporting, supervision, and examination*—

(1) *In general.* A foreign payment stablecoin issuer registered with the OCC pursuant to § 15.32 must fully accede to any request by the OCC regarding reporting, supervision, or examination of the foreign payment stablecoin issuer.

(2) *Reporting.*

(i) A foreign payment stablecoin issuer registered with the OCC pursuant to § 15.32 must produce the reports required of a permitted payment stablecoin issuer under § 15.14 as well as any other reports the OCC may require.

(ii) A foreign payment stablecoin issuer may request, in writing, an exemption from any reporting requirement that would otherwise apply

under § 15.14. The OCC may grant an exemption in its sole discretion.

(3) *Examinations.*

(i) The OCC will conduct a full-scope examinations of a foreign payment stablecoin issuer registered with the OCC under § 15.32 at the same frequency as the OCC would examine a permitted payment stablecoin issuer under § 15.14 unless the OCC determines, in its sole discretion, to examine at a different frequency.

(ii) The OCC may conduct examinations as specified in paragraph (b)(3)(i) of this section, either on-site or remotely.

(c) *Prohibition on interest.*

(1) A foreign payment stablecoin issuer registered with the OCC pursuant to § 15.32 may not pay the holder of any payment stablecoin any form of interest or yield (whether in cash, tokens, or other consideration) solely in connection with the holding, use, or retention of such payment stablecoins.

(2) The OCC presumes that a foreign payment stablecoin issuer is paying interest or yield (whether in cash, tokens, or other consideration) to the holder of a payment stablecoin solely in connection with the holding, use, or retention of such payment stablecoin if:

(i) The foreign payment stablecoin issuer has a contract, agreement, or other arrangement with an affiliate of the issuer or related third party to pay interest or yield to the affiliate or related third party;

(ii) The affiliate or related third party identified in paragraph (c)(2)(i) of this section or, if the person is a related third party, an affiliate of such related third party has a contract, agreement, or other arrangement to pay interest or yield (whether in cash, tokens, or other consideration) to a holder of any payment stablecoin issued by the permitted payment stablecoin issuer solely in connection with the holding, use, or retention of such payment stablecoin; and

(iii) To the extent the person, or an affiliate of the person, identified in paragraph (c)(2)(i) is a related third party of the permitted payment stablecoin issuer because the permitted payment stablecoin issuer issues payment stablecoins on the related third party's behalf or under the related third party's branding, the arrangement identified in paragraph (c)(2)(ii) of this section considers the holder of the payment stablecoin to be the holder of a payment stablecoin issued by the permitted payment stablecoin issuer on the related third party's behalf or under the related third party's branding.

(3) For purposes of paragraph (c)(2) of this section, a *related third party* means:

(i) A person offering to pay interest or yield to payment stablecoin holders as a service; and

(ii) Any person that the issuer issues payment stablecoins on the person's behalf or under the person's branding.

(4) A foreign payment stablecoin issuer may rebut the presumption in paragraph (c)(2) of this section by submitting written materials that, in the OCC's judgment, demonstrate that the contract, agreement, or other arrangement is not prohibited under this paragraph (c) and is not an attempt to evade the prohibition.

(d) *Public availability.* The OCC makes publicly available on *www.occ.gov* a list of foreign payment stablecoin issuers whose registrations the OCC has approved.

§ 15.32 Registration of foreign payment stablecoin issuers.

(a) *Application required.* A foreign payment stablecoin issuer that seeks to be registered with the OCC under section 18(c) of the GENIUS Act (12 U.S.C. 5916(c)) must file an application under this section.

(b) *Application process—*

(1) *Information required.* As part of an application under this section, an applicant must provide the following information:

(i) All the information required by the form for an application under this section. Forms and instructions are available at *www.occ.gov;*

(ii) Evidence that the Secretary of the Treasury has determined that the applicant is subject to regulatory and supervisory regime comparable to the GENIUS Act with respect to payment stablecoins, under section 18 of the GENIUS Act (12 U.S.C. 5916);

(iii) A certification that the applicant will make available to the OCC all information that the OCC deems necessary to determine and enforce compliance with the GENIUS Act;

(iv) The applicant's consent to United States jurisdiction relating to enforcement of the GENIUS Act and this part; and

(v) Certification that any filing or supporting material submitted to the OCC contains no material misrepresentations or omissions. The OCC may review and verify any information filed in connection with an application. Any person responsible for any material misrepresentation or omission in a filing or supporting materials may be subject to enforcement action and other penalties, including criminal penalties provided in 18 U.S.C. 1001.

(2) *Where to file.* An applicant should address an application under this section to the appropriate OCC licensing office, unless the OCC advises a filer otherwise. Relevant addresses are listed on *www.occ.gov.*

(3) *Investigation.* The OCC may examine or investigate and evaluate facts relating to an application under this section to the extent necessary to reach an informed decision.

(4) *Registration approval.* An application for registration made by a foreign payment stablecoin issuer that satisfies the requirements in paragraph (b)(1) of this section is deemed approved by the OCC as of the 30th day after the OCC received the filing, unless the OCC notifies the filer in writing that the application for registration has been rejected.

(c) *Review factors.* The OCC considers the following factors when evaluating an application under this section:

(1) The Secretary of the Treasury's determination that the foreign payment stablecoin issuer is subject to a regulatory and supervisory regime comparable to the GENIUS Act with respect to payment stablecoins under section 18 of the GENIUS Act (12 U.S.C. 5916);

(2) The financial and managerial resources of the United States operations of the foreign payment stablecoin issuer;

(3) Whether the foreign payment stablecoin issuer will provide adequate information to the OCC to determine compliance with the GENIUS Act and this part;

(4) Whether the foreign payment stablecoin issuer presents a risk to the financial stability of the United States, including risks relating to ensuring timely redemption for United States customers; and

(5) Whether the foreign payment stablecoin issuer presents illicit finance risks to the United States.

(d) *Conditions of approval.* Any approval of registration under this section is subject to the following conditions:

(1) Upon request by the OCC, a foreign payment stablecoin issuers must grant the OCC prompt and complete access to all officers, directors, employees, and agents and to all relevant books, records, or documents of any type, in a form and location accessible to the OCC in the United States.

(2) The foreign payment stablecoin issuer will make all information described in paragraph (d)(1) of this section available to the OCC in English.

(3) The foreign payment stablecoin issuer provides evidence that it holds reserves in the United States that are sufficient to meet the liquidity demands

of United States customers on an ongoing basis, unless otherwise permitted under a reciprocal arrangement implemented by the Secretary of the Treasury under section 18(d) of the GENIUS Act (12 U.S.C. 5916(d)).

(i) The reserves must be held at United States financial institutions.

(ii) The foreign payment stablecoin issuer must provide to the OCC, by noon on the last day of each month, a report describing the total number of outstanding payment stablecoins issued by the foreign payment stablecoin issuer held by United States customers and the amount and composition of the foreign payment stablecoin issuer's reserves, including their geographic location and average tenor of reserve instruments, using a format substantially similar to the template provided in table 1 to this paragraph.

TABLE 1 PARAGRAPH (d)(3)(ii)—MONTHLY COMPOSITION TEMPLATE

	As of YYYYMMDD In thousands of U.S. Dollars	Amount	Geographic location	Average tenor
	Number of Outstanding payment stablecoins Held by United States Customers			
1 [1].				
2.				
3.				
4	TOTAL OUTSTANDING PAYMENT STABLECOINS HELD BY UNITED STATES CUSTOMERS.			
	Fair Value of Reserve Assets			
5	Deposits:			
6	Insured deposits.			
7	Uninsured deposits.			
8	Treasury bills, Treasury notes, or Treasury bonds.			
9	Other similarly liquid Federal Government-issued assets approved by OCC.			
10	Money received under repurchase agreements.			
11	Reverse repurchase agreements.			
12	Securities issued by an investment company solely invested in qualifying reserve assets.			
13	Reserves in tokenized form [2].			
14	Total Reserve Assets [3].			
15	Outstanding Repurchase Agreement Liabilities.			
16	Total Reserve Assets net of Outstanding Repurchase Agreement Liabilities.			

[1] List different classes of stablecoin separately, if applicable. To the extent that different classes of stablecoins are secured by distinct pools of reserve assets, foreign payment stablecoin issuers should publish a composition table for each class of stablecoin and describe the legal mechanism for how the assets are separately secured.

[2] Foreign payment stablecoin issuers must separately list any reserves in tokenized form by category of reserve asset, using multiple rows if appropriate.

[3] Do not double count any reserve assets that may be listed in more than one row for purposes of computing the total.

(iii) The foreign payment stablecoin must promptly notify the OCC through its supervisory office on any day in which the issuer fails to meet the reserve asset requirements of paragraph (d)(3).

(iv) The foreign payment stablecoin issuer will promptly and fully address any deficiency in its compliance with this paragraph (d)(3) that is explained to the foreign payment stablecoin issuer in writing by the OCC, including by depositing additional liquidity in United Staes financial institutions to the extent doing so would address the deficiency identified.

(4) The foreign payment stablecoin issuer consents to the jurisdiction of the Federal courts of the United States and of all United States Government agencies, departments and divisions for purposes of any and all claims made by, proceedings initiated by, or obligations to, the United States, the OCC and any other United States Government agency, department or division, in any matter arising under the GENIUS Act and other applicable Federal laws.

(5) The foreign payment stablecoin issuer will comply with all understandings, commitments, or conditions contained in any determination by the Secretary of the Treasury or any arrangements entered into by the United States and the foreign jurisdiction under section 18 of the GENIUS Act (12 U.S.C. 5916).

(e) *Rejection.* The OCC may reject an application under this section if the OCC makes a negative finding with respect to any of the factors described in paragraph (c) of this section or if the OCC determines that the applicant would be unable to comply with the conditions in paragraph (d) of this section. The OCC will provide written notice to the applicant of any rejection under this paragraph (e).

(f) *Appeal of rejection.* A foreign payment stablecoin issuer may request a written or oral hearing to appeal the OCC's rejection of an application for registration within 30 days of receipt of the OCC's notice of rejection. The request for a written or oral hearing must be in writing.

(1) If the foreign payment stablecoin issuer does not make a timely appeal for a hearing under this section, the OCC will notify the applicant, in writing and within 10 days of the date the applicant would have been able to request a hearing, that the denial of the application is the final determination of the OCC.

(2) Within 30 days of receiving a timely appeal request, the OCC notify the applicant of a time and place at which the applicant may appear, personally or through counsel, to submit written materials or provide oral testimony and oral argument. The foreign payment stablecoin issuer must submit all documents and written arguments that the foreign payment stablecoin issuer wishes to be considered in support of a written appeal.

(3) The Comptroller or authorized delegate considers all information submitted with the original application for registration, the material before the OCC official who made the initial decision, and any information

submitted by the appellant at the time of appeal. The Comptroller or authorized delegate considers all submitted documentation *de novo.* The Comptroller or authorized delegate may uphold or reverse the initial decision to reject the registration.

(4) Within 60 days of the hearing, the Comptroller or authorized delegate will notify the foreign payment stablecoin issuer in writing of a final determination. The final determination will explain the findings on which the determination is based. If the initial decision is upheld, the decision to deny the application is effective as of the date of the original denial.

(5) The denial of an application under this section does not prohibit the applicant from filing a subsequent application.

(g) *Nullifying a decision*—(1) *In general.* The OCC may nullify the approval of a registration under this section if:

(i) The OCC discovers a material misrepresentation or omission in any information provided to the OCC in the application or supporting materials;

(ii) The decision is contrary to law or regulation thereunder; or

(iii) The decision was granted due to clerical or administrative error, or a material mistake of law or fact.

(2) *Procedure.* When the OCC intends to nullify the approval of a registration, the OCC in its sole discretion, will:

(i) Provide the applicant with notice of the intended nullification decision and grant the applicant an opportunity to present a written submission opposing the intended nullification; or

(ii) Take any other action designed to provide the applicant with notice and an opportunity to present its views concerning the intended nullification.

§ 15.33 Revocation or rescission of approval.

(a) *Revocation of approval of a permitted payment stablecoin issuer*—(1) *In general.* The OCC may revoke approval of a permitted payment stablecoin issuer's application under § 15.30 if the permitted payment stablecoin issuer does not submit the certification required by § 15.14(k).

(2) *Procedures*—(i) *Notice and hearing.* Except as otherwise provided in this section, the OCC may issue an order to revoke the permitted payment stablecoin issuer's application approval under § 15.30 after providing notice to the permitted payment stablecoin issuer and after providing an opportunity for a hearing.

(ii) *Procedures for hearing.* The OCC will conduct a hearing under this section pursuant to the OCC's Rules of Practice and Procedures in 12 CFR part 19.

(iii) *Expedited procedure.* The OCC may act without providing an opportunity for a hearing if it determines that expeditious action is necessary in order to protect the public interest. When the OCC finds that it is necessary to act without providing an opportunity for a hearing, the OCC in its sole discretion, may:

(A) Provide the permitted payment stablecoin issuer with notice of the intended revocation of application approval;

(B) Grant the permitted payment stablecoin issuer an opportunity to present a written submission opposing revocation of application approval; or

(C) Take any other action designed to provide the permitted payment stablecoin issuer with notice and an opportunity to present its views concerning the revocation of application approval.

(3) *Effect of rescission.* A decision to revoke an application approval is effective upon provision of notice to the permitted payment stablecoin issuer, unless otherwise specified by the OCC.

(b) *Rescission of foreign payment stablecoin issuer registration*—(1) *In general.* The OCC may, in consultation with the Secretary of the Treasury, rescind approval of a registration of a foreign payment stablecoin issuer under § 15.32 if the OCC determines that the foreign payment stablecoin issuer is not in compliance with the requirements of the GENIUS Act, including for maintaining insufficient reserves or posing an illicit finance risk or financial stability risk.

(2) *Procedures*—(i) *Notice and hearing.* Except as otherwise provided in this section, the OCC may issue an order to rescind the foreign payment stablecoin issuer's registration approval under § 15.32 after providing notice to the foreign payment stablecoin issuer and providing an opportunity for a hearing.

(ii) *Procedures for hearing.* The OCC will conduct a hearing under this section pursuant to the OCC's Rules of Practice and Procedures in 12 CFR part 19.

(iii) *Expedited procedure.* The OCC may act without providing an opportunity for a hearing if it determines that expeditious action is necessary in order to protect the public interest. When the OCC finds that it is necessary to act without providing an opportunity for a hearing, the OCC in its sole discretion, may:

(A) Provide the foreign payment stablecoin issuer with notice of the intended recission of approval registration;

(B) Grant the foreign payment stablecoin issuer an opportunity to present a written submission opposing recission of approval registration; or

(C) Take any other action designed to provide the foreign payment stablecoin issuer with notice and an opportunity to present its views concerning the recission of approval registration.

(3) *Effect of rescission.* A decision to rescind approval of a registration is effective upon publication in the **Federal Register**, unless otherwise specified by the OCC.

Subpart E—Capital and Operational Backstop

§ 15.40 Capital elements.

(a) *Capital elements.* The minimum capital requirement must consist of common equity tier 1 capital and additional tier 1 capital.

(b) *Common equity tier 1 capital.* Common equity tier 1 capital is the sum of the common equity tier 1 capital elements in this paragraph (b). The common equity tier 1 capital elements are:

(1) Any common stock instruments (plus any related surplus) issued by the permitted payment stablecoin issuer, net of treasury stock, that meet all the following criteria:

(i) The instrument is paid-in, issued directly by the permitted payment stablecoin issuer, and represents the most subordinated claim in a receivership, insolvency, liquidation, or similar proceeding of the permitted payment stablecoin issuer;

(ii) The holder of the instrument is entitled to a claim on the residual assets of the permitted payment stablecoin issuer that is proportional with the holder's share of the permitted payment stablecoin issuer's issued capital after all senior claims have been satisfied in a receivership, insolvency, liquidation, or similar proceeding;

(iii) The instrument has no maturity date, can only be redeemed via discretionary repurchases with the prior approval of the OCC, and does not contain any term or feature that creates an incentive to redeem;

(iv) The permitted payment stablecoin issuer did not create at issuance of the instrument through any action or communication an expectation that it will buy back, cancel, or redeem the instrument, and the instrument does not include any term or feature that might give rise to such an expectation;

(v) Any cash dividend payments on the instrument are paid out of the permitted payment stablecoin issuer's

net income or retained earnings and are not subject to a limit imposed by the contractual terms governing the instrument;

(vi) The permitted payment stablecoin issuer has full discretion at all times to refrain from paying any dividends and making any other distributions on the instrument without triggering an event of default, a requirement to make a payment-in-kind, or an imposition of any other restrictions on the permitted payment stablecoin issuer;

(vii) Dividend payments and any other distributions on the instrument may be paid only after all legal and contractual obligations of the permitted payment stablecoin issuer have been satisfied, including payments due on more senior claims;

(viii) The holders of the instrument bear losses as they occur equally, proportionately, and simultaneously with the holders of all other common stock instruments before any losses are borne by holders of claims on the permitted payment stablecoin issuer with greater priority in a receivership, insolvency, liquidation, or similar proceeding;

(ix) The paid-in amount is classified as equity under GAAP;

(x) The permitted payment stablecoin issuer, or an entity that the permitted payment stablecoin issuer controls, did not purchase or directly or indirectly fund the purchase of the instrument;

(xi) The instrument is not secured, not covered by a guarantee of the permitted payment stablecoin issuer or of an affiliate, and is not subject to any other arrangement that legally or economically enhances the seniority of the instrument;

(xii) The instrument has been issued in accordance with applicable laws and regulations; and

(xiii) The instrument is reported on the permitted payment stablecoin issuer's financial statements separately from other capital instruments.

(2) Retained earnings.

(3) Accumulated other comprehensive income (AOCI) as reported under GAAP.

(4) Notwithstanding the criteria for common stock instruments referenced in paragraph (b)(1) of this section, common stock issued by the permitted payment stablecoin issuer and held in trust for the benefit of its employees as part of an employee stock ownership plan does not violate any of the criteria in paragraph (b)(1)(iii), (iv), or (xi) of this section, provided that any repurchase of the stock is required solely by virtue of the Employee Retirement Income Security Act of 1974 (ERISA) for an instrument of a permitted payment stablecoin issuer that is not publicly-traded. In addition, an instrument issued by a permitted payment stablecoin issuer to its employee stock ownership plan does not violate the criterion in paragraph (b)(1)(x) of this section.

(c) *Additional tier 1 capital.* Additional tier 1 capital is the sum of additional tier 1 capital elements and any related surplus. Additional tier 1 capital elements are:

(1) Instruments (plus any related surplus) that meet the following criteria:

(i) The instrument is issued and paid-in;

(ii) The instrument is subordinated to payment stablecoin holders, general creditors, and subordinated debt holders of the permitted payment stablecoin issuer in a receivership, insolvency, liquidation, or similar proceeding;

(iii) The instrument is not secured, not covered by a guarantee of the permitted payment stablecoin issuer or of an affiliate, and not subject to any other arrangement that legally or economically enhances the seniority of the instrument;

(iv) The instrument has no maturity date and does not contain a dividend step-up or any other term or feature that creates an incentive to redeem;

(v) If callable by its terms, the instrument may be called by the permitted payment stablecoin issuer only after a minimum of five years following issuance, except that the terms of the instrument may allow it to be called earlier than five years upon the occurrence of a regulatory event that precludes the instrument from being included in additional tier 1 capital or a tax event that impacts the taxation of the instrument. In addition:

(A) The permitted payment stablecoin issuer must receive prior approval from the OCC to exercise a call option on the instrument;

(B) The permitted payment stablecoin issuer does not create at issuance of the instrument, through any action or communication, an expectation that the call option will be exercised; and

(C) Prior to or simultaneously with exercising the call option, the permitted payment stablecoin issuer must either replace the instrument to be called with an equal amount of common equity tier 1 or additional tier 1 instruments or demonstrate to the satisfaction of the OCC that following redemption, the permitted payment stablecoin issuer will continue to hold capital commensurate with its risk;

(vi) Redemption or repurchase of the instrument requires prior approval from the OCC;

(vii) The permitted payment stablecoin issuer has full discretion at all times to cancel dividends or other distributions on the instrument without triggering an event of default, a requirement to make a payment-in-kind, or an imposition of other restrictions on the permitted payment stablecoin issuer except in relation to any distributions to holders of common stock or instruments that are *pari passu* with the instrument;

(viii) Any cash dividend payments on the instrument are paid out of the permitted payment stablecoin issuer's net income or retained earnings;

(ix) The instrument does not have a credit-sensitive feature, such as a dividend rate that is reset periodically based in whole or in part on the permitted payment stablecoin issuer's credit quality, but may have a dividend rate that is adjusted periodically independent of the permitted payment stablecoin issuer's credit quality, in relation to general market interest rates or similar adjustments;

(x) The paid-in amount is classified as equity under GAAP;

(xi) The permitted payment stablecoin issuer, or an entity that the permitted payment stablecoin issuer controls, did not purchase or directly or indirectly fund the purchase of the instrument; and

(xii) The instrument does not have any features that would limit or discourage additional issuance of capital by the permitted payment stablecoin issuer, such as provisions that require the permitted payment stablecoin issuer to compensate holders of the instrument if a new instrument is issued at a lower price during a specified time frame.

(2) [Reserved]

§ 15.41 Minimum capital and backstop.

(a) *Minimum capital requirement.* A permitted payment stablecoin issuer must hold minimum capital as follows:

(1) *De novo capital requirement.*

(i) A de novo permitted payment stablecoin issuer must hold minimum capital equal to the greater of:

(A) For:

(*1*) A Federal qualified payment stablecoin issuer approved by the OCC, the amount specified as part of its licensing or chartering conditions; or

(*2*) A State qualified payment stablecoin issuer, the amount as specified under § 15.15(b)(3)(ii); or

(B) $5 million.

(ii) A de novo permitted payment stablecoin issuer means a permitted payment stablecoin issuer that has received OCC approval to issue a payment stablecoin under this part within the prior 3 years or a State

qualified payment stablecoin issuer that has transitioned to the Federal regulatory framework under this part within the prior 3 years and has not received a waiver under § 15.15.

(iii) A de novo permitted payment stablecoin issuer must hold this minimum amount for 36 months, or for a shorter or longer period as specified as part of its chartering conditions or as subsequently determined by the OCC based on the experience of the permitted payment stablecoin issuer.

(2) *Ongoing capital requirement.*

(i) A permitted payment stablecoin issuer must maintain capital commensurate with the level and nature of all risks to which the permitted payment stablecoin issuer is exposed, including risks for off-balance sheet activities.

(ii) A permitted payment stablecoin issuer must have a process for assessing its overall capital adequacy in relation to its business model and risk profile and a comprehensive strategy for sustaining an appropriate level of capital to maintain ongoing operations.

(b) *Operational backstop.* A permitted payment stablecoin issuer must maintain assets:

(1) Equal to 12 months of total expenses.

(i) In the case of a permitted payment stablecoin issuer that has provided quarterly reports under § 15.14 for one year or more, the permitted payment stablecoin issuer must calculate the amount required under this paragraph (b)(1) using the quarterly expenses reported in the current quarterly report and the three immediately preceding reports.

(ii) For each calendar quarter in the preceding 12 months for which the permitted payment stablecoin issuer has not filed a quarterly report required under § 15.14 the permitted payment stablecoin issuer must calculate its expenses using:

(A) Actual expenses, in the case of a permitted payment stablecoin issuer that was in operation during a calendar quarter in which it did not file a quarterly report under § 15.14; or

(B) Reasonably determined expenses, which may include annualizing expenses from other quarters, in the case of any other payment stablecoin issuer.

(2) Consisting of:

(i) United States coins and currency (including Federal Reserve notes) or money standing to the credit of an account with a Federal Reserve Bank;

(ii) Demand deposits or insured shares at a U.S. insured depository institution, the balances of which are fully insured by the FDIC or the National Credit Union Administration; and

(iii) U.S. Treasury bills, notes, or bonds with a remaining maturity of 93 days or less, or issued with a maturity of 93 days or less; and

(3) Separately identified from any reserve assets required under § 15.11 or other assets of the permitted payment stablecoin issuer on the reports filed under § 15.l4.

(c) *Failure to meet minimum capital or backstop requirements.*

(1) A permitted payment stablecoin issuer must comply with its minimum capital and backstop requirements at the end of each quarter based on the amounts reported in the most recent report required under § 15.14.

(2) A permitted payment stablecoin issuer that fails to satisfy its minimum capital or backstop requirement at the end of a quarter is prohibited from issuing any new payment stablecoins, except as necessary to facilitate a transfer of payment stablecoins from one distributed ledger to another and provided that the net outstanding issuance value does not increase starting on the first day of the following month and until such time as it satisfies its minimum capital and backstop requirements.

(3) If a permitted payment stablecoin issuer fails to meet its minimum capital or backstop requirements at the end of two consecutive quarters, it must:

(i) Begin liquidation of reserve assets and redemption of outstanding payment stablecoins, consistent with § 15.12;

(ii) Not charge customers a fee to redeem their payment stablecoins; and

(iii) Not issue any new stablecoins going forward.

(d) *Uninsured national trust bank minimum capital requirement.*

(1) An uninsured national trust bank, whether or not it is a permitted payment stablecoin issuer, may elect to comply with the minimum capital requirement in paragraph (a) of this section and backstop requirement in paragraph (b) of this section in lieu of complying with the minimum capital and leverage requirements in 12 CFR part 3.

(2) To make the election described in paragraph (d)(1) of this section, or rescind a prior election, an uninsured national trust bank must submit a notice to the appropriate OCC supervisory office. The election becomes effective 30 days after OCC receipt, unless the OCC provides a written objection based on good cause within that timeframe.

(3) Notwithstanding paragraph (d)(1) of this section, an uninsured national trust bank must:

(i) Comply with any OCC enforcement action, order, directive, or document that specifies an otherwise applicable minimum capital requirement; and

(ii) Continue to follow the definition of capital in 12 CFR part 3, subpart C, including any adjustments or deductions, but cannot include any Tier 2 capital instrument as described in 12 CFR 3.20(d).

§ 15.42 Individual additional capital or backstop requirement.

(a) *Applicability.* The OCC may require an additional capital or backstop requirement for an individual permitted payment stablecoin issuer in view of its circumstances. For example, an additional capital or backstop requirement may be appropriate for:

(1) Failure of management to assess an appropriate capital requirement to support ongoing operations consistent with the permitted payment stablecoin issuer's business model and risk profile;

(2) A permitted payment stablecoin issuer that has, or is expected to have, losses resulting in capital inadequacy;

(3) A permitted payment stablecoin issuer with significant exposure due to management's overall inability to monitor and control financial and operating risks;

(4) A permitted payment stablecoin issuer that is experiencing significant volatility in stablecoin issuance or redemption;

(5) A permitted payment stablecoin issuer with significant exposure due to fiduciary or operational risk;

(6) A permitted payment stablecoin issuer's significant off-balance sheet activities; or

(7) A permitted payment stablecoin issuer that may be adversely affected by the activities or condition of its affiliate(s), or other persons or institutions, with which it has significant business relationships.

(b) *Standards for determination.* The factors to be considered in the determination will vary in each case and may include, for example:

(1) The conditions or circumstances leading to the OCC's determination that an additional capital or backstop requirement is appropriate or necessary for the permitted payment stablecoin issuer;

(2) The exigency of those circumstances or potential problems;

(3) The overall condition, management strength, and future prospects of the permitted payment stablecoin issuer and, if applicable, its affiliate(s);

(4) The permitted payment stablecoin issuer's liquidity, capital, and stablecoin reserve assets compared to its peer group; and

(5) The views of the permitted payment stablecoin issuer's owners and

senior management in any response provided under paragraph (c)(2) of this section.

(c) *Procedures—*

(1) *Notice.* When the OCC determines that an additional capital or backstop requirement above that set forth in § 15.41 are necessary or appropriate for a particular permitted payment stablecoin issuer, the OCC will notify the permitted payment stablecoin issuer in writing of the proposed additional capital or backstop requirement and the date by which the requirement should be reached (if applicable) and will provide an explanation of why the requirement proposed is considered necessary or appropriate for the permitted payment stablecoin issuer.

(2) *Response.*

(i) (A) The permitted payment stablecoin issuer may respond to the OCC in writing to the notice. (B) The response should include any matters which the permitted payment stablecoin issuer would have the OCC consider in deciding whether an individual additional capital or backstop requirement should be established for the permitted payment stablecoin issuer, what the capital or backstop requirement should be, and, if applicable, when it should be achieved.

(C) Any response must be delivered to the designated OCC official within 30 days after the date on which the permitted payment stablecoin issuer received the notice or such other time period as the OCC determines appropriate based on the condition of the permitted payment stablecoin issuer.

(ii) Failure to respond within the time period specified by the OCC constitutes a waiver of any objections to the proposed individual additional capital or backstop requirement or the deadline for its achievement.

(3) *Decision.* After the close of the permitted payment stablecoin issuer's response period, the OCC will decide, based on a review of the permitted payment stablecoin issuer's response and other information concerning the permitted payment stablecoin issuer, whether the individual additional capital or backstop requirement should be established for the permitted payment stablecoin issuer and, if so, the requirement and the date the requirement will become effective. The permitted payment stablecoin issuer will be notified of the decision in writing. The notice will include an explanation of the decision, except for a decision not to establish an individual additional capital or backstop requirement for the permitted payment stablecoin issuer.

(4) *Submission of plan.* The decision may require the permitted payment stablecoin issuer to develop and submit to the OCC, within a time period specified, an acceptable plan to reach the additional capital or backstop requirement established for the permitted payment stablecoin issuer by the date required.

(5) *Change in circumstances.* If, after the OCC's decision in paragraph (c)(3) of this section, there is a significant change in the circumstances that materially affects the permitted payment stablecoin issuer's capital adequacy or its ability to reach the required additional capital or backstop requirement by the specified date, the permitted payment stablecoin issuer may request, or the OCC may propose to the permitted payment stablecoin issuer, a change in the additional capital or backstop requirement for the permitted payment stablecoin issuer, the date when the minimum must be achieved, or the permitted payment stablecoin issuer's plan (if applicable). Pending a decision on reconsideration, the OCC's original decision and any plan required under that decision continues in full force and effect.

PART 19—RULES OF PRACTICE AND PROCEDURE

■ 13. The authority citation for part 19 is revised to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 93, 93a, 161, 164, 481, 504, 1462a, 1463(a), 1464; 1467(d), 1467a(r), 1817(j), 1818, 1820, 1831m, 1831o, 1832, 1884, 1972, 3102, 3108, 3110, 3349, 3909, 4717, 5412(b)(2)(B), and 5913; 15 U.S.C. 78l, 78o–4, 78o–5, 78q–1, 78s, 78u, 78u–2, 78u–3, 78w, and 1639e; 28 U.S.C. 2461; 31 U.S.C. 330 and 5321; and 42 U.S.C. 4012a.

■ 14. Amend § 19.1 by revising paragraph (h) and adding paragraph (i) to read as follows:

§ 19.1 Scope.

* * * * *

(h) Suspension or revocation of registration, cease-and-desist, temporary cease-and-desist, removal and prohibition proceedings, or civil money penalties under section 6 of the Guiding and Establishing National Innovation for U.S. Stablecoins Act (''GENIUS Act'') (12 U.S.C. 5905); and

(i) This subpart also applies to all other adjudications required by statute to be determined on the record after opportunity for an agency hearing, unless otherwise specifically provided for in the Local Rules (see § 19.3(j)).

■ 15. Amend § 19.3 by revising paragraphs (h) and (i) to read as follows:

§ 19.3 Definitions.

* * * * *

(h) *Institution* includes any national bank, Federal savings association, Federal branch or agency of a foreign bank, or a permitted payment stablecoin issuer as that term is defined in 12 CFR 15.2.

(i) *Institution-affiliated party* means any institution-affiliated party as that term is defined in section 3(u) of the FDICA (12 U.S.C. 1813(u)). For actions pursuant to the GENIUS Act, institution-affiliated party means any institution-affiliated party as that term is defined in section 2(13) of the GENIUS Act (12 U.S.C. 5901(13)).

* * * * *

■ 16. Revise § 19.180 to read as follows:

§ 19.180 Scope.

This subpart and § 19.8 apply to formal investigations initiated by order of the Comptroller and pertain to the exercise of powers specified in section 5240 of the Revised Statutes of the United States (12 U.S.C. 481); section 5(d)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(d)(1)(B)); sections 7(j)(15), 8(n), and 10(c) of the FDIA (12 U.S.C. 1817(j)(15), 1818(n), and 1820(c)); sections 4(b) and 13(a) and (b) of the International Banking Act of 1978 (12 U.S.C. 3102(b) and 3108(a) and (b)); section 21 of the Exchange Act (15 U.S.C. 78u); and section 6 of the GENIUS Act (12 U.S.C. 5905). This subpart does not restrict or in any way affect the authority of the Comptroller to conduct examinations into the affairs or ownership of national banks; Federal savings associations; Federal branches and agencies; permitted payment stablecoin issuers, as defined in 12 CFR 5.2; and their affiliates.

Jonathan V. Gould,

Comptroller of the Currency.

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